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ADDITIONAL PROTOCOL

TO THE MEMORANDUM OF UNDERSTANDING AMONG ECCAS,  
ECOWAS, AND GGC ON SAFETY AND SECURITY IN THE CENTRAL  
AND WEST AFRICA MARITIME SPACE

RELATING TO

THE ORGANIZATION AND FUNCTIONING  
OF  
THE INTER-REGIONAL COORDINATION CENTER  
FOR THE IMPLEMENTATION OF REGIONAL STRATEGY FOR  
MARITIME SAFETY AND SECURITY IN CENTRAL AND WEST AFRICA

The Economic Community of Central African States, acting through the General Secretariat headquartered in Haut-de-Guégué neighborhood in Libreville, P.O. Box 2112, Gabonese Republic, hereinafter called "ECCAS";

The Economic Community of West African States, acting through the Commission headquartered at 101, Yakubu Gowon Crescent, Asokoro District P.M.B. 401, Federal Capital Territory Abuja, Federal Republic of Nigeria, hereinafter called "ECOWAS"; and

The Gulf of Guinea Commission, acting through the Executive Secretariat headquartered at 67, Rua Major Marcelino Dias and 53 Rua Nicolaus Gomes Spencer, Luanda, Angola, hereinafter called "GGC";  
Hereinafter jointly called "Parties" and singly "Party".

#### PREAMBLE

Mindful of the Treaty of 18 October 1983 which established ECCAS;

Mindful of ECOWAS' Revised Treaty of 24 July 1993;

of the Treaty of 3 July 2001 which established the GGC;

Mindful

Considering the initiatives of the African Union, Regional Economic Communities and the GGC, namely:

- the Objectives of the 2050 African Integrated Maritime Strategy (AIM 2050 STRATEGY) for Seas and Oceans adopted in Addis-Ababa on 31 January 2014;
- the Protocol relating to the Strategy to secure ECCAS' Gulf of Guinea vital interests in seas adopted in Kinshasa in 24 October 2009;
- the ECOWAS' Integrated Maritime Strategy adopted in Yamoussoukro on 29 March 2014;
- the GGC Integrated Maritime Strategy adopted in Malabo on 10 August 2013;

**Considering** the adoption in Yaoundé, Republic of Cameroon, on 25 June 2013, of a Code of Conduct relating to the prevention and punishment of piracy, armed robbery against ships, and illicit maritime activities in West and Central Africa;

Recalling the relevant provisions of the United Nations Charter and the constituent instrument of the African Union;

**Recalling** the relevant provisions of Resolutions 2018 of 31 October 2011 and 2039 of 29 February 2012 of the Security Council of the United Nations which call for the drafting and implementation of regional, sub-regional, and national marine safety and security strategies;

**Taking into account** the Declaration by Heads of State and Government of ECCAS, ECOWAS, and the GGC, on safety and security at sea in the common maritime space signed in Yaoundé in the Republic of Cameroon on 25 June 2013;

**Conscious** of the negative impact of maritime piracy, armed robbery, and other illicit acts committed at sea within the Central African and West African maritime space on regional integration and sustainable development of their respective regions;

Determined to translate into acts the mechanism for the implementation and follow-up of the Memorandum of Understanding among ECCAS, ECOWAS, and the GGC, on the safety and security within the maritime space in Central and West Africa adopted in Yaoundé, Republic of Cameroon, on 25 June 2013,

Hereby agree as follows:

*AA*

*Hykvan*

PART I  
GENERAL PROVISIONS

**Article 1.- SUBJECT**

This Additional Protocol shall lay down the organization and functioning of the Inter-regional Coordination Center.

**Article 2.- DEFINITIONS**

For the purposes of this Additional Protocol, the following terms shall be defined as follows:

- "ECCAS": Economic Community of Central African States  
"ECOWAS": Economic Community of West African States  
"GGC": Gulf of Guinea Commission  
"ICC": Inter-regional Coordination Center for the implementation of regional strategy for maritime safety and security in Central and West Africa hereinafter called "Center"  
"CRESMAC": Regional Centre for Maritime Safety in Central Africa  
"CRESMAO": Regional Centre for Maritime Safety in West Africa  
"CHIEF EXECUTIVES": ECCAS Secretary General, President of ECOWAS Commission, and the Executive Secretary of the GGC or their duly authorized Representatives.

