Maritime Governance in the Gulf of Guinea: Jurisdiction, Regional Cooperation and the Protection of Trade

Yuvraj — The Legal Gazette; Farinde Ayomide Abidemi — Obafemi Awolowo University

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Abstract

Maritime insecurity in the Gulf of Guinea is not merely a problem of insufficient naval patrols. It is a problem of translating a layered international law of maritime jurisdiction into coordinated investigation, prosecution, fisheries governance and safe commercial passage. This article asks whether the existing international and regional architecture supplies an adequate legal basis for protecting maritime trade and coastal livelihoods, and why implementation remains uneven. Through doctrinal examination of the United Nations Convention on the Law of the Sea (UNCLOS), maritime-security treaties, international tribunal decisions, African regional instruments and selected national legislation, the article argues that the critical deficit is not the absence of legal norms but their fragmentation across maritime zones, enforcement agencies and jurisdictions. Reported piracy has fallen sharply from its 2020 peak, but the 2025 resurgence in incidents and crew kidnappings demonstrates that risk persists. The article proposes an integrated approach to evidence-sharing, prosecution, lawful interdiction, port-state enforcement and sustainable regional financing. It distinguishes binding obligations from regional political commitments and avoids treating piracy, territorial-sea armed robbery and illegal fishing as interchangeable offences.

Keywords: Gulf of Guinea; UNCLOS; piracy; maritime security; Yaoundé Architecture; fisheries; port-state measures; maritime trade.

I. Introduction: the legal problem

The Gulf of Guinea is a commercial corridor and a living coastal economy, not simply a maritime crime scene. Oil and container shipping share waters with industrial and artisanal fishing; ports serve coastal and landlocked economies; and attacks on crews can disrupt both transport and coastal livelihoods. A successful security policy must therefore do more than reduce the number of incidents reported to a piracy bureau. It must make lawful maritime commerce possible while respecting the allocation of jurisdiction under international law.

The original manuscript, Legal Framework Governing Maritime Trade in the Gulf of Guinea, examined UNCLOS, IMO and FAO instruments, the African Union, the Yaoundé framework and seven national systems. This revision preserves that comparative premise while refining the principal question: why has an extensive framework of maritime obligations and institutions not produced uniformly effective, accountable enforcement across the region? Its thesis is that the most consequential gap lies between jurisdiction on paper and cross-border operational capability. The article does not equate falling incident counts with the disappearance of maritime crime.

The 2025 figures illustrate the need for calibrated analysis. The ICC International Maritime Bureau (IMB) recorded 21 incidents in the Gulf of Guinea, against 18 in 2024, and 23 crew members kidnapped in four incidents during 2025.[1] The International Maritime Organization (IMO) also reported 21 regional incidents for 2025, against 17 in 2024, using its own reporting methodology.[2] Those differences in 2024 baselines should not be silently merged. Moreover, IMB recorded just one low-level theft at Takoradi anchorage in the first quarter of 2026.[3] A single quarter cannot establish a durable trend, particularly where reporting practices, patrol intensity and the geography of incidents vary.

II. Research question, method and limits

The principal research question is whether the interaction of UNCLOS, sectoral conventions, regional commitments and domestic criminal laws adequately supports prevention, interdiction and prosecution of maritime offences in the Gulf of Guinea. Subsidiary questions concern the boundary between piracy and armed robbery, the lawful scope of coastal-state enforcement in exclusive economic zones (EEZs), and whether the Yaoundé institutions can coordinate a sustainable response.

This is a doctrinal and comparative legal study, supplemented by official incident reporting and institutional materials. Primary sources include treaties, judgments and official regional decisions; reports from IMO, IMB and intergovernmental bodies are used to assess implementation. The study is not an empirical causal evaluation of patrol effectiveness. Claims that a particular initiative caused a reduction in piracy therefore require evidence beyond

1. International Chamber of Commerce, Global Maritime Piracy and Armed Robbery Increased in 2025, 2026-01-15 <https://iccwbo.org/news-publications/report/global-maritime-piracy-and-armed-robbery-increased-in-2025/> accessed 2026-10-28.
2. International Maritime Organization, 'Maritime Safety Committee—111th Session (MSC 111), 13–22 May 2026' <https://www.imo.org/en/mediacentre/meetingsummaries/pages/temporary-msc-111.aspx> accessed 28 October 2026.
3. ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships: Report for the Period 1 January–31 March 2026 (2026) <https://icc-ccs.org/wp-content/uploads/2026/04/2026-Jan-Mar-IMB-Piracy-and-Armed-Robbery-Report.pdf> accessed 28 October 2026.

temporal coincidence. Treaty participation and domestic statutory amendments should be checked against current official registries before journal submission.

