

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE 23-04-2008		2. REPORT TYPE FINAL		3. DATES COVERED (From - To)	
4. TITLE AND SUBTITLE A Cooperative Strategy for 21 st Century Seapower: 200 years of repressing piracy and still missing the boat.				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR Michael J. Gunther, Lieutenant Commander, USN Paper Advisor: N/A				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME AND ADDRESS Joint Military Operations Department Naval War College 686 Cushing Road Newport, RI 02841-1207				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution Statement A: Approved for public release; Distribution is unlimited.					
13. SUPPLEMENTARY NOTES A paper submitted to the Naval War College faculty in partial satisfaction of the requirements of the Joint Military Operations Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.					
14. ABSTRACT Piracy on the high seas is increasing. This is especially true for the waters off the African coast which are some of the most dangerous in the world. The violence and negative economic aspects of piracy presents challenges to international security and stability, especially for African coastal nations. Repressing piracy is a complicated process that requires coordination and cooperation between national and international military and non-military agencies. Joint Interdiction Planning and Homeland Defense Doctrine address piracy repression but fail to provide adequate guidance and processes to successfully complete the operation. The only threat response plan that could be used to address acts of piracy is the national-level MOTR plan. In order to succeed at repressing piracy around Africa, the regional Geographic Combatant Commander must build a regional command and control structure capable of executing all phases of piracy repression, advocate the development of new joint doctrine, and promote implementation of regional inter-agency threat response plans. This paper will analyze the abilities of U.S. maritime forces to successfully create and maintain security on the high seas around Africa from piracy as outlined in <i>Cooperative Strategy for 21st Century Seapower</i> . The analysis examines strategic guidance provided in the <i>National Strategy for Maritime Security</i> , evaluates the law of the sea, assesses threat response plans, and analyzes AFRICOM's role. Finally, the paper draws the conclusions that improvements are required to the existing process to successfully combat piracy around Africa.					
15. SUBJECT TERMS A Cooperative Strategy for 21 st Century Seapower, Piracy, AFRICOM, JIATF, Law of the Sea.					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES 26	19a. NAME OF RESPONSIBLE PERSON Chairman, JMO Dept
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED			19b. TELEPHONE NUMBER 401-841-3556

**NAVAL WAR COLLEGE
Newport, R.I.**

**A COOPERATIVE STRATEGY FOR 21ST CENTURY SEAPOWER:
200 YEARS REPRESSING PIRACY AND STILL MISSING THE BOAT.**

By

**Michael J. Gunther
Lieutenant Commander
United States Navy**

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____
23 April 2008

Distribution Statement A: Approved for public release; Distribution is unlimited

Table of Contents

Introduction	1
Background	2
Current status of law	3
General piracy effort	5
Current Response Plan	6
Current doctrine	7
Recent Successes	9
Recent Problems	10
Potential models	11
AFRICOM's role	13
Conclusion	13
Recommendations	16
Notes	21
Bibliography	24

List of Illustrations

Figure	Title	Page
1.	Incidents of piracy around Africa in 2005	18
2.	Incidents of piracy around Somalia, January 2005 – March 2006	19
3.	AFRICOM: U.S. forces only structure	20
4.	AFRICOM: Conceptual Coalition structure	20

Abstract

Piracy on the high seas is increasing. This is especially true for the waters off the African coast which are some of the most dangerous in the world. The violence and negative economic aspects of piracy presents challenges to international security and stability, especially for African coastal nations. Repressing piracy is a complicated process that requires coordination and cooperation between national and international military and non-military agencies. Joint Interdiction Planning and Homeland Defense Doctrine address piracy repression but fail to provide adequate guidance and processes to successfully complete the operation. The only threat response plan that could be used to address acts of piracy is the national-level MOTR plan. In order to succeed at repressing piracy around Africa, the regional Geographic Combatant Commander must build a regional command and control structure capable of executing all phases of piracy repression, advocate the development of new joint doctrine, and promote implementation of regional inter-agency threat response plans. This paper will analyze the abilities of U.S. maritime forces to successfully create and maintain security on the high seas around Africa from piracy as outlined in *Cooperative Strategy for 21st Century Seapower*. The analysis examines strategic guidance provided in the *National Strategy for Maritime Security*, evaluates the law of the sea, assesses threat response plans, and analyzes AFRICOM's role. Finally, the paper draws the conclusions that improvements are required to the existing process to successfully combat piracy around Africa.

Introduction

Piracy on the high seas is increasing.ⁱ This is especially true for the waters off Africa, which are some of the most dangerous in the world (*Figure 1*).ⁱⁱ The violence and negative economic aspects of piracy presents challenges to international security and stability, especially for African nations. The U.S. Navy, Marine Corps and Coast Guard's *Cooperative Strategy for 21st Century Seapower* recognizes the challenges associated with repressing piracy and stresses the need to enhance security in the region around Africa.ⁱⁱⁱ To counter piracy and establish broader cooperation across the region, U.S. Africa Command (USAFRICOM) must establish a Joint Interagency Task Force (JAITF) focused on piracy suppression and ensure active international and interagency involvement in the JIATF, advocate for the Chairman of the Joint Chiefs of Staff (CJCS) to model piracy-repression planning and execution doctrine on national counter-drug doctrine, and advocate for Department of State (DOS) to develop bilateral agreements with African states and build a regional response plan built on the frame-work of the Maritime Operational Threat Response (MOTR) plan.

Repressing piracy is a complicated process that requires coordination and cooperation between national and international military and non-military agencies. Joint Interdiction Planning and Homeland Defense Doctrine address piracy repression but fail to provide adequate guidance and processes to successfully complete the operation. The only threat response plan that could be used to address acts of piracy is the national-level MOTR plan. The lack of adequate processes at the operational level leads to coordination problems between agencies and the forces involved in the operation. If the disposition and judicial processes are not pre-planned at the operational-level between agencies and foreign

governments, then the disposition process results in time-consuming negotiations that needlessly occupy maritime assets for extended periods of time.

This paper will analyze the abilities of U.S. maritime forces to successfully establish and maintain security of the high seas around Africa from piracy. Analysis focuses on the U.S. maritime forces and multi-national and interagency roles in effectively conducting piracy repression operations in the area around Africa. The analysis examines strategic guidance provided in the *National Strategy for Maritime Security*,^{iv} law of the sea, and the legal requirements placed on maritime forces to repress piracy. Further analysis includes assessing established threat response plans, reviewing historical data, describing successes and problems and analyzing USAFRICOM's role. Finally, recommendations will be made to improve existing processes.

