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The EU as a Security Actor in the Gulf of Guinea

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Dissertation submitted as a partial requirement for the conferral of

Master in International Studies

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September, 2017

To my parents and brother, my safest harbor

Resumo

A UE tem vindo procurar na cena internacional o reconhecimento como ator global. A literatura tem vindo, por um lado, a prestar este reconhecimento partindo da força da UE enquanto ator político de referência, com uma abordagem às crises fortemente preventiva, ou, por outro lado, como uma estrutura complexa, que atua enquanto ator civil e ético, mas raras vezes como ator de segurança. Recentes abordagens neste âmbito têm vindo, no entanto, a ampliar o conceito de segurança à luz de novas ameaças transnacionais, levando a uma revisão dos próprios conceitos de securitização e de ator. Segurança marítima é um domínio da segurança que apenas recentemente entrou nas agendas de investigação de Segurança e Defesa e neste domínio, e após uma eficaz intervenção naval no Corno de África, o papel da UE como ator de segurança é de facto reconhecido. Com o escalar de ataques de pirataria e de ameaças à segurança marítima na África Ocidental, no entanto, a UE assumiu uma posição menos invasiva, adotando uma abordagem inter setorial e uma estratégia holística que visam contribuir para uma apropriação regional do quadro de ações de segurança no mar e evitar missões militares. Este artigo, partindo do enquadramento concetual de Jupille e Caporaso de 1998, examina até que ponto a UE assume mesmo assim a posição de ator de segurança marítima na região considerando i) novas dimensões de segurança; ii) a experiência da EU como ator no âmbito da segurança marítima e iii) literatura atual sobre o que constitui um ator. Esta análise conclui que, ao atuar em concordância com os objetivos que se predispôs a atingir e ao apoiar a implementação de uma arquitetura de segurança duradoura na região, a UE desempenha de facto o papel de ator de segurança no Golfo da Guiné.

Palavras-chave: Segurança marítima; Ator; Golfo da Guiné; União Europeia; UE-África; Estratégia de Segurança Marítima da UE

Abstract

The EU has been struggling for recognition in the international arena as a security actor. Literature has either pay this recognition assuming EU's value as a major political actor and preventive performer, or relying on its institutional complexity to demonstrate an ineffective actor, but always as a more civil and ethical role than a security one. Recent security researches, however, have been widening security perceptions - that now assume transnational dimensions - leading to a review on the notions of actorness and securitization. Maritime security is a domain that only recently entered scholars' agenda in what comes to Security and Defense studies, and EU's role has been assessed as a major one in this field after its successful intervention in the Horn of Africa. With recent escalation of piracy attacks and maritime threats in Western Africa, however, EU has been intervening in a less invasive way, adopting a cross-sectoral approach and a preventive strategy to contribute for the regional ownership of the security responses. This article examines, following an adaptation of Jupille and Caporaso's 1998 conceptualization of actorness, to what extent does the EU still assumes a maritime security actor position in this region considering i) new security dimensions ii) its past experience as a maritime security actor iii) actor capability contemporary literature. It is further concluded that by acting in accordance to its commitments and goals and building on a regional reliable security architecture, EU plays a security actor role in the Gulf of Guinea.

Keywords: Maritime Security; Actorness; Gulf of Guinea; European Union; EU-Africa; EU Maritime Security Strategy

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List of Abbreviations

AIM Strategy – African Integrated Maritime Strategy 2050

APS – African Partnership Station

ARAS – Armed Robbery at Sea

AU – African Union

CFSP – Common Foreign Security Policy

CRIMGO – Critical Maritime Routes

CRM – Critical Maritime Routes

CSDP – Common Security and Defense Policy

ECCAS – Economic Community of Central African States

ECOWAS – Economic Community of West African States

EEAS – European External Action Service

EEC – European Economic Community

EEZ – Exclusive Economic Zone

ENP – European Neighborhood Policy

ESDP – European Security and Defense Policy

ESS – European Security Strategy

EU – European Union

EU MSS – European Union Maritime Strategy

EUCAP Nestor – Regional Maritime Security Capacity Building Mission Horn of Africa

EUNAVFOR – European Union Naval Force

GGC – Gulf of Guinea Commission

GOG – Gulf of Guinea

ICC – International Chamber of Commerce

IMB – International Maritime Bureau

IMO – International Maritime Organization

IUU – Illegal, Unreported and Unregulated Fishing

NMS – National Strategy on Maritime Security

OBP – Oceans Beyond Piracy

UN – United Nations Organization

UNCLOS – United Nations Convention on the Law of the Sea

UNODC – United Nations Office for Drugs and Crime

US – United States of America

WMD – Weapons of mass destruction

Chapter 1 - INTRODUCTION
1.1- Background and Purpose of the Dissertation

It was with the 1998's St-Malo Declaration between the UK and France that the European Union, took its first step towards assuming a security role in the international stage. Following the fall of the Berlin Wall in 1989 and the re-formulation of the European Security and Defense Policy (ESDP) into the Common Security and Defense Policy (CSDP) under the Lisbon Treaty in 2007, a lot has changed. Starting with the security concept itself, whose scope broadened with transnational threats posing long term risks; also the perception of actorness, here anchored in Jupille and Caporaso's (1998) proposal, has changed. As Bretheron and Vogler pointed out "A state-centric world view (…) would inevitably lead to the conclusion that the EU is not (or not yet) an actor" (2006:11) but today, matters of security are no longer tied to nation states' defense capability.

What is in International Relations assumed as *low politics*, where the EU gained labels as *soft* (Nye, 2004) or a *normative power* (Manners, 2002), has also been put into perspective – its policies' impact in addressing threats and safeguarding long term stability, even though when assessed in a *capability - expectations gap* (Hill, 1993) revealed to be an effective strategy that enhanced the EU's presence in the world in security terms. By approaching human security threats at sea such as human trafficking, illegal fisheries, kidnapping for ransom or illegal bunkering, the EU is assuming its position as a security actor in the Gulf of Guinea (GoG). If we consider actorness as "the ability to function actively and deliberately in relations to other actors in the international system" (Sjöstedt, 1977 *apud* Niemann and Bretherton 2013:5), and relying on its recognition, its authority, its margins of autonomy and its internal cohesion to do so in the actorness framework proposed by Jupille and Caporaso (1998), we argue that the EU can effectively influence the security outcomes in the region relying a comprehensive approach scheme, and can thus be considered an actor in the GoG region.

After its intervention in Somalia and with the rise of violence in the Gulf of Guinea region, the current *hot spot* of piracy and human trafficking (ICC-IMB, 2017) the EU has been implementing its Maritime Strategy through a regional Action Plan that addresses these problems through cooperation, capacity building and information sharing – promoting the regional appropriation of the response process (Council of the EU, 2015). This comprehensive approach (European Commission, 2013) steps away from what was the success of the EU NAVFOR Operation Atalanta in Somalia[1]. The EU is only partially drawing on its experience from the Horn of Africa and is reluctant to use instruments such as naval operations (Günther, 2015).

With solutions adapted to the GoG region – where States are not considered to be "failed states" as Somalia – the EU is still trying to lead the international effort to support the Yaoundé process: an architecture built by the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECCOWAS) and the Gulf of Guinea Commission (GGC) to implement information sharing centres and reporting line in the coastal region. (Code of Conduct, 2013).

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[1] First European Naval Mission to protect the vessels from the World Food Program under the UN mandate.

Starting from the *actorness* criteria of recognition, authority, autonomy and cohesion proposed by Jupille and Caporaso (1998) and in light of the conceptual evolution proposed by Conceição-Heldt and Meunier (2014) that introduced performance and effectiveness as conditions for actor capability, I will, from a constructivist theoretical standpoint, attempt to answer the following research question: to what extent does the EU play a role as a security actor in the Gulf of Guinea (GoG) region, considering its role in negotiations with multilateral and regional organizations, the GoG geopolitical relevance for the EU, and the recently importance of maritime strategies in the international players agenda? By exploring the Union's core actions, I intend to demonstrate the role it plays and how it plays it in the international efforts to tackle maritime threats in this region, not yet assessed as one of a security actor in affirmation. The presence of other international players such as the US and China, and the 'soft' approach adopted by the EU to promote the regional appropriation of the counter-piracy efforts might not be synonym of inefficiency in a long-term perspective, and this is what will be sustained in this analysis.

1.2 - Literature review
1.2.1 The EU as a Security Actor

The creation of the European Coal and Steal Community in 1951 in the aftermath of World War II came as an intergovernmental response to the economic consequences of the conflict. Mainly built to promote the recovery of the six Member States' key industries, the Community had to be sustained on political cohesion and a proper legal framework – a High Authority, an Assembly, a Council of Ministers and a Court of Justice. The positive impacts on employment, technological progress and growth became key factors to boost the reinforcement of its institutions. The integration of new Member States and the extension of its political powers beyond the economic partnership boundaries came in 1957 with the creation of the European Economic Community (EEC), with an external action structure, that, with focus on consolidating the EC as an economic bloc and an international trade partner, opened the path for the reinforcement of its foreign affairs (Bretherton and Vogler, 2006).

Its first form of defense after the 'European Defense Community' project being rejected at the French General Assembly in 1954, came with the Western European Union (WEU) formation, a forum for EC's consultation in matters of security composed by six European countries (Belgium, France, Germany, Netherlands, Portugal and the United Kingdom) in a military partnership with NATO. While the EC's foreign affairs focused mainly on economic issues, the security field remained under external influence in the lack of a common military force and a reluctance from member states to combine strategies and establish common defense priorities.

It was not until the formation of the European Union with the 1992 Maastricht Treaty that Security actually gained shape in the EU's agenda. The Treaty built the EU in a three-pillar system: i) European Communities, ii) Common Foreign and Security Policy (CFSP) and iii) Judicial Cooperation (JHA), transferring to the CFSP part of the WEU's attributions and committing Members to joint

missions under the 'Petersberg Tasks'[2]. At this point, the EU was enhancing is structures in the wake of the Cold War and the emergence of a new global order in an attempt to reinforce its member's cooperation in defense and safeguard stability in the old continent. But its failure to intervene in Yugoslavia and avoid the crisis in Bosnia in the early 90's revealed the incapacity for the EU to protect its own 'backyard', something predicted by Mearsheimer (1990), who suggested that without a two-bloc domain, instability and uncertainty would restrain states from giving up sovereignty and invest in cooperation.

But in a new transnational security framework and an ongoing globalization process, states' interdependence became superior to homeland interests (Shepherd, 2009) and it was on the face of this need to develop a stronger defense capacity that in December 1998, France and the UK, the two main military forces in the Union, signed the Saint-Malo Declaration, marking a step forward towards security cooperation and creating the basis for the later common security policy. The parties proposed the definition of strategic objectives for the EU's security affairs based on the assumption that the EU "needs to be in a position to play its full role in the international stage" and that "To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises" (Saint-Malo Declaration, 1998:1).