III. Maritime zones and the architecture of jurisdiction

A. The foundational distinction

The sea is not one undifferentiated legal space. A coastal state exercises sovereignty in its territorial sea, subject to navigational rights; it has specified resource-related sovereign rights and jurisdiction in the EEZ; and other states retain freedoms of navigation subject to the Convention.[4] A simple analogy is useful: owning a coastal strip, holding an exclusive licence to exploit resources farther offshore, and sharing an international highway are three different kinds of authority. Confusing them produces unlawful interdictions and defective prosecutions.

UNCLOS permits a territorial sea of up to 12 nautical miles (art 3), a contiguous zone of up to 24 nautical miles (art 33), and an EEZ of up to 200 nautical miles (arts 55–57). Continental-shelf rights are governed by arts 76–77; the outer continental shelf is not automatically 350 nautical miles, and its legal criteria are more complex than a simple fixed distance. Within the EEZ, the coastal state's powers are principally tied to resource exploration, exploitation, conservation and management, and other enumerated matters (art 56). Its rights do not amount to full territorial sovereignty.

B. Piracy and armed robbery are not synonyms

UNCLOS art 101 defines piracy by reference to specified illegal acts for private ends involving a private ship or aircraft, directed against another ship or persons or property, on the high seas or in a place outside any state's jurisdiction. Article 58(2) applies relevant high-seas piracy provisions in the EEZ insofar as compatible with the EEZ regime. Article 100 requires cooperation; art 105 permits seizure and adjudication in the circumstances it defines.[5] Many attacks inside territorial waters are instead classified as armed robbery against ships. The practical consequence is decisive: universal piracy jurisdiction does not automatically license another state's navy to conduct enforcement inside a coastal state's territorial sea without an independent legal basis or consent.

The distinction also matters for evidence. Prosecutors must establish the constituent elements of the domestic offence, the location of the attack, vessel identity, conduct, and applicable jurisdiction. An incident label in a security bulletin is not a substitute for a criminal-law analysis. The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) may supply a complementary treaty framework for specified unlawful acts, but

4. United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 (UNCLOS) arts 2–3, 33, 55–58, 76–77.
5. UNCLOS (n 4) arts 58(2), 100–107.

its application depends on its own offence definitions, jurisdictional clauses and domestic implementation.[6]

C. Hot pursuit, bunkering and fisheries enforcement

Two decisions of the International Tribunal for the Law of the Sea (ITLOS) expose the limits of expansive coastal-state claims. In M/V Saiga (No 2), the Tribunal rejected Guinea's attempted enforcement of customs law in circumstances outside the lawful scope of its claimed powers and examined the strict requirements for hot pursuit under UNCLOS art 111.[7] In M/V Virginia G, it accepted that regulating bunkering of foreign fishing vessels can fall within the coastal state's fisheries-related jurisdiction in its EEZ, while testing the legality and proportionality of enforcement measures.[8] These judgments should not be reduced to the proposition that all bunkering in an EEZ is either forbidden or immune from regulation. The connection to fisheries activity, statutory authority and safeguards is material.

Article 73 permits coastal-state enforcement of living-resource laws in the EEZ, including boarding, inspection, arrest and judicial proceedings as necessary, but also requires prompt release upon reasonable bond or other security and contains safeguards concerning penalties and notification. Security operations that ignore these limitations can themselves undermine the rule of law they purport to protect.

