

West and Central African Leaders Unite Against Piracy in the Gulf of Guinea

Captain (Ret.) Phillip J. Heyl

Chief, Air and Maritime Branch, U.S. Africa Command

A Regional Threat

On August 28, 2012, the UK-flagged *Energy Centurion* was hijacked at anchor in Lome, Togo, linking up with an accomplice tanker, stealing the valuable gasoline cargo, and eventually slipping into Lagos undetected. The Togolese Navy – using a 28-foot Defender patrol boat with outboard engines – attempted to stop the large tanker. As the tanker sailed toward Benin’s waters, the Togolese Navy tried unsuccessfully to warn its neighbors. It was 03:00 local time. During the incident, the tanker dragged its anchor across the critically important West African gas pipeline, causing significant damage. This was not an isolated incident. The annual number of criminal acts at sea in West Africa has now surpassed those occurring off the Horn of Africa. Had there been an effective regional cooperation system in place to respond to this event, the outcome might have been very different. At no time has the need for an operational, maritime partnership in the Gulf of Guinea region been more urgent. International criminal syndicates are exploiting the lack of coordination — hop scotching across territorial seas with impunity to seize cargo and smuggle contraband.

Gulf of Guinea Code of Conduct

On June 24-25, 2013 in Yaoundé, Cameroon, thirteen heads of state and senior representatives from the Economic Community of Central African States (ECCAS) and the Economic Community of West Africa (ECOWAS) member states agreed upon a cooperative maritime strategy that focuses on regional solutions to regional problems. The Code of Conduct for West and Central Africa (also known as the Gulf of Guinea Code of Conduct) signed in Yaoundé acknowledged the economic and geo-political importance of the maritime domain, which is critical to the continued development and future of Africa. Implementation of this agreement will

result in a long-term improvement of maritime security that will promote economic development and future growth.

The Gulf of Guinea Code of Conduct was initially proposed by ECOWAS and is modeled after the Djibouti Code of Conduct (CoC). The Djibouti CoC, signed in 2009, is narrowly focused to counter piracy in East Africa. Unlike the Djibouti Code, however, the Gulf of Guinea CoC covers the full range of regional threats within the maritime domain: piracy; illicit drugs, arms and human trafficking; illegal fishing; and environmental pollution. The plan is an ambitious undertaking that begins with a non-binding agreement between 26 West and Central African states and then urges signatories to proceed to a binding agreement within three years. As the President of Chad observed at the close of the Yaoundé summit, this was the first time leaders from the member states of Africa's two Regional Economic Communities have ever met to consider solutions to a regional problem.

West African Piracy

The increased incidents of piracy in West Africa differ from piracy off the Horn of Africa in several significant aspects that tailor the law enforcement response. Most West African piracy cases occur within the 12-nautical-mile territorial seas – and are typically attacks upon anchored vessels. Thieves generally target vessels containing valuable cargo, and are less interested in using the hostage/ransom model common off the East African coast. West African pirates are particularly interested in seizing refined oil products such as gasoline. The contraband generates huge cash rewards for the criminals – who often stage their operations across multiple countries – and whose maritime assets and capabilities may exceed those of the maritime forces dispatched to thwart them.

Criminal cartels routinely manipulate international boundaries and state sovereignty to their advantage. This is not unique to Africa. For more than three decades, this has been a key challenge faced by the U.S. and its allies in counter-narcotics efforts in the Western Hemisphere. Cocaine may be produced in Colombia, transited through various countries in the Caribbean, and then smuggled into the U.S. In order to work more cooperatively in the region, the U.S. has