PART II  
DUTIES AND ORGANIZATION OF THE CENTER

**Article 3: DUTIES**

1. In accordance with the instruments adopted during the Summit of Heads of State and Government of ECCAS, ECOWAS and the GGC, on safety and security in the maritime space of Central Africa and West Africa, the Center shall be the body in charge of enhancing the activities geared towards cooperation, coordination, mutualization, and systems interoperability with implementing of the regional strategy on safety and security within the Central and West African common maritime space.
2. To that end, it shall be responsible for:
  - promoting the development of a unique strategy framework including issues relating to safety and security, development, and governance in the common maritime space, as well as the application of the political responsibility principle as it concerns the most serious forms of criminality committed at sea;
  - building up the capacities of civil and military components of both regions in Maritime Law Enforcement;
  - coordinating training and practicing activities common to both regions;
  - promoting partnership between regions (namely through Marine Safety Regional Centers);
  - facilitating exchange of information and experience among Heads of Navy and other maritime safety and security agencies of the Gulf of Guinea in conformity with the goals of the Center;
  - collecting, storing, disseminating, and exchanging information from CRESMAC, CREMAO, and any other sources;
  - disseminating information on the risk level in the waters of the two regions so as to avoid speculation in the determination of freight rates and insurance premiums;

- coordinating CRESMAC and CRESMAO joint activities within the maritime space common to both regions;
- sharing experiences for the benefit of both regions;
- promoting the harmonization of texts on Maritime Law Enforcement for the benefit of Member States of the two regions, namely the harmonization process of statutory laws relating to the fight against piracy, armed robbery, and other illicit acts committed at sea;
- coordinating multilateral programs concerning Maritime Law Enforcement;
- coordinating cooperation with international organizations concerned with the fight against maritime criminality;
- seeking, together with the regions, coherence between Areas of Maritime Rescue Coordination Centers, and maritime safety and security;
- enhancing cooperation on the fight against sea pollution and the protection of the environment in both regions;
- seeing to the compatibility and interoperability among regional architectures for maritime safety and security;
- cooperating with regional organizations in charge of managing fisheries and the mining sector;
- preparing and organizing proceedings of the Annual Meeting of Chief Executives;
- drafting and harmonizing standard operational procedures to be implemented in both regions;
- setting up an ad hoc advisory committee with partners and third party contributors;
- preparing, with the support of the three Institutions, a five-yearly conference of Heads of State of Central and West Africa on safety and security in the Gulf of Guinea;
- proposing a combined management of Exclusive Economic Zones;
- updating funding mechanisms for the regional marine safety and security strategy;
- raising States' awareness on the need to ratify conventions on piracy and illicit acts committed at sea;
- raising population's awareness and foster awareness concerning the stakes of the maritime space;
- contributing to the improvement of living conditions of coastal inhabitants of the Gulf of Guinea;
- contributing in the follow-up of issues relating to maritime boundaries.

#### Article 4.- ORGANIZATION

1. The Center shall be an inter-regional and multifunctional body, comprising civil and military staff, from Member States of both regions.
2. Areas and Agencies concerned with the activities of the ICC shall be, among others, as follows:
  - Navy and/or coastguard;
  - fisheries administration;
  - national maritime and Ports Agencies;
  - police, air force, gendarmerie, immigration, waters and forestry and national parks, etc. ;
  - justice;
  - customs;
  - diplomacy;
  - law of the sea;
  - environment and sustainable development;
  - maritime economy;
  - communication;

- telecommunications;
  - maritime industries;
  - extractive industries;
  - economic development; and
- marine scientific research.
3. Placed under the authority of the Annual Meeting of Chief Executives, the Center shall be headed by an Executive Director assisted by a Deputy Executive Director.
  4. For the performance of its duties, the Center shall comprise five (5) Divisions as follows:
    - the Division of Political Affairs and International Cooperation;
    - the Division of Information Management and Communication;
    - the Division of Training and Practice;
    - the Division of Legal Affairs and Judicial Cooperation;
    - the Division of Administration and Finance.
  5. Each Division shall be placed under the authority of a Head of Division.
  6. The Executive Director shall have, for the execution of his duties, a Cabinet comprising:
    - a Head of Cabinet ;
    - a Secretariat;
    - an Inspection/Evaluation Adviser;
    - a Communication Adviser.
  7. The Head of Cabinet shall have the rank and prerogatives of a Head of Division.
  8. The Inspector and the Advisers shall have the rank immediately below that of the Head of Division.

**PART III**  
**ANNUAL MEETING OF CHIEF EXECUTIVES**

**Article 5.- MANDATE**

The Annual Meeting of Chief Executives shall be the body in charge of the orientation, monitoring and evaluation of regional cooperation as being carried out by the Center.