IV. Sectoral international obligations

A. Ship and port security

SOLAS 1974 establishes maritime safety obligations; chapter XI-2 and the International Ship and Port Facility Security (ISPS) Code form a major security framework for covered ships and port facilities.[9] These rules support security plans, assessments and appropriate response levels. They do not themselves supply a general warrant for cross-border naval interdiction. In practice, effective implementation depends on port-facility assessments, personnel, communications and audits rather than formal compliance certificates alone.

B. Pollution and marine environmental protection

6. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (adopted 10 March 1988, entered into force 1 March 1992) 1678 UNTS 221.
7. M/V 'Saiga' (No 2) (Saint Vincent and the Grenadines v Guinea) (Judgment) ITLOS Reports 1999, 10, especially paras 127–152 (hot pursuit and related enforcement questions); pinpoint range to be checked against official judgment before publication.
8. M/V 'Virginia G' (Panama v Guinea-Bissau) (Judgment) ITLOS Reports 2014, 4, especially discussion of bunkering and art 73; exact paragraph pinpoints require final official-text checking.
9. International Convention for the Safety of Life at Sea (adopted 1 November 1974, entered into force 25 May 1980) 1184 UNTS 2, ch XI-2; International Ship and Port Facility Security Code (2002).

MARPOL regulates pollution from ships through distinct annexes addressing oil, noxious liquid substances, harmful substances in packaged form, sewage, garbage and air pollution.[10] It must be distinguished from rules governing offshore production, pipelines and land-based contamination. Nigeria's Niger Delta illustrates the need to coordinate vessel-source regulation with wider environmental legislation and remedial responsibilities. A legally precise analysis cannot treat all oil pollution as a MARPOL violation merely because it occurs near shipping lanes.

C. Fisheries and port-state measures

Illegal, unreported and unregulated (IUU) fishing deprives states of revenue and undermines ecological sustainability and coastal livelihoods. UNCLOS arts 61–62 impose conservation and utilisation obligations within the EEZ; the FAO Port State Measures Agreement (PSMA) provides an additional framework for restricting port access and services in prescribed circumstances, exchanging information and preventing IUU-caught fish from entering markets.[11] Port-state controls complement, rather than replace, flag-state responsibility and lawful at-sea enforcement. The PSMA does not simply mandate an unconditional denial of entry to every vessel suspected of wrongdoing: the treaty includes procedures, exceptions and differentiated measures.

D. Training and seafarer protection

The STCW Convention addresses training, certification and watchkeeping for seafarers serving on ships within its scope.[12] It is inaccurate to assume that all artisanal fishing crews are required to hold STCW certification. Fishing-vessel personnel may fall under different international and domestic standards. A sound regional safety agenda must therefore distinguish merchant shipping obligations from fisheries-specific occupational protections.

V. African regional governance: binding law, policy and operational coordination

A. African Union strategy and the Lomé Charter

The African Union's 2050 Africa's Integrated Maritime Strategy supplies a broad policy vision linking security, governance, trade, resources and the blue economy.[13] The 2016 Lomé Charter seeks a continental legal architecture for maritime security, safety and development, but its treaty status must be distinguished from its political importance. The AU's official treaty listing

10. International Convention for the Prevention of Pollution from Ships (adopted 2 November 1973), as modified by the Protocol of 1978 (adopted 17 February 1978, entered into force 2 October 1983) 1340 UNTS 61.
11. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (adopted 22 November 2009, entered into force 5 June 2016); UNCLOS (n 4) arts 61–62, 73.
12. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (adopted 7 July 1978, entered into force 28 April 1984) 1361 UNTS 2.
13. African Union, 2050 Africa's Integrated Maritime Strategy (2012) <https://au.int/sites/default/files/documents/30929-doc-2050_aim_strategy_eng_0.pdf> accessed 28 October 2026.

does not supply an entry-into-force date, and a September 2026 UN–AU account identifies continuing ratification obstacles.[14] Thus its substantive aspirations should not be described as uniformly binding treaty obligations on all coastal states.

B. The Yaoundé Code and institutional architecture

The 2013 Yaoundé Code of Conduct is the central operational cooperation framework for West and Central Africa. It was adopted by representatives of 25 states and addresses piracy, armed robbery and other illicit maritime activity, including IUU fishing.[15] The interregional coordination centre and regional maritime security centres are intended to support information exchange and operational coordination. This architecture is more accurately described as a cooperative system than as a supranational coastguard empowered to override national sovereignty.

