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**From Gap To Act: Ghana's Maritime And
Related Offences Act, 2026 — Security
Implications And Operational Gaps**



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INTRODUCTION

A prior analysis identified a fault line in Ghana's domestic maritime security framework. The Criminal Offences Act (1960) contained no piracy offence. The Criminal and Other Offences (Procedure) Act (1960) provided no jurisdictional basis for prosecuting maritime crimes committed on the high seas. Naval interceptions were legally possible but criminal convictions were not. Ghana, as a state party to the United Nations Convention on the Law of the Sea (UNCLOS, 1982) and a signatory to the Yaoundé Code of Conduct (2013), had accepted prosecution obligations under both instruments without the domestic legal tools to act on them.

That gap closed on 26 August 2026, when President John Dramani Mahama signed the Maritime and Related Offences Act, 2026 into law (Ghana News Agency, 2026). Parliament had passed the Bill on 30 June 2026 following consultations between the Ministry of Transport, the Ghana Maritime Authority, and the Attorney-General's Department (Ghana Business News, 2026). The parliamentary Roads and Transportation Committee described it as "a comprehensive legal framework for the prevention, investigation, prosecution and punishment of piracy, armed robbery at sea and other maritime offences" (as cited in Adomonline, 2026).

THREAT CONTEXT: THE GULF OF GUINEA IN 2026

The Gulf of Guinea recorded 81 piracy incidents in 2020. By 2024 that figure had fallen to 18 (International Maritime Bureau [IMB], 2025). The 2025 Annual Report recorded 21 incidents, a slight rise that suggests the tactical suppression of the preceding years has not been consolidated (IMB, 2026). The headline decline carries a misleading implication of resolution. The pattern beneath it tells a different story. Kidnapping-for-ransom remains the primary attack model across the region, crews are held for longer periods, and firearms appear in a growing proportion of reported incidents.

In late August 2025, a product tanker was boarded 46 nautical miles off the Ghanaian coast (IMB, 2025). The Ghana Navy had the assets to respond. The 2022 and 2023 procurement cycles had delivered four Flex Fighter patrol vessels and two Safe Boats International Defenders to its fleet (Center for Maritime Strategy, 2025). What the Navy could not do after boarding that tanker was hand its suspects to a prosecutor with a viable charge. No domestic piracy offence existed. The Act addresses that specific failure directly.

The wider security picture in the Gulf of Guinea has also shifted in ways the Act was not written to address but will need to contend with. The Al Jazeera Centre for Studies (2026) identifies a move away from opportunistic piracy toward organised maritime criminality: proxy operations tied to armed networks operating in the Sahel, large-scale illicit fuel bunkering, and drug transshipment through the West African maritime corridor. The Act covers trafficking and narcotics offences alongside piracy, which reflects an accurate reading of how the threat has changed. Whether the agencies charged with enforcing it have the capacity to pursue that range of conduct is the question this article returns to.

WHAT THE ACT DOES: THREE PROVISIONS THAT MATTER

The Act runs to several provisions, but three carry the weight of its operational purpose.

The first is the domestication of the UNCLOS piracy definition. Article 101 of UNCLOS (1982) defines piracy as violence, detention, or depredation committed for private ends on the high seas or in any place outside the jurisdiction of any state. Two features of that definition have long created problems for Gulf of Guinea enforcement. The "private ends" requirement excludes acts motivated by politics or ideology, which describes a growing share of the non-state armed activity affecting the region. The geographic restriction to the high seas excludes attacks within the territorial sea, which is where most recorded incidents in the region occur. Those attacks fall under armed robbery at sea rather than piracy, and responsibility for prosecuting them belongs to the coastal state under its domestic law. Ghana had no such law. The Act now provides one for both categories, giving prosecutors a charge that fits regardless of where the offence occurred.

The second provision is the incorporation of the SUA Convention (1988) and its 2005 Protocol. The SUA Convention was drafted precisely because UNCLOS's piracy definition left too much conduct unaddressed. It criminalises the unlawful seizure of ships, violence against persons on board, and interference with maritime navigation without requiring that the acts be carried out for private ends. The 2005 Protocol extended that framework to cover the use of vessels as weapons and the maritime movement of materials capable of causing mass casualties. By incorporating both instruments, the Act gives prosecutors a charging option for maritime violence that would have evaded the UNCLOS framework entirely.