Background

The United States has executed piracy repression operations off Africa since 1812.^v In terms of piracy, the waters off Somalia and Nigeria continue to be the most dangerous waters in the world to international shipping (*Figure 2*).^{vi} The international community recognizes piracy as a violent crime committed on the high seas and supports the prosecution of violators.^{vii} One of the core capabilities of the United States Navy over the past two hundred years has been the protection and defense of merchant shipping on the high seas.^{viii} The security and stability of trade routes continues to be one of the primary missions of the U.S. Navy and U.S. Coast Guard in the Twenty-First century, and piracy stands in opposition to this mission.^{ix}

Strategic objectives outlined in *A Cooperative Strategy for 21st Century Seapower* are similar to the objectives outlined in the *National Strategy for Maritime Security*.^x *A Cooperative Strategy for 21st Century Seapower* emphasizes the necessity to expand the core

capabilities of the maritime forces. One of the long standing core capabilities requiring further development is maintaining security of the maritime environment, including counter-piracy and law enforcement operations.^{xi} Expansion of the mission includes uniting the efforts of the U.S. maritime forces with those of other U.S. agencies to limit transnational threats.^{xii} The *Cooperative Maritime Strategy* identifies Africa and the Western Hemisphere as areas on which to focus peacetime operations.^{xiii}

National Strategy for Maritime Security^{xiv} states the U.S. maritime forces must work with foreign naval forces and promote interagency cooperation in policing the high seas and enforcing requirements from the international Law of the Sea. This strategy provides the guidance that forces engaged in piracy repression operations shall follow national-level protocol such as the MOTR plan for coordinating interagency responses and determining the legal disposition of pirates.^{xv} The coordination processes in the national-level MOTR plan can be tailored for execution at the operational-level of war in all geographic regions.

Current Status of Law

The United States is obligated to observe international law and repress piracy according to the United Nations Convention on the Law of the Sea.^{xvi} The U.S. Coast Guard is the nation's primary maritime law enforcement agency and the principle maritime interdiction agency.^{xvii} The United States continuously deploys naval forces to conduct law enforcement missions around Africa, including piracy.^{xviii} United States naval forces engaged in piracy repression operations are seldom tailored with a U.S. Coast Guard Law Enforcement Detachment to support the mission.

The *U.S. Law of Naval Operations* dictates a solution that is not in alignment with the *National Maritime Strategy*. The *Law of Naval Operations* dictates that “upon the seizure of a pirate vessel, all persons on board should be taken to the nearest U.S. port and delivered to

U.S. law enforcement authorities for disposition.”^{xxix} United States code 1651 states: “persons found guilty of piracy shall be imprisoned for life.”^{xxx} Alternatively, international law states any nation can accept pirates and try them since “all nations have jurisdiction over any act of piracy conducted in international waters.”^{xxxi} Transferring pirates to countries other than the United States for disposition has been the method used by the U.S. government in recent history.^{xxii} Pirates apprehended in recent incidents have not been turned over to the U.S. Coast Guard or delivered to U.S. ports.^{xxiii} The *Law of Naval Operations* is obsolete and should be updated to depict current processes.

Coordinating the disposition of suspected offenders apprehended in international waters is beyond the tactical maritime commander’s authority. Determining the disposition of offenders requires international and interagency involvement. The decision on where to transfer offenders for processing is made through activation of the MOTR process.

Piracy and terrorism are different criminal acts. “Piracy is considered any act of violence, detention, or depreciation committed by non-state vessels against another vessel for private gain.”^{xxiv} To constitute an act of piracy, specific elements must be involved. There must be an act of violence committed on the high seas, be at least two ships involved, the act must be from a private or public ship, and must be for private gain.^{xxv} An act of terrorism is defined as a violent crime with the intention of intimidating or coercing societies or governments, often for ideological or political reasons.^{xxvi} Crimes for personal gain should be separated from crimes for political or ideological gain such as acts of terrorism and proliferation of Weapons of Mass Destruction (WMD).

General Piracy Effort

Reported incidents of piracy in the region around Africa started declining in 2004 and continued for three consecutive years. However, incidents sharply increased ten percent in

2007.^{xxvii} The marked increase of piracy activities prompted the White House to deliver a statement of national policy focusing on expanding the direction of U.S. efforts in repressing piracy. In June 2007, the President emphasized the necessity to curtail maritime crime.^{xxviii} The President delivered a memorandum that stated: “piracy suppression should include diplomatic, military, intelligence, economic, law enforcement, and judicial actions.”^{xxix} Like other complex problems, repressing piracy requires integration of all national-level instruments of power.

Piracy and incidents of other maritime crimes tend to occur more often in areas of political and economic instability.^{xxx} The increased crime rate in the maritime environment around Africa over the past years may be partially attributed to the failed state dynamics in Somalia since the collapse of the Supreme Council of Islamic Courts and the implementation of the Transitional Federal Government.^{xxxi} United States Africa Command, with an integrated staff of Department of State, U.S. Agency for International Development, and other U.S. government agencies can help repress piracy by promoting diplomacy and political and economic stability in the region.^{xxxii} Nation building and stability operations should be considered in counter-piracy operational planning. However, the analysis is beyond the scope of this paper.

Operational planning and execution for repressing piracy can be modeled after a similar maritime crime: counter-drug operations. Planning and execution for piracy repression operations should be congruent to the phases of counter-drug operations: maritime surveillance, detection, apprehension, and disposition of the criminals.^{xxxiii} The surveillance through apprehension phases of the operation are reliant on multinational maritime forces and less dependant on interagency cooperation for success. The disposition of criminals is

the last phase of the operation and it demands extensive coordination between joint forces, non-military agencies and other countries.

Current Response Plan

Joint doctrine and the *National Maritime Strategy* states that the MOTR plan is the threat response plan used for all maritime crimes regardless of severity.^{xxxiv} This national-level plan is activated for terrorists, WMD, counter-drug, piracy, and other criminal acts committed by foreign states and non-state actors.^{xxxv} The MOTR plan is one of eight strategic-level plans supporting the *National Strategy for Maritime Security* and is implemented upon the discovery of a maritime threat against the United States.^{xxxvi} This response plan is appropriate for countering national-level crimes and acts of terrorism that threaten the security of the United States. Crimes such as piracy, which do not directly threaten the security of the United States, should have a similar plan tailored to other geographic area of operations.

The MOTR process is designed to function through an integrated network of national-level command centers that plan and execute missions for achieving national-level objectives.^{xxxvii} The harmonization of efforts from all eight military and non-military agencies listed in the plan is the responsibility of the lead agent.^{xxxviii} The Department of Defense is the lead agency for all MOTR activities relating to terrorist threats in the forward deployed maritime environment.^{xxxix} Department of Homeland Security acts as lead agency for all maritime threats in off-shore waters of the Atlantic and Pacific Oceans, the Caribbean Sea, and other areas where Department of Homeland Security forces normally operate. The MOTR plan fails to list a lead agency for responding to acts of piracy.^{xl}

United States government agency and international cooperation should be established during USAFRICOM's planning process for maritime security operations. There should be

regional agreements and processes in place for the disposition of detainees prior to committing military forces to piracy repression operations. The MOTR plan's lack of specificity regarding piracy in the maritime environment around Africa leads one to the conclusion that the process needs expansion for use by USAFRICOM. The U.S. government's regional threat response process developed for USAFRICOM would be a model for similar processes tailored to other geographic locations.