Operational weaknesses may include fragmented reporting, incompatible data systems, uncertain financing, overlapping mandates and uneven prosecutorial capacity. A coordinated patrol is only the first stage of a legal response: arrests must be followed by lawful transfer of suspects, preserved evidence, competent courts and enforceable judgments. Without these links, interdiction success may not translate into deterrence.

C. Developments in 2026

In May 2026 the AU Peace and Security Council supported efforts to operationalise a Combined Maritime Task Force, while calling for cooperation, judicial capacity, sustainable financing and attention to the underlying drivers of insecurity.[16] This is an important political and institutional development, not proof that the task force was fully operational on the proposed timetable. In September 2026 IMO reported meetings in Abuja concerning the Safe Seas for Africa programme and the sustainability of the Yaoundé Architecture Regional Information System (YARIS).[17] Those

14. African Union, 'African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter)' <https://au.int/en/treaties/african-charter-maritime-security-and-safety-and-development-africa-lome-charter> accessed 28 October 2026; United Nations Office to the African Union, 'UNOAU Participates in AU Meeting on Maritime Security Governance and Coast Guard Cooperation' (3 September 2026) <https://unoau.unmissions.org/en/news/unoau-participates-au-meeting-maritime-security-governance-and-coast-guard> accessed 28 October 2026.
15. Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (adopted 25 June 2013); IMO, 'Maritime Security in West and Central Africa' <https://www.imo.org/en/ourwork/security/pages/west-and-central-africa.aspx> accessed 28 October 2026.
16. African Union Peace and Security Council, 'Communiqué of the 1346th Meeting Held on 15 May 2026' (published 18 June 2026) <https://www.peaceau.org/en/article/communique-of-the-1346th-meeting-held-on-15-may-2026-on-briefing-on-efforts-towards-the-operationalization-of-the-combined-maritime-task-force-in-addressing-piracy-in-the-gulf-of-guinea> accessed 28 October 2026.
17. IMO, 'Supporting Regional Maritime Security Coordination in the Gulf of Guinea' (30 September 2026) <https://www.imo.org/en/mediacentre/pages/whatsnew-2510.aspx> accessed 28 October 2026.

consultations demonstrate that information-system governance and long-term funding remain active questions, rather than completed reforms.

VI. Comparative national implementation

A. Nigeria

Nigeria's maritime legislation includes the Merchant Shipping Act 2007, the Nigerian Maritime Administration and Safety Agency (Establishment) Act 2007 and the Coastal and Inland Shipping (Cabotage) Act 2003. The Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO) is particularly significant because it creates a dedicated domestic framework for piracy and related offences.[18] A modern analysis must assess not only the existence of offences but also investigative coordination between maritime regulators, naval forces and prosecutors, as well as procedural safeguards and conviction practice. SPOMO's legal reach should be analysed by its actual text rather than described simply as an incorporation of UNCLOS art 101.

B. Ghana

Ghana's shipping, maritime administration, security and pollution statutes form a sectoral regime. Its port and offshore industries create simultaneous responsibilities for merchant-vessel safety, port-facility security, fishing rights and environmental management. The analytical question is whether agencies can share intelligence and evidence while retaining clear statutory authority. General claims that a particular port is more compliant than regional competitors require comparative audit evidence and should not be inferred from its commercial scale.

C. Cameroon and the CEMAC setting

Cameroon participates in Central African maritime governance and CEMAC harmonisation. Its 2022 legislation on unlawful acts at sea offers a contemporary point of comparison for piracy, violence and other maritime crimes.[19] The original manuscript's suggestion that Cameroon belongs to both ECOWAS and ECCAS requires correction: Cameroon is an ECCAS member, not an ECOWAS member. Its location near West Africa does not confer membership in both organisations.