One year later, with the 1999's Treaty of Amsterdam, Member States agreed on the creation of a European Security and Defence Policy (ESDP), a defense instrument under the CFSP. The Treaty implemented the Political and Security Committee (PSC) to deal with the new EU Military Committee (EMC) and EU Military Staff (EMS) and formed a Committee for Civilian Crisis Management (CIVCOM), consolidated with the Treaty of Nice in 2000. Javier Solana, the former NATO Secretary-General, was appointed as CFSP High Representative, a new seat drawn in the Treaty.

It was under Solana's coordination, and in the wake of the September 11, 2001 terrorist attacks in the US, that the EU's launched its first European Security Strategy (ESS) in 2003. The ESS came with the purpose of "dealing peacefully with disputes (…) and co-operating through common institutions" in the basis of democratic values and the rule of law. The idea of a "united and peaceful continent" (Council of the EU, 2003:1) served as the first pillar of its strategic objectives, implementing a holistic approach to security challenges and mentioning AIDS, hunger, diseases and global warming as security threats (Zwolski, 2009).

This broader security concept was reinforced on the first Report on the Implementation of the European Security Strategy of 2008, where, as Zwolski points out, climate change was "elevated and figures on the list of 'Global Challenges and Key Threats' along with proliferation of weapons of mass destruction (WMD), terrorism, organised crime and energy security" (Zwolski, 2009:88).

Along with the changes in the global order, Buzan, Waever and Wilde (1998) proposed a new framework of analysis for security studies in the post-Cold War era whereby a public issue is 'securitized' when presented as a threat requiring "actions outside the normal bounds of political procedure" (Buzan, Weaver and Wide 1998:24) giving place to a *securitization* process of different

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[2] A set of military and security tasks (mainly peacekeeping missions) that the EU was empowered to deploy.

public domains that can evolve from *nonpoliticized* to a *politicized* issue and, furthermore, into a *security* issue.

By bringing human living conditions to their security agendas as a matter to be assessed and acted upon (foreseeing the outcomes of stability, development and wellbeing in avoiding crisis) international players changed the security approaches that were previously attached to the Westphalian concepts of territorial defense and securitized non-conventional issues, such as climate change or diseases, that assumed a format of *human security* threats (Sjursen, 2006; Zwolski, 2009; Shepherd, 2009). This concept of *human security* was first introduced by the UNDP in the Human Development Report of 1994 and expanded beyond military implications, focusing primarily on the individual – its life conditions and warrant of basic human rights and fundamental freedoms, included in the basis of the EU treaties and strengthened in the 1993's Copenhagen Criteria[3].

In 2004, the Barcelona Report entitled "A Human Security Doctrine for Europe" came to enhance this position: ensure human security in the face of new modern and complex threats that could no longer be limited to conventional military solutions. Howorth (2007) Rieker (2009) and Zwolski (2009) are some of the authors that, by approaching security from this larger perspective, contributed to the thesis that EU's conquered its position as a security actor by assuming a leading role in non-conventional security domains such as climate change, maritime security and aid delivery.

Howorth (2007) points out that "(…) the 'international community' arrived at a historical turning point where failed states have become more dangerous than strong states, where collective security becomes more relevant than territorial defence, where human rights become as important as state's rights" (Howorth, 2007: 222). The EU's *comprehensive approach,* was in this context, adopted as an umbrella to address security challenges in their core roots: poverty, social and political inequalities, underdevelopment or ill health were pointed as primary causes of conflicts, migration crisis or terrorist insurgencies. Security threats were hereby connected with development issues - intrinsically attached to the protection of basic human rights and fundamental freedoms.

As Viilup (2015) exposes, the Peace Agreement between Serbia and Kosovo and the improvement in nuclear talks with Iran are an example that the EU "can play an important role at the highest international level using its multilateralist approach."[4] The same applies to climate change: through a wide range of environmental policies, the EU has successfully led international efforts to reduce greenhouse gas emissions and tighten the control over industries through its Environmental Action Program. Its commitment to UN Framework Convention on Climate Change (UNFCCC) and effort on the 1995 first Conference of the Parties (COP) to impose targets to the emissions reduction led to the success of the Kyoto Protocol, "which represented a high point for EU global leadership" (Backstrand and Elgstrom, 2013:1376) This further served as study case for Jupille and Caporaso

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[3] Implying that future EU members have to follow democratic values, the rule of law and fundamental rights to enter the EU.

[4] Viilup, Elina, *The EU, neither a political dwarf nor a military worm* available in http://www.icip-perlapau.cat/numero23/

(2006) to identify the EU's recognition, authority, autonomy and cohesion as a criteria for determining the EU's global actorness.

So, in spite of the perceptions of EU as soft power dealing with low politics, with a capability-expectations gap (Hill, 1993), the fact is that through a variety of instruments and a holistic approach to transnational problems, the EU can effectively deliver and respond to contemporary security challenges. Rieker (2009) pays an important contribution to this end by analysing the development of political and administrative capabilities not as a bureaucratization process but a way of EU to build its actor capability and assume a relevant security role in the international stage.

The institutional reform implemented with the Lisbon Treaty marked an important contribution to this purpose: With the end of the three pillar system, the conversion of the ESDP into the Common Security and Defense Policy (CSDP) and the creation of the European External Action Service (EEAS), the EU was able to align crisis management and conflict prevention tools with aid delivery and development actions in a single body, coordinated by the High Representative of the Union for Foreign Affairs and Security Policy. Authors such as Whitman and Biscop (2012) point this Treaty as the cornerstone in the emergence of the EU as a Security Actor. Zwolski (2012) further states that the Treaty, and especially the fall of the pillar system, were created "conditions for improved consistency in EU's external action" (Zowlski, 2012:81).

The recently adopted Global Strategy on EU Foreign and Security Policy (EUGS 2016) came as the replacement of the 2003's ESS in a new context where the EU's pillars are shaken with the migration crisis, the tensions with Russia over Crimea, terrorist attacks in its main capitals and all the implications of Brexit: the loss of a main donor. Assessing the core of this new strategy in comparison to the ESS, Solana pointed that "the problem today is on a very different level: the European project itself is being questioned. Revealing the EU's capacity to act effectively would help to confirm the necessity of its existence."[5]

The EUGS is therefore built on the assumption that external actions mirror internal circumstances and "security at home entails a parallel interest in peace in our neighboring and surrounding regions". Around the idea of *resilience*, the EUGS draws on 5 key priorities - the first being the 'Security of the Union'- to build a *"shared vision and a common action"* (EEAS, 2016). For Biscop "this represents a return to Realpolitik" (2016: 1) since it is drawn on the recognition of EU's limitations and capabilities and defines realistic priorities that, in fact, concern Member States beyond national interests.

1.2.2. EU as a Maritime Security Actor in the Gulf of Guinea

The EU's ability to act is therefore more relevant than the definition of its institutional borders and military capabilities. As we've seen previously, local threats assume global repercussions, and the EU's role as a security actor can be made through multilateral governance, soft approaches and wide ranged instruments in non- conventional domains: Maritime security is an example of a field where

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[5] Solana, Javier in *The EU's Bold New strategy* (2016) available in https://goo.gl/9LDQbB

the EU has been assuming an important role as a security actor. Bueger refers to Maritime Security as "one of the latest buzzwords of international relations" (2015: 1) since it has been frequently assessed but it has no settled definition: it can be related to "blue economy", "sea power" or "marine safety" concepts, it can refer to multiple kinds of threats that go from Illegal, Unreported and Unregulated fishing (IUU) to piracy, pollution, terrorism and trafficking, representing different things to different actors depending on their political agendas (Bueger, 2015).

In its Maritime Security Strategy (EUMSS) of 2014, the EU defines maritime security as "a state of affairs of the global maritime domain, in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected" (Council of the EU, 2014:3). This implies safeguarding the EU's geopolitical and economic interests at sea, since it "depends on open, protected and secure seas and oceans for economic development, free trade, transport, energy security, tourism and good status of the marine environment" (Council of the EU, 2014:3).

Since the institution of the UN Convention on the Law of the Sea (UNCLOS) that the sea went from an "*empty space*" and a "*placeless void*", to a territorialized space through the definition of Exclusive Economic Zones (EEZ) and the domain of Sea Lanes of Communication (SLOC's) as forms of regulation and control over not only resources, but human activities beyond land by the States (Germond and Germond-Duret, 2016). Energetic safety, trade and climate change were already present in economic and political agendas and covered by security and defence strategies, but not under specific maritime security umbrellas.

It was in 2008, when piracy in the Gulf of Aden reached its peak, that the main international actors such as the US, the UK and the EU turned their attention towards maritime security and launched their first Maritime Security Strategies (Bueger, 2015). From 13 attacks and attempted attacks in 2007, the ICC's International Maritime Bureau (IMB) registered 92 in 2008 (ICC – IMB, 2008:5) off the coast of Somalia, a "failed state" that, without a recognized government and no coastline surveillance became home for organised crime: Cargo hijacking, kidnapping for ransom or drug trafficking became a reliable source of profit for criminals (Neal, 2011; Günther, 2015) and a synonym of rising crime with poorly socio-economic conditions onshore. It was in this context, and after the UNSC Resolution of October 2011 on Piracy and Security in Africa called for action from the international community (UNSC, 2011) that the EU deployed its first naval operation, EU Naval Force (EUNAVFOR) Atalanta in December of the same year, under the CSDP's umbrella.

With a mandate extended until December 2018, the mission aims at i) protecting World Food Program (WFP) and AMISOM vessels; ii) deter piracy and armed robbery at sea (ARAS); iii) monitor fishing activities; iv) support EU missions in the region.[6] Besides the deployment of armed forces, Operation Atalanta included the creation of the Maritime Security Centre Horn of Africa (MSCHOA), a regional information sharing centre, and two other missions were launched in parallel: EUCAP Nestor – a capacity building mission – and EUTM Somalia, for the military training of the Somali National Armed Force. Under the European Development Fund (EDF) and the Instrument contributing

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[6] Description on EU NAVFOR official website http://eunavfor.eu/

for Stability and Peace (IcSP), the EC's also approved a €212 Million budget under the Joint Strategy Paper for Somalia (2008) aimed at education, food security and economic development (European Commission, 2007)

Understanding that problems at sea have their roots onshore, the EU's *comprehensive approach* revealed its effectiveness in acting on a holistic framework in the Horn of Africa. From 49 actual and attempted attacks in 2012, Somalia registered only 1 in 2016, being this decrease also seen in the Gulf of Aden (from 13 to 1 in the same period) and at the Red Sea (from 13 to none in the same period) where the origin of the attacks is attributed to Somali pirates (ICC-IMB, 2016:5)

Even though the EU's performance to this end cannot be mathematically measured, since other key factors such as law enforcement and the private ship owners' adoption of best management practices (BMP) have also contributed to the decrease in piracy attacks (Bueger, 2013), its comprehensive approach strategy revealed its effectiveness (Zwolski, 2012; Bretherton and Vogler, 2006). The successful protection of aid vessels, vulnerable shipping and support to rescue missions has marked the affirmation of the EU as a consistent maritime security actor

So, can the EU successfully replicate the task and assume this role in the Gulf of Guinea, the current "hotspot"[7] for piracy and its strategic energy source? Günther (2015) says it can, if using the same cooperation-based approach considering the core differences between the regions.