Current Doctrine

Current joint doctrine lacks sufficient guidance for the combatant commander to plan and execute piracy repression. The only doctrine available to the combatant commander for piracy is Homeland Defense Doctrine and Joint Interdiction Doctrine. The processes outlined in these two doctrines contradict each other, fail to provide applicable guidance and are ineffective for planning to combat maritime crimes in geographic areas without United States territories. Doctrine fails to address piracy in Homeland Security Doctrine, Multinational Operations Doctrine, or in the Universal Joint Task List (UJTL).

Joint doctrine is unclear and contradictory when stating the naval component commander responsibilities in combating piracy. Homeland Defense Doctrine and Joint Interdiction Doctrine state that a JFMCC or JIATF should coordinate the disposition process of piracy.^{xli} The authority to accomplish this task as outlined in the doctrine is dependant on whether coalitions, treaties, or agreements relating to piracy are in effect.^{xlii} This guidance is contradictory to joint doctrine for interagency relationships in foreign operations, which states the State Department is the lead foreign affairs agency and oversees the coordination of all political-military activities, including bilateral agreements.^{xliii} With or without a bilateral agreement in effect for piracy, the Department of State is the agency that needs to perform

the coordination involving foreign governments and must be clearly delineated in all joint doctrine.

The contradictory guidance may be attributed to the fact that Homeland Defense Doctrine is written as guidance for combatant commanders with U. S territories in their areas or responsibility.^{xliv} The CJCS doctrine on homeland defense specifically addresses the JFMCC's role in supporting the U.S. Northern Command, U.S. Pacific Command, and U.S. Southern Command. The doctrine states that the other combatant commanders are supporting commands.^{xlv} The distinction in separating the combatant commands suggests that this doctrine is regional doctrine and was not developed for global application. There are many problems with using doctrine written for countering threats in close proximity to U.S. territories and utilizing it as guidance for combating piracy in other parts of the world. The main issue with using this doctrine is that the supported combatant commanders have limited requirements to coordinate with international agencies while the supporting combatant commanders are heavily reliant on international support and require additional guidance.

Joint doctrine fails to differentiate piracy from an act of terrorism and consequently the planning, execution, and response pertaining to a regional-level operation is indistinguishable from that of a national-level operation.^{xlvi} Joint Interdiction Doctrine does not provide the combatant commander with any additional guidance beyond activating the MOTR process.^{xlvii} The doctrine fails to provide guidance for operational-level planning and execution of the piracy mission. Activating a national-level response plan for an act of piracy conducted on the high seas around Africa would not be necessary with regional response plans.

Recent Successes

U.S. maritime forces and government agencies have contributed to repressing piracy over the past three years.^{xlvi} U.S. Naval forces captured thirty-nine suspected pirates on international waters off the coast of Africa in January and March of 2006.^{xlvi} Department of State and other government agencies coordinated the turnover of twenty-six pirates captured in January to Kenya for prosecution.¹ Three months after the event, the director of the International Maritime Bureau's piracy reporting center stated that "this particular incident was important to the international community because Kenya accepted the suspects."^{li} However, during recent incidents, there were problems finding a country that was willing to prosecute suspects apprehended in international waters due to the unclear legal guidance governing stateless vessels.^{lii} The International Maritime Bureau's viewpoint that the disposition of pirates is problematic re-enforces the argument that the cradle-to grave process for managing piracy events requires re-evaluation.

Successful implementation of the MOTR process for a non-criminal maritime activity may point the way for shaping a process applicable for piracy repression. A U.S. Naval vessel interdicted forty-six African migrants in the Mediterranean Sea in 2007.^{liii} The MOTR process was convened in which the Departments of Defense, State, Justice, and Homeland Security participated.^{liv} The U.S. State Department engaged several embassies in Europe and Africa to coordinate acceptance of the migrants.^{lv} The State Department was fortunate to receive a positive response from the government of Italy and succeeded in transferring the migrants within two days.^{lvi} The State Department perceives every incident as unique and requires different actions depending upon the agencies involved. The success of the MOTR process in this incident may be attributed to the lack of requirements for judicial processing.

There should be a tailored regional maritime threat response plan in place before embarking on maritime security and piracy repression operations.

Recent Problems

The previous cooperation of Kenya's government for judicial processing was not a precedent. The normal response appears to be non-cooperation. Thirteen pirates were captured by maritime forces in March 2006 and Kenya chose not to accept those suspects for prosecution.^{lvii} A decision was eventually reached to repatriate the suspects to the state of origin. However, the event was a severe burden to the U.S. Navy. The legal obligation to hold suspected pirates on board the naval vessels for many months prevented the ship from visiting foreign ports, limited further tasking, and caused undue hardship on the crews.

Conducting law enforcement missions at sea requires specialized training. The *Cooperative Strategy* expresses the need for tailoring maritime forces to address the unique and growing requirements for each geographic region.^{lviii} United States navy boarding teams are extensively trained in searching and seizing vessels that are not hostile or opposed to the boarding.^{lix} However, this training lacks procedures for detainee holding or judicial processing aboard naval vessels. As the recognized maritime law enforcement agency, the U.S. Coast Guard has extensive experience in the seizure operations geared for eventual prosecution.^{lx} United States navy ships assigned to law enforcement missions, such as piracy repression operations off Africa, are seldom assigned U.S. Coast Guard legal detachments. Requirements for tailoring the maritime force operating off Africa should include the consideration for U.S. Coast Guard Law Enforcement Detachments on board all vessels conducting piracy repression operations. There should be Coast Guard liaisons in the Geographic Combatant Commander's operational command organization.

Potential Models

The command and control structure found in counter-drug doctrine should be considered while developing piracy suppression doctrine. The fundamental principles in conducting maritime counter-drug operations are similar to counter-piracy operations. Planning for counter-drug operations consists of five basic phases; detecting, sorting, intercepting, searching, and apprehending.^{lxi} The final disposition process is accomplished through robust liaison and an interagency staff that facilitates the process.^{lxii} Joint Forces doctrinally separates counter-drug operations from piracy, WMD, and other illicit activities covered under homeland defense threats.

Joint Counter-Drug Doctrine was developed for Geographic Commanders with U.S. territory in their area of responsibility. Doctrine states that a dedicated JIATF should be stood up in these two geographic commands for counter-drug operations.^{lxiii} Commander, U.S. Pacific Command (USPACOM) and Commander, U.S. Southern Command (USSOUTHCOM) are designated as the command and control authority for JIATF operations in their area of responsibility.^{lxiv} The JIATF provides interagency coordination at the operational level.^{lxv} The JIATF supports the geographic commanders by “detecting, monitoring, and handing-off suspected illicit trafficking targets to appropriate law enforcement agencies, promoting security cooperation, and coordinating country team and partner nation initiatives to defeat the flow of illicit traffic.”^{lxvi} The political-military relationship responsibilities listed for the JIATF are similar to the JFMCC responsibilities for piracy repression outlined in Homeland Defense Doctrine.^{lxvii} Some might attribute the similar responsibilities to the theory that conducting counter-drug operations requires the additional staffing of a JIATF and such a task force is not needed in areas without U.S. territories.

