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GAO Report on Maritime Security:

*Ongoing U.S. Counterpiracy Efforts Would Benefit From Agency Assessments**

Highlights

Why GAO Did This Study

Piracy and maritime crime continues to threaten ships off the Horn of Africa's east coast and in the Gulf of Guinea off Africa's west coast, putting seafarers in harm's way and costing governments and industry billions of dollars in ransom, insurance, and protective measures. The types and causes of piracy and maritime crime, as well as the African states' ability to address the problem in the two regions, differ. To help U.S. agencies coordinate efforts, the NSCS developed an interagency plan in 2008 to prevent, disrupt, and prosecute piracy off the Horn of Africa in collaboration with industry and international partners. GAO was asked to evaluate U.S. counterpiracy activities.

This report: (1) assesses how piracy off the Horn of Africa has changed since our 2010 review, and describes U.S. efforts to assess its counterpiracy actions, given any changing conditions; and (2) identifies trends in piracy and maritime crime in the Gulf of Guinea and U.S. efforts to address them, and evaluates the extent to which the United States has assessed its counterpiracy efforts in the Gulf of Guinea. GAO reviewed plans, activities, and data from 2007 through 2013 and interviewed officials from U.S. agencies, international partners, and industry, selected as a nongeneralizable sample for their involvement in counterpiracy activities.

What GAO Recommends

GAO recommends that the NSCS, with the Secretaries of Defense and State, collaborate with the involved agencies to assess their efforts and to determine whether additional actions are needed to guide efforts in the Gulf of Guinea. The NSCS did not concur or non-concur with GAO's recommendations but provided an update on its planning activities.

Main Findings

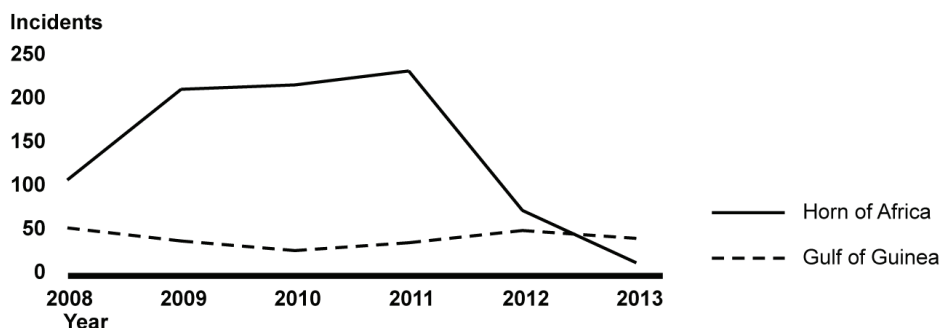
Piracy incidents off the Horn of Africa's east coast near Somalia have declined sharply since 2010, but U.S. agencies have not assessed their counterpiracy efforts as GAO recommended in 2010. Since 2010, the International Maritime Bureau (IMB) reports

* The report under the title "Maritime Security: Ongoing U.S. Counterpiracy Efforts Would Benefit From Agency Assessments" (GAO-14-422) was presented to the relevant committees in the U.S. Congress by the United States Government Accountability Office in June 2014. The full text of the original report is available at www.gao.gov/products/GAO-14-422.

piracy incidents declined from 219 to 15 in 2013. Similarly, from 2010 to 2013 hostages taken by pirates declined from 1,016 to 34. Also, a World Bank report stated that total ransoms declined by 2012. Officials participating in counterpiracy activities from the Departments of Defense and State, among others, as well as shipping industry officials and international partners, attribute the decline to a combination of prevention, disruption, and prosecution activities. However, officials cautioned that this progress is tenuous, and discontinuing these efforts could allow piracy to resurge. Despite changing conditions, U.S. agencies have not systematically assessed the costs and benefits of their counterpiracy efforts. Agency officials stated that their decisions and actions are guided by discussions rather than formal assessments. GAO has previously noted that assessments of risk and effectiveness in an interagency environment can strengthen strategies and resource usage. As such, GAO’s prior recommendations remain valid and could help U.S. agencies identify the most cost effective mix of efforts and prioritize activities as they respond to changing conditions and fiscal pressures while avoiding a resurgence in piracy.

Off the west coast of Africa, piracy and maritime crime has been a persistent problem in the Gulf of Guinea, as shown in the figure below. Although the United States has interagency and international efforts underway with African states to strengthen maritime security, it has not assessed its efforts or the need for a collective plan to address the evolving problem in the region. The U.S. role in addressing piracy in the Gulf of Guinea has focused on prevention, disruption, and prosecution, through training and assistance to African coastal states. However, according to U.S. agencies working in the region, the National Security Council Staff (NSCS) has not directed them to collectively assess their efforts to address piracy and maritime crime. An assessment of agencies’ Gulf of Guinea efforts could strengthen their approach by informing the appropriate mix of activities to achieve the most effective use of limited resources, as well as help determine if additional actions are needed.

Reported Incidents of Piracy and Maritime Crime, 2008 through 2013.



Source: GAO analysis of International Maritime Bureau data. | GAO-14-422

Abbreviations

AMLEP	African Maritime Law Enforcement Partnership
BMP	Best Management Practices for Protection against Somalia Based Piracy
CPCC	Counter-Piracy Coordination Center
CTF	Combined Task Force
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
DOT	Department of Transportation
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
FBI	Federal Bureau of Investigation
G8	Group of Eight
IMB	International Maritime Bureau
INL	Bureau of International Narcotics and Law Enforcement
IRTC	Internationally Recommended Transit Corridor
MOTR	Maritime Operational Threat Response
MSCHOA	Maritime Security Centre – Horn of Africa
NATO	North Atlantic Treaty Organization
NSC	National Security Council
NSCS	National Security Council Staff
ONI	U.S. Office of Naval Intelligence
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea

Introduction

Piracy and maritime crime, including armed robbery, kidnapping, and hijackings, continues to threaten ships in the waters off the Horn of Africa and in the Gulf of Guinea, putting seafarers in harm's way and costing businesses and governments billions of dollars in ransoms, insurance, and protective measures. U.S. efforts to combat piracy and maritime crime involve multiple agencies from the Departments of Defense (DOD), Homeland Security (DHS), Justice (DOJ), State (State), Transportation (DOT), and the Treasury (Treasury) and are coordinated with international and industry partners. While maritime piracy is not a new threat, pirate attacks off the Horn of Africa started reaching unprecedented levels in 2008. At the same time, the persistence of attacks in West Africa's Gulf of Guinea—including the kidnapping of two Ameri-

cans from a vessel in October 2013—have evolved with pirates venturing farther from shore and using more violent tactics.¹ According to DOD and State officials, piracy off the Horn of Africa stems from an ungoverned Somalia and has generally focused on hijacking ships transiting through open waters, while piracy in the Gulf of Guinea has generally focused on armed robbery of ships in territorial waters of sovereign states and has displayed less regard for the health and safety of its victims.

In September 2010, we issued a report examining U.S. efforts to address piracy off the Horn of Africa and found that the U.S. government had taken steps to implement the National Security Council’s (NSC) *Countering Piracy off the Horn of Africa: Partnership and Action Plan* (Action Plan) by, for example, working with partners to conduct naval patrols, update ship security plans, and provide judicial capacity building to African states.² However, we found that many agencies could benefit from greater specificity in assigning roles and responsibilities, and from identifying the costs, benefits, and measures of effectiveness of their counterpiracy efforts, among other things.³ We recommended that the NSC collaborate with the agencies to reassess and update its Action Plan; identify metrics; assess the costs, benefits, and effectiveness of U.S. counterpiracy activities; and clarify agency roles and responsibilities. In March 2011, we testified that piracy off the Horn of Africa continued to be a problem as pirates shifted tactics, and we reiterated our recommendations on actions the government could undertake to improve U.S. efforts.⁴ As of June 2014, these recommendations have not been implemented and are discussed later in this report.

As piracy and maritime crime continues to evolve off both African coasts and the U.S. government faces fiscal pressures, you asked that we examine whether opportunities exist to leverage the cooperative efforts and strategies used to counter piracy off the Horn of Africa in addressing the problem of piracy and maritime crime in the Gulf of Guinea. Specifically, this report:

- assesses how piracy off the Horn of Africa in the East has changed since our 2010 report and describes U.S. efforts to assess counterpiracy actions, given any changing conditions; and
- identifies trends in piracy and maritime crime in West Africa’s Gulf of Guinea and U.S. efforts to address them, and evaluates the extent to which the United States has assessed its counterpiracy efforts in the Gulf of Guinea.

¹ According to State officials, on October 23, 2013, the Captain and Chief Engineer on the C-Retriever, an American owned oil-supply vessel, were kidnapped in the Gulf of Guinea and released sometime in the 3 weeks following the event.

² National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan* (Washington D.C., 2008).

³ GAO, *Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa*, GAO-10-856 (Washington, D.C.: GAO, 24 September 2010).

⁴ GAO, *Maritime Security: Updating U.S. Counterpiracy Action Plan Gains Urgency as Piracy Escalates off the Horn of Africa*, GAO-11-449T (Washington, D.C., 15 March 2011).

To assess how piracy off the Horn of Africa has changed since 2010, we analyzed data from the International Maritime Bureau (IMB) and the U.S. Office of Naval Intelligence (ONI) on reported piracy incidents, hostages taken, and ransom paid off the Horn of Africa from 2008 through 2013.⁵ We discussed data collection methods, processes for data entry, and the steps taken to ensure reasonable accuracy of the data with both IMB and ONI. We determined the data to be sufficiently reliable for the purposes of this report. In addition, we met with DOD, DHS, DOJ, State, DOT, and Treasury officials; international partners; and representatives from insurance, shipping, and private security industry associations to discuss their involvement in counterpiracy activities such as developing best practices for protecting ships from pirate attack, working with the international Contact Group on Piracy off the Coast of Somalia, and participating in naval patrols off the Horn of Africa.⁶ We met with officials from shipping industry associations that represent owners and operators from over 80 percent of the world's merchant fleet and describe themselves as providing a unified industry voice in the creation of industry policy and strategy; insurance industry associations whose members cover approximately 90 percent of the world's ocean-going tonnage; and a private security industry association that has over 180 members across 35 countries. While the statements of these industry officials cannot be generalized to the entire industries they represent, their perspectives provide valuable insight since each is actively involved in international collaborative efforts to combat piracy. To determine the extent to which the United States has assessed its counterpiracy actions as outlined in the 2008 Action Plan for countering piracy off the Horn of Africa, we reviewed the 2008 Action Plan, the 2005 *National Strategy for Maritime Security*, the 2007 *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea*, relevant U.S. policies and laws, and United Nations (UN) Security Council resolutions. We also reviewed program documents such as briefings and meeting summaries and interviewed officials from DOD, DHS, DOJ, State, DOT, and the Treasury, as well as components including U.S. Naval Forces Central Command, the U.S. Coast Guard, and the Federal Bureau of Investigation (FBI), to discuss implementation of the Action Plan and the status of implementing recommendations from our September 2010 report to improve the plan.⁷

⁵ IMB is a division of the International Chamber of Commerce established as a non-profit organization in 1981 to fight against all types of maritime crime and malpractice. IMB uses industry knowledge, experience, and access to contacts around the world to identify and investigate fraud, spot new criminal methods and trends, and highlight other threats to trade. ONI is the division of the U.S. Navy that provides U.S. military, intelligence, and policy stakeholders with maritime intelligence including the analysis, production and dissemination of scientific, technical, geopolitical and military intelligence information.

⁶ Pursuant to UN Security Council Resolution 1851 (2008), which encouraged states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact, the Contact Group on Piracy off the Coast of Somalia was established on January 14, 2009, to facilitate the discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia.

⁷ GAO-10-856.

We selected these departments and agencies because the Action Plan states they shall contribute to, coordinate, and undertake initiatives in accordance with the plan and they are members of the Counter-Piracy Steering Group established to oversee the implementation of the plan.

To identify trends in piracy and maritime crime in the Gulf of Guinea, we analyzed IMB and ONI data on piracy incidents—hijackings, boardings, attempts, ships fired upon, and kidnappings—reported from 2007 through 2013. As with the Horn of Africa data, we discussed the accuracy and reliability of the data with IMB and ONI officials and determined the data to be sufficiently reliable for the purposes of this report.⁸ To evaluate U.S. efforts to address piracy and maritime crime in the Gulf of Guinea, we reviewed program briefings and meeting summaries and interviewed officials from the previously described U.S. agencies, international military partners, and partners from the insurance, shipping, and private security industries. The agencies, international partners, and industry associations we interviewed were those that we identified as contributors to ongoing counterpiracy activities in the Gulf of Guinea or those representing or insuring vessel owners and operators in the region. While the statements of the industry officials cannot be generalized to the entire industries they represent, their perspectives provide valuable insight since each is actively involved in international collaborative efforts to combat piracy. We compared agency efforts and their coordination against recommended practices in the *National Maritime Domain Awareness Plan* and the *Strategy to Combat Transnational Organized Crime* which are used to guide the efforts and, in general, call for risk-based assessments. A full description of our objectives, scope, and methodology can be found in appendix I.