Covering the coastline between Senegal and Angola, the Gulf of Guinea[8] (GoG) is as a sub-region of the sub-Saharan West Africa composed by 17 coastal countries, the islands of Cape Verde and Sao Tome and Principe, and six landlocked states[9]. This includes all of the 15 members of the Economic Community of West African States[10] (ECOWAS) and eight[11] from the Economic Community of Central African States (ECCAS), all integrated on the African Union (AU), as illustrated in Annex 1 – Figure 1 of this dissertation. Here are located five of the ten biggest African oil producers: Nigeria, Angola, Equatorial Guinea, Republic of Congo and Gabon (OPEC, 2016). The identification of oil and natural gas sources offshore through the last decade attracted private investment from not only the US and European countries like France, but emerging economies like China and Brazil, turning GoG into a major global energy supplier, especially for the EU, that imports 10% of its oil and 4% of its natural gas from the region (European Commission, 2014:2) and is shifting from crude to gas consumption in its efforts to fight climate change.

After energy supplying, fisheries are the second most important resource in the Gulf (ICC-IMB, 2012). Even though it is a mainly a regional controlled activity under coastal states domain, UNCLOS allows external exploitation of some migration species and through historical and political

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[7] Classified as such for the risk and danger of the attacks by the International Maritime Bureau (IMB)

[8] Geographic definition of the Gulf implies only eight countries from Ghana to Rep. of the Congo.

[9] Burkina Faso, Central African Republic, Chad, Mali, Niger and Burundi.

[10] Benin, Burkina Faso, Cape Verde, Côte D'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

[11] Angola, Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea, Gabon, Sao Tome and Principe, Rep. of the Congo.

bonds, EU states end up holding fishing licenses and access arrangements with GoG States (Ali, 2015). With 23 coastal states and 90% of its external trade [12] being carried by sea, EU commercial fleets also depend largely on the stability of the GoG waters. There is an average of 30 EU flagged or owned vessels at any one time in the Gulf of Guinea (European Commission, 2014:2), that, since tensions arose in the Middle East and North Africa, became the alternative route for cargo ships (Ukeje and Ela, 2013).

Even though Africa is not on the core of international shipping trade routes, coastal and landlocked states favor from taxation revenues and depend on maritime routes to export and import goods. Besides shipping cargo, submarine cables and pipelines have also been improving communications infrastructures and energy supply, connecting African states to Europe[13], providing electricity for the industry and attracting major private external investment (Ali, 2015).

GoG's natural resources and marine diversity favored its positioning in "the edge of geopolitical renaissance" (Ali 2014:63) as an energy security provider and a strategic shipping point. The presence of international players actually led to the region's substantial economic growth in the past few years, but weak wealth distribution associated with poor governance, social inequalities and spread of poverty fueled criminality, which has been rising along the rise of external investment and oil revenues (International Crisis Group, 2012).

For Oliveira (2007) the profits of oil business and the oil boom of the 70's warranted the GoG states a degree of dominance whereby "whatever the domestic political conditions, multiple external and internal actors will have an interest in maintaining a notional central structure" (Oliveira, 2007:64) and in spite of what he calls "progressive agendas" trying to contradict this paradigm into a democratic framework of transparency, the GoG's petro-states such as Nigeria will ultimately dictate the terms of their foreign affairs as long as they maintain control over oil production.

We do recognize these limits, especially denoted in the lack of inter-regional coordination by the GoG's RECs and the disparities in the States efforts towards a maritime security architecture. Nigeria has been indeed pointed by Steffen (2014)[14] to be "outsourcing maritime security" in a series of compliances with private operators.

But we are here assessing, above all, matters where states, beyond their corruption degree over private oil interests, are sovereign and hold authority not to be surpassed. The EU's efforts in improving maritime security at the GoG do not disguise economic interests, that are explicitly assessed in the EU Strategy on the GoG, that mentions trade, fisheries and energy supply as "shared African and European Interests" (European Commission 2014:2), but are also not 'hostages' of the coastal states power, especially since we are talking about threats that go beyond the economic domain.

The EU's intervention at the GoG is actually based on the assumption that the root causes of the main threats are onshore and that to implement a proper security framework, they need to be tackled

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[12] European Commission Maritime Affairs.

[13] Main One Cable, Glo Cable, West Africa Cable System (WACS) and Africa Coast to Europe (ACE)

[14] Steffen, Dirk (2014) *Use and Abuse in Nigerian Maritime Security* available in http://www.maritime-executive.com/article/Use-and-Abuse-in-Nigerian-Maritime-Security-2014-07-01

in its primary causes. This implies drawing on the scale of the menace that turned the GoG, according to IMB, one of the three most dangerous maritime regions in the world, where the following threats to be assessed prevail:

a) Piracy[15] is frequently approached as the main threat in the GoG. Cargo hijacking, kidnapping for ransom or armed robbery (ARAS) and oil theft or are the most common offenses. With the region's major oil reserves, the largest number of attacks happens off the Nigerian coast. On the rise since 2008, the number of attacks reached a peak in 2012 (when IMB registered 27 attacks) and started to decline only until 2016, at a time when 36 attacks or attempted attacks were reported (ICC-IMB, 2016). Targeting storage vessels near oil platforms that carry petroleum products to supply the black market at highest prices revealed to be a profitable crime. With lack of maritime policies and a proper sea jurisdictional framework, with fragile states and absence of transparency, oil theft and illegal bunkering[16] became a common practice, and piracy turned more sophisticated.

b) Organized crime, with a hub in the Niger Delta, grew into a regional scope (Ali, 2014) and "smuggling networks became more sophisticated and started to deal arms, illegal oil dealers started to attack ships, former delinquents became armed activists in the pay of gangs and fishermen abandoned their trade to become pirates" (International Crisis Group, 2012: 4). Besides the economic costs of these attacks, that in 2016 was estimated by Oceans Beyond Piracy (OPB) to be around $793.7 million, mainly spent with contracted private security services by shipping companies (and none with prosecutions), the human cost of the attacks to seafarers, often violent, evolving kidnapping for ransoms and captivity, is also rising: 369 seafarers were affected by kidnap for ransom attacks, including 96 who were taken hostage in 2016 (OBP, 2016)

c) Drug trafficking and illegal migration are also extra sources of revenue. The GoG lies on the "cocaine triangle" connected to Europe and South America, and it is a main point of supply for African drug flows. UNODC estimates that 47 tons of cocaine were heading towards Europe from GoG in 2007 mainly coming from South America. In spite of decreasing in the last years, due to alternate routes and the use of private aircrafts instead of ships by the cartels, the fact is that the region has also grown as a producer and not only a transitory passage (UNODC, 2013), opening path for the drug to find its final destination.

e) Another threat posing major security risks in the GoG is illegal fisheries practices (IUU). Total estimated catches in the Gulf of Guinea coastline was believed to be up to 40% higher than reported in 2009 (Mrag and Defid, 2009 *apud* Ali, 2014:129) and the EU is a top destination for the merchandise. If we consider the international legal and authorized fisheries in the region plus IUU, this over exploitation poses a high risk to local food security, coastal economies and marine diversity, therefore contributing to unemployment, criminality and migration.

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[15] UNCLOS, Article 101: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed i) on the high seas (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.

[16] The oil is directly stolen from pipelines, mostly onshore, then sold in the black market.

d) High unemployment rates and poverty are also an impulse not only for criminality but also for illegal migration. The number of people illegally heading towards Europe is also a concern: in 2014, Nigeria was the 9th origin of irregular migrants detected in the EU (European Parliament, 2015). Unemployment is, in fact, addressed by the EU as a core threat in the origin of criminal activities and illegal migration in its GoG Security Strategy, advancing that around 40% of GoG's population is unemployed, 60% of which within the youth population.

International concerns over these interconnected and transnational threats were, in a first moment, awakened by the UN Security Council Resolutions: After Resolution 2018, adopted in October 2011, encouraged Gulf of Guinea Head Of States Summit to promote a concerted action between the regional players of ECCAS, ECOWAS and GGC, and appealed to the international community to support regional efforts and the shipping industry along with IMO and flag States to enhance the safety of their fleets, in February 2012, the year when trafficking and pirate attacks reached a peak in the GoG, the UN issued the Resolution 2039 specifically aiming at "Peace Consolidation in West Africa".

Recognizing the "urgent need to devise and adopt effective and practical measures to counter piracy and armed robbery at sea in the Gulf of Guinea" (UNSC, 2012:1), this Resolution opened a path for international partners to deploy regional patrols, implement information-sharing mechanisms and coordination centers as well as assisting in the implementation of the future regional strategy.

This joint regional response strategy came into effect in June 2015 at the Summit of the Gulf of Guinea Heads of State and Government on Maritime Safety and Security. Heads of State from ECCAS, ECOWAS and GGC came together in Yaoundé, Cameroon, to commit to the creation of a maritime architecture. The signing of the Yaoundé Declaration and the adoption of a Code of Conduct drawing on prevention and repression measures for piracy, armed robbery (ARAS) and illicit activities in the West and Central Africa and the signing of a Memorandum of Understanding (MoU) between the parties to follow up with the Code settled the interregional cooperation. It established the creation of an Inter-regional Coordination Centre (ICC) on Maritime Safety and Security for Central and West Africa headquartered in Yaoundé and that would serve as an umbrella for the two regional coordination centers of CRESMAO (West Africa) and CRESCMAC (Central Africa) creating what is known as "the Yaoundé Process" as illustrated in Annex I, Figure 2 of this dissertation.

In line the UNSC Resolutions, these documents also proposed the support of external actors, and as we have previously seen, GoG is a region of major interest for international players such as the US, the EU or China, each one with different security approaches and its own interests. So, even though there is a convergence of efforts to act in the GoG, there is a divergence of interests, objectives and priorities behind them (Ali, 2014)

EU Member states, especially the ones with historical connections to the GoG sates, mainly France, Portugal, Spain and the UK, and with strong commercial interests in the region like Denmark, have held bilateral programs in the region. France, in particular, with a colonial past, a francophone heritage and a strong trade relation with GoG, has been a pivotal actor in sponsoring anti-piracy training and capacitation building efforts in GoG through its Accord de Cooperation. The UK, (at the

time still an EU Member), has also deployed a Cooperative Maritime Strategy on the GoG, supporting military training and the establishment of MTISC-GOG, a piracy reporting center, in 2016 (Ali, 2014).

The US and China are other key players in the region, but what distinguishes the EU from these actors is that, in spite of the core differences between the Horn of Africa and the Gulf of Guinea, which has no identified "failed states", but a different geopolitical relevance and a much wider range of criminal activities (Günther, 2015; Ali, 2014; Risley, 2014; Mandanda and Ping, 2016) EU disposes and has been using the same range of instruments through the same *comprehensive approach* strategy, but not deploying any military operation.

In 2009, the EU created the Critical Maritime Routes (CRM) Programme[17], to assess crime in core maritime routes, namely the Indian Ocean, South East Asia and the Gulf of Guinea - where project CRIMGO was launched in 2013 with a 4.5€ million budget (Barrios, 2013:3). This pilot project, implemented in seven GoG states[18], successfully deployed 14 capacity building missions and 13 crisis response trainings, supported the implementation of the ICC in the Yaoundé and the implementation of Yaoundé's Code of Conduct.