The third provision is the multi-agency enforcement mandate. The parliamentary Roads and Transportation Committee report records that the Act establishes a coordination framework among the Ghana Maritime Authority, the Ghana Navy, the Marine Police, and the Attorney-General's Department (as cited in Daily Guide Network, 2026). The legal mandate is a starting point, not an operational system. Inter-agency coordination of the kind that actually moves a case from naval arrest to criminal trial requires information-

sharing procedures, agreed handoff protocols, and joint case management that no statute creates by itself.

GHANA'S POSITION IN THE YAOUNDÉ ARCHITECTURE AFTER THE ACT

The Yaoundé Code of Conduct (2013) was adopted by 25 West and Central African states as the political and operational framework for regional maritime security in the Gulf of Guinea. Its institutional structure includes the Interregional Coordination Centre, the Regional Maritime Security Centre for West Africa, the Regional Maritime Security Centre for Central Africa, and a network of national Maritime Operations Centres. The architecture is built on the assumption that member states have domestic legal tools capable of supporting criminal prosecution. Without those tools, the information-sharing and joint patrol functions it provides produce arrests that go nowhere (International Maritime Organization [IMO], n.d.; UNOWAS Magazine, 2023).

Ghana was in that position until 26 August 2026. It could participate in joint operations, share intelligence, and conduct interdictions under the Yaoundé framework. It could not follow through with a prosecution. The Act changes that calculation. Ghana can now move a suspect from interception to trial without relying on a third state to supply the legal authority for charging. That changes Ghana's role in joint operations and its utility as a partner state within the Architecture.

This development is also relevant to UN Security Council Resolution 2634 (2022), which Ghana co-sponsored and which called on the Gulf of Guinea states to strengthen domestic legal capacity as a condition for effective regional security (Security Council Report, 2023). Ghana has now done that. The Resolution also called for adequate resources and staffing at regional coordination centres. The UN Secretary-General's report reviewed at the Architecture's tenth anniversary briefing in June 2023 found persistent shortfalls in both areas, with funding remaining donor-dependent and coordination centre staffing below operational requirements (Security Council Report, 2023). Ghana's Act addresses its own national bottleneck but it does not address those regional deficits.

Nigeria's Deep Blue Project offers a useful reference point. It combined advanced naval interceptors, aerial assets, surveillance systems, and 600 trained personnel under a single operational framework, and it is credited with reducing piracy incidents in Nigerian waters to three of the fifty-nine recorded regionally between 2022 and 2024 (Center for Maritime Strategy, 2025). The model is the integration of domestic legal authority with operational enforcement capacity. Ghana's Act, alongside its recent naval procurement and the ongoing GMA-UNODC-EU training programme, follows that model at a smaller scale. If it holds, Ghana becomes the second prosecution-capable state in the Gulf of

Guinea's western zone, which changes the deterrence calculus for criminal operators in those waters.

WHERE THE ACT FALLS SHORT

These gaps will determine whether the Act produces convictions or merely provides the legal form of a prosecution system without the substance.

Evidence handling at the point of arrest. Naval officers in Ghana are trained for threat suppression: boarding, controlling resistance, securing a vessel and its occupants. That training does not prepare them to treat the same vessel as a crime scene. The two tasks require different disciplines. A naval boarding party that fails to document the circumstances of arrest, maintain an unbroken chain of custody over seized items, or record contemporaneous witness statements will hand prosecutors a case that cannot survive a defence challenge, regardless of how well-drafted the underlying statute is.

This problem has produced documented results across the Gulf of Guinea. Cases in which suspects were released not because the law was inadequate but because the evidentiary record from the arrest was deficient have been recorded by both the European Union Institute for Security Studies (2025) and the Al Jazeera Centre for Studies (2026). UNODC's Global Maritime Crime Programme (2023) developed an Integrated Training Package that combines boarding procedures with crime scene investigation and evidence-handling instruction in a single curriculum. INTERPOL's Project AGWE, which includes Ghana among its five priority states, adds simulated criminal trials to its naval training programme so that officers experience directly what their arrests will need to demonstrate in court (INTERPOL, n.d.). Denmark funds Visit, Board, Search and Seizure Training Centres in Ghana and Nigeria under a programme with an explicit evidence-collection mandate (Royal Danish Embassy Accra, 2023; IMO, 2025). These programmes exist and Ghana has access to them. The problem is that none of their content has been embedded in the Ghana Navy's standard training curriculum as a standing requirement. Until it is, the Act's evidentiary provisions rest on an institutional foundation that has not been built.