We conducted this performance audit from June 2013 to June 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Piracy Is a Recognized Global Issue

Under the 1958 Geneva Convention on the High Seas and the United Nations Convention on the Law of the Sea (UNCLOS), piracy consists of any of several acts, including

⁸ IMB data is based on self-reporting directly to IMB by vessels and companies operating in the area. According to ONI data—which is aggregated from multiple data sources, (e.g., open source data such as media reports, IMB information, and all-source intelligence) and corroborated with other U.S. agencies and information—the actual number of incidents in the Gulf of Guinea is greater than what is reported to IMB. According to ONI and IMB officials, reasons for the variation between the two sets of data, include differences in categorization of incidents, validation of sources, under reporting, and differences in geographic scope.

any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship and directed against another ship, aircraft, persons, or property onboard another ship on the high seas, or against a ship, aircraft, persons or property in a place outside the jurisdiction of any state.⁹ According to both conventions, all states have the duty to cooperate to the fullest extent possible in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state and are authorized to seize pirate ships or a ship under the control of pirates and arrest the persons and seize the property onboard on the high seas or in any other place outside the jurisdiction of any state.¹⁰ When crimes that would constitute piracy are committed in the territorial waters of a coastal state, they are generally referred to as *maritime crime*. For the purposes of this report, we describe the criminal conduct in the Gulf of Guinea as *piracy and maritime crime* in order to include piracy on the high seas (i.e., outside the jurisdiction of any one sovereign state), as well as hijacking, armed robbery, kidnapping, and attempts at these crimes within the territorial waters of a state.

Piracy and maritime crime off the Horn of Africa and in the Gulf of Guinea affect countries around the globe. In 2013, over 42,000 vessels transited the waters off the Horn of Africa, which include some of the world's busiest shipping lanes. Within these waters, pirates target merchant vessels, fishing ships, and dhows.¹¹ Since 2008, the UN

⁹ In general, the degree to which a coastal state may exercise sovereignty and jurisdiction over its adjacent waters differs depending on its distance from the coast. Within a state's territorial sea (also referred to as its territorial waters), which extends not more than 12 nautical miles from its coast, is the area for which a state exercises sovereignty and jurisdiction. Within a state's contiguous zone—the area outside the territorial sea extending not further than 24 miles from a state's coast—the state may exercise control necessary to prevent infringement of laws and regulations within its territory or territorial sea. Further, within a state's exclusive economic zone—the area beyond and adjacent to the territorial sea, not extending beyond 200 nautical miles from the coastal baseline—the state has sovereign rights for the purpose of (and authority to exercise jurisdiction related to) exploring and exploiting, conserving and managing any natural resources, but through which all states generally enjoy the freedoms of navigation and overflight, among others. The “high seas” include all parts of the sea beyond national jurisdiction (i.e., beyond any states' exclusive economic zones). In this report, the term piracy refers to relevant acts committed in international waters—that is, anything beyond states' territorial seas—and maritime crime refers to such acts committed in a state's territorial sea.

¹⁰ The conventions further provide that the courts of the state that carry out such seizures may decide upon the penalties to be imposed and may determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

¹¹ North Atlantic Treaty Organization (NATO) documents describe the term “dhow” as referring to a number of traditionally-constructed vessels used as the primary maritime commercial mode of transportation throughout the Red Sea, the Gulf of Aden, the Arabian Gulf, and the Indian Ocean. The structure and shape of dhows differentiate them from other types of merchant vessels and crew sizes vary between 5 and 30 individuals who, according to NATO's description, often do not have formalized seamanship or fishery training.

has adopted a number of United Nations Security Council resolutions related to countering piracy off the Horn of Africa.¹² Similarly, in 2011 and 2012, recognizing the Gulf of Guinea's critical shipping and global energy resources, the UN adopted resolutions that expressed deep concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security, and the economic development of states in the region.¹³

Piracy off the Horn of Africa Generally Differs from That in the Gulf of Guinea

The types of crime, vessel traffic, and coastal states' jurisdictional responses to address the piracy problem off the Horn of Africa and in the Gulf of Guinea generally differ, as does the U.S. response. DOD and State officials described the following as key differences:

- *Types of crime:* Piracy off the Horn of Africa is generally characterized by ransom-seeking, in which pirates attack ships for their crew, cargo, or the ship itself, which are often held hostage for months or years to obtain millions of dollars in ransom. In the Gulf of Guinea, piracy is generally characterized either as armed robbery—such as petroleum tanker hijackings to steal a ship's oil—or targeted kidnappings for ransom near or within the Niger Delta, according to DOD officials. Additionally, unlike the hostage-taking and high-dollar ransoms off the Horn of Africa that can result in months or years that a vessel and its crew are held, the kidnappings off the Niger Delta are for days or weeks, for thousands of dollars in ransom, and do not necessarily involve the hijacking of a vessel. In general, pirates hijack tankers and their crew only for the time it takes to offload the oil.¹⁴

¹² For example, Resolution 1816, adopted in June 2008, authorized states to enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea. Resolution 2125, adopted in November 2013, renews the authorities and concerns raised in Resolution 1816 and other resolutions concerning piracy and armed robbery at sea with the backing of the Federal Government of Somalia that was formed in August 2012 following the end of the interim mandate of the Transitional Federal Government. Pursuant to Resolution 2125, international militaries and organizations may continue to operate in Somali territorial waters because the new government does not have the capability to protect its coastline.

¹³ In October 2011 and in February 2012 the UN adopted Resolutions 2018 and 2039, respectively, urging Gulf of Guinea states to coordinate regionally and nationally, with help from international partners, to, among other things, develop and implement national maritime security strategies, including a legal framework for the prevention, and repression of piracy and armed robbery at sea, as well as for the prosecution of persons engaging in those crimes.

¹⁴ According to DOD officials, as of September 2013, there is no linkage between the Gulf of Guinea piracy and violent extremist groups such as Boko Haram and oil and tanker theft is generally carried out by criminal organizations for financial gain.

- *Vessel traffic*: The nature of how vessels travel through the regions also differs. Sea traffic off the Horn of Africa is characterized by large, high-speed cargo vessels transiting through the Gulf of Aden and Indian Ocean. Piracy in this region generally involves pirates pursuing and boarding moving vessels. In contrast, in the Gulf of Guinea, commercial vessels generally are smaller and operate closer to shore, slowing down to make port calls and stopping at off-shore facilities in territorial waters or in the exclusive economic zones of coastal states. The slow speeds and stationary positions make these vessels vulnerable to piracy and maritime crime.
- *Jurisdiction and response*: U.S. efforts to combat piracy off the Horn of Africa and maritime crime in the Gulf of Guinea evolved in response to the particular characteristics of piracy and maritime crime in each region and the extent to which the United States has jurisdiction and coastal states have the capability to respond. For example, the UN authorized international militaries and organizations to enter Somali territorial waters and economic zones to conduct counterpiracy operations and patrols as though they were international waters. The transitional and new Somali governments have relied on the assistance of international militaries since they are building maritime security capacities. Conversely, in the Gulf of Guinea, maritime security in territorial waters is under the authority of the respective recognized national governments in the region.¹⁵

The figures in Appendix II show the number of attempted and successful pirate attacks off the Horn of Africa and in the Gulf of Guinea respectively from 2010 through 2013.

In addition to the types of crimes, vessel traffic, and jurisdiction, other characteristics such as the reporting of incidents by vessel owners and operators and the ability of pirates to use land based safe havens for operations, among others, create differences between piracy off the Horn of Africa and piracy and maritime crime in the Gulf of Guinea. These differences are summarized in Table 1.

¹⁵ In June 2013, the governments of Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Democratic Republic of Congo, Cote d'Ivoire, Gabon, The Gambia, Ghana, Guinea, Guinea Bissau, Equatorial Guinea, Liberia, Mali, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, and Togo signed the *Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships, and Illicit Maritime Activities* in West and Central Africa which calls for a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms, among other things.

Table 1: Piracy and Maritime Crime Characteristics in the Horn of Africa and Gulf of Guinea

Piracy characteristic	Horn of Africa	Gulf of Guinea
Location of incidents	International waters	Territorial and international waters
States with jurisdiction	All states have jurisdiction within Somali coastal waters and in international waters	Gulf of Guinea coastal states have jurisdiction within 0-12 nautical miles and all states have jurisdiction in international waters
Quality of incident reporting ^a	Good reporting of incidents	Underreporting of incidents
Nature of ship traffic	Transit the area at higher speeds and can avoid Somali coast	Make port calls to coastal states and are often slow moving or stationary
Pirate actors	Homogeneous actors (predominantly from five Somali clans)	Diverse set of actors (former militants, criminals, transnational criminal organizations)
Type of piracy business model	Hijacking vessels and crews	Mixed – hijacking, robbery, cargo theft, kidnapping for ransom
Violence to crews/ hostages	Infrequent isolated incidents	Frequent incidents of violence throughout the event
Vessels targeted	Targets of opportunity, in particular ships that are “low and slow”	Intelligence-driven targets (i.e., pirates targeting vessels known to be carrying specific cargo such as oil) and some targets of opportunity
Pirate response to armed security teams	Pirates avoid engaging armed security teams	Pirates willing to engage armed security teams
Presence of safe havens	Safe havens off Somali coast serve as bases for operations	Limited safe havens to serve as bases for operations
Type of naval security forces in the region	International security forces provide naval patrols	Gulf of Guinea coastal states provide limited naval patrols

Source: GAO analysis of DOD, State, and UN information. | GAO-14-422

^a According to DOD officials, the quality of incident reporting is their assessment based on the number of incidents they are aware of compared to the number that is reported.

The Response to Piracy off the Horn of Africa Involves Combined Efforts from U.S. and International Partners

Since 2008, the international community has taken steps to respond to piracy off the Horn of Africa, including patrols by the United States, NATO, the European Union (EU), and others in waters near Somalia; the establishment of international naval task forces with specific mandates to conduct counterpiracy operations; and the formation of a voluntary multilateral Contact Group to coordinate international counterpiracy efforts such as the development of industry practices and coordination of international law enforcement efforts. Recognizing that vibrant maritime commerce underpins global economic security and is a vital national security issue, the United States has also developed policies and plans to collaborate with its international partners and to mobilize a U.S. interagency response. In December 2008, the NSC published the Action Plan, which discusses countering piracy emanating from Somalia. The Action Plan directed the Secretary of State and Secretary of Defense to establish a high-level interagency task force—the Counter-Piracy Steering Group—to coordinate, implement, and monitor the actions contained in the plan. In addition, the NSC directed that DOD, DHS, DOJ, State, DOT, the Treasury, and the Office of the Director of National Intelligence undertake coordinated initiatives in accordance with the plan, subject to available resources.¹⁶

Various Efforts Have Reduced Piracy off the Horn of Africa Since 2010, but the United States Has Not Updated Its Action Plan

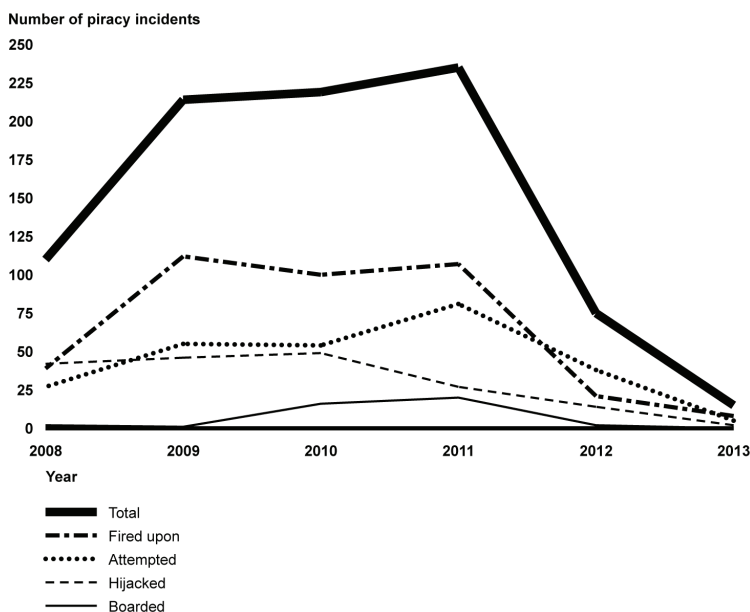
Piracy Incidents Off of the Horn of Africa Have Declined Since 2010

Piracy activity off of the Horn of Africa has declined as indicated by the number of incidents reported, the number of hostages taken, and the amount of money paid in ransoms in 2013 as compared with recent years. In September 2010, we reported that successful and attempted piracy attacks off the Horn of Africa had risen from 30 in 2007 to 218 in 2009.¹⁷ Our analysis of data provided by the IMB, which collects reported incidents from ship owners and operators, shows that the number of piracy incidents continued to rise to 235 in 2011, but declined thereafter to 15 total incidents in 2013, as shown in Figure 3.¹⁸

¹⁶ A list of U.S. agencies, international partners, and industry partners involved in the response to piracy off the Horn of Africa as of September 2010 can be found in GAO-10-856, p. 11 and 15.