To enhance cooperation, the EU devised a proper Strategy on the Gulf of Guinea (2014) and adopted a corresponding Action Plan (2015) for 2015-2020. At the core of this strategy is the overall goal "to contribute to the sustainable development of West and Central African coastal States' economies by promoting the significance of a well-governed, safe and secure maritime sector". It aims to "reinforce intra-regional cooperation as well as to increase the level of coordination among the EU and its Member States, and international partners" (Council of the EU, 2015:16) promoting long term security and stability through capacitation, job creation and a series of strategic actions in these terms.

This included the closure of the CRIMGO project in 2016: *"CRIMGO has been able to ensure the sustainability of its training tools, and paved the way to the implementation of another CMR project in the Gulf of Guinea: Gulf of Guinea Inter-Regional Network (GoGIN)"*[19]. GoGIN was launched in June 2016 with a budget of €9.2 million, co-funded by the EU and Denmark[20]. It involves 19 states in the region, all interconnected in an information network, operationalized by Expertise France[21] and the states national maritime authorities.

Aside from piracy and organised crime, and as a main environmental activist, the EU is also addressing IUU through EU Sustainable Fishery Partnership Agreements (SFPA's). Currently, it maintains SFPA's active protocols with national authorities in Cape Verde, Sao Tome and Principe, Côte D'Ivoire, Senegal and Liberia.[22] Under the IUU Regulation umbrella, it is also providing GoG

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[17] In cooperation with Interpol, Expertise France and RUSI, CRM is as a joint action platform of information sharing and capacity building in high risk regions.

[18] Benin, Cameroon, Equatorial Guinea, Gabon, Nigeria, Sao Tome and Principe, and Togo.

[19] Critical Maritime Routes Programme Projects – GoGIN description.

[20] The EU provided €7.5 million and Denmark €1.785 million.

[21] French national technical expertise agency under the supervision of the Ministry of Foreign Affairs and the Ministry of Economy, Industry and the Digital Sector.

[22] Gabon and Equatorial Guinea are two cases of "dormant agreements" without validated protocols.

countries with a legal framework to prevent and deter IUU practices. This judicial cooperation aims at improving administrative procedures on catches and support development through information sharing on fishing vessels, on the Community Alert System and the control of operations in cases of certification checking (European Commission, 2008)

On a broader scale, the Joint Africa-EU Strategy (JAES) established Peace and Security as the first of the five main areas covered in cooperation. The EU's African Peace Facility for peacekeeping operations such as MISCA[23] and African Peace and Security Architecture (APSA) related operations detain a €750 million budget.

On the latest Council Conclusions on Maritime Security, the EU reiterated the need to address maritime security challenges in a preventive way and "underlines the need for effective cooperation and local ownership between regional states and stakeholders" (European Council, 2017:6). The securitization of the maritime domain in the GoG by the EU is therefore based on soft approach and led by regional appropriation. Not denying its economic drive, it also acquaints the scale of the threats in a sustainable long-term level,

1.3 - Conceptual Framework

When assessing the role of an institution or nation in the international stage and the extent to which its actions have repercussions at the global level, it is intrinsically perceived that the focus of analysis should be on its main achievements and not so much on its internal functioning structure. This is an assumption from which Jupille and Caporaso (1998) part to study the role of the EU as an actor in environmental policies, stepping away from the literature that has been approaching the EU from a state-centric perspective, and this is the conceptualization adopted in this dissertation to analyze the EU's role as a global actor in maritime security terms.

Gunnar Sjöstedt (1977) first assessed the then European Community's actor capability based on the criteria of autonomy. At the time, a nation state or what the author called a "unit" could be considered an actor if it had the capability of acting deliberately in relation to other actors in international affairs, which in the EC's case required internal cohesion and its separation from foreign affairs, where it acted as one. Furthermore, recovered by authors such as Allen and Smith (1990) and Hill (1993), the new globalized era post-Cold War and the reform of the EC into an enlarged European Union demanded new approaches to international relations and a review on the actorness concept when assessing the EU.

When adopting a perspective on the EU to further analyze its external role, Jupille and Caporaso reject both the hypothesis of the EU as a collection of states and a 'suprastate' to rely on the constructivist idea that the EU is a flexible, wide ranged structure, with distinct policy networks: "an evolving network" (Jupille and Caporaso, 1998:214). As an *evolving network,* we can assume that its constant mutation does not undermine its role as an external actor. In fact, it helps consolidating its response capability and adaptation scope to external changes, since we start from the idea that what

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[23] African-led International Support Mission to the Central African Republic.

makes an actor is, in fact, the effect of its external actions, and in this line the authors propose dynamic and observable criteria to identify unit's actor capability.

Reformulating Allen and Smith's (1990) concept of '*presence*' in international affairs, that mainly viewed the EU as an emerging state alike international players with actor '*status*', Jupille and Caporaso (1998) propose recognition as a first criteria for actorness. This perception of presence and status are, in these authors' perspective, translated into a kind of credibility given by third parties that somehow interact with the EU in international *fora*. Recognition can be *de jure* when it is diplomatic or legal, or *de facto,* when it's implied in direct interactions in a kind of socialization process where the EU's actions are considered, expected or negotiated, building the basis of its own identity.

Having a recognized position in international affairs, a second criteria for actor capability is authority, meaning "the legal competence in a given subject matter" (Jupille and Caporaso, 1998:216) held by the EU and delegated to it by third parties. Here, and assessing the EU's role as an actor in the environmental domain, the authors denote three means through which EU has it gained its actor position: i) acquired competences on establishing environmental policies; ii) acquired legal external dimension with the Court of Justice (ECJ); iii) acquired authority to close environmental agreements with the Single European Act (SEA). Thirdly, autonomy from other actors, institutions and nations, confers actorness capability to the EU through its independence to act. Institutional distinctiveness and independence are the two core indicators proposed by the authors to define an actor's autonomy, that it in this case has also an internal perspective. The Council of Ministers conferred autonomy to the EU, but it is in fact composed by member states' representatives, sometimes overlapping internal with external negotiations.

The last criteria to fulfill the EU's actorness capability is cohesion. Jupille and Caporaso admit the absence of an internal strong cohesion, but suggest that its external actions and their consequences are sufficient to build a cohesive external role. For this hybrid complex internal and external character, the authors split the concept into four types: i) value, referring to   goals and purposes; ii) tactical cohesion, related to uniform strategies; iii) procedural cohesion, concerning minimal consensus in rules and procedures; iv) output cohesion, that is, the policies and actions adopted.

Starting with the 'motto' of the need for the EU to "speak with a single voice", often evoked on the internal political divisions between Members analysis, Conceição-Heldt and Meunier (2014) question to what extent does the EU actually depends on internal cohesion to achieve results. Drawing on Jupille and Caporaso's conceptualization of actorness in the light of the EU's reforms after the Lisbon Treaty and the enhancement of its foreign affairs capacity, consolidated in the creation of the EEAS, the authors propose to draw on external effectiveness to help understand the EU's capability as an actor. The notion of cohesion is reformulated into the idea of internal cohesiveness, which influences the EU's external effectiveness, that is, "its ability to influence outcomes*"* (Conceição-Heldt and Meunier, 2014:968) and that is not always a condition for success, posing in some cases even a risk towards effectiveness. The authors assume that there are three possible scenarios when assessing this dynamic relation: internal cohesiveness can have a positive, a negative or no impact at all in EU's external effectiveness, depending on the circumstances, the policy domain, the third parties, etc. What we intend to do, through both of these contributions (Jupille and Caporaso, 1998 and

Conceição-Heldt and Meunier, 2014), is to determine if the EU fulfills the core criteria of a global actor and if it ultimately achieved external effectiveness and what was the impact of internal cohesiveness in doing so in the maritime domain in the GoG.

1.4 - Methodology

Our study's main methodology will be document analysis, in light of the aforementioned conceptual framework. With the institutional legitimacy of the EU and considering the circumstances of their production as well as the political impact and strategic meaning of their validation, we will be analyzing the main documents that define the EU's presence in the Gulf of Guinea, such as the EU Maritime Security Strategy (2014) the EU Strategy on the Gulf of Guinea and the respective Action Plan for 2015-2020, as well as its first Implementation Report (2016) and the EU Foreign Affairs Comprehensive Approach Joint Communication (2014).

This methodology applies to our case study in line with Le Goff's (1984) contributions for qualitative research methodology around the core assumption that a document is "a product of society, that created it accordingly to the power relations prevailing" (Le Goff, 1984: 102). Since we will draw on the EU's role as a security actor in the GoG, we will consider the EU's official documents' content assuming their legal limitations, their binding value and their recognition and legitimacy towards different audiences: Member states, the GoG states, the international community and ultimately civil society - each holding different perceptions over their meaning.

Considering that documents "are also rarely, if ever, produced and read in isolation from other documents" (Coffey, 2014: 371) we will analyze core UN documents on the Law of the Sea – UNCLOS (1982), that provided the first ever legislation framework for sea governance, and its later Resolutions on piracy and instability in West Africa (Resolution 2018 of 2011 and 2039 of 2012). Assuming the commitment of the EU towards the region's efforts to build a maritime security architecture, we will also analyze the REC's documents that established its framework as main sources, namely the Yaoundé Summit's Code of Conduct, Memorandum of Understanding and Plan of Action (2013), taking into account that, as narratives, they have their own cultural and social meaning and cannot be detached from the circumstances of their production, authority and consumption (Coffey, 2014).

In order to complement our main conclusions, we will recover scientific articles and previous investigations on the concept of actorness (Jupille and Caporaso 1998; Conceição-Heldt and Meunier, 2014) and the EU's capability as a security actor (Sjöstedt, 1977) as well as the literature concerning the EU's actions as a maritime security provider (Günther, 2015; Ali, 2014), drawing on its experience from the Horn of Africa and the current presence in the GoG to identify common traces of actorness. To support the idea that the EU actually plays a role as a security actor in the region we will furthermore rely on the available data from sources such as UN, OBP, IMO or ICC reports to draw on its mains achievements.

Chapter 2 - ANALYSIS

2.1 - Recognition

Jupille and Caporaso (1998) assume that there are two types of recognition: *de jure*, when it is attributed at a diplomatic level under international law and/or membership in international organizations (usually automatically conferred to states) or *de facto*, when it is attributed by third parties through interaction, implicitly conferring recognition to the unit as a counter-part. The authors propose that "acceptance of or interaction with the entity by others" (Jupille and Caporaso, 1998:214) is actually a primary sign of recognition, that contributed to EU's leading role in the decisions at the UN's 'Earth Summit'[24] even though it occupied a limited observer sit on the organization – that is, ensuring, in a way, some form of *de jure* recognition.

Like climate security, also maritime security is a transnational matter growing within international agendas and in which the EU has gained recognition as an actor. Since its intervention in the Horn of Africa and the deployment of EUNAVFOR, which successfully addressed piracy threats, and the implementation of an EU Maritime Strategy in 2014, the EU's experience as a leading player in the maritime domain can actually be an important piece in the implementation of maritime security strategies at the GoG (Günther, 2015).