Chairman of the Joint Chiefs of Staff recognized the counter-drug operation as a critical transnational, cross border threat and has designated this operation as a specified task on the UJTL.^{lxviii} As a specified task this mission has received additional guidance in joint doctrine. The level of attention provided through the doctrine improves efficiency at the operational level and improves planning for accomplishing all phases of the operation. There are many similarities in the way the maritime forces and the national and international agencies coordinate in combating the crimes of drug smuggling and piracy. Operational planning processes for counter-drug operations would seem to be a valuable guide for developing piracy repression doctrine.

USAFRICOM's role

United States Africa Command's mission statement focuses on building security relations with African nations and improving the effectiveness of activities already being conducted.^{lxix} The mission includes helping coordinate the interaction and efforts of Department of Defense and other government agencies.^{lxx} The ability of USAFRICOM to suppress piracy and other illicit activities in the waters off Africa requires a wide range of U.S.- African international cooperation.

United States Africa Command will need to evaluate published doctrine for applicability to the regions around Africa. The Homeland Defense Doctrine lists a Joint Task Force as the option for the command and control and execution of piracy repression. The combatant commander's implementation of a command and control structure to address the complications of piracy repression should be elevated to establishing a JIATF (Figure 3) with possible expansion to a coalition-JIATF (Figure 4). The combatant commander will need to advocate for the Department of State to negotiate additional bilateral agreements, treaties,

and political-military agreements with the African Union and other organizations for a JIATF to be effective in supporting piracy repression operations around Africa.

Conclusion

Piracy is not dead. Piracy is surging. The increased focus and additional maritime assets assigned by USCENTCOM to the mission of piracy repression in the waters off Africa over the past four years has not achieved operational success. The failures in curbing the frequency of acts of piracy can be partially attributed to an ineffective command and control structure and the lack of appropriate doctrine. CENTCOM's current activities for combating piracy are reactive and do not incorporate regressing planning from the desired end-state of security and stability in the maritime environment. The planning process should include all government and non-government agencies through all phases of piracy repression.

The implementation of the current MOTR plan should not be applied for piracy or other criminal activities that are not direct threats to U.S. territory or interests. The MOTR specializes in communication and coordination processes for threats transiting to or bound for U.S. territories. A lack of specified processes tailored to the geographic area around Africa has plagued the U.S. maritime forces in accomplishing U.S. government objectives. Since MOTR works effectively for the regions around the territorial United States then the model could be emulated in developing a MOTR-like process on a regional scale for USAFRICOM. A separate regional process must be established for maritime threats destined for Africa or other nations.

Current policy does not sufficiently address the complications associated with piracy repression. Maritime partners of the U.S. have not been successful in repressing piracy largely due to a failure to distinguish piracy from other national-level threats. This failure has contributed to incomplete operational-level planning processes and non-specific doctrine.

Joint doctrine for homeland defense provides guidance based on a Joint Task Force structure. Homeland Defense Doctrine wrongly states the JFMCC should liaise with host nations and local agencies while the MOTR process puts the responsibility for diplomatic coordination to the Department of State.^{lxxi} There must be a process in place that eliminates any overlapping responsibilities and has clear direction for timely execution. USAFRICOM needs to advocate for U.S. Department of State and other government agencies involvement in developing dedicated piracy repression doctrine that is adaptable for regional differences.

Previous documented lessons and United States procedures for counter-drug operations can be transitioned for use in piracy repression operations. The successes in counter-drug operations can be partially contributed to a standing command and control structure and the use of the JIATF organization instead of a JTF. The JIATF plays a critical role in optimizing the time-space-force issues associated with counter-drug operations. Joint Forces recognizes the importance of counter-drug operations as evidenced by the specification as a stand-alone strategic and operational task on the UJTL.^{lxxii} The UJTL supports the Department of Defense in joint capabilities-based planning. Doctrine supporting counter-drug operations has provided reliable processes that allow for pre-planning and quick transition through all phases.

Resolving the maritime piracy problem may lead to solving many other similar maritime activities. The interdiction and prosecution of some non-state crimes such as human trafficking and smuggling are aligned in basic principles with piracy. If plans are developed based on the counter-drug model, then a precedent will be set for the other activities.

African nations and the United States agree the high seas should be secure for maritime traffic.^{lxxiii} A common threat to the economy of all nations is piracy. In alignment with the *National Strategy for Maritime Security*, *National Defense Strategy*, *National Strategy for Homeland Defense*, and *Cooperative Strategy for 21st Century Seapower*, the CJCS must reassess applicability of joint doctrine to worldwide security operations. U.S. Africa Command must develop specific policies, procedures and command organizations dedicated to repressing piracy. Department of State must increase the coordination and cooperation from the international community in regards to all phases of piracy repression.

Recommendations

United States Africa Command is in a unique position to establish a command and control structure that will lead to better military and interagency coordination and cooperation. The USAFRICOM Combatant Commander must establish a standing JIATF responsible for piracy repression and all other illegal maritime activities around Africa. The Task Force should be primarily focused in combating piracy. However, the JIATF could expand and pursue other areas to achieve maritime security and stability in the region. The JIATF should include liaisons from all U.S. departments and agencies required for proficient coordination and cooperation between regional, national, and international organizations. The combatant commander should establish the JIATF with a structure adaptable for a future coalition-JIATF (*Figure 4*).

There should be a new regional threat response process developed for countering maritime threats to the African nations. The development of the process should be based on the framework of the MOTR process. The process should promote interagency and multinational relationships applicable to the African nations. USAFRICOM should ensure DOS pursues multinational and interagency involvement in the development of bilateral

agreements and treaties with African nations. International relationships must be developed to achieve speedy disposition of detainees. By building a regional threat response plan, the U.S. can improve the effectiveness of repressing piracy and other illicit activities in the waters around Africa.

The Chairman of the Joint Chiefs of Staff should separate piracy from the other terrorist activities and add piracy as a specified strategic and operational task on the UJTL. Separating piracy will require CJCS to implement new doctrine. New piracy doctrine should be drafted using concepts in counter-drug doctrine due to the similarities between the two law enforcement missions. Clarification of doctrine will enable the newly established USAFRICOM to develop accurate regional planning processes that apply to the act of piracy.

United States Africa Command and associated government agencies should promote the development of regional land-based processing centers for detainees. Assign Other Government Agency and Inter-government Agency Liaison Officers with authority to coordinate political and military interaction with African nations for the prompt disposition of offenders in the region through bilateral military relationships or treaties and agreements developed by the State Department. The combatant commander, U.S. Department of Justice, and State Department, in unity with the African Union, should establish pre-designated areas in Africa for the processing and disposition of offenders.

Units assigned to piracy repression operations should be tailored for the mission.^{lxxiv} U.S. Coast Guard Law Enforcement Detachments should be assigned as advisors on the USAFRICOM staff and for augmenting naval ships conducting law enforcement operations. The additional expertise provided by the legal detachments during the interdiction phase and subsequent evidence gathering would help expedite the disposition process. Additionally, an

African Union linguist for the area in which operations are conducted should be provided to the units. A member of the African Union on scene during piracy repression operations would legitimize the operation from the African Union viewpoint.