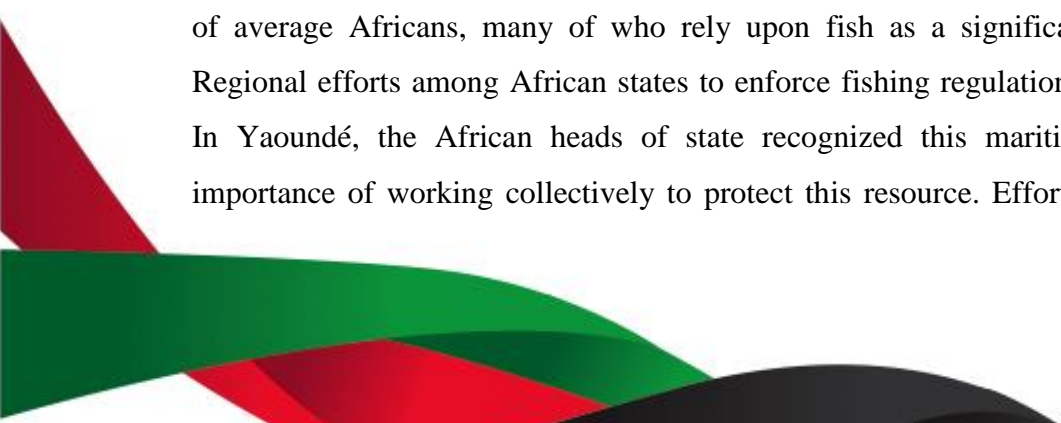
signed agreements with countries throughout this expansive transit zone. The U.S. has also worked to develop multi-lateral training programs and to provide resources to help these nations bolster their coast guard and navy assets. This approach has been very successful. The increased traffic of illegal drugs through West and Central Africa is partially a result of criminals looking to bypass enhanced international enforcement efforts in the Caribbean and reflects the global interconnectedness of this growing threat.

African states have taken important steps to address this challenge. In 2010, ECCAS requested assistance from U.S. Africa Command to facilitate greater cooperation with ECOWAS. Lawyers and maritime experts from across the U.S. interagency (Department of State, Department of Justice, U.S. Coast Guard, and Department of Defense) have since teamed with staffs from ECCAS and ECOWAS, the International Maritime Organization (IMO), and other international partners, to help develop binding bi- and multi-lateral operational agreements between West and Central African countries. These binding agreements would cover operational issues like “hot pursuit” and other law enforcement tools similar to those now used in the Caribbean.

Regional agreements alone will not stop piracy and other threats to maritime security, but they are an important first step. Without regional partnerships — diplomatic, legal, and law enforcement—there can be no sustainable long-term solutions. ECCAS and ECOWAS have already begun to make great strides on this front by working on these initiatives.

Sustainable Solutions

The Gulf of Guinea Code of Conduct, also targets the widespread problem of illegal fishing by international vessels off the coasts of West and Central Africa. The long-term impact of offshore illegal fishing is the depletion of fish stocks, now well underway. This directly impacts the lives of average Africans, many of who rely upon fish as a significant part of their sustenance. Regional efforts among African states to enforce fishing regulations are now at a critical stage. In Yaoundé, the African heads of state recognized this maritime security threat, and the importance of working collectively to protect this resource. Efforts to establish close working



relationships on maritime issues will certainly have an impact on the ability to curb illegal fishing.

Since its inception in 2008, U.S. Africa Command has pioneered a variety of operational maritime security programs that have partnered African military and law enforcement personnel with their U.S. and international counterparts. As part of this overall effort, U.S. Africa Command, along with United Nations International Organizations (UNOWA, UNOCA, and IMO), and other international partners, have backed the strategic goal of building the capacity of African navies and coast guards so that they will have the tools to enforce their own maritime laws and protect their own fisheries.

The African Maritime Law Enforcement partnership (AMLEP) is one maritime security capacity building program already underway by the U.S. Naval Forces Africa's African Partnership Station (APS). AMLEP uses an asymmetric approach to team African boarding officers with U.S. Coast Guard mentors and embark them in U.S. and international naval vessels. The program has been extremely successful, and has been enthusiastically received by participating African countries.

AMLEP targets illicit trafficking in drugs, arms, and humans, but counter piracy issues and illegal fishing are often encountered. This partnership among African, U.S. and international militaries has resulted in the successful seizure and prosecution of illegal fishermen by African officers, in African waters. Since a portion of the fines levied for violations may be used to underwrite maintenance and operating costs for the African maritime forces, this concept is also sustainable.