From the sea's liquid boundaries to the transnational nature of trade routes and the fragile jurisdictional borders, crimes committed at sea make it hard to delegate responsibilities (Bueger, 2015) and in a framework where local states, especially Nigeria, have to deal with political instability, internal security threats and socio-economic difficulties, the implementation of a single regional response becomes unreal and makes multilateralism the only effective way to address insecurity threats (Ali, 2014; Ukeje and Ela, 2013).

When it formulated the 2018 and 2039 Resolutions, the UN was precisely aiming at a collective approach and international support from the international stakeholders at the GoG. The focus was on the Regional Economic Communities (REC's) ECOWAS, ECCAS and GGC to implement and lead these efforts in a coherent manner, and the process known as "Yaoundé Process" became the ignition and the basis for external support.

As part of this external support, the mere presence of the EU in the international dialogues cannot be seen as sufficient for recognition. As the authors suggest, more than the simple contact with other IO's or states, it is their engagement with EU's actions and purposes that builds its recognition, in a kind of "socialization" process involving active interactions.

Considering that, first of all, "outside recognition of the Union can only be an option if its own member states delegate it the authority to represent them externally" (Jupille and Caporaso, 1998: 220), when aiming for its Gulf of Guinea Strategy and Action Plan, the EU had to consider the Member States bilateral efforts in the region, including their actions in its holistic approach, avoiding double efforts and keeping the appropriation of the Yaoundé response in the regional domain.

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[24] Rio de Janeiro, 1992.

EU Member States' main players in the region are France, which holds bilateral meetings with most of the GoG countries, having deployed a naval (CORYMBE) and a capacitation (ASECMAR) mission to the region, and holds, through Expertise France, the execution responsibility of the GoGIN project; the UK, at the time a Member, which funds IMO's table top exercise; Denmark, which holds direct contact with maritime agencies in Ghana and agreements with ECOWAS; as well as Spain; Portugal; the Netherlands and Italy, identified in the EU's Action Plan as "Lead Member States" (Council of the EU, 2015:22). Denmark, France, Portugal and Spain's Defense Ministries have also adopted a Position Paper for Multilateral Cooperation in the GoG to tackle the growing threat of criminal activity, relying on the parties existing capabilities. In this Paper, the parties underline that this initiative is "fully in line with the EU Maritime Strategy objectives and can be considered as a first implementation of its Action Plan" (DK, FR, PT SP Position Paper, 2017), recognizing the EU strategy as an umbrella for their respective approaches. This means that the Member States provide the EU's not only internal but external recognition, sustaining the basis for its actions in the GoG and acting accordingly while expressing the Union's internal cohesion at the same time. At the external level, EU holds bilateral dialogues with both the African Union, its regional African counterpart, and the Regional Economic Communities (REC's): ECCOWAS, ECCAS and GGC composing the GoG.

Within the Joint Africa-EU Strategy (JAES) framework, which provides the pillar basis for every cooperation dialogue in Africa ever since it was launched at the Lisbon Summit in 2007, direct dialogues between the AU Peace and Security Council and the EU's Peace and Security Committee have served the EU's efforts towards the implementation of the African Peace and Security Architecture (APSA) and the deployment of its missions, which has been given until 2014 a €740 million budget for its operationalization, turning the EU into a major investor in the project.[25] (European Commission, 2014). This commitment was reinforced at the parties' last summit in Brussels, in 2014. The roadmap in the aftermath of this meeting established joint priority actions, the first of which being Peace and Security, on which is underlined that special attention needs to be paid to maritime security.[26]

Besides partnerships with AU, the EU holds direct bilateral agreements with REC's. In April 2017, the 21st ECOWAS-EU Political Dialogue Ministerial Meeting took place in Brussels and in this meeting's Joint Communique, the parties identified Terrorism and Maritime Security as a major common concern, recognizing both the role of ECOWAS in the implementation of the Yaoundé Process, and the efforts made to implement ICC, operationalize CRESMAO and host three Multinational Coordination Centers (Zone F, E and G). ECOWAS, in turn, welcomed the EU's efforts in the region and its commitment to strengthen and add capabilities to its Standby Force (ESF), a key security instrument of APSA, also funded by the EU.

The EU holds, since 2015, a Regional Indicative Program with ECCAS under the 11th EDF, making €350 million available for the region, apart from cooperation programs under Intra-ACP

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[25] European Commission - The African Peace and Security Architecture: Still under construction – 2014.

[26] Fourth EU-Africa Summit Roadmap 2014-2017, p.3.

program and the thematic "Global Public Goods and Challenges"[27] program. In dealing with GGC, which, for inter-state tensions, was classified by the International Crisis Group as an "empty shell since its creation,"[28] it can assess these same kind of tools, but regional contributions mainly depend on ECOWAS efforts, complicating the inter-regional coordination and posing difficulties to external interveners. The fact is that the EU achieves recognition through cooperation and its efforts towards the regional ownership of the Yaoundé process are always seen as a priority.

The US, for instance, had difficulties in finding a headquarters for AFRICOM in the region, because of African reservations over US presence in their national territory, being 'temporarily' based in Germany since its deployment. Makinda (2007) suggests that "while African states are trying to put the culture of military rule behind them, the United States appears determined to demonstrate that most civilian activities in Africa should be undertaken by armed forces"[29] (Makinda, 2007) making African authorities reluctant to shelter its operations.

When it comes to the EU, the regional entities and national authorities clearly welcome its presence and guidance, not only as one out of many international counter-parts acting in the GoG, that by itself already provides *de facto* recognition, but because there's an acknowledgment on the positive impact of this presence, which strengthens the core value of a *de facto* recognition: based on not only interaction, but action. So, not only does the EU achieve internal recognition from its Members to act on their behalf and with their support, but it also gains *de facto* recognition from the international players within the collective efforts to address maritime threats at the GoG, and, most importantly, from local states and REC's, the ultimate sovereign authorities responsible for the maritime security architecture of GoG and the acceptance or not of external presence in the region.

2.2 - Authority

After being given an observer position in the UN III Conference of the Sea in 1974, the, at the time, EEC's members promoted the Community's integration in the discussions, that lasted eleven meetings between 1973 and 1982, to establish the first Treaty on the law of the seas. The EEC's participation in the III UN Conference, and its Members support, whose fisheries policies and maritime resources management were ultimately under the Community domain (Paasivirta, 2015) allowed the EEC to become a contracting party alongside the members in the United Nations Law of the Sea Convention (UNCLOS) when it was ratified in 1982 with a special clause on Article 305 (f) – also known as the UNCLOS "EEC Clause" - stating that the Convention is open for signature by IO's, according to the

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[27] European Commission, International Cooperation – Africa.

[28] *Gulf of Guinea: A Regional solution to Piracy*? Crisis Group, Sep 2014 https://goo.gl/J5TPYV

[29] Centre for Strategic and International Studies: *Why AFRICOM Has Not Won Over Africans*, 2007
https://goo.gl/QjpVfR

terms of its annex IX[30] that predicts the delegation of competence from member states towards their represented IO.

The UNCLOS draws on a series of regulations to "promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment" (UNCLOS, 1982:25). In 17 parts, the Treaty defines the seas jurisdiction under the EEZs, the rules for international navigation, the framework to fight criminality at sea, the management of fisheries and living resources, a dispute settlement regulation and the formation of the International Maritime Organization (IMO) as the transnational agency responsible to ensure the fulfillment of the Treaty's provisions.

Launching the basis for its signatories to act onshore, and as part of the Treaty, the EU was able from hereon to implement externally proper and solid agreements under legitimate authority and later create its own European Maritime Safety Agency (EMSA) in 2002 and further implement its Maritime Security Strategy (2004). Even though the Convention's definition of EEZs has attributed to coastal states the control over their marine resources for 200 nautical miles from shorelines, more than a quarter of the fish caught by European fishing boats are actually taken from outside EU waters[31]

The EU's bilateral agreements grant it external fishing in third parties EEZs through the UN's Fisheries Stock Agreements (UNFSA) concerning straddling and highly migratory Fish Stocks; through representation in Regional Fisheries Management Organizations (RFMOSs); and through Sustainable Fisheries Partnership Agreements (SFA) targeting surplus stocks as part of the external dimension of its Common Fisheries Policy (CFP), six of which with GoG countries[32]. This implies that the EU's IUU Regulation under CFP umbrella also has an international dimension, opening path for the EU to gain "authority to act externally" (Jupille and Caporaso, 1998:216) in this matter. The Council Regulation on eliminating IUU stipulates both EU and non-EU countries are responsible for checking, inspection and enforcement of the CFP in line with UNCLO's rules on IUU. According to the EU's Regulation, every state shall identify vessels' flag states with the prejudice of accounting on a list of "Non-cooperating countries in fighting IUU" updated by the Council on which the Republic of Guinea was identified until October 2016 and Ghana and Togo appear as pre-identified.[33] In the case of Ghana, the EU successfully contributed towards the implementation of the Vessel Traffic Management Information System (VTMIS) and the Fisheries Enforcement Unit.

UNCLOS determines that it is under the signatories' responsibility to protect and preserve the marine environment, whether they fall within their defined EEZ' and Ecological Protecting Zones (EPJ) or not. The convention underlines a shared commitment towards the oceans and the need for all

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[30] Annex IX of the Article 305 defines the terms of IO's integration and the transference of competence from its member states towards the organization. Although they can act under their attributed fields, there needs to be coherence between the positions.

[31] European Commission – Common fisheries policy – fishing outside the EU https://goo.gl/zW3jov

[32] Cape Verde, Côte D'Ivoire, Gabon, São Tome and Príncipe, Senegal, Guinea-Bissau.

[33] Public list available in https://goo.gl/kPfL7k

states and IO's to act together, both in international and regional cooperation terms, to eradicate pollution and preserve ecosystems (UNCLOS 1982:100).

At the 1992 United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, the protection of the marine environment was endorsed as one of the key fields to promote sustainable development. With delegated competence to act on behalf of its Member States, the EU committed the Union' states, even though they were also counterparts in the agreement, to the summit's Action program, "Agenda 21", that draws on a list of principles on sustainable development, including i) conservation of biological diversity; ii) protection of the oceans iii) protection of the quality and supply of freshwater resources iii) management of wastes[34] (UNCED – Agenda 21, 1992)

At a time when the US withdrew from its environmental responsibilities towards economic liability, China was on an economic rise, the USSR had just collapsed and countries like Japan and Canada would not take proactive measures on the matter, the EU had its path open for assuming a leadership role in climate change policies (Kellerhaus, 2010 *apud* Waldmann, 2007). It is precisely in the environmental field that Jupille and Caporaso analyze the EU's role as a global actor, stating that the establishment of its environmental policies and instruments; the terms conferred to the European Judicial Court (ECJ) to seal agreements with third states; and the Single European Act (SEA) were the main catalyzers for the EU to achieve authority as an actor.