¹⁷ GAO-10-856.

¹⁸ Reported incidents of piracy can vary based on the type of activity recorded and may include: (1) ships boarded, (2) ships hijacked, (3) attempted boardings of ships and (4) ships fired upon.



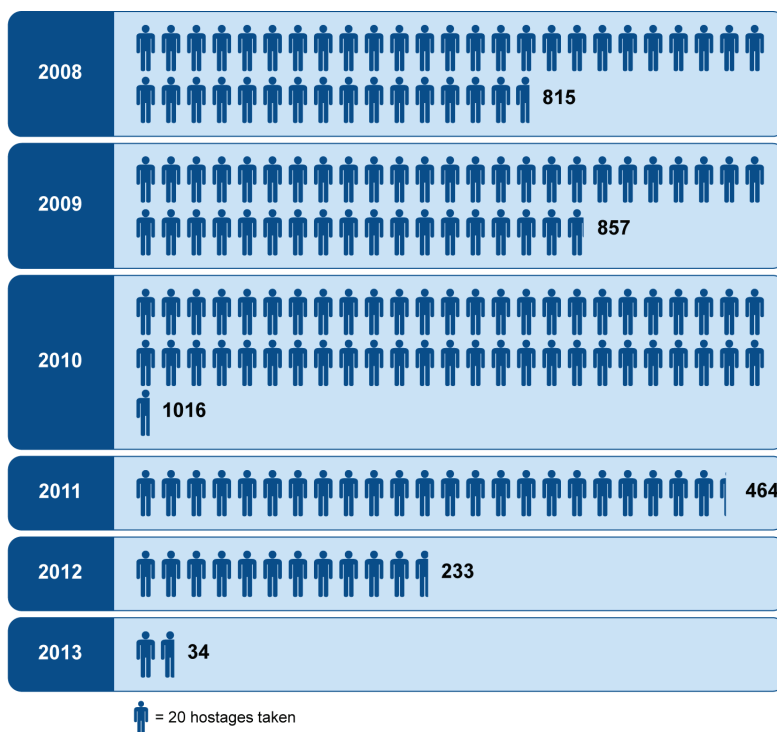
Source: GAO analysis of International Maritime Bureau data. | GAO-14-422

Figure 3: Piracy Incidents Reported off the Horn of Africa, 2008 through 2013.

At the same time, the number of hostages taken during pirate attacks rose from 815 in 2008 to 1,016 in 2010, but declined to 34 in 2013, as shown in Figure 4.

As the number of hostages taken during piracy incidents rose, the amount of ransom money collected by pirates also increased. According to the UN Office on Drugs and Crime and the World Bank, low estimates of the total dollar amount of ransoms paid to free hostages rose from \$2.4 million in 2007 to \$151.1 million in 2011 but declined to \$36.4 million in 2012.¹⁹ While ransoms paid were an estimated average of \$1.2 million in 2007, the estimated average amount rose to \$4 million in 2012, as shown in Figure 5. According to State Department officials, as of the end of 2013, there were at least 49 hostages from 11 countries held by Somali pirates.

¹⁹ *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, A World Bank Study (Washington, D.C.: World Bank, 2013), doi:10.1596/978-0-8213-9963-7.



Source: GAO analysis of International Maritime Bureau data. | GAO-14-422

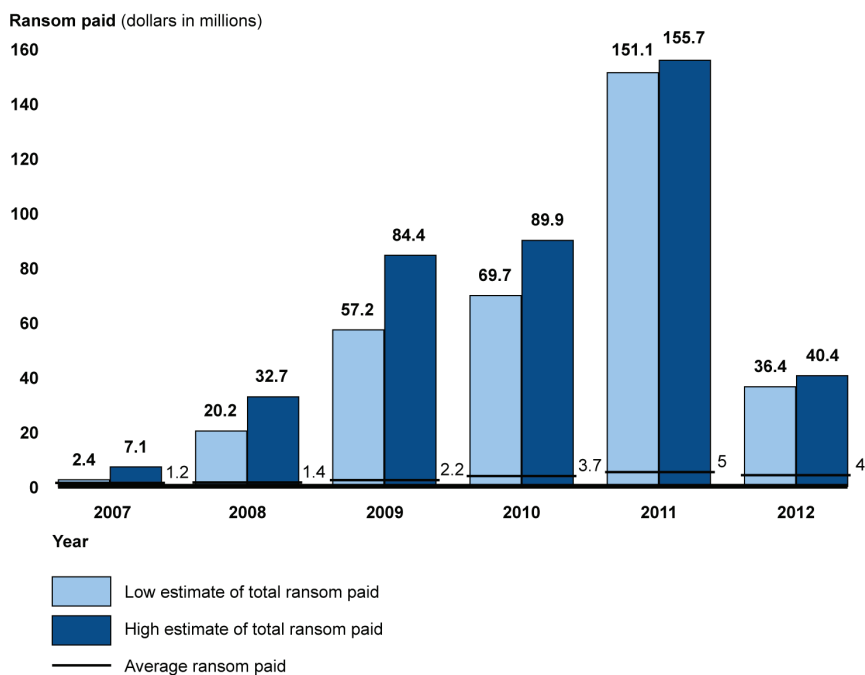
Note: Hostages taken include victims abducted from dhows, fishing ships, and merchant vessels. However, no hostages were taken from merchant vessels in 2013.

Figure 4: Hostages Taken in Horn of Africa Piracy Incidents, 2008 through 2013.

Officials Attribute the Decline in Horn of Africa Piracy to a Combination of Efforts to Prevent, Disrupt, and Prosecute

The Action Plan establishes the U.S. role in countering piracy as a collaborative one, seeking to involve all countries and shipping-industry partners with an interest in maritime security. DOD, DHS, DOJ, State, DOT, and the Treasury, in collaboration with their international and industry partners, have implemented steps in the Horn of Africa across the three lines of action established in the Action Plan, which are to: (1) prevent piracy attacks by reducing the vulnerability of the maritime domain, (2) disrupt acts of piracy in ways consistent with international law and the rights and responsibilities of coastal and flag states, and (3) ensure that those who commit acts of piracy are held accountable for their actions by facilitating the prosecution of suspected pirates.²⁰

²⁰ The flag state is the country in which the vessel is registered. In general, flag states have the authority to enforce their own as well as international regulations, such as those relating to security standards, with respect to such vessels.



Source: World Bank 2013. | GAO-14-422

Figure 5: Estimated Total and Average Ransoms Paid in Piracy Incidents off the Horn of Africa, 2007 through 2012.

U.S. Efforts to Prevent Acts of Piracy

U.S. agencies, in collaboration with their international and industry partners, have taken several steps to deter pirates and reduce the vulnerability of ships transiting off the Horn of Africa. DOD and State officials and representatives from each of eight shipping industry associations we met with emphasized that these prevention efforts work together and described the following as examples of key prevention efforts.

- Working with Industry:** U.S. agencies have worked with industry partners to develop guidance and requirements for implementing counterpiracy efforts. For example, the Coast Guard issued Maritime Security (MARSEC) Directives that provide guidance to owners and operators of U.S. vessels on how to respond to emerging security threats.²¹ These directives include practices that help to prevent pirate attacks and require that vessels operating in high risk waters update their vessel security plans to include security protocols for ter-

²¹ Port Security Advisory (2-09) (Rev. 3) Maritime Security (MARSEC) Directive 104-6 (series), *Guidelines for U.S. Vessels Operating in High Risk Waters*, January 07, 2011.

rorism, piracy, and armed robbery against ships in high risk waters. Among other things, these plans cover the need for enhanced deterrence, surveillance and detection equipment; crew responses if a potential attack is detected or is underway; and coordination with counterpiracy organizations that could be of assistance. The practices are mandated for U.S. flag vessels operating in high risk waters and are also recommended for foreign flag vessels in the Coast Guard's Port Security Advisories and in the International Maritime Organization's (IMO) Maritime Safety Committee circulars.²²

Additionally, the Coast Guard and DOT's Maritime Administration (MARAD) co-chaired Working Group 3 of the Contact Group on Piracy off the Coast of Somalia which focused on industry awareness. Through this working group, practices were developed and enhanced through the *Best Management Practices for Protection against Somalia Based Piracy* (BMP), developed by the working group's maritime industry representatives to deter, prevent, and deny incidents of piracy off the Horn of Africa. The BMP was introduced in 2008 as a joint industry strategy and has been updated based on lessons learned from investigated piracy incidents throughout the region. Version 4 of the BMP was issued in August 2011 and recommends 14 specific actions shipping companies can take to mitigate pirate activity while transiting high risk waters off the Horn of Africa. Examples of these ship protection measures include providing additional lookouts during watch periods, enhancing the ship's physical barrier, and establishing a safe point or secure citadel on the ship to ensure the safety of the crew and vessel during a pirate boarding. Use of the BMP is not mandatory; rather, officials from each of the eight shipping industry associations we interviewed describe the BMP as a tool kit of practices the ship's master can tailor to the situation and risks that the ship faces. Officials from an insurance industry association we met with stated that its members encourage and consider the implementation of the practices when pricing products based on steps that vessel owners have taken to mitigate risks.

Of the various implemented practices, officials from the six U.S. agencies engaged in counterpiracy activities and the eight shipping industry associations we interviewed describe the use of privately contracted armed security personnel on ships as a key factor in reducing the number of piracy incidents off the Horn of Africa. However, each of the eight shipping industry associations we interviewed stated that they do not want armed security teams to become a standard long term practice, primarily because of the hazards involved with the use of force and weapons aboard ships as well as the expense, with an average cost of about \$ 5,000 per day for a four person security team.

²² As a specialized agency of the UN, IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. The Maritime Safety Committee is a technical body with representatives from each of the IMO member states which, among other things, considers and submits recommendations and guidelines on safety for possible adoption by the IMO Assembly.

These officials added that, in comparison, requiring crew to continuously lookout for suspicious activity is a relatively low-cost measure when compared to deploying armed security personnel with a vessel – the burden of which could be too costly for smaller shipping companies. As security costs become a concern and the threat of piracy declines, DOD, EU, and NATO officials expressed concern that some in the shipping industry may seek to reduce the size and qualifications of the security teams as well as the hours they are deployed to protect the ship.

- *Strategic communication:* According to officials from DOD's AFRICOM, strategic communication from Somali radio stations is also an effective method of preventing piracy. These officials stated that the United States and its international partners have supported a partnership with Somali radio stations to bring awareness to the Somali public about the dangers of piracy and acts of abuse that hostages may endure.

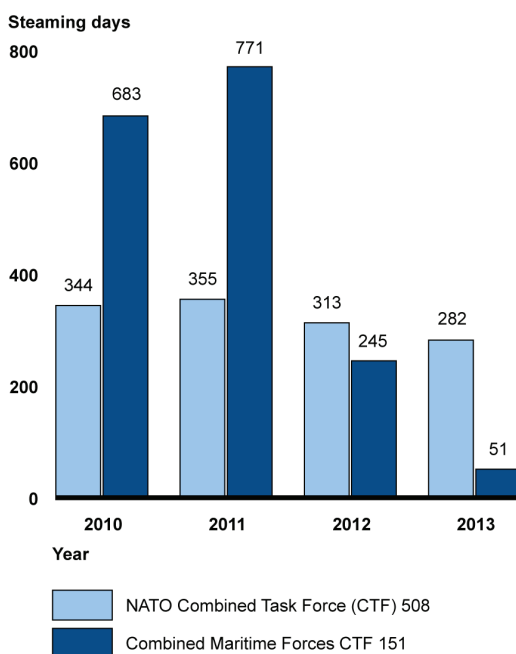
U.S. Efforts to Disrupt Acts of Piracy

U.S. efforts to disrupt acts of piracy involve working with international partners to position resources to interdict pirates at sea and prevent the financing of pirates on land. The following were described by DOD, State, Treasury, EU, and NATO as examples of U.S. efforts that are intended to prevent acts of piracy.

- *Maritime coalition operations:* DOD, State, industry, EU, and NATO officials cited the presence of international navies in the region as a key factor in interdicting and disrupting pirate activity. Three multinational maritime coalition operations—the Combined Task Force (CTF) 151, EU Naval Forces (EU NAVFOR) Operation Atalanta, and NATO's Operation Ocean Shield²³—along with independent deployments from countries outside of NATO and the EU such as China, India, Japan, and South Korea have worked to protect the waters off the Horn of Africa and the Internationally Recommended Transit Corridor (IRTC).²⁴ U.S. involvement in these activities is primarily through participation in CTF 151 and NATO's Operation Ocean Shield. DOD and State officials stated that these operations are effective in establishing a protective force in a region that is growing its own capabilities and has allowed the United States to build new partnerships with navies from around the world.