Inter-agency coordination in practice. The Act mandates coordination among four agencies. The parliamentary committee endorsed it. The GMA-UNODC-EU stakeholder workshop held in Accra in August 2026 discussed it (Graphic Online, 2026). A mandate and a workshop are not a working system. Moving a case from naval arrest to prosecution requires an agreed sequence of steps: who takes custody of the suspect, who documents the arrest, who holds the physical evidence, who prepares the charge sheet, who briefs the prosecutor, and at what point each transfer of responsibility is recorded. That

sequence has to be agreed in advance, written into agency procedures, tested through joint exercises, and monitored for compliance. None of that follows from the Act's coordination mandate by itself. Without a formal inter-agency protocol that specifies each of those steps, coordination between the Ghana Navy and the Attorney-General's Department will remain informal and unreliable.

Definitional risk in early prosecutions. The distinction between piracy under Article 101 of UNCLOS (1982) and armed robbery at sea is legally significant and operationally important. Piracy occurs on the high seas; armed robbery at sea occurs within the territorial sea. The applicable offence depends on where the act took place, and cases occurring in the contiguous zone or exclusive economic zone raise geographic questions that courts in the region have not yet resolved consistently. Defence counsel in several West African jurisdictions have successfully challenged piracy charges on precisely this ground, securing dismissals by arguing that the offence occurred in waters where the piracy definition did not apply. Ghana's courts have no body of precedent on the new Act's provisions. The first prosecutions brought under it will set the terms on which those provisions are interpreted. Prosecutorial failures in those early cases will create adverse precedent that weakens the statute for years afterward. Guidance from the Attorney-General's Department on how the Act's definitions are to be applied should be in place before the first charges are filed, not after the first acquittals.

ASSESSMENT AND RECOMMENDATIONS

The Maritime and Related Offences Act, 2026 is overdue and it fills a gap that should have been closed decades ago. It gives Ghana the legal authority to charge, prosecute, and convict individuals for maritime offences that the navy has been intercepting without legal consequence for years. It aligns Ghana's domestic criminal law with UNCLOS (1982), the SUA Convention (1988), and the Yaoundé Code of Conduct (2013). It broadens the range of conduct that can be charged to reflect the actual shape of maritime criminality in the Gulf of Guinea. These are real improvements.

Their value depends on what happens next. Three things need to happen quickly. The Ghana Navy needs a Maritime Law Enforcement Standard Operating Procedure that is separate from its rules of engagement. That document should specify how officers conduct a maritime arrest in a way that produces an admissible evidentiary record: what is documented at the scene, how physical items are seized and labelled, how witnesses are recorded, and how custody of evidence is transferred from the vessel to shore. It should be developed with direct input from the Attorney-General's Department and tested against what prosecutors will need at trial.

The Ghana Maritime Authority, the Ghana Navy, the Marine Police, and the Attorney-General's Department need a written inter-agency protocol that sets out the sequence of steps from arrest to prosecution and assigns responsibility for each. That protocol needs to be tested through joint exercises before it is needed in a live case. The Act's coordination mandate provides the authority for this work. It does not do the work.

The Attorney-General's Department should issue internal guidance on the Act's definitional provisions before the first prosecution is filed. That guidance should address the geographic boundary between piracy and armed robbery at sea, the treatment of conduct in the contiguous zone and exclusive economic zone, and the application of the SUA Convention framework to politically motivated maritime violence. Prosecutors who understand these distinctions before they appear in a courtroom will be better placed to argue them when defence counsel raises them.

Ghana passed this legislation through its parliament and secured Presidential assent. The institutional work that turns legislation into enforcement has not yet been done. The Act's long-term record will be determined by whether that work is treated as an immediate operational priority or left to accumulate while the first prosecutions fail.

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