ICC International Maritime Bureau (IMB)
Piracy and Armed Robbery - 1 Jan to 31 December 2005
Attacks in Africa

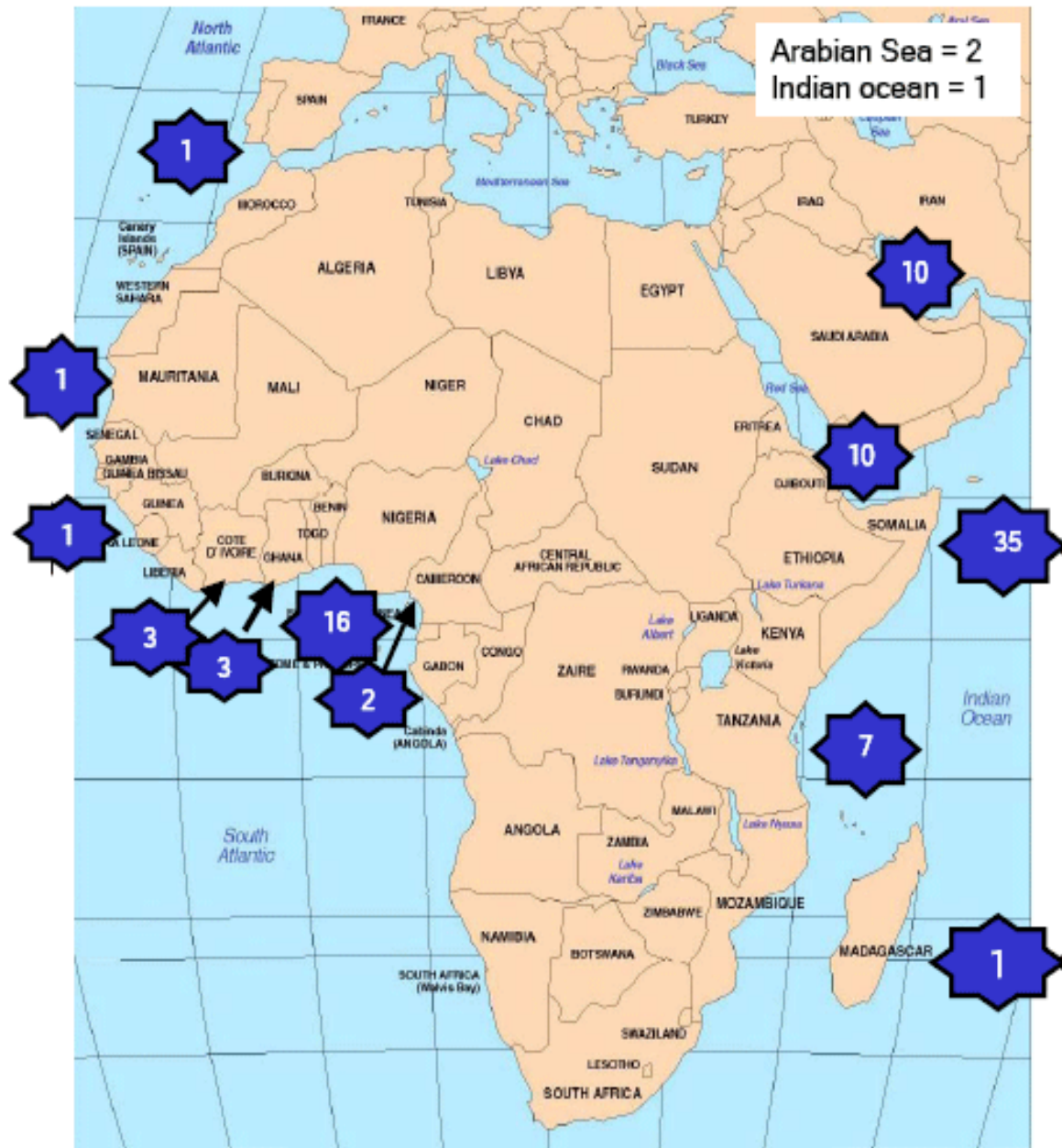


Figure 1: Incidents of piracy around Africa in 2005.^{lxxv}

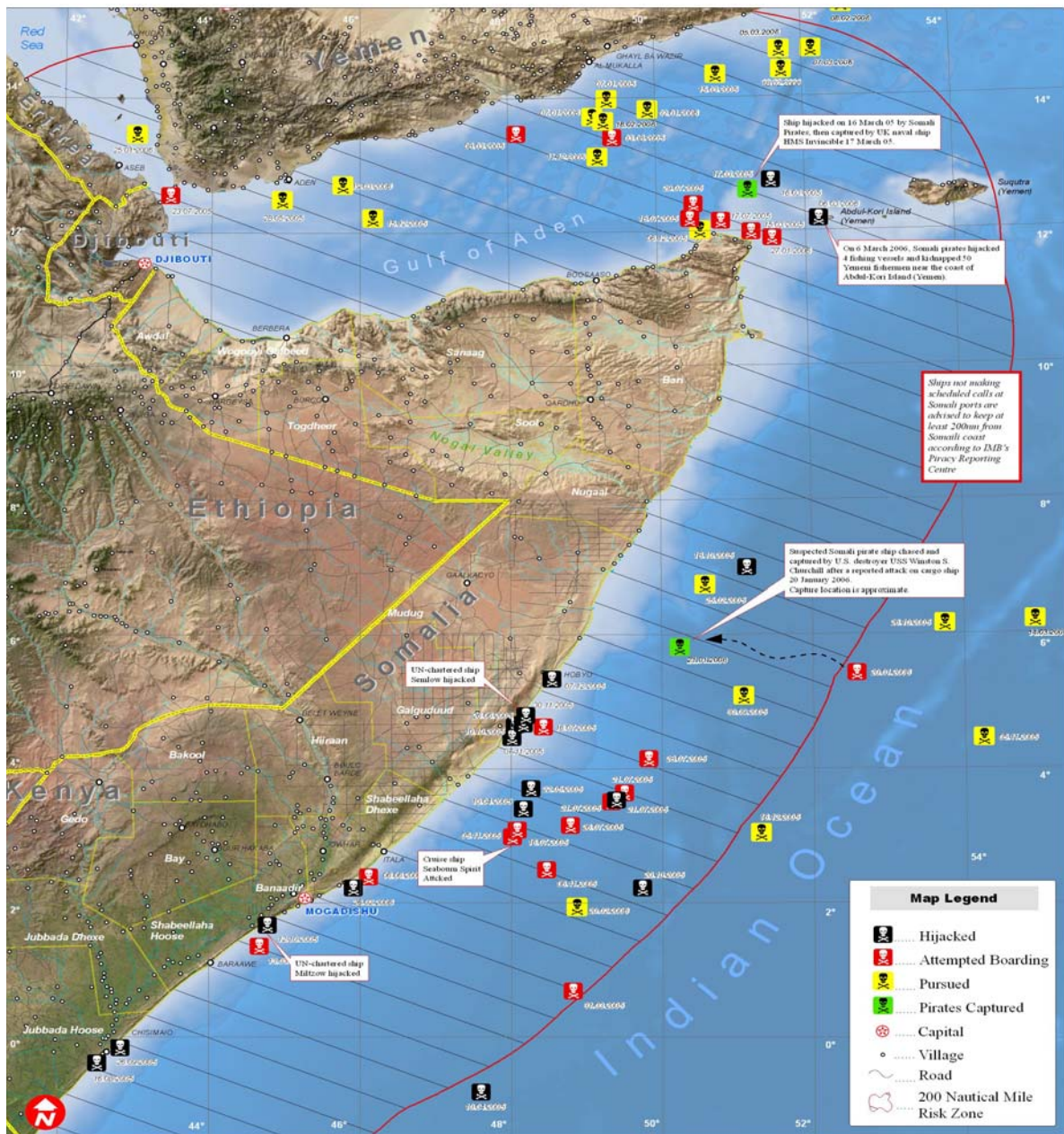


Figure 2: Incidents of piracy around Somalia, January 2005 – March 2006.^{lxvii}

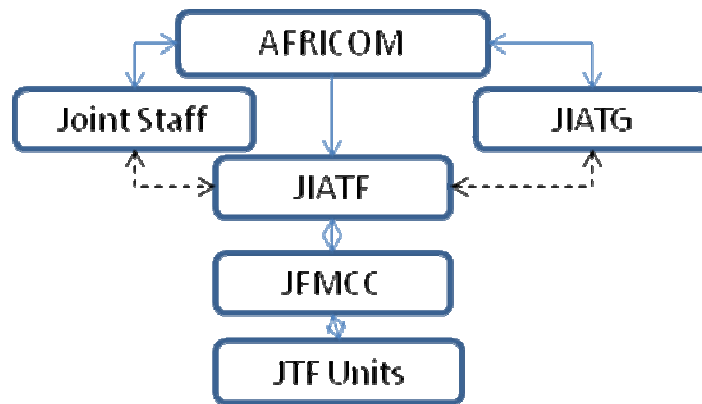


Figure 3: U.S. Only Structure

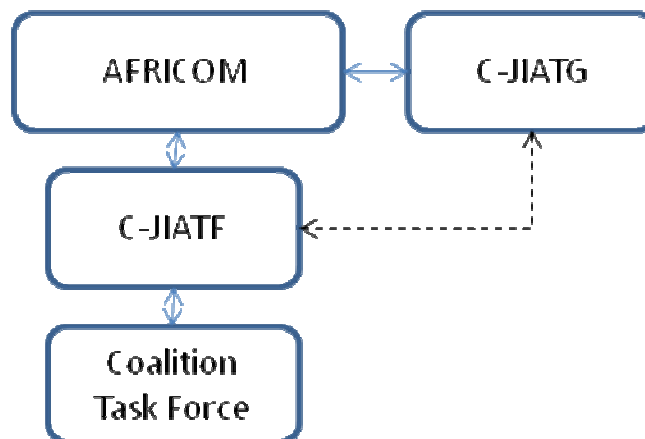


Figure 4: Conceptual Coalition Structure

Note

-
- ⁱ “Intelligence Pointers-Piracy Flourishes off Somali Coasts,” Jane’s Intelligence Digest, 26 October 2007. Date Posted: 25 October 2007. [HTTP://www8.janes.com](http://www8.janes.com) (Accessed 13 February 2008)
- ⁱⁱ Clive Schofield, “Plaguing the Waves – Rising piracy threat off the Horn of Africa,” Jane’s Intelligence Review, 01 July 2007, Date Posted: 13 June 2007. [HTTP://www8.janes.com](http://www8.janes.com) (Accessed 13 February 2008)
- ⁱⁱⁱ U.S. Department of the Navy, “A Cooperative Strategy for 21st Century Seapower,” October 2007, pg 7
- ^{iv} U.S. Department of Defense and Homeland Security, “The National Strategy for Maritime Security,” September 2005. [HTTP://www.dhs.gov/xlibrary/assets/HSPD13_maritimesecuritystrategy.pdf](http://www.dhs.gov/xlibrary/assets/HSPD13_maritimesecuritystrategy.pdf) (Accessed 3 April 2008)
- ^v William M. Fowler Jr. “America’s first War Against the Pirates of North Africa, Naval History, Annapolis: December 2006, Vol 20, Iss 6, pg 69, [HTTP://www.proquest.com](http://www.proquest.com) (Accessed 28 March 2007)
- ^{vi} “Report shows increase in marine piracy,” Jane’s Terrorism watch report – Daily Update, 11 January 2008. <http://www8.janes.com> (Accessed 13 February 2008)
- ^{vii} U.S. Department of the Navy, The Commander’s Handbook on the Law of Naval Operations, NWP 1-14M, July 2007, pg 3-5
- ^{viii} William M. Fowler Jr. “America’s first War Against the Pirates of North Africa, Naval History, Annapolis: December 2006, Vol 20, Iss 6, [HTTP://www.proquest.com](http://www.proquest.com) (Accessed 28 March 2007)
- ^{ix} U.S. Department of the Navy, “A Cooperative Strategy for 21st Century Seapower,” October 2007, pg 11
- ^x U.S. Department of Defense and Homeland security. “*Maritime operational Threat Response for the National Strategy for Maritime Security*”. Washington D.C. June 2006, pg i
- ^{xi} U.S. Department of the Navy, “A Cooperative Strategy for 21st Century Seapower,” October 2007, pg 8
- ^{xii} *ibid*, pg 8-9
- ^{xiii} *ibid*, pg 7
