Ghana Seeks International Arbitration under UNCLOS over Maritime Boundary Dispute with Togo

By:

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The Government of Ghana has formally notified the Government of Togo of its decision to initiate international arbitration under the United Nations Convention on the Law of the Sea (UNCLOS) in order to resolve their dispute over maritime boundary in the Gulf of Guinea. In a statement released on 20 February 2026, the Government indicated: “This follows attempts at negotiating a boundary which have gone on for eight years but have not resulted in an agreed outcome”.[1]

Background to the Dispute

The origins of the dispute between Ghana and Togo can be traced to the colonial era. While the two neighboring countries share a relatively established

land boundary, their maritime boundary has never been formally delimited. Togo, formerly under German and later French administration, and Ghana, a former British colony, inherited boundaries that did not definitively address offshore demarcation.[2] The land boundary between Togo and Ghana extends for approximatively 1,098km, running from the tripoint with Burkina Faso in the North to the Atlantic Ocean in the South. Togo, the Eastern neighbor of Ghana, possesses a territorial sea extending 12 nautical miles from its baselines, and an approximatively surface area of 1,245 km². Its Exclusive Economic Zone is estimated to cover an area of 19,498 km².[3] Compared to its adjacent neighbors, namely Ghana and Benin, Togo exhibits the 'most disadvantaged coastal configuration'.[4] The country has the smallest Exclusive Economic Zone with a short continental coast. As a result, it is 'shelf locked' due to overlapping maritime claims by its neighboring States.[5]

The absence of precise maritime boundary delimitation gave rise to a geographical and legal grey area, which generated tensions and maritime incidents, following the Ghana's discovery, in the late 1990s, of oil blocks in East Keta.[6] The situation became particularly concerning with the expansion of offshore oil and gas exploration activities, as well as the management of fisheries resources within the maritime zone.[7] Tensions escalated in 2016, when Togolese authorities obstructed Ghanaian seismic survey vessels from undertaking exploration activities in areas that Ghana regarded as falling within its maritime jurisdiction, but over which Togo asserted competing claims.[8] In the absence of a clearly delimited maritime boundary, the Government of Togo formally notified the Government of Ghana that it did not recognize the existing Customary Maritime Boundary Line.

Reasons for Recourse to Arbitration

In 2017, the Head States of both countries decided set up the 'Joint Ghana–Togo Maritime Delimitation Technical Committee' to undertake negotiations to resolve the dispute. Formed by experts and heads of relevant government ministries and agencies from each side, this group included a technical sub-committee comprising survey and mapping, geological and legal experts, tasked with undertaking the technical aspect of the delimitation process.[9] The expected outcome of the Joint Ghana–Togo Maritime Delimitation Technical Committee was that a coordinated effort, grounded in

international law, would ultimately culminate in the signing of a Maritime Boundary Delimitation Agreement between both countries.

According to the former Commissioner-General of Ghana Boundary Commission (GhBC), Dr. Emmanuel Wekem Kotia, the Joint Committee engaged in negotiations on a dozen of occasions, and convened several sub-technical committee meetings from 2018 to 2022, alternating between Lomé, Togo and Accra, Ghana.[10] During one of these meetings held in 2021, Mr. Samuel Abu Jinapor, then Minister of Lands and Natural Resources of Ghana, emphasized that in cases of unresolved boundary disputes, direct negotiations, as envisaged by Article 33 of the United Nations Charter, has often represented the most effective mechanism. He further stated that, as States Parties to the UNCLOS, both Ghana and Togo should "settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea". Mr. Jinapor also referred to the African Union Convention on Cross-Border Cooperation, which urges Member States, including Ghana and Togo to resolve border disputes through peaceful means. In turn, Mr. Kokou Edem Tengue, Togolese Minister of Marine Economy, Fisheries and Coastal Protection, commended the sincere commitment shown by both countries, and expressed confidence that they would achieve a definitive resolution of the maritime boundary delimitation.[11]

Nevertheless, since 2018, negotiations conducted under this framework have failed to produce an agreed outcome, prompting the Government of Ghana to seek international arbitration. In the statement issued by the Presidency of Ghana, the Minister for Government Communications, Felix Kwakye Ofosu, explained: "Ghana has taken this step to avoid an escalation of incidents that have created tensions between some of our institutions and to promote amicable resolution, thereby contributing to the continued good relations between our two countries". The promotion of peaceful settlement of the maritime boundary dispute and the strengthening of good neighborliness between Ghana and Togo therefore constitute the principal reasons for its intention to pursue delimitation of the contested boundary under UNCLOS.