²³ CTF 151 is a multinational naval task force, set up in 2009 with a specific mandate to respond to piracy attacks in the Gulf of Aden and off the eastern coast of Somalia. The EU NAVFOR maintains a counterpiracy presence in the region with its Operation Atalanta CTF 465. NATO maintains its counterpiracy presence in the region with its Operation Ocean Shield CTF 508.

²⁴ The IRTC is a defined geographic area in which ships are protected by transiting in groups at a common speed or in a planned convoy accompanied by a military vessel.



Source: GAO analysis of Department of Defense data. | GAO-14-422

Note: Steaming days are the days in which a naval vessel is actively patrolling the waters.

Figure 6: U.S. Naval Vessel Steaming Days in Horn of Africa Task Forces, 2010 through 2013.

- U.S. presence:* According to Navy officials, while as of 2013 the United States no longer regularly dedicates naval vessels to CTF 151, the U.S. presence plays an important role in fostering the participation of other countries in the task force. Additionally, the Navy may task ships from other missions, such as counternarcotics or counterterrorism, into the task force on a given day or for short periods to respond in an emergency if they are the closest or most appropriate – consistent with the overarching goal of preserving safety of life at sea. The United States has regularly provided, from 2010 through 2014, at least one ship in support of NATO’s Operation Ocean Shield counterpiracy mission. As incidents of piracy have declined off the Horn of Africa, the number of steaming days has also declined, as shown in Figure 6.
- Disrupting pirate financing:* To help disrupt pirate revenue, the U.S. Treasury is authorized to block financial transactions of known pirate actors through the application of Executive Order 13536 when there is a nexus to U.S. inter-

ests.²⁵ Under this authority, Treasury may impose sanctions on individuals providing funds to known pirate actors and can block the transaction if it involves a U.S. financial institution. Officials from an insurance industry association we met with stated that ship owners can carry insurance policies that reimburse companies for ransom paid as a result of pirate attacks. According to Treasury officials, members of the U.S. and international shipping industry initially expressed concerns that the ransom paid and reimbursed by their policies could be prohibited by the executive order. Treasury officials also stated that the order has specific application, is applied on a case-by-case basis, and, as of March 2014, had not been formally applied in response to a potential ransom payment.

U.S. Efforts to Facilitate Prosecutions of Suspected Pirates

The Action Plan aims to ensure that those who commit acts of piracy are held accountable for their actions by facilitating the prosecution of suspected pirates, and in appropriate cases prosecuting pirates in the United States. Officials from DOD, State, and DOJ described several examples of how the United States plays a role in making sure pirates are brought to justice.

- *Building law enforcement capabilities:* The United States helps expand law enforcement capabilities within the region through two key efforts. The Naval Criminal Investigative Service conducts investigations and has developed a manual that provides recommendations to law enforcement agencies investigating acts of piracy at sea. Last, the United States has contributed to a piracy database administered by INTERPOL that allows law enforcement agencies to access evidence connected to piracy incidents, although U.S. investigations are primarily focused on piracy incidents with a nexus to U.S. interests.²⁶
- *Judicial capacity building:* U.S. agencies have also provided piracy related judicial capacity-building assistance to countries in the region, such as Kenya and the Seychelles, for law enforcement and prosecutions. These activities have included establishing regional courts and building prisons in Somalia. Additionally, DOD, DOJ, and State have worked with international partners to ensure that pirates are tried and held accountable for their crimes by facilitating prosecution agreements. As of November 2013, among 22 nations, 1,130 Somali pirates had been detained for trial, were on trial, or had been convicted.

²⁵ See Exec. Order No. 13,536, *Blocking Property of Certain Persons Contributing to the Conflict in Somalia*, 75 Fed. Reg. 19,869 (15 April 2010).

²⁶ INTERPOL is an intergovernmental organization made up of 190 member countries that facilitates international police cooperation. Members work together to provide targeted training, expert investigative support, relevant data and secure communications channels, among other services.

- *U.S. prosecutions:* The United States has jurisdiction to prosecute anyone who commits the crime of piracy as defined by the law of nations on the high seas and is later brought to or found in the United States.²⁷ U.S. government prosecutions have resulted in the conviction of at least 28 Somali pirates since 2010. In 2010, five men from Somalia were convicted of piracy and related offenses by a federal jury in what, according to DOJ officials, is believed to be the first piracy trial conviction in the United States since 1820 and is seen as the first in a series of government prosecutions aimed at slowing the spread of piracy off of Africa. In February 2013, a federal jury found five Somalis guilty of engaging in piracy and other offenses in connection with the attack on the Navy ship the USS Ashland. Additionally, in November 2013, a Somali pirate involved in the shooting of four Americans aboard a yacht off the coast of Somalia during a failed kidnapping attempt was sentenced to 21 life sentences for his role in their deaths.²⁸ Also, DOD, State, and DOJ officials stated that these prosecutions send a message that piracy carries serious consequences and may serve as a deterrent to others involved in piracy. However, DOJ and State officials told us that, especially in cases where the hijacked vessel or crew has little or no connection to the United States, a more appropriate role for the United States would be to provide technical assistance to other countries in prosecuting pirates.

Appendix III provides a summary of the three lines of action and specific activities in the Action Plan. DOD, State, U.S. Coast Guard, DOJ, DOT, and the Treasury attribute the decline in piracy attacks to the collective implementation of these actions. Officials from these agencies noted that the efforts of governments and the industry practices work together to reduce vulnerabilities and prevent attacks. DOD, State, EU, and NATO naval officials as well as officials from the eight shipping industry associations we interviewed cautioned that discontinuing counterpiracy efforts could provide opportunities for piracy to resurge off the Horn of Africa. They stated that piracy off the Horn of Africa is a crime of opportunity driven by economic conditions in Somalia that have not been addressed. They noted that the practices in place have reduced the likelihood of a successful pirate attack by increasing the risk but the capability and motivation of pirates have not changed.

The U.S. Action Plan Has Not Been Updated as We Recommended in 2010

The Action Plan was published in December 2008 when piracy off the Horn of Africa was on the rise but has not been updated, as we recommended in 2010, to reflect changing dynamics in piracy, such as industry's use of armed security teams or the sharp decline in piracy incidents, or to implement recommendations we previously made to include elements of a strategic approach. The Action Plan was developed to

²⁷ See 18 U.S.C. § 1651.

²⁸ In total, this prosecution resulted in the conviction of three pirates and guilty pleas from 11 others, all resulting in sentences of at least life imprisonment.

identify and implement measures to suppress pirate activity off the Horn of Africa. Its intent was to respond to the growing threat and be mutually supportive of longer-term initiatives aimed at establishing governance, rule of law, security, and economic development in Somalia. In September 2010, we reviewed the Action Plan, which implements the *National Strategy for Maritime Security*²⁹ and the *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea*³⁰ as applied to piracy off the Horn of Africa. At that time, we found that the Action Plan had not been revised to reflect adapted piracy tactics and did not designate which agencies should lead or carry out most activities.³¹ Additionally, we found that the National Security Council Staff (NSCS) did not fully include characteristics of a strategic approach in the Action Plan, such as measures to evaluate the effectiveness of U.S. resources applied to counterpiracy, the identification of roles and responsibilities, or the cost of U.S. activities relative to the benefits they achieved.³²

As a result, in September 2010 we recommended that the NSCS, in collaboration with the Secretaries of Defense, State, Homeland Security, Transportation, and the Treasury, as well as the Attorney General: (1) reassess and revise the Action Plan to better address evolving conditions off the Horn of Africa and their effect on priorities and plans; (2) identify measures of effectiveness to use in evaluating U.S. counterpiracy efforts; (3) direct the Counter-Piracy Steering Group to identify the costs of U.S. counterpiracy efforts including operational, support, and personnel costs; and assess the benefits, and effectiveness of U.S. counterpiracy activities; and (4) clarify agency roles and responsibilities and develop joint guidance, information-sharing mechanisms, and other means to operate across agency boundaries for implementing key efforts such as strategic communication, disrupting pirate revenue, and facilitating prosecu-

²⁹ The *National Strategy for Maritime Security* was created pursuant to National Security Presidential Directive NSPD-41/Homeland Security Presidential Directive HSPD-13 (21 December 2004) and identified piracy as a threat the strategy intended to address.

³⁰ The *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea* states that it is the policy of the United States to repress piracy through, among other actions, “continu[ing] to lead and support international efforts to repress piracy and urge other states to take decisive action both individually and through international efforts.”

³¹ An assessment of progress made in implementing the Action Plan as of September 2010 can be found in GAO-10-856, p. 19.

³² We developed the characteristics of a strategic approach after our research examining legislative and executive mandates, including the Government Performance and Results Act of 1993; general literature on strategic planning and performance; and guidance from the Office of Management and Budget on the President’s Management Agenda, found that there were no legislative or executive mandates identifying a uniform set of required or desirable characteristics for national strategies. Some of these characteristics include 1) a statement of purpose, scope, and methodology, 2) problem definition, 3) goals, priorities and performance measures, 4) costs and risk management, 5) roles, responsibilities, and coordination mechanisms, and 6) integration with other strategies. For a more detailed discussion, see *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, GAO-04-408T (Washington, D.C: GAO, 3 February 2004).

tion.³³ Since we issued our report in 2010, conditions have continued to change off the Horn of Africa in many ways since the Action Plan was developed in 2008. However, as of June 2014 the NSCS had not fully implemented the four recommendations from our September 2010 report as summarized in Table 2.

- In commenting on a draft of this report, an NSCS official stated that the Action Plan is being updated through a global action plan, with a separate annex focusing on the Horn of Africa, but did not indicate whether the plan would include all of the elements in our recommendations. We continue to believe our recommendations have merit and should be implemented. While conditions affecting piracy have continued to evolve in the Horn of Africa since 2010, the 2008 Action Plan continues to guide U.S. efforts. Officials from each of the six agencies engaged in counterpiracy activities noted that current efforts are suppressing piracy off the Horn of Africa, but the results are tenuous and piracy could resurge without addressing its root causes. The Action Plan was developed at a time when U.S. policy focused on addressing problems in the absence of a functioning government in Somalia and without involving a U.S. presence in the country. With U.S. agencies and industry both having limited resources available for counterpiracy activities, we continue to believe that implementing our recommendations would be of value in understanding the costs and benefits and measuring the effectiveness of U.S. counterpiracy efforts. DOD, Coast Guard, DOJ, and State officials, as well as shipping industry officials, noted that the suppression of piracy has been based on a combination of government and industry counterpiracy activities, particularly the use of armed security teams on private vessels and the presence of naval patrols. However, U.S. agencies do not assess how industry practices and government resources could potentially offset each other's roles and associated costs.³⁴ As we concluded in September 2010, in an environment where government resource decisions directly affect costs incurred by the shipping industry and international partners, balancing risk reduction and benefits with costs should be emphasized.

³³ Our recommendations were made to the National Security Staff which changed its name to the National Security Council Staff pursuant to Executive Order 13657, dated February 10, 2014.

³⁴ See appendix IV for a description of DOD counterpiracy costs, 2010 through 2013.