D. Togo and Benin

Togo's maritime code and Benin's maritime legislation illustrate efforts to consolidate vessel regulation, claims and enforcement. In Benin, Law No 2010-11 of 7 March 2011 is an identifiable official legislative source.[20] The original manuscript also referred to a 1976 decree extending

18. Suppression of Piracy and Other Maritime Offences Act 2019 (Nigeria); Merchant Shipping Act 2007 (Nigeria); Nigerian Maritime Administration and Safety Agency (Establishment) Act 2007 (Nigeria).
19. Law No 2022/017 on Unlawful Acts at Sea (Cameroon) (2022); official gazette and exact English rendering to be checked.
20. Loi n° 2010-11 du 7 mars 2011 portant Code maritime en République du Bénin <https://sgg.gouv.bj/doc/loi-2010-11/> accessed 28 October 2026.

territorial waters to 200 nautical miles. That historical assertion must not be presented as the present UNCLOS-compliant territorial-sea limit: territorial sea and EEZ are distinct legal categories. Any claim about current limits requires checking subsequent legislation, declarations and delimitation arrangements.

E. Equatorial Guinea and Angola

Hydrocarbon infrastructure and offshore resources make the distinction between sovereignty, EEZ rights and continental-shelf jurisdiction especially important. An effective comparative study must examine the governing domestic legislation, applicable maritime boundaries and treaty participation before drawing conclusions about enforcement authority. The original manuscript's description of Equatorial Guinea as governed primarily by international conventions rather than comprehensive domestic law is too categorical without an updated review of national sources. Angola's shipping and petroleum regimes likewise should not be collapsed into a single 'maritime law' category.

VII. Trade, development and distributive consequences

Maritime security is an economic institution: predictable passage and reliable ports affect insurance, vessel scheduling, inventory management and trade access. Yet the impact of insecurity is not evenly distributed. Large carriers may reroute or absorb premiums; small coastal traders, fishing households and ports with limited capacity may have fewer alternatives. A credible policy analysis should avoid attaching a precise regional cost to piracy or IUU fishing unless the estimation period, methodology, geographic coverage and counterfactual are identified.

The African Continental Free Trade Area increases the importance of reliable regional maritime logistics, but its benefits depend on customs administration, inland transport and port performance as well as physical security. Similarly, port investments associated with foreign infrastructure financing should be assessed through actual concession arrangements, financing conditions and regulatory obligations, not treated as evidence of an automatic shift in sovereignty.

Environmental governance is inseparable from the trade question. Pollution, overfishing and insecure livelihoods can erode the economic base on which lawful maritime activity depends. However, poverty or fishing displacement must not be presented as a proven cause of piracy without supporting field evidence. A responsible account distinguishes plausible structural pressures from established causal relationships.

VIII. Critical evaluation: why legal density does not equal legal effectiveness

First, jurisdictional fragmentation remains fundamental. An offence may begin in a territorial sea, continue through an EEZ and involve a ship, suspects, victims and evidence connected to

several states. UNCLOS allocates rights and duties, but does not provide a complete transnational criminal procedure code for every maritime offence.

Second, institutional fragmentation can dilute accountability. Maritime agencies, fisheries regulators, port authorities, navies, customs services and prosecutors may each possess a piece of the relevant information. Coordination mechanisms need legally defined responsibilities and secure evidence channels, not only joint declarations.

Third, measurement problems complicate claims of success. IMO and IMB collect reports through different pathways and sometimes publish different counts. A lower number of incidents may reflect deterrence, displacement, changes in opportunity or underreporting. Evaluations should use transparent definitions, multi-year comparisons and corroborating evidence.

Fourth, security and legality are complementary, not competing goals. Unlawful seizure, excessive force or inadequate procedural safeguards can jeopardise prosecutions and expose states to international responsibility. A credible maritime-security framework must protect seafarers and coastal populations while remaining faithful to the Convention's jurisdictional limits.

Fifth, fisheries and environmental enforcement are often sidelined by headline piracy concerns. Sustainable maritime governance requires effective monitoring of licensing, landings, vessel identity, pollution and coastal welfare. These functions are related to anti-piracy policy but are not identical to it.

IX. Reform agenda

The priority should be an end-to-end prosecution and cooperation protocol among participating states, setting out incident classification, lawful boarding authority, consent procedures, suspect transfer, preservation of digital and physical evidence, witness protection and coordination with prosecutors. Model protocols should expressly preserve UNCLOS rights and domestic due-process guarantees.