- ^{xiv} U.S. Department of Defense and Homeland Security, “The National Strategy for Maritime Security,” September 2005. [HTTP://www.dhs.gov/xlibrary/assets/HSPD13_maritimesecuritystrategy.pdf](http://www.dhs.gov/xlibrary/assets/HSPD13_maritimesecuritystrategy.pdf) (Accessed 3 April 2008)
- ^{xv} U.S. Department of the Navy, “A Cooperative Strategy for 21st Century Seapower,” October 2007, pg 2
- ^{xvi} “United Nations Convention on the Law of the Sea,” 10 December 1982. [HTTP://www.un.org/Dept/los/convention_agreements/convention_overview_convention.htm](http://www.un.org/Dept/los/convention_agreements/convention_overview_convention.htm) (Accessed 3 April 2008) article 100
- ^{xvii} U.S. Code Title 14, Part 1, 2. <http://www.law.cornell.edu/uscode/titles.html>
<http://www.uscg.mil/hq/g-o/g-opl/welcome.htm>
- ^{xviii} Steve Stone, *Pirates attack 2 Navy warships from Norfolk in the Indian Ocean*, The Virginia-Pilot, March 2006, Published on HamptonRoads.com, <http://hamptonroads.com/print/79611>
- ^{xix} U.S. Department of the Navy, The Commander’s Handbook on the Law of Naval Operations, NWP 1-14M, July 2007, pg 306, article 3.5.3.1
- ^{xx} *ibid*, pg 3-5, 3-7, article 3.5.1
- ^{xxi} *Ibid*, pg 3-6
- ^{xxii} Nick Brown, “Taking the Fight to the Pirates,” Jane’s International, May 01 2006, Date Posted: 20 April 2006, Internet <http://www8.janes.com>, (Accessed 4 April 2008)
- ^{xxiii} Nick Brown, “Taking the Fight to the Pirates,” Jane’s International, May 01 2006, Date Posted: 20 April 2006, Internet <http://www8.janes.com>, (Accessed 4 April 2008)
- ^{xxiv} “United Nations Convention on the Law of the Sea,” 10 December 1982. [HTTP://www.un.org/Dept/los/convention_agreements/convention_overview_convention.htm](http://www.un.org/Dept/los/convention_agreements/convention_overview_convention.htm) (Accessed 3 April 2008), article 101
- ^{xxv} Keyuan Zou, “Seeking Effectiveness for the Crackdown of Piracy at Sea,” Journal of International Affairs, New York: Fall 2005. Vol 59, Iss.1, pg 3
- ^{xxvi} Department of State, “Patterns of Global Terrorism,” Department of the navy, Naval Historical Center, [HTTP://www.history.navy.mil](http://www.history.navy.mil) (Accessed 17 April 2008)
- ^{xxvii} “Report shows increase in marine piracy,” Jane’s Terrorism watch report – Daily Update, 11 January 2008. <http://www8.janes.com> (Accessed 13 February 2008)
- ^{xxviii} George W. Bush, Memorandum from the President, www.whitehouse.gov/news/releases/2007/06, 14 June 2007, (Accessed 27 February 2008)
- ^{xxix} *Ibid*, Annex B, III, par 3