Table 2: Update on Recommendation Implementation since September 2010

2010 Recommendation	Update since 2010
<p>Reassess and revise the Action Plan to better address evolving conditions off the Horn of Africa and their effect on priorities and plans</p>	<p>Action Plan not updated. In September 2010, we recommended that the NSCS update the Action Plan because piracy was increasing and pirate tactics were changing. Since that time, conditions have continued to evolve off the Horn of Africa. Industry has made frequent use of embarked armed security teams. An internationally-recognized Somali federal government was established in August 2012 and responsibility for strategic communication was transferred to it. Piracy declined sharply in 2012 and 2013. EU NAVFOR and NATO counterpiracy operations off the Horn of Africa are set to expire by the end of 2016. State officials recognize that an updated Action Plan is needed and have provided input to the NSCS, but as of March 2014 they had not received guidance from the NSCS regarding any changes to counterpiracy plans or efforts. In commenting on a draft of this report, an NSCS official stated that a global action plan is being developed, with a separate annex focusing on the Horn of Africa and was expected to be issued in the summer of 2014.</p>
<p>Identify measures of effectiveness to use in evaluating U.S. counterpiracy efforts</p>	<p>Measures not established to assess counter piracy efforts. In September 2010, we recommended that the NSCS include measures of effectiveness in the Action Plan to provide direction for counterpiracy activities and information that could be used in strategic and resource-based decisions. During the course of this review, State officials told us the key measures are the number of hostages and ships hijacked, but they have not established formal measures and their decisions are generally guided by discussions rather than formal assessments. However, this information does not provide insight into which efforts are having the greatest effect in suppressing piracy.</p>
<p>Direct the Counter-Piracy Steering Group to identify the costs of U.S. counterpiracy efforts including operational, support, and personnel costs; and assess the benefits, and effectiveness of U.S. counterpiracy activities</p>	<p>U.S. counterpiracy costs and benefits not fully tracked. In September 2010, we reported that the United States is not collecting information to determine the most cost-effective mix of counterpiracy activities. During the course of this review, we obtained information from agencies identifying some costs related to their counterpiracy efforts. For example, the costs of counterpiracy efforts incurred by DOD peaked in 2011 at approximately \$ 275 million but have declined to approximately \$ 70 million in 2013.^a State tracks funds used to operate its counterpiracy and maritime security functions, as</p>

	<p>well as foreign assistance provided to African countries. However, most agencies do not systematically track the costs of counterpiracy efforts or activities because these efforts and activities typically fall under a broader maritime security category. Further, the Counter-Piracy Steering Group has not identified the benefits of the various counterpiracy activities relative to their costs and resources.</p>
<p>Clarify agency roles and responsibilities and develop joint guidance, information-sharing mechanisms, and other means to operate across agency boundaries for implementing key efforts such as strategic communication, disrupting pirate revenue, and facilitating prosecution</p>	<p>Agency roles and responsibilities defined for some tasks. In September 2010, we reported that agencies had made less progress in implementing action items in the Action Plan that involved multiple agencies than those that were the responsibility of one specific agency. Since that time, U.S. agencies have defined roles and responsibilities for applying the Maritime Operational Threat Response (MOTR) process to piracy incidents involving U.S. interests.^b DOJ officials stated that the NSCS has also identified roles and responsibilities for transporting pirate suspects for prosecution. However, the NSCS has not established roles and responsibilities across all activities outlined in the Action Plan.</p>

Source: GAO analysis of DOD, DHS, DOJ, State, Treasury, and NSCS information. | GAO-14-422

^a The costs include naval and air patrols, as well as contracted linguists.

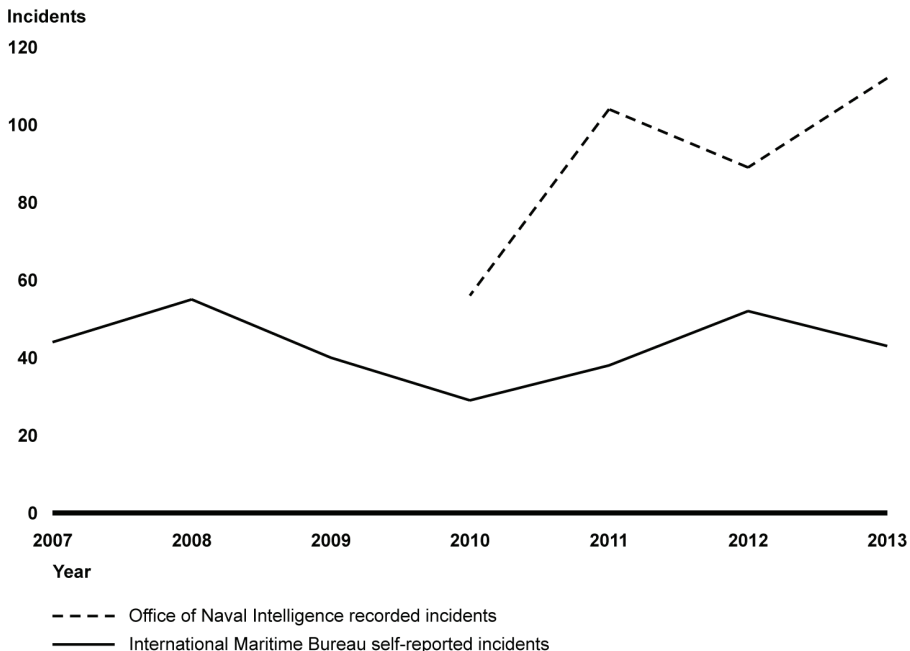
^b The MOTR is a separate presidentially approved Plan to achieve a coordinated U.S. Government response to threats against the United States and its interests in the maritime domain. The MOTR Plan contains operational coordination requirements to ensure quick and decisive action to counter maritime threats.

U.S. Efforts Aim to Address Piracy and Maritime Security in the Gulf of Guinea, but an Assessment Would Help Inform Efforts and Determine the Need for Additional Actions

Piracy and Maritime Crime in the Gulf of Guinea is an Ongoing Problem, although Recent Incidents May Indicate Evolving Tactics and Capabilities

Piracy and maritime crime, primarily armed robbery at sea, oil theft, and kidnapping, is a persistent problem that continues to contribute to instability in the Gulf of Guinea. According to ONI data, incidents of piracy and maritime crime in the Gulf of Guinea rose from nearly 60 in 2010 to over 100 in 2011, and totaled more than 110 in 2013, as shown in figure 7. According to this data, incidents in 2013 included 11 vessel hijackings and 32 kidnappings. According to officials from AFRICOM, ONI, State, and the IMO, this recent rise in piracy and maritime crime in the Gulf of Guinea is part of a long-standing, persistent problem in the region. For example, according to DOD officials, the Gulf of Guinea was the most active region in the world for piracy in 2007, prior to the rise in pirate activity off the Horn of Africa. According to the IMB, the number of vessel reported incidents in the Gulf of Guinea from 2007 through 2009 is

similar to that of 2011 through 2013.³⁵ IMO officials added that, while the reported incidents indicate an ongoing, persistent problem, the number and frequency of incidents do not yet rise to the epidemic proportions that were seen off the Horn of Africa.



Source: GAO analysis of International Maritime Bureau and Office of Naval Intelligence data. | GAO-14-422

Notes: ONI data is aggregated from multiple data sources (e.g., open source data such as media reports, IMB information, and all-source intelligence) and corroborated with other U.S. agencies and information. However, according to ONI officials, similar ONI data prior to 2010 is not available. IMB data is based on self-reporting by vessels and companies operating in the area made directly to IMB. According to DOD, State, industry, and IMB officials, there are several reasons for the variation between the two sets of data, including differences in categorization of incidents, validation of sources, under reporting, and differences in geographic scope. A discussion of the data used in this report can be found in appendix I.

Figure 7: Incidents of Piracy and Maritime Crime in the Gulf of Guinea, 2007 through 2013.

³⁵ As shown in Figure 7, IMB reports a dip in incidents in the Gulf of Guinea in 2010. The United Nations Office on Drugs and Crime and the U.S. Energy Information Administration reported that a contributing factor to this decline was the 2009 amnesty and subsequent ceasefire between the Nigerian government and Niger Delta militants who had previously been responsible for attacks on the oil industry, to include kidnappings, acts of piracy, and attacks on pipelines and other oil facilities. However, according to the Energy Information Administration as well as State officials, delayed progress in implementing some of the conditions of the amnesty has in turn contributed to increased oil theft and other attacks in recent years.

According to the U.S. Strategy to Combat Transnational Organized Crime and information from the U.S. Energy Information Administration, as well as the UN Security Council, piracy and maritime crime pose a threat to regional commerce and stability in the Gulf of Guinea. For example, according to the U.S. Energy Information Administration, while Nigeria has the second largest amount of proven crude oil reserves in Africa, as of December 2013, exploration activity there was at its lowest levels in a decade as a result of rising security problems related to oil theft, onshore pipeline sabotage, and piracy and maritime crime in the Gulf of Guinea, as well as other investment and government uncertainties.

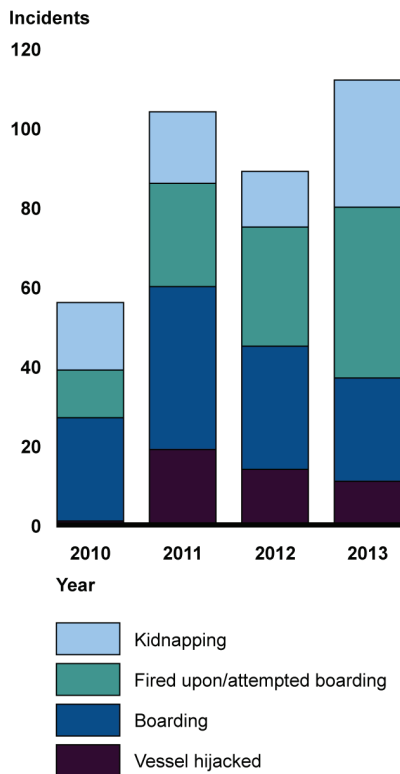
Moreover, incident data since 2010 shows that piracy is moving farther off shore, prompting concerns that these trends may continue. According to officials from AFRICOM, ONI, and State, and according to IMB data as shown in Figure 2 of this report, Gulf of Guinea piracy and maritime crime prior to 2011 have generally occurred in the coastal areas near Lagos or off the Niger Delta. However, recent attacks have taken place farther away from the waters off Nigeria, demonstrating a broader reach of pirates, as well as increasing the number of coastal states involved. For example, since 2011, several tanker hijackings were reported farther west than previously observed, off Togo and Cote d'Ivoire, according to ONI officials. Further, a July 2013 tanker hijacking off the coast of Gabon, and a similar incident off Angola in January 2014 represent, as of March 2014, the southernmost occurrences in which vessels were hijacked and sailed to Nigeria to offload the stolen oil cargo. According to AFRICOM officials, the ability to conduct such hijackings, which involve difficult maneuvering of large vessels across swaths of open water while conducting oil bunkering operations, illustrates that these maritime criminals may be increasingly capable of complex and long-range operations.³⁶

The types of piracy and maritime crime in the Gulf of Guinea fluctuate from theft of petroleum products and other cargo to include a greater proportion of kidnappings for ransom. According to ONI and AFRICOM officials, while the total number of incidents has remained relatively constant since 2011, they have observed a recent increase in the proportion of kidnappings. Specifically, incidents of kidnapping increased from 14 incidents (or 16 percent of attacks) in 2012, to 32 incidents (or 29 percent of attacks in 2013), as shown in Figure 8.³⁷ Further, combined with the higher levels of violence

³⁶ Oil bunkering is the process of offloading oil from one vessel onto another vessel.

³⁷ In the context of this report and data reported by ONI and IMB, kidnappings refer to those that have occurred, or were reported to have occurred. According to ONI and AFRICOM officials, such incidents would include scenarios in which oil industry personnel or others were kidnapped from offshore supply vessels or platforms and held for ransom, such as the case of the two U.S. oil industry personnel taken from the *C-Retrieve* in October 2013 off the coast of Nigeria. However, according to AFRICOM and Naval Forces – Africa officials, kidnappings conducted against the oil industry, including those perpetrated by Nigerian militants over the last decade, also include onshore kidnappings, or kidnappings within the inland waters and river ways of the Niger Delta. Onshore or inland kidnappings are generally not included in this data, and ONI officials said they take steps to validate the data they

seen in the Gulf of Guinea as compared to the Horn of Africa, MARAD, State, and all eight of the shipping industry association officials we interviewed expressed that the increasing prevalence of kidnappings is a cause for concern.



Source: GAO analysis of Office of Naval Intelligence data. | GAO-14-422

Figure 8: Types of Piracy and Maritime Crime Incidents in the Gulf of Guinea, 2010 through 2013.

report. However, ONI officials told us that some selfreported or other data may unintentionally include such incidents.

The United States Has Ongoing Efforts to Strengthen Maritime Security in the Gulf of Guinea

According to AFRICOM officials, the objective of building partner capacity in the Gulf of Guinea, including strengthening maritime security, has long been part of U.S. military and diplomatic efforts in the region, even though the United States and international partners do not generally conduct naval patrols such as those conducted off the Horn of Africa.³⁸ For example, AFRICOM has conducted training and other efforts to strengthen regional security, including combating piracy and maritime crime, since its creation in 2008. According to AFRICOM, State, and U.S. Coast Guard Officials, while U.S. efforts in the Gulf of Guinea are informed by the region's specific geopolitical context, they also include efforts aimed to improve the prevention, disruption, and prosecution of piracy and maritime crime.

U.S. Efforts to Prevent Acts of Piracy and Maritime Crime

According to State and DOD officials, providing a permanent U.S. or international interdiction presence in the region is impractical because foreign nations do not have the authority to conduct military operations in another sovereign nation's territory and the need for limited naval resources to address other strategic priorities. However, as in the Horn of Africa, a variety of U.S. efforts are underway to help prevent acts of piracy and maritime crime in the Gulf of Guinea, including in the following areas:

- *Coordination of international activities and assistance:* According to DOD and State officials, facilitating collaboration and avoiding duplication is important to U.S. and international partners. To help achieve this, and in recognition of increasing concern in the region, an ad hoc Group of Eight (G8) group called the G8++ Friends of the Gulf of Guinea was established to conduct high-level coordination and discussion of international assistance efforts.³⁹ Further, State and AFRICOM officials said that as part of their planning process, AFRICOM holds planning conferences to solicit input from international partners, coordinate activities, and leverage resources. All U.S. officials we spoke with agreed that while the establishment of the Contact Group for the Horn of Africa was helpful in the absence of a functioning Somali government, in the case of the Gulf of Guinea, solutions must emerge from the region itself, and the role of the international community is to support and promote African-led initiatives. For example, the U.S., through DOD and State, has supported and facilitated the efforts of the two relevant African

³⁸ Maritime security activities in the Gulf of Guinea are primarily conducted by DOD and State, while others such as U.S. Coast Guard and MARAD also play a role.