Regional institutions should adopt common minimum incident-data fields, auditable information-sharing permissions and cybersecurity controls. Financing of YARIS and other shared infrastructure requires published governance and maintenance arrangements, rather than indefinite dependence on donor-funded pilot projects. States should also undertake legislative gap assessments comparing piracy, armed robbery, trafficking, IUU fishing and pollution offences against their actual treaty commitments.

A separate fisheries track should strengthen PSMA implementation, port inspections, licensing transparency and cooperation with flag states. Independent evaluations should measure more than incident counts: prosecution outcomes, response times, seafarer harm, port disruptions, fisheries compliance and environmental indicators would provide a more balanced picture. Finally, coastal communities and seafarer representatives should participate in policy design,

because security measures that neglect livelihoods and rights are unlikely to sustain public legitimacy.

X. Conclusion

The Gulf of Guinea already possesses substantial legal and institutional resources for maritime governance. UNCLOS delineates authority, IMO and FAO instruments address specific safety and regulatory functions, national laws criminalise important offences, and the Yaoundé Architecture supports cooperation. The persistent weakness is the practical connection between these elements. Recent incident reports show both substantial progress from the worst years and continuing vulnerability to serious violence against crews. Durable protection of maritime trade therefore requires jurisdictionally lawful operations, prosecutable evidence, functioning regional information systems, predictable finance and integration of fisheries and environmental governance. More treaties alone will not solve a problem rooted in implementation.

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The submitting author, Yuvraj, is the founder and professionally associated with The Legal Gazette, the intended publication platform for this manuscript. Co-author Farinde Ayomide Abidemi previously completed a one-month internship with The Legal Gazette in April 2025. These professional associations are disclosed for transparency. Neither author declares any other competing financial or non-financial interests.

Author contributions

Yuvraj contributed to conceptualisation, research design, methodology, investigation, collection and analysis of legal materials, comparative legal analysis, drafting, revision and final approval of the manuscript. Farinde Ayomide Abidemi contributed as co-author by bringing an African perspective to the research, particularly in contextualising regional maritime governance, legal and institutional frameworks, and the implications of maritime trade and security for African states and regional economies.

Originality and related publications

This manuscript is based on and substantially revises the earlier article titled “Legal Framework Governing Maritime Trade in the Gulf of Guinea: Implications for Regional Economies and International Trade Relations,” published on 15 June 2025.

The present manuscript has been substantially restructured, expanded and revised. It develops a more focused analysis of maritime jurisdiction, the distinction between piracy and armed robbery, international and regional legal obligations, the Yaoundé Architecture, comparative national implementation, maritime trade and coastal livelihoods. It also incorporates updated legal and institutional developments and a refined reform agenda.

The earlier publication is expressly disclosed. The authors confirm that this manuscript is not presently under consideration for publication elsewhere, subject to confirmation by both authors.

Methods and legal currency

The article adopts a doctrinal and comparative legal methodology. It examines international conventions, treaty provisions, judgments of international tribunals, African regional instruments, national legislation, and official institutional reports and materials. The analysis draws on materials

concerning UNCLOS, IMO, FAO, the African Union, the Yaoundé Architecture and selected national maritime laws.

Limitations

The study is principally doctrinal and comparative and does not include original interviews, fieldwork, surveys or statistical modelling. Its comparative coverage is selective and does not exhaust every Gulf of Guinea state's maritime legislation or enforcement practice. Reported maritime incidents and institutional statistics are used cautiously, recognising differences in reporting methodologies. Assertions concerning causation, economic costs and operational effectiveness are not presented as established without supporting empirical evidence.

Ethics and participant protections

This research involved documentary legal analysis of publicly accessible legislation, treaties, judicial decisions, scholarly literature and institutional reports. It did not involve human participants, interviews, surveys, private personal data or animal research. Institutional ethics approval, participant consent and related procedures were therefore not applicable.

Data and materials availability

The research relies on publicly accessible legal instruments, judicial decisions, official institutional documents, reports and scholarly literature, cited in the manuscript. No original empirical dataset was generated. Access to third-party materials remains subject to their respective copyright and licensing conditions.

AI and writing assistance

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