-
- ^{xxx} George W. Bush, "National Security Strategy of the United States of America," Washington D.C. September 2002.
- ^{xxxi} "Intelligence Pointers-Piracy Flourishes off Somali Coasts," Jane's Intelligence Digest, 26 October 2007. Date Posted: 25 October 2007. [HTTP://www8.janes.com](http://www8.janes.com) (Accessed 13 February 2008)
- ^{xxxii} William E. Ward, General, Commander U.S. Africa Command, "Mission Statement" [HTTP://www.USAFRICOM.mmil/index.asp](http://www.USAFRICOM.mmil/index.asp) (Accessed 3 April 2008)
- ^{xxxiii} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Counterdrug Operations," JP 3-07.4, 13 June 2007. chap 1, figure I-2.
- ^{xxxiv} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Doctrine for Joint Interdiction Planning," Joint Pub 3-03, Washington D.C. U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Doctrine for Homeland Defense," Joint Pub 3-27, Washington D.C: 12 July 2007, 21st Century
- ^{xxxv} U.S. Department of Defense and Homeland security. "*Maritime operational Threat Response for the National Strategy for Maritime Security*". Washington D.C. June 2006, pg 1
- ^{xxxvi} *ibid*, fwd i
- ^{xxxvii} *ibid*, pg 1
- ^{xxxviii} *ibid*, pg 2, 6
- ^{xxxix} *ibid*, pg 6
- ^{xl} *ibid*, pg 1
- ^{xli} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Doctrine for Homeland Defense," Joint Pub 3-27, Washington D.C: 12 July 2007. Par 3, c, (3)
- ^{xlii} U.S. Office of the Chairman, Joint Chiefs of Staff, "Interagency, Intergovernmental Organization, and nongovernmental Organization Coordination During Joint Operations Volume I," Joint Pub 3-08, Washington D.C: 17 March 2006. Vol I, par 6a, par 6b.
- ^{xliii} *Ibid*, par 6a
- ^{xliv} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Doctrine for Homeland defense," Joint Pub 3-27, Washington D.C: 12 July 2007. pg x
- ^{xlvi} *Ibid*, cp V, par 3
- ^{xlvi} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Doctrine for Joint Interdiction Planning," Joint Pub 3-03, Washington D.C. chap III, Par 2
- ^{xlvi} *Ibid*, chap III, Par 2
- ^{xlvi} Nick Brown, "Taking the Fight to the Pirates," Jane's International, May 01 2006, Date Posted: 20 April 2006, Internet <http://www8.janes.com>, (Accessed 4 April 2008)
- ^{xlvi} *Ibid*, pg 2
- ^l *Ibid*, pg 2
- ^{li} *Ibid*, pg 2
- ^{lii} *Ibid*, pg 2
- ^{liii} Lieutenant Commander Phil Welzant, U.S. Coast Guard liaison to U.S. State Department, e-mail, 18 March 2008
- ^{liv} *ibid*
- ^{lv} *ibid*
- ^{lvi} *ibid*
- ^{lvii} Clive Schofield, "Plaguing the Waves – Rising piracy threat off the Horn of Africa," Jane's Intelligence Review, 01 July 2007, Date Posted: 13 June 2007. [HTTP://www8.janes.com](http://www8.janes.com) (Accessed 13 February 2008)
- ^{lviii} U.S. Department of the Navy, "A Cooperative Strategy for 21st Century Seapower," October 2007, pg 7
- ^{lix} John M. Cokos, Search and Seizure Training, Navy News Service, 22 October 2005, <http://usmilitary.about.com/od/navytrng/a/searchseize.htm> (Accessed 2 April 2008)
- ^{lx} U.S. Coast Guard, Office of Law Enforcement Mission Statement, <http://www.uscg.mil/hq/g-o/g-opl/welcome.htm>
- ^{lxi} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Counterdrug Operations," JP 3-07.4, 13 June 2007. Par 5
- ^{lxii} U.S. Office of the Chairman, Joint Chiefs of Staff, "Joint Counterdrug Operations," JP 3-07.4, 13 June 2007. Par 3b
- ^{lxiii} *ibid*, par 2d
- ^{lxiv} *Ibid*, chap I, par 2d(1) and par 2d(2)
- ^{lxv} *ibid*, par 2e