³⁹ Since 1997, the G8 has been a forum for the governments of eight of the world's largest national economies – Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States. In March 2014 it was announced that Russia would no longer take part in the international group; however, it is unknown how this will effect G8-related organizations.

economic communities—the Economic Community of West African States (ECOWAS), and the Economic Community of Central African States (ECCAS)—to develop and lead efforts to prevent and suppress piracy. For example, according to AFRICOM and State officials, AFRICOM and respective U.S. embassies supported the recent development of a code of conduct concerning the prevention of piracy, armed robbery, and other maritime crime, which was signed in June 2013 by leaders of the Gulf of Guinea coastal states.

- *Security advisories for U.S. vessels and ship protection measures:* MARAD provides security advisories to alert U.S. vessel operators transiting all over the world, and in August 2008, MARAD issued a maritime advisory warning of piracy and criminal activity against oil industry and other vessels by Niger Delta militants in Nigerian territorial waters. Additionally, in August 2010, MARAD warned that vessels operating near oil platforms in Nigerian waters were at high risk of armed attacks and hostage taking, and advised vessels to act in accordance with Coast Guard directives on security plans and risk assessments. Further, in March 2012, shipping industry organizations in coordination with NATO issued interim guidelines for protection against piracy in the Gulf of Guinea as a companion to their August 2011 BMP version 4 for the Horn of Africa region. Most recently, in July 2013, the U.S. Coast Guard directed U.S. vessels to revise their ship security plans and protective measures in response to continued attacks and lessons learned from investigations of recent incidents, including hijacking tankers for oil theft, acts of robbery, and kidnapping for ransom of vessel masters and officers from offshore oil exploration support vessels.

U.S. Efforts to Disrupt Acts of Piracy and Maritime Crime

Unlike off the coast of Somalia, where agreements authorize international forces, including the United States, to disrupt pirate attacks in territorial waters and dismantle pirate bases ashore, every Gulf of Guinea country possesses the sovereign rights to control its maritime and land borders. Accordingly, the U.S. role and the majority of its efforts pertain to training, security assistance, and coordination, including the following activities:

- *Bilateral equipment and training assistance to navies and coast guards:* According to IMO, DOD, and State officials, the development of regional countries' naval capabilities is critical to successfully fighting piracy and maritime crime in the Gulf of Guinea. Further, DOD officials told us that regional navies have either nascent or insufficient national maritime forces to independently combat the crime that occurs off their coasts, let alone that which may occur farther out to sea. To increase capabilities for regional maritime forces, State, in coordination with DOD, provides bilateral assistance and training to countries in the region. This includes approximately \$8.5 million since 2010 in equipment and related training (e.g., vessels, engines, and maintenance training and parts) provided to countries in the greater Gulf of Guinea region

to help build their maritime forces, according to State officials.⁴⁰ Additionally, according to State budget documents, since 2010, State has used its Africa Maritime Security Initiative to provide regional maritime security training and support through the DOD's Africa Partnership Station and requested \$2 million for this effort in fiscal years 2013 and 2014.⁴¹

- *Training exercises to strengthen regional response capabilities:* In addition to equipment and training to build countries' maritime forces, AFRICOM and its naval component, U.S. Naval Forces – Africa provide multilateral training to improve regional maritime security operations capability, such as navy-to-navy exercises focused on maritime interdiction operations and response. For example, the annual Obangame Express exercise is a multi-country, multi-fleet exercise that implements various scenarios over several days. Begun as a proof of concept in 2010 with limited countries and vessels involved, the objectives of Obangame Express conducted in February 2013, according to AFRICOM, were focused on information sharing and interoperability among 10 Gulf of Guinea countries, the ECCAS Combined Maritime Center, ECOWAS, as well as the United States and 4 international partners. The exercises involve combating and responding to various scenarios including oil bunkering, trafficking illegal cargo, illegal fishing, and piracy, and AFRICOM officials stated that future exercises already have commitments of expanded international and regional participation.

U.S. Efforts to Support Prosecution of Suspected Pirates and Maritime Criminals

According to the Action Plan, facilitating the prosecution and detention of pirates off the Horn of Africa is a central element of U.S. efforts to combat piracy in the region. However, as previously noted, the majority of Gulf of Guinea maritime crimes occur

⁴⁰ According to State officials, this amount includes completed assistance programs with appropriated funding from fiscal years 2010 through 2013; it does not include funding requests for fiscal year 2014 or activities with 2010 through 2013 funding that have not been fully executed. Additionally, State and AFRICOM officials said that their relevant Gulf of Guinea regional maritime security efforts, such as those provided through Africa Partnership Station, include West Africa countries not technically within the Gulf of Guinea.

⁴¹ Africa Partnership Station, directed by AFRICOM and administered through U.S. Naval Forces – Africa, is the platform through which U.S. maritime security assistance—including that through State and Coast Guard—is provided to Africa. According to Naval Forces–Africa program documents, the fundamental purpose is to foster safety and security at sea to help promote prosperity and development ashore, and its broad areas of effort include combating trafficking in North and West Africa, securing energy infrastructure and maritime transportation in the Gulf of Guinea, and countering Somalia-based piracy. AFRICOM officials stated this effort has grown from an individual U.S. training effort to a coordinated, international set of activities. For example, according to Naval Forces – Africa, in 2013 all ship contributions for Africa Partnership Station activities were from partner nations.

within the territorial waters of one or more country and as a result are under their legal jurisdiction. As such, the U.S. role in prosecuting suspected criminals, like its role in prevention and disruption of attacks, is one of support and capacity building, such as the following efforts:

- *Maritime law enforcement training and prosecution:* According to DOD, State, and U.S. Coast Guard officials, much of the training the United States provides to maritime law enforcement in the Gulf of Guinea is similar to that provided in the Horn of Africa, and is used to combat a variety of crimes, such as narcotics trafficking, arms smuggling, human trafficking, and illegal fishing, as well as piracy. For instance, in West Africa, AFRICOM and the Coast Guard provide training including visit, board, search, and seizure skills and mentorship through the African Maritime Law Enforcement Partnership (AMLEP) program, which aims to strengthen countries' abilities to enforce their maritime laws. AMLEP targets illicit trafficking in drugs, arms, and humans, as well as counterpiracy issues and illegal fishing, and the program has resulted in the successful seizure and prosecution of illegal fishermen by African law enforcement officers in African waters, according to AFRICOM officials.
- *Judicial capacity building:* State's Bureau of International Narcotics and Law Enforcement (INL) has conducted a series of regional maritime criminal justice seminars. Specifically, INL and the Africa Center for Strategic Studies have hosted a series of Trans-Atlantic Maritime Criminal Justice Workshops, which provide an opportunity for regional law enforcement agencies to learn about maritime crime and related gaps in their judicial systems. This series of conferences included a June 2013 session for ECOWAS countries in Ghana, with the other conferences held in February 2013 in Cape Verde and February 2014 in Benin. Additionally, according to State officials, in 2013 the agency began discussions with the G8++ Friends of Gulf of Guinea to develop possible future U.S. programs to strengthen regional countries' capacity to investigate and prosecute cases of armed robbery at sea and piracy.⁴²

The United States Has Not Assessed Piracy and Maritime Crime in the Gulf of Guinea

According to DOD and State officials, U.S. efforts to combat piracy and maritime crime in the Gulf of Guinea are guided by the same over-arching U.S. policies and security goals as the efforts to combat piracy off of the Horn of Africa. These policies include the 2007 *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea*, the 2011 *Strategy to Combat Transnational Organized Crime*, the 2012

⁴² The United States also engages in a variety of judicial sector reform and bilateral governance programs intended to strengthen national judicial systems in Nigeria and other countries in the region, which includes but is not specifically aimed toward maritime law enforcement and prosecution capabilities, according to State officials.

Strategy toward Sub-Saharan Africa, the 2012 *National Strategy for Maritime Security*, and the 2013 *National Maritime Domain Awareness Plan*. For example, the *Strategy to Combat Transnational Organized Crime* outlines East and West African maritime security as regional priorities, specifically noting incidents of Somali piracy and oil theft and kidnapping of oil workers in the Gulf of Guinea. DOD and State officials emphasized that U.S. efforts are then developed in consideration of the particular contexts of each region. In the case of Somalia, the surge and intensity of the rising piracy problem, the specific nature of the crime, and the absence of a functioning government presented a crisis that warranted collective international action, as well as a U.S. plan to guide its contribution to this response. Alternatively, State, DOD, and Coast Guard officials we spoke with explained that because the context of maritime crime in the Gulf of Guinea, and thereby the U.S. efforts there, encompass a broader set of geopolitical issues and maritime crimes, creating a piracy-focused plan similar to the Action Plan in the Horn of Africa may not be appropriate.

While there is not a whole-of-government plan to guide maritime security efforts in the Gulf of Guinea, DOD, State, Coast Guard, and others continue to expand and coordinate their maritime security activities there, which range from individual boarding team trainings to broad judicial sector reform. DOD and State officials told us that as the United States and international partners look to expand efforts in the Gulf of Guinea, coordinating activities to achieve the most effective mix and efficient use of resources is increasingly important. For example, officials from U.S. Naval Forces – Africa stated that occasional duplication of training activities can happen, particularly as international partners increase their attention to the region. However, according to officials from the U.S. government agencies working in the region, the NSCS has not directed them to conduct a collective assessment of efforts to combat piracy and maritime crime that weighs the U.S. security interests, goals, and resources in the region against the various types of agency and international activities underway. Moreover, while individual agencies have conducted analysis regarding the incidents of piracy and maritime crime such as armed robbery and kidnapping in the region, there has not been a coordinated interagency appraisal of how the variety of existing and planned activities address U.S. policy objectives in the context of such a broad set of maritime crimes, from illegal fishing and oil theft, to arms trafficking and kidnapping of U.S. citizens from offshore supply vessels.

The *National Maritime Domain Awareness Plan* cites the importance of understanding new and emerging maritime challenges in the maritime domain, the development of solutions to address those challenges, and continuous reassessment using risk management principles. Further, the *Strategy to Combat Transnational Organized Crime* outlines a specific set of U.S. priority actions to combat transnational criminal threats such as piracy and maritime crime, one of which is to increase research, data collection, and analysis to assess the scope and impact of such crime and the most effective means to combat it.

Individual agencies may include some assessment information into their planning and evaluation processes but this information is specific to agencies and programs rather than the overall U.S. effort. For example, according to AFRICOM officials, it

uses available information to assess the operating environment, such as demographic surveys, to develop indicators to help measure program effectiveness, or it may conduct an assessment of a partner country's naval capabilities to inform program design. However, the chief of the AFRICOM assessments directorate said this assessment process is relatively new for the command, and there are no known interagency efforts to leverage this information into a broader assessment of U.S. maritime security or counterpiracy efforts. Additionally, according to State officials from the Political-Military Affairs Bureau, while individual programs such as State's foreign military financing or other security assistance activities may conduct evaluations of their programs, it is not part of a broader assessment of State's regional maritime security activities.

Program guidance for other multi-agency international collaborative efforts—such as providing counternarcotics assistance to countries to disrupt drug production and trafficking—has also shown that assessing agencies' progress in meeting established goals can provide better information for decision making. Guidance for these efforts demonstrates how incorporating elements of a strategic approach such as evaluating performance measures and setting performance targets can provide oversight and guide management decisions about the allotment of program resources.⁴³ If a multi-agency collaborative plan, such as the Action Plan, was developed for the efforts that address piracy and maritime crime in the Gulf of Guinea, including elements of a strategic approach could help determine the best use of resources to meet its objectives.⁴⁴

An assessment that identifies the various U.S. and international efforts underway to strengthen maritime security, examines the relationship of these efforts with the nature and scope of the problem in the region, and considers the geopolitical environment and other regional factors could help strengthen ongoing efforts to combat maritime crime, as well as inform the appropriate mix of activities in order to use resources most effectively. Further, such an assessment could help determine whether additional actions, such as developing an action plan or other guidance, is needed to align U.S. interagency efforts to better achieve national security goals. In commenting on a draft of this report, an NSCS official stated that a global action plan is being developed, with a separate annex focusing on the Gulf of Guinea, but did not indicate the extent to which the plan was based on an assessment of ongoing activities or would include elements of a strategic approach.

⁴³ GAO, *Counternarcotics Assistance: U.S. Agencies Have Allotted Billions in Andean Countries, but DOD Should Improve Its Reporting of Results*, GAO-12-824 (Washington, D.C.: GAO, 10 July 2012).