Even though all the Members take part in international agreements and have a seat as members of the UN's International Maritime Organization, the EU has its own maritime legislation, and, as recognized by IMO, "while failure to meet obligations under IMO conventions is unlikely to have any legal consequences, once these obligations become binding under EU law, non-compliance leads to penalties" (European Parliament, 2016: 6). From an observer sit at IMO's meetings, the EU is still able to coordinate its member states positions through backstage meetings and joint papers on core decisions. Though this causes some confusion concerning the over protection of EU's marine interests in face of third parties, some defend it has "become a driving force for IMO decision-making and effective implementation of IMO conventions" (Ringbom 2008 *apud* European Parliament 2016: 6)

Drawing on the Yaoundé Code of Conduct, the EU Action Plan and Strategy on the GoG are endorsed under the specific UN Security Council Resolutions and the credibility of its institutions, which even designates, through EEAS, a special representative for the Gulf of Guinea, at the time of this study, Hélène Cavé, to monitor the implementation process along with the EU's representation in regional and international fora such as the G7++FoGG. At the time of this article, the Group was presided by Italy and was previously presided by other Member States such as Portugal and France, allowing an enforcement of the EU's positions for the region.

By acquiring a solid position in the international fora ant by taking part of UNCLOS, the major maritime governance umbrella, and G7, on which it a privileged position[35], the EU equals a state in authority matters, what gains force through fisheries agreements or maritime environment protection

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[34] From 15) to 22) – Section II: "Conservation and Management of Resources for Development – Agenda 21 UNCED.

[35] Shares the same benefits as G7 states but it cannot preside the group or host a meeting.

policies, legitimized in the practice with a great margin of "legal authority or competence to act" (Jupille and Caporaso, 1998:216) proposed in our framework as one of the main criteria of actorness.

2.3 - Autonomy

To identify an actor's autonomy, Jupille and Caporaso rely on two key concepts: distinctiveness and independence. The first refers to the ability to act as a distinct element in the global politics environment and the second refers to the ability to do it as a proper organization, with a degree of separateness from its Member States. This is intrinsically connected with the previous notions on authority that, provided both internally by the Members and externally, legitimates EU's ability to act autonomously.

Even though the Council conclusions displayed on the EU Strategy on the GoG and Action Plan are not legally binding, they express political positions and policy recommendations to be adopted by the Members and to coordinate the latter's actions. Barnett and Finnemore suggest that IOs, in spite of having 'pathologies'[36], can act against a member's particular interest and furthermore influence each State position towards the defense of common interests over their particular ones (Barnett and Finnemore, 2004).

Considering the EU's intervention in the Horn of Africa, where Somalia was considered a "failed state" and, as such, the EU was granted legitimate authority to intervene, the scope for autonomous action at the GoG is more limited. The core of the problem is itself distinct: while piracy (the most addressed crime) off the Somali coast takes place in a context of lack of statehood, near the coast and easily leading to hijacks and long term captivity of seafarers for ransom, at the GoG the local states are recognized as sovereign and do have maritime jurisdiction, which leads to a more complex tie of attacks on high sea, aiming not so much at kidnaps but oil theft, enhanced by the lack of a proper law enforcement and socio-economic conditions onshore that turn this a profitable crime. (Mandanda and Ping, 2016; Günther, 2015)

The EU's deployment of EUNAVFOR in 2008 followed the international appeals for counter-piracy in Somalia and came to protect WFP and AMISOM vessels under the CSDP as its first naval military operation. Led by the UK, this was a fast intervention operation that led to the protection of core trade routes and guaranteed aid deliver effectively. The presence of the EU in the Horn waters contributed, in practice, for the pirate attacks decrease.

But this was a fast-paced deployment and a reactive response both from EU and the international community. Even if the EU had the same autonomy margin to intervene, a mere response replication alone in the GoG would probably not have the same results, ultimately because the goal of EU's response is, itself, distinct: while EUNAVFOR Atalanta was commended by the UNSC in Resolution 1838 (2008) which appealed to the "use of all necessary means to repress acts of piracy and armed robbery at sea" and delegated to the EU the creation of a surveillance unit (MSCHOA) and endorsed an ongoing plan to deploy a military operation (Atalanta), the EU's Strategy on the GoG

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[36] Mainly stemming from their bureaucratic nature.

targets long term responses through mainly onshore action in cooperation with local recognized states, who themselves have an ongoing strategic response.

In spite of its previous efforts, it was only in the wake of the Lisbon Treaty and the creation of the EEAS that the adoption of the comprehensive approach to external conflicts and crisis was launched in 2013. With it, the EU implemented a core pillar that served from thereon as guideline for its external action in a cross-sectoral way. Not only did this document aimed at mobilizing all EU's strengths and capacities, making use of all of its structures (from delegations to agencies) and resources, but it did so focusing on addressing the multiple stages of a crisis: from "early warning and preparedness" to "peace-building in order to help countries getting back on track towards sustainable long-term development" (Council of the EU, 2013:2).

But, as Faria puts it, *"What does it take for EU actors to agree on shared strategy?"* (Faria, 2014:2) or how does EU grants its level of independence as a unit with a proper structure beyond the sum of its Member states and achieves autonomy to act? Without a proper structure responsible for this strategy's deployment with political, organizational and contextual difficulties (Faria, 2014) the comprehensive approach joint communication can easily be pointed as one more bureaucratic process built on an idealized concept of shared commitment within the Union, with no real and concrete operationalization. The fact is that no binding procedures are included in this strategy and no internal mechanism can effectively ensure the Members commitment, or, even if it exists, coordinate them.

As we've previously observed, the crisis in the GoG cannot be unilaterally addressed: the scope of the threat, the differences between the coastal states and the international repercussions of the problems demand a clear joint answer from international actors. Even though particular interests of states, the shipping industry and civil organizations present in the region can lead to incoherent action and, many times, overlap efforts (Ali, 2014) the EU's best option is in fact this cross sectoral comprehensive approach.

In spite of not having deployed a military force, and with France and the UK's bilateral action in this sense, the EU is still able to deploy capacity-building initiatives, pay technical assistance, support and guide the building up of a jurisdictional framework to improve sea governance, ensure the IUU Regulation or improve national surveillance mechanisms.

Because its main Strategy objectives are i) building a common understanding of the scale of the threat; ii) helping regional governments put in place the institutions and capabilities to ensure security and the rule of law iii) supporting the development of prosperous economies in coastal countries and iv) strengthen cooperation structures between the countries of the region to ensure effective action across borders at sea and land, we can thus consider that the level of autonomy for EU to deploy a comprehensive approach in this case is relevant and rather sufficient.

2.4 - Cohesion

Jupille and Caporaso present cohesion as a distinct manifestation of "presence". The mere presence in the international stage is not a sufficient element to assume an actor's position. If a unit needs to be more than the sum of its parts, with a degree of recognition, autonomy and authority, it needs to display

also internal balance and common agreement. To further clarify on the concept, the authors deconstruct it in four different dimensions: value; tactical; procedural and output cohesion.

In the first one, Jupille and Caporaso refer to a common line of action based on shared goals. If the parts' goals are distinct, then we are in the face of tactical cohesion, where these objectives are aligned in a strategic way. When there is consensus on how to address certain issue, and there is an agreement on the rules that lead to final external actions, then we are in the face of procedural cohesion. Lastly, and independently from a more or less procedural cohesion, there is the output cohesion, where the internal agreements have their effect in the form of decisions and policies. The authors further draw on two conflicts that might cause cohesion disruption: horizontal conflict – given at a specific level of authority – and vertical – the ones that take place across different authority degrees.

It is possible to identify in our case scenario a degree of value cohesion regarding the ultimate goals for all the interveners in the Gulf of Guinea within the common purpose of eradicating piracy and fighting transnational crime promoting stability in the region and safeguarding its economic potential. Even though members such as France or Denmark have their proper geopolitical interests in the region, they do not collide with the Union's objectives, and can be pursued at a bilateral level, which lead us to identify procedural cohesion in the EU's Action Plan which includes and accounts on the Members efforts as sovereign states acting in an independent way.

Under the CSDP, the deployment of military operations is dependent on the consensus of the Member States, but France, which frequently assumes leadership in the EU's initiatives' deployment, holds Maritime cooperation initiatives with francophone countries under the cooperation agreements that comprise naval forces deployments. Denmark, especially, has autonomy in this field since it dropped out of the Union's security matters in 1992 along with the opt-out in the euro, as well as justice and citizenship affairs[37] and adopted its own Counter Piracy Strategy 2015-2018, foreseeing naval response if requested by other states. In spite of the CSDP having been built on the need for the EU to develop its military capability and better assess external crises, enhancing its international presence and gaining autonomy from NATO, the domain of defense remains dependent upon the Members' willingness, and every Council decision or resolution, including the GoG Strategy and Action Plan, are decided by all Members by consensus (if there is no agreement, the decisions are emended and reviewed under the Treaty on the Functioning of the EU[38]) and they are not legally binding, serving more as political positions.

During the elaboration of the Strategy on the GoG's first draft at the COAFR[39] level, UK Minister's for Europe denoted "little Member State appetite for a CSDP mission". After assessing and reviewing the Action Plan document, UK's report exposes that it "removed the original focus on military CSDP, which is now referred to as one of the many EU instruments available" (UK Parliament, 2015) planning more on civilian operations and funding instruments than on a military action. This was the UK's position at the Working Party: a military mission in the terms of Atalanta

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[37] Denmark signed four opt-outs on the Maastricht Treaty.

[38] Treaty on the Functioning of the European Union (Title V: area of freedom, security and justice Chapter 1).

[39] Africa Working Party – first level of approval of a Council document.

would not to be appropriate and that these types of interventions should not be considered a "default response", in shared view with the British shipping industry, that defended that "UK activity should be proportional to its risks and can only be based in soft power" (UK Chamber of Shipping, 2014:8) in the Gulf of Guinea.

What Hill called the *capability-expectations* gap, largely exposed in the lack of 'capability to agree' amongst EU Members regarding common foreign affairs, can be reconsidered, to a certain degree, according to the turnover on EU's foreign strategy, on which capabilities were broadened to civilian missions also under CSDP, and expectations became more realistic under a comprehensive perspective. Conceição-Heldt and Meunier (2014) later questioned the relevance of internal cohesiveness in external effectiveness, showing that agreement amongst Members is not necessarily an insurance of external effectiveness, and can, in some cases, even have a negative impact in EU's foreign affairs.

Even though with unilateral capacity to intervene, EU's Member states have not intruded in GoG states jurisdiction at sea. The UNSC Resolutions and the Yaoundé strategy imposed a regional coordination that foreign partners follow upon, and even having the resources to do so. France for instance, has invested in training and capacity building missions: a partnership with UK to implement MTISC; a partnership with US to implement ASECMAR[40]; joint exercises with local Navies, recently Nemo 17.6; the enhancement of its Corymbe mission, active in the region since de 1990's. These actions are not counter-productive for EU's purposes as a cohesive unit, since all these efforts are coordinated under the common strategy, agreed by consensus by the Members. But as a cross-sectoral approach, involving from information sharing actions to legislative support, EU faces some degree of horizontal conflict in deploying a comprehensive approach and delivering output cohesion in the form of a single autonomous actor.