**Article 6.- COMPOSITION AND FUNCTIONING**

1. The Annual Meeting of Chief Executives shall comprise the ECCAS's Secretary General, the President of ECOWAS' Commission, and the Executive Secretary of the GGC.
2. The Chair of the Annual Meeting of Chief Executives shall be rotated among the Heads of the three institutions for a yearly basis;
3. The first Chairperson shall be appointed by the three parties at the opening of the first Annual Meeting of Chief Executives.
4. The following persons shall also take part in the Annual Meeting of Chief Executives in the capacity of observers: Representatives of each Member State participating at the level of Ambassadors accredited in the host country;
5. Any other person or institution may equally attend upon invitation when such presence is deemed necessary for the items on the agenda of the Annual Meeting of Chief Executives.

6. Chief Executives shall meet in closed session where necessary.
7. Chief Executives shall meet once a year in ordinary session, in accordance with Art. 5 (1.a) of the Memorandum of Understanding mentioned in the Preamble of this Additional Protocol. They shall hold extraordinary sessions upon request by one of the Institutions or on proposal of the Executive Director;
8. The quorum for holding the Annual Meeting shall be met when two of the three Heads of the above-mentioned institutions are in attendance.

#### Article 7.- DUTIES

The Annual Meeting of Chief Executives shall namely be responsible for:

- carrying out strategic reflection on the ways and means of addressing a maritime crisis and defining the organization response;
- making recommendations to Member States of the Gulf of Guinea on matters relating to the implementation of maritime safety and security policy;
- evaluating the activities of the Center;
- adopting the Rules of procedure of the Center;
- appointing the Executive Director, the Deputy Executive Director, and Heads of Divisions;
- appointing Advisers and Head of Cabinet on the proposal of the Executive Director;
- deciding on cases of indiscipline reported to it;
- validating appointment proposals submitted by the Executive Director;
- ascertaining the vacancy in the office of Executive Director;
- adopting a scheme for the recruitment of personnel;
- adopting the Center's budget after receiving the opinion of an Administration and Finance ad hoc Committee comprising the Financial Director of each of the three institutions.

#### PART IV APPOINTEMENT OF OFFICIALS OF THE CENTER

#### Article 8.- EXECUTIVE DIRECTOR AND DEPUTY EXECUTIVE DIRECTOR OF THE CENTER

1. The Executive Director and the Deputy Executive Director shall be appointed by the decision of the Annual Meeting of Chief Executives for a four (4) year-term of office renewable once.
2. However, the Deputy Executive Director shall be appointed in the first term for a period of three (3) years followed by a renewed four (4) year term.
3. The Executive Director and the Deputy Executive Director must not be from the same region.
4. The post of Executive Director shall rotate between Central Africa and West Africa.
5. Pursuant to international custom, the host country shall not vie for the posts of Executive Director and Deputy Executive Director.
6. In the event where the Executive Director comes from civil administration, the Deputy Executive Director shall be a military staff and vice-versa.

7. The linguistic diversity within Central and West Africa shall be respected in recruitments within the Center.

#### **Article 9.- OTHER OFFICIALS OF THE CENTER**

1. Placed under the authority of the Executive Director, Heads of Divisions shall be appointed by decision of the Annual Meeting of Chief Executives for a three (3) year-term of office renewable not more than twice.
2. The above-mentioned duty posts shall be equally shared between the Central Africa and West Africa to which ECOWAS, ECCAS, and GGC belong.
3. The Head of Cabinet and the Advisers shall be appointed by a decision of the Annual Meeting of Chief Executives on the proposal of the Executive Director and depart with the Executive Director that proposed them.

### PART V DUTIES OF OFFICIALS OF THE CENTER

#### **Article 10.- THE EXECUTIVE DIRECTOR**

1. The Executive Director shall ensure the general management and coordination of the Center's activities. To that end, he/she shall be responsible for:
  - drafting the program of action and progress reports for the Center;
  - forwarding to the Annual Meeting of Chief Executives, mid-term and annual reports on the activities of the Center, and specific reports as the case may be;
  - seeing to the execution of the duties mentioned in Art. 3 of this Additional Protocol;
  - preparing sessions of the Annual Meeting of Chief Executives;
  - appointing, for the benefit of parties, the Center's personnel, subject to the provisions of Art. 7 above;
  - recruiting auxiliary personnel of the Center;
  - preparing and executing the Center's budget;
  - representing the Center on all legal matters. He is the legal representative of the Center;
  - consulting and reporting all actions undertaken and involving the Center to the Annual Meeting of Chief Executives.
2. He shall be the Rapporteur of the proceedings of the Annual Meeting of Chief Executives.