Implementation Plan

Currently, ECCAS and ECOWAS are working with member states and international partners to create a template for implementation of the ambitious Gulf of Guinea Code of Conduct. This blueprint for regional cooperation is in the draft phase, but will address military and law enforcement training, joint-exercises, and information sharing among signatories. It will also

provide a framework for the continued development of binding legal agreements that will serve as the basis for future, regional law enforcement operations. International support for this implementation plan will be essential for it to succeed, and to continue the momentum that has already begun.

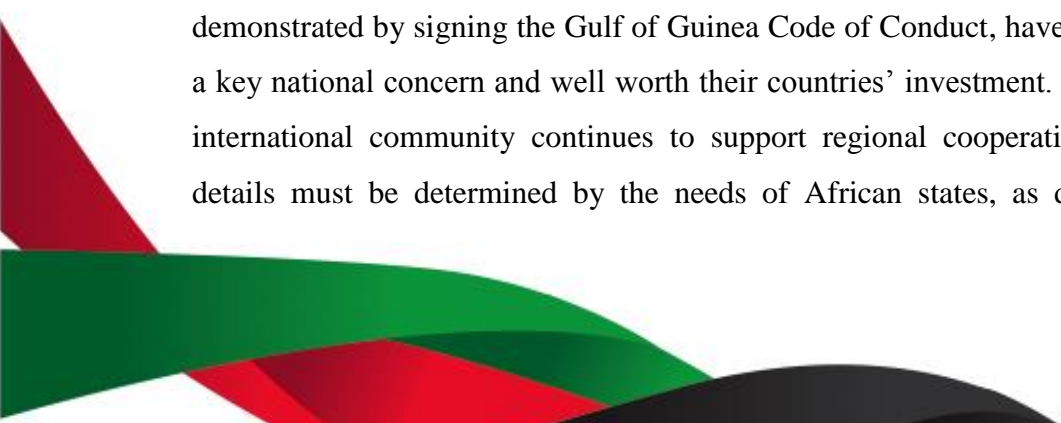
Both ECCAS and ECOWAS have requested maritime legal assistance that will allow countries participating in joint operations to ensure that their maritime forces are operating in accordance with domestic and international law. This understanding of maritime law will be necessary as countries consider moving from the non-binding Code of Conduct to binding operational agreements.

In Yaoundé, African leaders also highlighted the importance of protecting recent offshore oil and gas discoveries. These offshore facilities, as well as the ports themselves, are vital to economic development. Ports have always been the economic engines of Africa, and the need to improve and modernize port security is now a priority.

Several African countries have also requested U.S. assistance in conducting tabletop exercises to gauge their interagency plans to respond to security incidents that could imperil offshore oil and gas facilities. These exercises are planned for the upcoming months as part of the implementation plan.

Conclusion

Africa and its offshore waters include strategically important global transportation corridors. Keeping African ports and trade corridors open is an interest shared by the states of Africa and all trading nations globally. Such mutual interests form the basis of successful international agreements and cooperative military and law enforcement strategies. African leaders, as demonstrated by signing the Gulf of Guinea Code of Conduct, have defined maritime security as a key national concern and well worth their countries' investment. It is now imperative that the international community continues to support regional cooperative efforts whose scope and details must be determined by the needs of African states, as delineated by African states.



International partners should step up by fully coordinating their own capacity building efforts in Africa and enabling sustainable programs that will facilitate a new era of maritime cooperation.

This article was commissioned by the Institute for Near East and Gulf Military Analysis (INEGMA) on behalf of the third United Arab Emirates Counter Piracy Conference, **‘Countering Maritime Piracy: Continued Efforts for Regional Capacity Building’**, organized by the UAE Ministry of Foreign Affairs in partnership with global ports operator DP World and Abu Dhabi Ports Company, held in Dubai on September 11-12, 2013. The opinions expressed in this paper are the views of the author only, and do not reflect the opinions or positions of the conference organizers. Content may have been edited for formatting purposes.

For more information, visit the conference website at www.counterpiracy.ae.