Ghana's Second Maritime Boundary Claim in Recent Years

This marks the second occasion in recent years on which Ghana has sought to resolve its maritime boundary disputes with neighboring States through international dispute settlement mechanisms. In 2014, Ghana initiated proceedings before the International Tribunal for the Law of the Sea (ITLOS) against its western neighbor, Côte d'Ivoire, following disagreements over their offshore boundary in the Atlantic Ocean, particularly after significant hydrocarbons discoveries in the area.[12] As in the present dispute with Togo, Ghana and Côte d'Ivoire had established the 'Joint Ivorian-Ghanaian Commission on Maritime Border Demarcation' to attempt a negotiated settlement, but these efforts ultimately proved unsuccessful. Consequently, they agreed to submit the dispute to an ITLOS Special Chamber.[13] On 23 September 2017, the Special Chamber ruled largely in Ghana's favor, formally defining clear maritime boundaries between the disputing parties.[14]

Maritime boundary delimitation generally entails the determination of the limits of a State's Territorial Sea (TS), Exclusive Economic Zone (EEZ), and Continental Shelf. When properly conducted, delimitation establishes legal certainty in areas of overlapping claims and contributes to the prevention of conflicts between neighboring States. Moreover, with the emergence of the Blue Economy, which encompasses economic activities derived from marine and aquatic ecosystems, clearly defined maritime boundaries help ensure that marine resources are conserved and exploited sustainably, in a manner consistent with the interests of future generations.[15]

The dispute between Ghana and Togo concerns the delimitation of the Territorial Sea and the Exclusive Economic Zone.[16] To date, the Government of Togo has not yet responded to the notification served by of the Government of Ghana. Its acceptance would advance the arbitral proceedings, potentially leading to the definitive resolution of this long-standing maritime boundary dispute.

Footnotes

[1] Ghana News Agency, 'Ghana refers to maritime boundary dispute with Togo to international arbitration', 20 February 2026, available at https://gna.org.gh/2026/02/ghana-refers-maritime-boundary-dispute-with-togo-

to-international-arbitration/

[2] Dennis Austin, ‘The Uncertain Frontier: Ghana-Togo’, The Journal of Modern African Studies, 1963, p. 139.

[3] Efua Doku Sackey, Maritime boundary delimitation in West Africa: A case study of Ghana, Côte d’Ivoire and Nigeria, The United Nations–Nippon Foundation Fellowship Programme 2024, p. 20, available at https://www.un.org/oceancapacity/sites/www.un.org.oceancapacity/files/2024unnf_sackey.

[4] Ama-Arhinaba Johnson, Ghana in the Midst of Maritime Boundary Delimitation in the Gulf of Guinea, United Nations–The Nippon Foundation Fellowship Programme 2019, p. 16, available at https://www.un.org/oceancapacity/sites/www.un.org.oceancapacity/files/2019unnf_johnson

[5] Ibid.

[6] Efua Doku Sackey, Maritime boundary delimitation in West Africa: A case study of Ghana, Côte d’Ivoire and Nigeria, op. cit., p. 20.

[7] Raheem Geraldo, ‘Conflit maritime Togo-Ghana: tout savoir sur cette crise qui date de plus de 60 ans’, available at https://actulome.com/conflit-maritime-togo-ghana-arbitrage-international/

[8] Robert Lansing Institute, ‘Maritime Boundary Dispute Between Ghana and Togo: Causes, History, Conflict Risk, Consequences, and Scenarios’, 21 February 2026, available at https://www.google.com/search?q=Robert+Lansing+Institute%2C+Maritime+Boundary+D

[9] Felix Anim-Appau, ‘Former Commissioner-General of Boundary Commission’s take on Ghana/Togo’s arbitration process’, 22 February 2026, available at https://onuaonline.com/former-commissioner-general-of-boundary-commissions-take-on-ghana-togos-arbitration-process/

[10] Ibid.

[11] Ghana News Agency, ‘Ghana-Togo Maritime Boundary Negotiations Meeting underway in Accra’, 25 June 2021, available at https://www.businessghana.com/site/news/politics/241033/Ghana-Togo-

Maritime-Boundary-Negotiations-Meeting-underway-in-Accra

[12] See Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean, ITLOS Case N°23, 3 December 2014, available at https://jusmundi.com/en/document/decision/en-dispute-concerning-delimitation-of-the-maritime-boundary-between-ghana-and-cote-divoire-in-the-atlantic-ocean-ghana-cote-divoire-judgment-saturday-23rd-september-2017

[13] Constantinos Yiallourides, Elizabeth Rose Donnelly, 'Part I: Analysis of Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean', EJIL Talk! 19 October 2017, available at https://www.ejiltalk.org/part-i-analysis-of-dispute-concerning-delimitation-of-the-maritime-boundary-between-ghana-and-cote-divoire-in-the-atlantic-ocean/

[14] Caitlin Behles, 'ITLOS Tribunal Rules on Maritime Boundary Dispute Between Ghana and Côte d'Ivoire (23 September 2017)', International Law Brief, 28 September 2017, available at https://www.asil.org/blogs/itlos-tribunal-rules-maritime-boundary-dispute-between-ghana-and-c%C3%B4te-divoire-september-23

[15] Efua Doku Sackey, 'Maritime boundary delimitation in West Africa: A case study of Ghana, Côte d'Ivoire and Nigeria', op. cit., pp. 22-24.

[16] Felix Anim-Appau, 'Former Commissioner-General of Boundary Commission's take on Ghana/Togo's arbitration process', 22 February 2026, available at https://onuaonline.com/former-commissioner-general-of-boundary-commissions-take-on-ghana-togos-arbitration-process/

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