#### **Article 11.- DEPUTY EXECUTIVE DIRECTOR**

1. The Deputy Executive Director shall assist the Executive Director in the execution of his duties. To that effect, he may receive delegation of signing authority in specific areas.
2. He shall replace the Executive Director in the case of the latter's absence. He therefore shall ensure the day-to-day management of the Center and report to the Executive Director.
3. He shall replace the Executive Director in the event of the latter's permanent incapacity as duly ascertained by the Annual Meeting of Chief Executives. Such replacement shall run until appointment of the new Executive Director.

## **Article 12.- ADVISERS**

The advisers shall express their views on all issues pertaining to their respective areas of competence.

## **ARTICLE 13.- HEAD OF THE DIVISION OF POLITICAL AFFAIRS AND INTERNATIONAL COOPERATION**

Under the supervision of the Executive Director, the Head of the Division of Political Affairs and International Cooperation shall namely be responsible for:

- monitoring political affairs pertaining to the enforcement and re-establishment of maritime security in both regions;
- providing strategic alertness and security of the Gulf of Guinea and proposing related preventive measures;
- drafting preventive diplomacy strategies geared towards setting up and strengthening security measures between the Communities and regarding potential threats at sea;
- promoting partnerships between the regions (especially through maritime security regional centers);
- proposing coordination channels for multilateral programs relating to the Maritime Law Enforcement;
- ensuring the follow-up of cooperation with international organizations involved in the fight against maritime criminality;
- strengthening cooperation regarding the fight against the pollution of the marine environment in both regions;
- ensuring compatibility and interoperability between the regional architectures of maritime safety and security;
- participating in the drafting and/or implementation of socio-economic development public policies for Member States of both regions;
- serving as an interface between the Center and humanitarian organizations;
- providing assistance to the implementation of policies on fishery enforcement;
- providing assistance to anti-smuggling and anti-trafficking policies;
- preparing and organizing, in collaboration with the Division of Administration and Finance, the Advisory Committee of partners and third-party contributors; and
- contributing to the follow-up of issues relating to maritime boundaries.

## **Article 14.- THE HEAD OF THE DIVISION OF INFORMATION MANAGEMENT AND COMMUNICATION**

1. Under the supervision of the Executive Director, the Head of the Division of Information Management and Communication shall be responsible for:
  - designing Information and Communication Systems (ICS);
  - planning the Center's build-up with regard to information systems;
  - collecting, analyzing, storing, disseminating, and exchanging information on CRESMAC, CRESMAO, and information from other sources;
  - disseminating information on the level of risks in the waters of both regions in order to avoid speculation in the determination of freight rates and insurance premiums;
  - sensitizing people and creating maritime domain awareness;
  - assisting in the permanent adaptation of the means and equipment relating to the environment and available technology;



- drafting and disseminating procedure manuals, in collaboration with the Legal Division;
  - proposing and monitoring the acquisition of equipment geared towards the reinforcement of the fight against criminality at sea in cooperation with the Training and Practice and Administration Finance Divisions;
  - proposing transit routes in the maritime spaces of both regions to facilitate the identification and control of ships and their activities.
2. The Division of Information Management and Communication shall have a strategic early-warning Centers whose organization and functioning shall be the subject of a specific text.
  3. The Division of Information Management and Communication shall have a Communication Bureau in charge of developing and implementing the Center's communication policy.

#### **Article 15.- THE HEAD OF THE DIVISION OF TRAINING AND PRACTICE**

1. Under the supervision of the Executive Director, the Head of the Division of Training and Practice shall, in cooperation with the other services, coordinate the training and practice programs for civil and military staff on sea-related matters.
2. To that effect, he shall, amongst others, be responsible for:
  - initiating and/or ensuring the harmonization of employment doctrines and concepts in force in the two regions;
  - contributing, in collaboration with the regional training agencies in the drafting and monitoring of the harmonized training programs for civil and military staff;
  - proposing coordinating channels for joint exercises in collaboration with CRESMAC, CRESMAO and regional joint Chiefs of Staff;
  - proposing and monitoring the acquisition of equipment geared towards the reinforcement of the fight against criminality at sea in cooperation with the Information Management and Communication and Administration and Finance Divisions.