Maritime security concerns trans-sectoral dimensions that cross EU's bodies: Illegal Fisheries, transnational crime, illegal migration or environmental degradation are issues assessed by different specialized agencies (e.g. EMSA, EEA, FRONTEX) and at EU's multiple bodies (e.g. EEAS, EDA, EESC) as well as different funding sources. So not only should the Members actions be harmonized, but internal structures and resources to provide it a proper framework towards a procedural cohesion should be a concern too.

At an internal level, cohesion was the main objective of the EU's Integrated Maritime Policy and Maritime Security Strategy, that aligned structures towards sea governance, but which external dimension remained poorly addressed. Germond (2011) sustains that even though the EU MSS focuses on the most relevant maritime threats, which Members agreed upon (it was from the Members part that the ongoing Common Information Sharing Environment - CISE - project gained form), they are *"never approached in a coherent manner"* (Germond, 2011:575). Recognizing that "cooperation in the field of the struggle against transnational threats at sea is an imperative requirement, although not so easily achievable" (Germond, 2015:89), the author reiterates that, more than law enforcement, it is the ability to coordinate different actors' initiatives under the same umbrella and avoiding the overlapping

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[40] Established in 2013 to promote naval training and law enforcement.

of efforts and drawing on joint action that dictates success in tackling maritime insecurity. Relying on the Members' willingness to act in the CSPD framework, the EU needs therefore to assume its position as a central coordinator for its members' activities.

This capacity to enhance cohesion was underlined in the Strategy on the GoG that mentions the importance of carefully planning on the main instruments to use and to prioritize and maximize the complementarity of actions for greater effectiveness. In the person of a Senior Coordinator for the GoG, the Council delegated the responsibility to follow up and monitor the implementation of the Strategy and Action Plan, that implied not only "joining up the EU and EU Member States" but also to "achieve a consistent, coherent and complementary use of instruments." (Council of the EU, 2015:19) The problem relies on how to achieve it.

In the first Implementation Report on the EU's Action Plan, under the Expected results on "Sharing of information on activities among all stakeholders involved" the mapping of all ongoing activities taken by national governments, IO's and EU Member States is mentioned to be an "ambitious objective for now", followed by the conclusion that "real coordination is still far" (European Commission, 2016:15). The report follows on listing the expected results and state of play concerning the Strategy's priorities and main achievements. Apart from the financial support of MTISC-GoG and the support CRIMGO and its replacement by GOGIN, and the participation in SEACOP, there is little 'output cohesion' of EU as a single autonomous actor. The "Lead Member states", mainly UK and France, are the ones whose activities are most often mentioned and that contributed for the pursuit of the Strategy's Goals.

This translates some inability to deliver output cohesion, it is not in itself a constraint to internal agreement regarding the Strategy that serves as an umbrella for every Member that underlines this: France and UK often refer to the Strategy in its form of common guidance (e.g. the Denmark - France - Portugal – Spain Position paper or the UK's public assessment on the Action Plan Implementation Report). We also cannot ignore that even relying on cohesion, EU Action Plan's execution still aims at supporting the Regional response to maritime threats, and sovereignty in this matter has to be respected. Also, the lack of inter-regional coordination between the REC's at the GoG, the resilience of local States to establish jurisdiction at sea, their economic fragilities and political instability compose a series of constraints that hinder international cooperation (Ali, 2015) and the deployment of EU's multilateral support.

We can therefore identify to a great extent the presence of procedural cohesion at the GoG since all EU Member States are aligned and agree upon the Action Plan's strategic comprehensive approach. With no need to a forced tactical cohesion in the absence of significant internal disparities, we have identified some degree of output cohesion, but that comes not so much from internal factors, but mainly because outputs are also affected by external conditions influencing EU's action.

2.5 - Performance
'Performance' is what Sjöstedt viewed as "influencing factors" to an actor's performance in 1977 when assessing EU's external role. The author conceived actor capability as a unit's autonomy, defined by its level of internal cohesion and separateness from third parties in external matters, meaning that actor

capability equals the "unit's capacity to behave actively and deliberately in relation to other actors in the international system" (Sjöstedt, 1977:16). By assessing the EU's role for its autonomy to act and impact international affairs as a single unit, Sjöstedt gave a first step in starting a debate about the EC/EU's actorness. By deviating from a state-like framework of analysis towards a constructivist assessment on the EC/EU's actual capabilities, the author could demonstrate that the EC/EU, in spite of its hybrid nature, could perform and influence third parties, as states or IOs, do.

Hill, however, further drew upon this idea of *actor capability* to expose a capability-expectations gap within EU's actorness in the international scene, showing that the EU's external character is "solely intergovernmental" and "therefore no more than the sum of what Member States severally decide" (Hill, 1993: 309), especially in the CFSP framework. At the time of his work, Maastricht had not yet been ratified, and Hill predicted its defense provisions to be "likely to hold" (Hill, 1993: 316). From his vision, Members were unlikely to strengthen cooperation in this matter in the lack of resources and especially in the lack of a coherent system within EU to do so, as well as the ability of institutions to recognize this gap.

The absence of military capability is pointed by Hill to have deepened the ability of the EU to respond to security demands in its neighborhood and worldwide, therefore boycotting any attempt for the EU to, in fact, become a global actor, in line with Bull's (1982) idea that the EC/EU would, for this same reason, most likely never become one, even if assessed as a "*civilian power*", as done by Duchêne (1973)[41]. In a post-cold war context, Bull, Hill or Duchêne's conceptions had to be reviewed and assessed in a context where the value of *sovereignty*, *statehood* and *military force* got underrated in the face of ever more interdependent economies, societies and security threats. A refocus from a state-centered *actorness* to an *EU actorness* as a different, yet valid structure in international relations led to the development of constructivist theories around conceptualizations of how the EU was perceived in itself - not so much what makes an actor (and if the EU fulfils certain criteria), but more so what kind of actor the EU is, or could/should become: a normative power, neither civilian nor military (Manners, 2002) and an ethical power (EPE) as a relevant aid provider, development proclaimer, economic partner and democracy supporter, able to guarantee long term stability and, through preventive approaches, secure its surrounding environment.

The notion that the EU should be *"crafting its foreign and security policies on the basis of the common interests of its member states rather than pursuing normative or 'ethical' crusades"* (Hyde-Price, 2008: 1), as proposed by realists, ignores both that Members recognize a degree of autonomy and authority to the EU, that exerts influence over their individual positions towards the community's interests, and that security policies are not in fact detached from normative and ethical 'crusades'.

This idea was strengthened with the Lisbon Treaty and the enforcement of the EU's external affairs structures. From the creation of the EEAS and the reformulation of the post of High Representative for Foreign Affairs and Security Policy, to the abolishment of the three-pillar system and the inclusion of a "mutual defense" clause, as well as the creation of a European Defense Agency

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[41] Bull goes against Duchêne's argument of a *Civilian Power Europe* relying on the lack of military capability as a structural element in defense matters to actual perform as a global power.

(EDA), the revision of the CFSP shifted the EU's strategy from internal security as a condition to act externally towards a focus on a more global range of threats. By addressing the mutual relation between internal and external security, intrinsically interconnected, the EU merged its line of action in a comprehensive approach that could be deployed in both of these levels and in a wide range of capabilities to address crisis. Not only did this represent a new approach to security threats after Lisbon, but it also moved the focus of scholars away from defining the EU as a *sui generis* structure in IR, hard to catalogue in defense matters, to the study of what it can actually perform and deliver in the global stage.

Against Manner's assumption that the EU should be addressed not for "what it does or what it says, but for what it is" (Manners, 2002:252), some authors started to approach performance and goal achievement as a core indicator of actor capability: which to Sjöstedt (1977) served in the first place as a measure to examine an autonomous unit's capacity to behave and influence the international system, as previously stated. The conception that the EU was only able to perform to a certain extent, namely in 'low politics' domains, and was limited to the Members' willingness in what comes to 'high politics' matters such as defense, becoming limited to a civilian (Nye, 2004) and a normative (Manners, 2002) power role, which had to be revisited under the idea that the outcomes of its actions or policies could produce the same effects to lower or higher politics.

In light of its comprehensive approach, the EU is not only making the most out of the variety of its instruments, as it aims at the different stages of crises: prevention, resolution and peace-building. For Matthiessen (2013) this makes the EU, with its multiple resources – from financial to diplomatic – neither a *soft* nor *hard* but a 'smart power' capable of efficiently deal with both low and high politics and still achieve results. This idea of goal achievement, failure and success in pursuing pre-determined goals is largely present in the work of Riesche (2010) intrinsically attached to actorness performance[42]. In assessing the Performance of EU and AU Regional(ized) Peace Operations, Riesche (2010) supports that it is not the assumption that regional conflicts demand regional responses that is wrong, but the ability to perform this response that dictates its failure or success. But, the same way as Riesche did, also Jørgensen (1998) questioned: how should we measure success? In our case, how should we measure EU's performance in the GoG? We further propose an analysis of its actions effectiveness as a good starting point towards the answer.

2.5.1 - Effectiveness

In assessing the EU's Strategy in the GoG, the 2015 Danish report on Maritime Security in the Gulf of Guinea denotes that, even though this is the only strategy aiming at root causes of maritime threats, it is also the only ignoring MOWCA, the maritime organization for Central and West Africa, having chosen to focus on the Yaoundé process and the deployment of "table-top" exercises. Further on, the authors admit that this might have occurred because the implementation of the Yaoundé architecture

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[42] That is affected and constrained by five main elements: financial resources, mandate and legitimacy; local acceptance and neutrality; political agenda and tenacity and support 'at home'.

is seen by the EU as a compilation of all necessary and effective means to act upon the region's maritime insecurities (Jacobsen and Riber, 2015).

In these terms, Ukeje and Ela (2013) defend that global powers tend to consider and rely on military action rather than engaging in soft approaches targeting human development and sustainable solutions. By focusing on energy security, trafficking, terrorism and WMD proliferation, they tend to rely on "overly top down" approaches that ignore weak governance structures, what might boycott effective action. Considering the variety of actors intervening in the region, international efforts at the GoG might have distinct angles, and the protection of international shipping, the insurance of energy security and the deterring of transnational crime can be on the top of major actors' agenda, such as the United States, that, apart from the UN and AU, is the only external actor deploying anti-piracy naval forces in the region.[43]

In the framework of its National Strategy on Maritime Security (NMS) and the African Partnership Station (APS), the US deployed AFRICOM as one of its six international "full-spectrum combatant command"[44] aiming both at 'soft' and 'hard' security approaches (Ali, 2015), since it is investing in capacity building initiatives, but also "disrupts and neutralizes transnational threats"[45]by means available. The EU's commitment involves no naval response, addressing not a military anti-piracy mission nor the deployment of functional naval forces, but engaging in the creation of conditions for regional appropriated solutions instead. For Günther (2015) a replication of a naval military intervention in the same shape as EUNAVFOR at the Horn of Africa would not be effective because of five core reasons:

> First, it would undermine the local ownership of the coastal countries (…); Second, EU member states do not have the necessary naval capabilities deployable at the moment (…). Third, there is currently no mandate for such an intervention, and the coastal countries are sovereign states that would not accept international naval forces fighting piracy and armed robbery at sea in their territorial waters. Fourth, some member states fear being accused of neo-colonial interference. Fifth, the political elites of some coastal countries such as Nigeria would not approve the EU's military presence because of their collusion with criminal networks (Günther, 2015: 26).