⁴⁴ GAO-10-856. Elements of a strategic approach that could benefit such a plan include those previously recommended for the Action Plan to combat piracy off the Horn of Africa including defined agency roles and responsibilities; measurable goals and objectives linked to agency activities; a mechanism to assess the collective effectiveness, costs, and benefits of U.S. interagency activities; and a process to revise the plan as necessary to address evolving conditions, assessments of U.S. efforts, and priorities.

Conclusions

Since our September 2010 report on piracy off the Horn of Africa, the U.S. Government—as part of an international partnership—has continued to take steps outlined in the Action Plan to counter piracy. In 2013, piracy steeply declined off the Horn of Africa, but the gains are tenuous and piracy could easily resurge if the international coalition becomes complacent. Whether piracy incidents are rising or declining, it is important for the Action Plan to be updated to account for current circumstances. In addition, our current work indicates that the U.S. Government has not implemented additional steps we recommended to identify measures of effectiveness, identify costs and benefits, and clarify agency roles and responsibilities. We are not making any new recommendations regarding the Action Plan for the Horn of Africa, but we continue to believe that our 2010 recommendations remain relevant to the changing conditions, and acting on these recommendations would assist the NSCS—and DOD and State as the co-chairs of the Counter-Piracy Steering Group—in better assessing, planning, and implementing actions to counter piracy as it continues to evolve, and would help ensure that recent progress is sustained.

Meanwhile, piracy and maritime crime in the Gulf of Guinea has escalated and in 2013 surpassed the Horn of Africa in terms of incidents. The variety of U.S. efforts by multiple government agencies to combat piracy in the region highlights the importance of having coordinated activities that combine the most effective mix of resources. Without a collective assessment of the scope and nature of the problem of piracy and maritime crime, particularly in the Gulf of Guinea where no such collective assessment has occurred, the U.S. may not be coordinating its efforts in the most effective or cost efficient manner. An assessment of the various U.S. and international efforts, as well as of the geopolitical environment and other regional factors could help determine what additional actions are needed to align all of the efforts underway. Furthermore, an assessment of whether and to what extent such actions, such as developing an action plan that would include elements of a strategic approach, is needed can guide decision making to address the evolving threat, coordinate resources and efforts, and prioritize maritime security activities in the Gulf of Guinea.

Recommendations for Executive Action

To help ensure that efforts to counter piracy and maritime crime are coordinated and prioritized to effectively address the evolving threat, we recommend that the Assistant to the President for National Security Affairs, in collaboration with the Secretaries of Defense and State, work through the Counter-Piracy Steering Group or otherwise collaborate with the Secretaries of Homeland Security, Transportation, and the Treasury, and the Attorney General to

- conduct an assessment of U.S. efforts to address piracy and maritime crime in the Gulf of Guinea to inform these efforts and

- determine whether additional actions to address counterpiracy and maritime security, such as developing an action plan that includes elements of a strategic approach, are needed to guide and coordinate activities.

Agency Comments and Our Evaluation

We provided a draft of this report to DOD, DHS, DOJ, State, DOT, Treasury and the NSCS for review and comment. DHS, DOJ, DOT, and Treasury did not provide official comments on our draft report and DOD and State deferred to the NSCS for comments on the recommendations. In an email from the NSCS dated June 12, 2014, the NSCS did not concur or non-concur with our recommendations, but provided information related to its current counterpiracy efforts.

Specifically, the NSCS stated that it is coordinating with departments and agencies through the interagency process to develop a global action plan for countering piracy, with separate annexes focusing on the Horn of Africa and the Gulf of Guinea. The updated plan will provide guidance to the federal government focusing on three core areas including: prevention of attacks, response to acts of maritime crime, and enhancing maritime security and governance. The plan will be forthcoming in the summer of 2014 and the Executive Branch will continue to evaluate maritime crime around the world and develop or refine guidance to account for evolving conditions in specific regions.

We are encouraged by the steps being taken by the NSCS in providing the federal agencies responsible for counterpiracy activities with an updated plan, but it is not clear to what extent the plan will include previously recommended elements of a strategic approach. The description of the plan appears to provide a needed update to the Action Plan given the changes in conditions off of the Horn of Africa. The updated plan also appears to be responsive to part of our recommendation to consider additional actions such as developing a similar plan for the Gulf of Guinea. However, the description of the plan does not address the extent to which it will include elements such as an assessment of costs and benefits, measures of effectiveness to evaluate counterpiracy efforts, and defined roles and responsibilities for the agencies involved in carrying out counterpiracy activities. Further, the description does not address the extent to which the updated plan is based on an assessment of ongoing counterpiracy activities in the Gulf of Guinea. We will monitor the situation and review the updated plan once it is released and will continue to monitor the NSCS's progress in planning and providing guidance for counterpiracy activities as well as DOD and State's progress in implementing the plan as co-chairs of the Counter Piracy Steering Group.

DOD, DHS, and DOJ provided technical comments on a draft of this report which have been incorporated as appropriate.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies of this report to the Assistant to the President for National Security Affairs; the Attorney General; the Secretaries of Defense, Homeland Security, State,

Transportation, and the Treasury; and other interested parties. In addition, the report will be made available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact either Stephen L. Caldwell at (202) 512-9610 or CaldwellS@gao.gov or Chris P. Currie at (404) 679-1875 or CurrieC@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are found in Appendix V.

Stephen L. Caldwell
Director, Homeland Security and Justice

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Appendix I: Objectives, Scope, and Methodology

This report assesses how piracy off the Horn of Africa has changed since 2010 and describes U.S. efforts to assess its counterpiracy actions, given any changing conditions, and identifies trends in piracy and maritime crime in the Gulf of Guinea and U.S. efforts to address them and evaluates the extent to which the United States has assessed its counterpiracy efforts in the Gulf of Guinea.

To assess how piracy off the Horn of Africa has changed since 2010, we analyzed data from the International Chamber of Commerce's International Maritime Bureau (IMB) and the U.S. Office of Naval intelligence (ONI) on reported piracy incidents, hostages taken, and ransoms paid off the Horn of Africa from 2008 through 2013.⁴⁵ We discussed data-collection methods, processes for data entry, and the steps taken to ensure the reliability of the data with both IMB and ONI officials. We collected information from both IMB and ONI on their processes for quality control, data verification, and how potential errors are identified and corrected. We also discussed variation between IMB and ONI data with officials from ONI and other Department of Defense (DOD) organizations, the Department of State (State), and IMB, who attributed differences in categorization of incidents, validation of sources, and geographic scope to the variation.⁴⁶ Officials stated that while values between ONI and IMB data may differ, IMB is a generally accepted data source for tracking global piracy incidents and suitably reflects general historical trends.⁴⁷ We determined the data to be sufficiently reliable for the purposes of describing the context, trends, and scope of pirate attacks off the Horn of Africa in this report. In addition, we met with U.S. agency officials, international partners, and representatives from insurance, shipping, and private security industry associations to discuss their involvement in counterpiracy activities such as developing best practices for protecting ships from pirate attack, working with the international Contact Group on Piracy off the Coast of Somalia, and participating in naval

⁴⁵ The IMB collects its data on piracy incidents through its Piracy Reporting Centre. According to the IMB, the primary functions of the center are: to be a single point of contact for ship masters anywhere in the world who are under piratical or armed robbery attack; to immediately relay information received to local law enforcement agencies requesting assistance; and to immediately broadcast the information to all vessels in the region in order to increase overall domain awareness.

⁴⁶ We reviewed unclassified ONI data that is aggregated from multiple information sources (e.g., all-source data such as company- or vessel-provided information, media reports, and IMB data, as well as other U.S. and international partner entities such as MARAD, NATO, and the United Kingdom Maritime Trade Organization) and corroborated with other U.S. Government entities. IMB data is based on self-reporting of actual and attempted incidents by vessels and companies directly to IMB's Piracy Reporting Centre.

⁴⁷ IMB officials told us there is the potential for underreporting with their data because they rely on ship officials to provide the information, and the extent to which individuals are willing to report incidents can vary.

patrols off the Horn of Africa.⁴⁸ We met with officials from shipping industry associations that represent owners and operators from over 80 percent of the world's merchant fleet and provide a unified industry voice in the creation of industry policy and strategy; insurance industry associations whose members cover approximately 90 percent of the world's ocean-going tonnage; and a private security industry association that has over 180 members across 35 countries. While the statements of these industry officials cannot be generalized to the entire industries they represent, their perspectives provide valuable insight since each is actively involved in international collaborative efforts to combat piracy. To determine the extent to which the U.S. has assessed its counterpiracy actions as outlined in the 2008 *Countering Piracy off the Horn of Africa: Partnership and Action Plan* (Action Plan), we reviewed the Action Plan, the 2005 *National Strategy for Maritime Security*, the 2007 *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea*, relevant U.S. policies and laws, and United Nations Security Council resolutions. We also reviewed program documents including briefings and meeting summaries and interviewed officials from DOD, State, and the Departments of Homeland Security (DHS), Justice (DOJ), Transportation (DOT), and the Treasury, including components such as U.S. Naval Forces – Central Command, the U.S. Coast Guard, and the Federal Bureau of Investigation (FBI), to discuss implementation of the Action Plan and the status of our 2010 recommendations to improve the plan.⁴⁹ We selected these departments and agencies because the Action Plan states they shall contribute to, coordinate, and undertake initiatives in accordance with the plan.

To identify trends in piracy and maritime crime in the Gulf of Guinea we analyzed IMB data on actual and attempted piracy incidents from 2007 through 2013, and ONI data from 2010 through 2013. As with the IMB and ONI data pertaining to the Horn of Africa, we collected information on the quality control, verification, and safeguards from error and discussed the reliability of the data with officials from IMB, ONI, and State officials involved in maritime security initiatives in the Gulf of Guinea and determined the data to be sufficiently reliable for the purposes of this report. Because ONI data on the Gulf of Guinea is unavailable prior to 2010 we chose to present the IMB data from 2007 through 2013 alongside the ONI data to show trends over a broader period. In addition to data, we reviewed publicly available reports and documents regarding maritime security and piracy in the Gulf of Guinea from the United Nations Office on Drugs and Crime, the EU, and other multilateral and nongovern-

⁴⁸ Pursuant to UN Security Council Resolution 1851 (2008), which encouraged states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact, the Contact Group on Piracy off the Coast of Somalia was established on January 14, 2009, to facilitate the discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia.

⁴⁹ GAO, *Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa*, GAO-10-856 (Washington, D.C.: GAO, 24 September 2010).

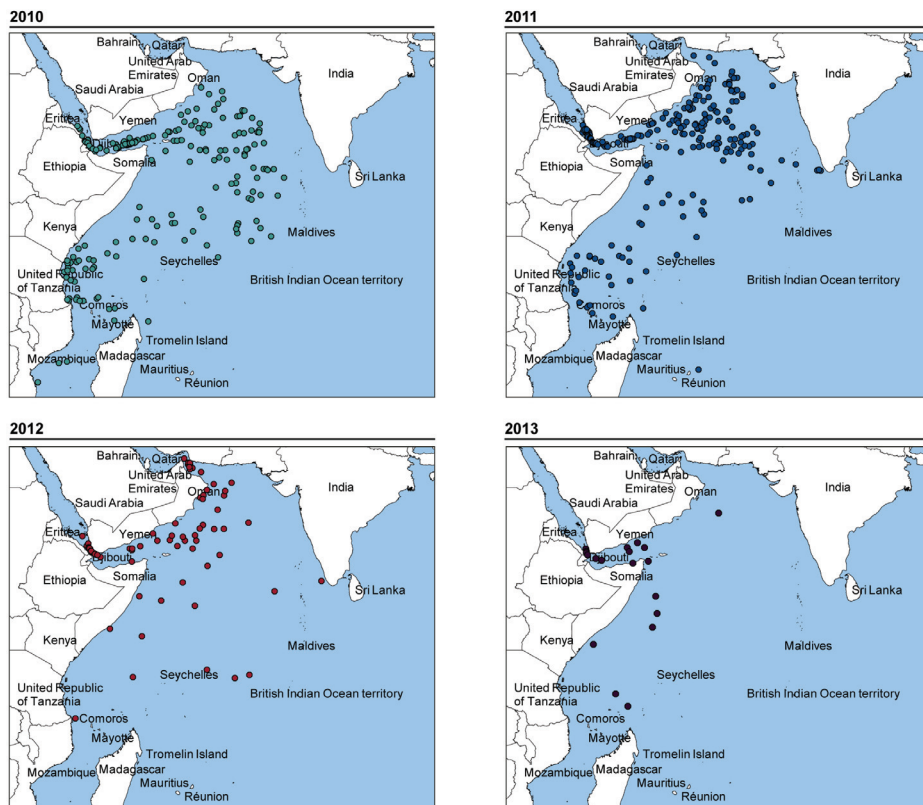
mental organizations. To evaluate U.S. efforts to address piracy and maritime crime in the Gulf of Guinea, as well as the extent to which the U.S. has assessed the need for a strategic approach for the region, we reviewed relevant U.S. and international policies and laws, such as the 2005 *National Strategy for Maritime Security*, 2007 *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea*, the 2008 *Action Plan*, the 2012 *Strategy toward Sub-Saharan Africa*, and United Nations Security Council resolutions pertaining to the Gulf of Guinea. We also compared agency efforts with U.S. policy priorities and requirements for conducting assessments outlined in the 2011 *Strategy to Combat Transnational Organized Crime* and the 2013 *National Maritime Domain Awareness Plan*, documents that guide U.S. maritime security efforts, including in the Gulf of Guinea.