#### **Article 16.- THE HEAD OF THE DIVISION OF LEGAL AFFAIRS AND JUDICIAL COOPERATION**

Under the supervision of the Executive Director, the Head of the Division of Legal Affairs and Cooperation shall be responsible for:

- promoting the harmonization of texts on the Maritime Law Enforcement for member States of both regions;
- sensitizing member States of the both regions on the need to ratify agreements relating to piracy and other illicit activities at sea;
- providing assistance to the process of harmonizing national laws on the fight against piracy, armed robbery and other illicit maritime activities in the member States of both regions;
- reviving judicial and police cooperation between both regions on maritime matters;
- drafting and disseminating standardized procedure manuals in cooperation with the Division of Information Management and Communication;
- enhancing cooperation with international organizations concerned by the fight against maritime criminality;
- providing legal advice for the Executive Director, advising on and monitoring all legal and judicial issues involving the Center.

## Article 17.- THE HEAD OF THE ADMINISTRATION AND FINANCE DIVISION

Under the supervision of the Executive Director, the Head of the Division of Administration and Finance shall be namely responsible for:

- preparing the annual draft budget in cooperation with other Divisions;
- monitoring the execution of the budget;
- drafting reports on the execution of the budget;
- studying mechanisms for the funding of the Center's activities;
- managing human resources;
- ensuring the administration and proper functioning of the Center;
- managing the Center's assets;
- ensuring the technical maintenance of the equipment and material dedicated or attached to the Center;
- monitoring, in cooperation with the other Divisions, the acquisition of equipment geared towards enhancing the fight against maritime piracy;
- supervising the execution of works carried out by enterprises for the Center;
- managing the stock of technical maintenance equipment;
- preparing and monitoring the organization of the Center's regular and ad hoc meetings;
- preparing and organizing, in cooperation with the Division of Political Affairs and International Cooperation, the conference of the advisory Committee for partners and third-party contributors;
- providing the necessary support to the Administrative and Finance ad hoc Committee comprising the Finance Director of the three (3) institutions.

## PART VI MISCELLANEOUS AND FINAL PROVISIONS

### Article 18.- THE EXPANSION PLAN

In order to implement the common strategy for maritime safety and security, the Center shall draft an expansion Plan.

### Article 19.- RESOURCES

1. The Center's resources shall come from:
  - contributions from member States;
  - contributions from partners and third-party contributors;
  - contributions from maritime economic stakeholders;
  - all types of subventions, donations, and legacies;
  - revenues generated by its assets;
  - revenues generated from paid services.
  
2. The Center shall be administratively and financially autonomous.

### Article 20.- FREE PORT AND AIRPORT SERVICES

Within the framework of joint activities duly coordinated by the Center and without prejudice to bilateral agreements and national laws, ships and naval air fleets of the member States of Central and West Africa shall, on the maritime space of each other, benefit from:

- free water, electricity, mooring, landing, take-off, stationing, towing, piloting, telephone, port and airport assistance, and medical services, amongst others; and
- preferential customs scheme with regards to freight and tax exemptions.

**Article 21.- DISPUTE SETTLEMENT**

Any dispute arising from the interpretation and/or implementation of this Additional Protocol shall be settled through diplomatic channels.

**Article 22.- RULES OF PROCEDURE OF THE CENTER**

Rules of procedure shall be established for the operations of the Center and the Annual Meeting of Chief Executives.

**Article 23.- ENTRY INTO FORCE**

This Additional Protocol shall enter into force from its date of signature by the Parties.

**Article 24.- AMENDMENT, TERMINATION AND WITHDRAWAL**

1. This Additional Protocol may be amended upon mutual agreement of the Parties.
2. It may be terminated by any of the parties subject to prior notification of at least three months by such party to the other signatories without prejudice to on-going activities.
3. The implementation of this Additional Protocol shall not be called into question by the other parties in their respective areas of competence, should one party withdraw from this Additional Protocol.

**Article 25.- PUBLICATION**

This Additional Protocol shall be published in the official journals of ECCAS, ECOWAS and CGC and the official gazettes of their member States.

In witness whereof the undersigned Parties have signed this Additional Protocol drafted in four (4) original texts in English, French, Portuguese, and Spanish all being equally authentic.

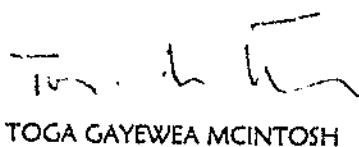
Adopted in Yaoundé, Republic of Cameroon, on 5 June 2014.

For ECCAS  
The Secretary General,



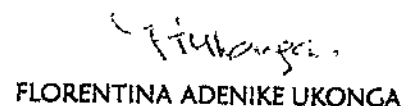
AHMAD ALLAM-MI

For ECOWAS  
The Vice-President  
For the President of the Commission



TOGA GAYEWEA MCINTOSH

For CGC,  
Deputy Executive Secretary  
(Political Affairs)  
For the Executive Secretary



FLORENTINA ADENIKE UKONGA