-
- ^{lxvi} *ibid*, par d
- ^{lxvii} U.S. Office of the Chairman, Joint Chiefs of Staff, “Joint Doctrine for Homeland defense,” Joint Pub 3-27, Washington D.C: 12 July 2007. par 3. U.S. Office of the Chairman, Joint Chiefs of Staff, “Joint Counterdrug Operations,” JP 3-07.4, 13 June 2007. par 2
- ^{lxviii} U.S. Office of the Chairman, Joint Chiefs of Staff, “Universal Joint Task List,” CJCSM 3500.04D, Washington D.C: 1 August 2005
- ^{lxix} William E. Ward, General, Commander U.S. Africa Command, “Mission Statement” [HTTP://www.USAFRICOM.mmil/index.asp](http://www.USAFRICOM.mmil/index.asp) (Accessed 3 April 2008)
- ^{lxx} *Ibid*, page 1
- ^{lxxi} U.S. Department of Defense and Homeland security. “*Maritime operational Threat Response for the National Strategy for Maritime Security*”. Washington D.C. June 2006, pg 7
- ^{lxxii} U.S. Office of the Chairman, Joint Chiefs of Staff, „Universal Joint Task List,“ CJCSM 3500.04D, Washington D.C: 1 August 2005, ST 8.4.1: “Advise and support counter-drug operations in theater.”
- ^{lxxiii} United Nations Security Council, “security Council Extends Authorization of African Union Mission in Somalia until 20 August, Unanimously Adopting Resolution 1801,” (2008), 9258, 5842nd meeting, New York. [HTTP://www.un.org/News/Press/docs/2008/sc9258.doc.htm](http://www.un.org/News/Press/docs/2008/sc9258.doc.htm) (Accessed 18 April 2008)
- ^{lxxiv} U.S. Department of the Navy, “A Cooperative Strategy for 21st Century Seapower,” October 2007, pg 7
- ^{lxxv} “Pirate incident data:” International Maritime Bureau (IMB) Piracy Reporting Center and NGA Anti-Shipping Activity Message (ASAM) service. Satellite image backdrop: MODIS copyright NASA. Vector data: Europa Technologies Inc., US Government. Map production: UNOSAT.
- ^{lxxvi} *Ibid*

Bibliography

- Brown, Nick, “*Taking the Fight to the Pirates*,” Jane’s Navy International, May 01 2006, Date Posted: 20-Apr-2006. Internet <http://www8.janes.com> (Accessed 4 April 2008)
- Bush, George W. Memorandum from the President, Maritime Security (Piracy) Policy, 14 June 2007. <http://www.whitehouse.gov/news/releases/2007/06/2007062007>. (Accessed 4 April 2008)
- Bush, George W. “*National Security Strategy of the United States of America*.” Washington D.C.: The White House, September 2002.

-
- Cokos, John M. "Navy News Service, Search and Seizure Training," 22 October 2005, <http://usmilitary.about.com/od/navytrng/a/searchseize.htm> (Accessed 2 April 2008)
- Department of State, "Patterns of Global Terrorism." Department of the Navy, Naval Historical Center, Washington: 2001. <http://www.history.navy.mil/library/guides/terrorism.htm#definition> (Accessed 17 April 2008)
- Fowler, William M Jr, "America's first War Against the Pirates of North Africa," Naval History, Annapolis: December 2006, Vol 20, Iss 6, pg 69, <http://www.proquest.com> (Accessed 28 March 2008)
- "Intelligence Pointers – Piracy Flourishes off Somali Coasts," Jane's Intelligence Digest, October 26, 2007 <http://www8.janes.com> (Accessed 13 February 2008)
- International Maritime Bureau (IMB) Piracy Reporting Centre and NGA Anti-Shipping Activity Message (ASAM) service. Satellite N/E. Image backdrop: MODIS copyright NASA. Vector data: Europa Technologies Inc., US Government. Map production: UNOSAT. http://unosat.web.cern.ch/unosat/asp/prod_free.asp?id=2 (Accessed 14 April 2008)
- "Report shows increase in marine piracy," Jane's Terrorism Watch Report – Daily Update, 11 January 2008. <http://www8.janes.com> (Accessed 13 February 2008)
- Schofield, Clive, "Plaguing the waves - Rising piracy threat off the Horn of Africa," Jane's Intelligence Review, July 01, 2007 <http://www8.janes.com> (Accessed 13 February 2008)
- Stone, Steve, "Pirates attack 2 Navy warships from Norfolk in the Indian Ocean," The Virginia-Pilot, March 2006, Published on HamptonRoads.com, <http://hamptonroads.com/print/79611> (Accessed 14 April 2008)
- "United Nations Convention on the Law of the Sea," 10 December 1982, http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm, (Accessed 3 April 2008)
- United Nations Security Council, "Security Council Extends Authorization of African Union mission in Somalia Until 20 August, Unanimously Adopting resolution 1801," (2008), 9258, 5842nd meeting, Department of Public Information • News and Media Division • New York. <http://www.un.org/News/Press/docs/2008/sc9258.doc.htm> (Accessed 18 April 2008)
- U.S. Code Title 14, <http://www.law.cornell.edu/uscode/titles.html> (Accessed 3 April 2008)
- U.S. Coast Guard Office of Law Enforcement. <http://www.uscg.mil/hq/g-o/g-opl/AMIO/AMIO.htm> (Accessed 2 April 2008)

-
- U.S. Department of the Navy, “A Cooperative Strategy for the 21st Century Seapower,” October 2007.
- U.S. Department of the Navy, “*The Commander’s Handbook on the Law of Naval Operations*,” NWP 1-14M/MCWP 5-12.1/COMDTPUB P5800.7A, July 2007
- U.S. Department of Defense and Homeland Security: “*The National Strategy for Maritime Security*,” September 2005,
http://www.dhs.gov/xlibrary/assets/HSPD13_MaritimeSecurityStrategy.pdf
(Accessed 3 April 2008)
- U.S. Department of Defense and Homeland Security, “*Maritime Operational Threat Response Plan for The National Strategy for the Maritime Security*,” October 2006
- U.S. Office of the Chairman, Joint Chiefs of Staff, “Interagency, Intergovernmental Organization, and nongovernmental Organization Coordination During Joint Operations, Volume I,” Joint Pub 3-08, Washington D.C: CJCS 17 March 2006
- U.S. Office of the Chairman, Joint Chiefs of Staff, “Joint Counterdrug Operations,” Joint Pub 3-07.4, Washington D.C: CJCS 13 June 2007
- U.S. Office of the Chairman, Joint Chiefs of Staff, “Joint Doctrine for Homeland Defense,” Joint Pub 3-27. Washington D.C: CJCS 12 July 2007
- U.S. Office of the Chairman, Joint Chiefs of Staff, “Joint Doctrine for Joint Interdiction Planning,” Joint Pub 3-03. Washington D.C: CJCS
- U.S. Office of the Chairman, Joint Chiefs of Staff, “Joint Operations,” Joint Pub 3-0, Washington D.C: CJCS 17 September 2006
- U.S. Office of the Chairman, Joint Chiefs of Staff, “Universal Joint Task List,” CJCSM 3500.04D, Washington D.C: CJCS 1 August 2005
<http://www.dtic.mil/doctrine/jel/cjcsd/cjcsm/m350004.pdf>
(Accessed 3 April 2008)
- Ward, William E., General, Commander U.S. Africa Command, Mission Statement.
<http://www.USARFICOM.mil/index.asp>, (Accessed 3 April 2008)
- Welzant, Phil, Lieutenant Commander U.S. Coast Guard, E-mail 18 March 2008
- Zou, Keyuan, “*Seeking Effectiveness for the Crackdown of Piracy at Sea*.” Journal of International Affairs. New York: Fall 2005. Vol. 59, Iss. 1.