For both of our objectives, we interviewed officials and, where appropriate, obtained documentation related to their activities off the Horn of Africa or in the Gulf of Guinea such as fact sheets, briefings, and meeting summaries from the following U.S. government agencies and offices, international entities, and U.S. and international industry and nongovernmental organizations:

- Department of Defense
- Department of State
- Department of Homeland Security
- Department of Justice
- Department of Transportation
- Department of the Treasury
- International Government and Multilateral Organizations include: International Maritime Organization (United Kingdom), European Union Naval Forces (United Kingdom), Combined Maritime Forces (Bahrain), etc.
- Industry Partners and Nongovernmental Organizations include: Baltic and International Maritime Council (BIMCO), Center for Strategic and International Studies, Chamber of Shipping of America, International Association of Dry Cargo Shipowners (INTERCARGO), etc.

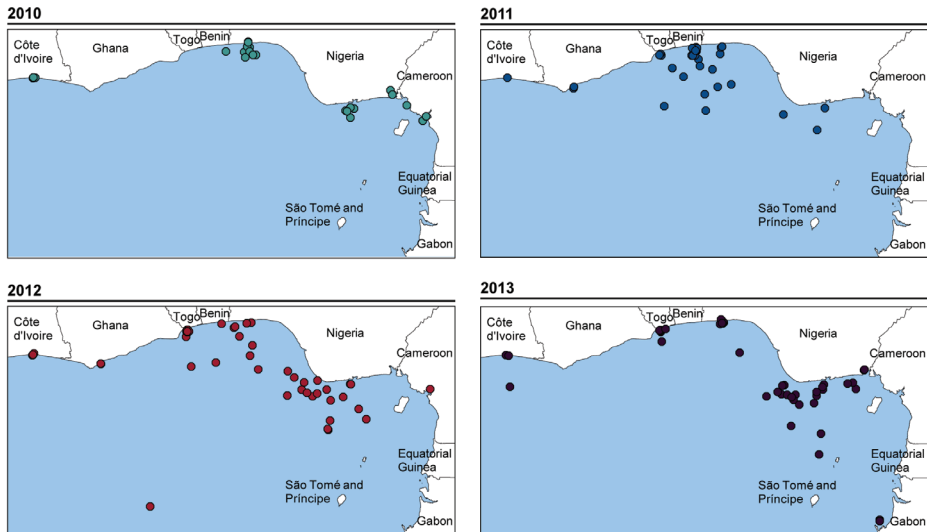
We conducted this performance audit from June 2013 to June 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Attempted and Successful Pirate Attacks off the Horn of Africa and in the Gulf of Guinea, 2010 through 2013



Source: GAO analysis of International Maritime Bureau data (data); MapInfo (map). | GAO-14-422

Figure 9: Attempted and Successful Pirate Attacks off the Horn of Africa, 2010 through 2013.



Source: GAO analysis of International Maritime Bureau data (data); MapInfo (map). | GAO-14-422

Figure 10: Attempted and Successful Pirate Attacks in the Gulf of Guinea, 2010 through 2013.

Appendix III: Interagency Progress in Implementing the Lines of Action in the National Security Council's 2008 *Countering Piracy off the Horn of Africa: Partnership and Action Plan*

In September 2010, we assessed the counterpiracy efforts of the United States government against the lines of action identified in the *Countering Piracy off the Horn of Africa: Partnership and Action Plan* (Action Plan).⁵⁰ These lines of action continue to guide the United States' efforts off the Horn of Africa. Table 3 summarizes our assessments from our September 2010 report and also provides updated information for each action since that time.⁵¹

Table 3: Interagency Progress in Implementing the Lines of Action in the National Security Council's (NSC) 2008 Action Plan.

Tasks within each Line of Action	Status as of March 2014
<i>Line of Action 1: Prevent pirate attacks by reducing the vulnerability of the maritime domain to piracy</i>	
Establish and maintain a Contact Group	We assessed that the United States had made substantial progress on this action in 2010 by helping establish the Contact Group on Piracy off the Coast of Somalia, pursuant to UN Security Council Resolution 1851. Chaired by the United States in 2013, the voluntary group of over 80 countries, organizations, and industry groups facilitate the discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia. The 2014 chair is the European Union.
Strengthen and encourage the use of the Maritime Security Patrol Area	We assessed that the United States had made substantial progress in this area in 2010 by working with international and industry partners. Since that time, the U.S. has continued to strengthen patrols by providing surface and air support. The U.S. has also actively encouraged practices such as registering with the regional coordination center and traveling in convoys. However, the United States has limited influence with ships that are not U.S. flagged.

⁵⁰ GAO, *Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa*, GAO-10-856 (Washington, D.C.: GAO, 24 September 2010).

⁵¹ In our September 2010 report, we assessed the efforts of U.S. agencies using three levels of progress: (1) substantial progress, (2) some progress, and (3) little or no progress.

<p>Updating ships' security plans</p>	<p>We assessed that the Coast Guard had made substantial progress in this area in 2010 by approving piracy annexes to ship security plans for 100 percent of U.S.-flagged vessels identified as transiting high-risk waters, including those in the Horn of Africa. The Coast Guard has also issued Maritime Security (MARSEC) Directives that provide direction to owners and operators of U.S. vessels on how to respond to emerging security threats. The industry updated the Best Management Practices by releasing BMP4 in August 2011 to include recommended risk assessments and planning practices.</p>
<p>Strategic communication</p>	<p>The U.S. government made some progress on this in 2010 by issuing counterpiracy statements and supporting international efforts. Since 2010, the United States began periodic anti-piracy radio programming in Somalia in coordination with local organizations, NATO, and the United Nations (UN). In November 2013, the Somali Government took over the responsibility for strategic communication.</p>
<p><i>Line of Action 2: Disrupt acts of piracy consistent with international law and the rights and responsibilities of coastal and flag states</i></p>	
<p>Support a regionally based Counter-Piracy Coordination Center (CPCC)</p>	<p>We assessed that this action was not applicable in 2010 because there were already reporting and monitoring functions being performed by other organizations. While the United States has not directly established a regional counterpiracy coordination center, the United States provides assistance to other centers. For example, the United Kingdom has established the Regional Fusion and Law Enforcement Center for Safety and Security at Sea in partnership with the Seychelles. State and DOJ have worked with the center to improve information sharing and coordination with INTERPOL. EU NAVFOR has also established the Maritime Security Centre – Horn of Africa (MSCHOA) to provide 24-hour manned monitoring of vessels transiting through the Gulf of Aden. While the United States supports the mission of these centers, State officials stated that it would be duplicative to establish one of its own and have no plans to do so.</p>

Seize and destroy pirate vessels and related equipment and deliver suspected pirates to prosecuting states	We assessed that the U.S. government had made some progress in this area in 2010. Since that time, the United States and international forces have delivered over 1,000 piracy suspects for prosecution. The United States and international forces have also continued to seize vessels and equipment used for piracy.
Provide interdiction-capable presence	The U.S. Navy and Coast Guard had made substantial progress on this in 2010 and continue to contribute assets (such as ship and air patrols), leadership, and other support to coalition forces patrolling off the Horn of Africa. As piracy has decreased the United States has contributed fewer Naval patrols, but air patrols and other contributions have been more consistent.
Support shiprider ^a programs and other agreements	<p>The U.S. government had made some progress on this in 2010 and continues to support other bilateral and regional arrangements to bolster regional capabilities to counter piracy. These include collecting and analyzing incident information, as well as facilitating assistance and a coordinated and effective information flow among partners.</p> <p>DOJ officials stated that U.S. agencies have not established shiprider programs and have no plans to do so because the U.N. has designated Somalia's territorial waters as international waters for the purpose of fighting piracy. Therefore they question the benefits of shiprider programs to facilitating prosecutions in this context.</p>
Disrupt and dismantle pirate bases ashore	While the U.S. government had taken little or no action on this in 2010, the EU has since taken military action against pirate bases on the Somali coast. As a result, pirate bases have been largely dismantled or moved inland where DOD officials reported that they are a less effective threat.
Disrupt pirate revenue	The U.S. government had made some progress on this in 2010 as the President signed an executive order blocking assets of certain designated individuals, including two pirate financiers. ^b However, U.S. efforts to track financial assets or transactions are hampered because there are not financial institutions in Somalia.

<p><i>Line of Action 3: Facilitate the prosecution of suspected pirates by flag, victim, and coastal states, and, in appropriate cases, the United States to ensure that those who commit acts of piracy are held accountable for their actions</i></p>	
<p>Conclude prosecution agreements</p>	<p>In 2010, we noted that the U.S. government had made some progress in this area. Since that time a prosecution agreement with Kenya has become less effective because Kenya’s judicial system has become saturated with piracy suspects, according to State and Justice officials. The United States has a prosecution agreement with the Seychelles.</p>
<p>Support the exercise of jurisdiction under the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation</p>	<p>In 2010, we noted that the U.S. government had made some progress in this area. The United States continues to exercise jurisdiction under the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to prosecute pirates in the United States.</p>
<p>Support the use of other applicable international conventions and laws</p>	<p>Having made some progress in 2010, the United States has continued to exercise jurisdiction and prosecute, pursuant to 18 U.S.C. § 1651, 11 suspected pirates for attacks on the USS <i>Nicholas</i> and USS <i>Ashland</i>, as well as 15 suspected pirates tied to the hijacking of the S/V <i>Quest</i> which resulted in the murder of four Americans.</p>
<p>Enhance regional states’ capacity to prosecute</p>	<p>While having made some progress on this in 2010, U.S. agencies continue to provide assistance to countries in the region for law enforcement and judicial capacity building and reform, which can include assistance related to maritime law enforcement and piracy. For example, the State Department has provided some foreign assistance funding to countries such as Kenya and the Seychelles, to help improve their judicial infrastructures. The United States also supports investigations and prosecutions, such as conducting Naval Criminal Investigative Service investigations aboard pirated vessels, and having U.S. Navy personnel provide testimony in foreign trials.</p>

Source: GAO summary of the NSC Countering Piracy off the Horn of Africa: Partnership and Action Plan. | GAO-14-422

^a Shiprider programs involve embarking law enforcement officials from one country onto a ship of another country. The law enforcement official (shiprider) would be able to authorize the ship to pursue and apprehend a criminal suspect in the territorial waters of that official’s country.

^b Executive Order 13536, issued April 12, 2010, blocks all property and property interests within U.S. jurisdiction of persons listed in the Annex to the order and provides the authority for the Secretary of the Treasury, in consultation with the Secretary of State, to designate additional persons that threaten the peace, security, or stability of Somalia, which includes those who support or engage in acts of piracy off

the coast of Somalia. See 75 Fed. Reg. 19,869 (Apr. 15, 2014). Property and property interests within U.S. jurisdiction include property in the possession or control of any United States person in the United States or overseas. United States person is defined as “any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.”

Appendix IV: Department of Defense Counterpiracy Costs, 2010 through 2013

During the course of our review, the Department of Defense provided information on the costs of its counterpiracy efforts as shown in table 4.

Table 4: Department of Defense Counterpiracy Costs Incurred from Calendar Years 2010-2013 (dollars in millions)

<i>Counterpiracy effort</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
CTF 151 Surface	\$161.1	\$184.9	\$53.5	\$10.9
CTF 151 Air	\$17.9	\$23.9	\$33.5	\$16.0
CTF 508 Surface	\$61.7	\$63.2	\$52.7	\$40.0
Other ^a	\$2.5	\$2.5	\$2.5	\$2.5
Total	\$243.2	\$274.5	\$142.2	\$69.4

Source: GAO analysis of Department of Defense data. | GAO-14-422

^a The “other” category reflects the costs of contract linguists used in counterpiracy operations. Dollar values are fully-burdened costs incurred in a specific year.

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contacts

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In addition to the contacts above, Dawn Hoff, Assistant Director; Suzanne Wren, Assistant Director; Jason Bair; Charles Bausell; Jennifer Cheung; Toni Gillich; Eric Hauswirth; Kevin Heinz; Stan Kostyla; Landis Lindsey; Tom Lombardi; John Mingus; Jessica Orr; Matt Spiers; and Sally Williamson made key contributions to this report.

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