The EU's Action Plan underlines precisely that its aim is to provide support to the regional efforts in the GoG under the Yaoundé framework and that, in spite of lessons learned at the Horn of Africa, there is "no 'one size fits all' solution" (Council of the EU, 2015:10), claiming that the measures defined by the Action Plan are "all comparatively low cost but high-value" (Council of the EU, 2015:15) efforts towards maritime security improvements. This "low cost but high-value" perspective does serves the

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[43] Oceans Beyond Piracy *An Interactive Guide to International Efforts to Address Piracy Off the Coast of West Africa* available in oceansbeyondpiracy.org

[44] United States Africa Command – About https://goo.gl/j8iVGp

[45] *Ibidem* - Mission.

main Yaoundé purposes by building stability, growth and security onshore. By "high value", the Council means effective long-term solutions, and, as effectiveness, Conceição-Heldt and Meunier (2014) perceive the "ability to influence the outcomes" which, in the EU's case "is measured against the collective position, as defined by the specific EU decision-making rules applicable in a certain policy field" (Conceição-Heldt and Meunier, 2014: 968). The authors defend that effectiveness, not depending necessarily on internal cohesion, can be measured by comparing the outcomes of a negotiation with the EU's real objectives in it.

The definition of four core objectives in the Action Plan - i) Improved common understanding of the scale of the threat; ii) Reinforced multi-agency institutions at the regional and national level; iii) More prosperous and resilient economies and coastal communities; iv) Strengthened cooperation structures with the region, EU Members and international partners -, served as the EU's orientation for every EU and Member State initiative in the absence of its authority to impose binding rules in what comes to addressing threats out of its own jurisdiction and surpassing sovereign states' own authority.

Aiming at the first goal (i), EU delegations, as well as Member States, have taken frequent and ongoing dialogue with national authorities in each country. The deployment of CRIMGO as an inter-regional capacity building mechanism, strengthen operational capabilities of maritime authorities and opened way for the implementation of GOGIN as a Critical Maritime Route (CMR) Project and SEACOP as part of the IcSP Cocaine Route Program for the fight against trafficking and criminal networks. Regarding (ii), reinforced multi-agency institutions, the EU contributed for the Côte d'Ivoire's Strategy for State Action at sea (2014); national focal points were nominated to coordinate with CRIMGO, that enforced the implementation of ICC; SEACOP implemented a Best Practices guidance and deployed mentoring missions; FRONTEX launched the Maritime Joint Operation Hera in a joint effort to counter illegal migration. Concerning (iii) more prosperous and resilient economies, IUU Regulation has been implemented through the Fisheries Agreements and the support to national authorities by DG MARE; Economic Partnership Agreements (EPA) with Ghana and Côte d'Ivoire are in application and negotiations are ongoing for EPAs with other 14 West African states, ECCAS and ECCOWAS, covering goods and development cooperation. Finally, on (iv) strengthened cooperation, SEACOP workshops were delivered, the EU took part in the G7++FoGG meetings and supported the AU's Extraordinary Summit on Maritime Security and Development in Africa held in Togo, in 2016, having held also reunions on the Interservice Contact Group on Piracy; FRONTEX held joint operations with Cape Verde and Nigeria.

These achievements would not have been granted if the EU had an inability to influence the outcomes in a political and practical level. Even without legal force, Council recommendations and guidelines are adopted and embraced either by Members either by third parties acting in the region and, most importantly for effectiveness purposes, also by the GoG states. For Barnett and Finnemore (2004) the essence of authority is, in fact, effectiveness: "the ability of one actor to use institutional and discursive resources to induce deference from others" (Barnett and Finnemore, 2004: 5) and this is on the basis of EU's comprehensive approach in the GoG, especially when it pushes for action of local states: supporting local national strategies and improving regional maritime governance through its effective multilateralism.

In line with the UN's principles, the EU assumes that joint nations' work in cooperation is the only effective way to address crises and respond to security threats by building on a multilateral cooperation framework, and this is why bilateral Member's actions are frequently considered in the implementation of the EU's Strategy towards the GoG. This means that, in the light of Conceição-Heldt and Meunier's (2014) conceptual framework, internal cohesion is not always a condition for effectiveness and, in its absence, the EU can still incorporate the Members' actions under the same guideline towards effective multilateralism, which from the 2003 ESS to the EUGS of 2016, that focuses on "Cooperative Regional Orders" as a strategic objective, remains in the cornerstone for the EU's foreign policy. Within the three possible scenarios proposed by the authors whereby internal cohesion has positive, null or negative impact in the EU's effectiveness as a global actor, we can thus assume that, in the GoG, there is some degree of positive impact.

We state that this happens only to a certain degree because the EU's Members' strategic national objectives remain on their domain and are still being pursued, but they do not go against the EU's actions *per se*. This means that if the Member's actions eventually did fall of the EU's common vision, it could easily have a null impact on effectiveness, because we've come to a point where internal cohesion is no longer a condition for external successful action, and the idea of European 'single voice' became a fallacy. Not only has this changed in the literature, but within the EEAS: in the words of the High-Representative Federica Mogherini: "our strength is not one voice. Our strength is the plurality of our voices."[46]

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[46] Speech at the Plenary Session "A conversation on: A New European Strategic Vision" of the Bucharest Forum 2016t https://goo.gl/NFmGvD

Chapter 3 - CONCLUSIONS

This dissertation has drawn on the role that the plays EU as a maritime security actor in the Gulf of Guinea. This is a region that recently emerged in the track of global economic interests for its natural resources and its strategic location. The discovery and production of oil and gas, as the value of its position for international trade routes, gave rise to its geostrategic interest, attracting both external investment as violence and criminality at sea. In a region that combines the major African oil producing countries, so-called 'weak state' structures and socio-economic fragilities, we were able to perceive how the maritime security threats can in fact have impact and deep roots onshore.

The EU, as a rising security actor, has been deploying a strategy that, precisely through a holistic approach, assesses the region's wide-ranged problems, aiming at prospering and effective solutions. Starting from the leading role it assumed in fighting maritime threats in the Horn of Africa, and from Joseph Jupille and James Caporaso's actorness conceptualization and the evolution thereof after the Lisbon Treaty as proposed by Eugénia da Conceição-Heldt and Sophie Meunier's performance-oriented perspective, we could draw on how it still relies on actor capability to effectively deliver expected results.

Approaching different perspectives on the concept of 'actor capability', from Gunnar Sjöstedt's (1977) to Charlotte Bretherton and John Vogler's (2006), we have adopted Jupille and Caporaso's (1998) framework to build on a detailed assessment of the EU's fulfillment of actorness criteria in this case study. Since Jupille and Caporaso have drawn their actorness thesis on the EU's role in climate change negotiations, a recently added topic to Security agendas, we could better mark a starting point to its role on the maritime security domain, also recently present in these agendas. By proposing the criteria of i) recognition, ii) authority, iii) autonomy, and iii) cohesion as core conditions to define actorness, these authors have built on a framework that, with different appropriations, has become a reference on actorness literature concerning the EU – a 'sui generis' actor in the international scene.

Considering the EU's 'sui generis' identity and its also unique security approach to the maritime threats in the Gulf of Guinea, that implies no military intervention, we could more easily build on our actor definition recovering Conceição-Heldt and Meunier's (2014) perspective, that approached performance as a key actorness sign. In the wake of the Lisbon Treaty, the EU's capability to act effectively, relying or not on internal plane cohesion, appeared in this work as a largely unexplored gap in the literature, and based upon which we assessed the EU's actions and results delivered in the region as essential argument to our purpose: identifying the EU's role as an effective security actor.

Firstly, this was done by drawing on the EU's experience in the maritime security domain acquired especially in Horn of Africa. Though a literature review, we have analyzed the success of EUNAVFOR Atalanta and the core motives for a mere replication of this answer in the GoG. Building on the rising role of the EU in the maritime domain, we could identify its recognized legitimacy to act in the GoG, not only for the rising criminality in the region, but also accounting its economic and geopolitical interests in the region.

From its energetic resources - oil and natural gas - to sea lanes and fishery stocks, we recognize these motives but claiming that the geopolitical relevance of the GoG to the EU does not, in practice, undermine its position as a development provider, a security partner and a major supporter of a proper African-based and owned maritime security framework.

By identifying the main security threats faced in the GoG, namely piracy; organized crime; drug trafficking; illegal migration; and illegal, unregulated and unreported fisheries (IUU), we expose their transnational character and the international dimension of their consequences that led to the UN's appeal for the international community's intervention, and, furthermore, to the EU's response. Secondly, under the UN's directives, it is stated that the framework of this response, the comprehensive approach, integrated in the EU Strategy on the Gulf of Guinea and the Action Plan, aims at the regional appropriation of the answer and international coordinated cooperation, building on the EU's recognition as a counter-part in the region.

Through its position in international fora, and especially as a signatory part of the UNCLOS and a policy maker regarding fisheries and sea governance within the EU and internationally, we assume the EU's authority to act on this domain. We then identify the EU's ability to act as an autonomous unit, making use of its wide range of instruments as counter-part in agreements, as well as its degree of cohesion, that is here enhanced with the Members' support and shared vision in what comes both to the Strategy on the GoG guidelines, and to the main goals to achieve. Thirdly, and after demonstrating the EU's actor capability through the abovementioned elements of recognition; autonomy; authority, and cohesion, we have adopted Conceição-Heldt and Meunier's conceptual framework to analyze the effectiveness of the EU's soft approach and its ability to deliver as an actor.

This was drawn considering that the results of the EU's actions cannot be measured only in the light of its capabilities or its dependence on Member states, but also in the light of external factors beyond its sphere of control – from the REC's response to the political reality of coastal states and the presence of other international players in the region – which led us to rely on the analysis of its actions' effectiveness to sustain its performance as an actor.

Finally, and departing from the change of paradigm in the literature that drift the attention from what the EU is to what it does, we can close on the main argument of this dissertation and sustain that the EU's building on long term prosper solutions that work both for the region's development as for the safeguard of its interests.

By pursuing the declared goal of supporting a regional-owned process of maritime security, the EU is, in fact, performing a security role, even though in a multilayered form that cannot be seen as linear or unbreakable - at some point, the Members had their influence in decision making processes and the implementation of the Yaoundé's maritime architecture has been slow. When we affirm that the EU is assuming this position as a security actor, it does so within an international multilateral platform of actors – that includes private shipping companies, IO's such as the UN, states with large impact in the region such as the US and NGO's such as OBP – and regional authorities, therefore facing constrains and inertia, but that here are not seen as putting its security actor role in question. Ultimately, we conclude that the EU can be considered a security actor in the Gulf of Guinea region.

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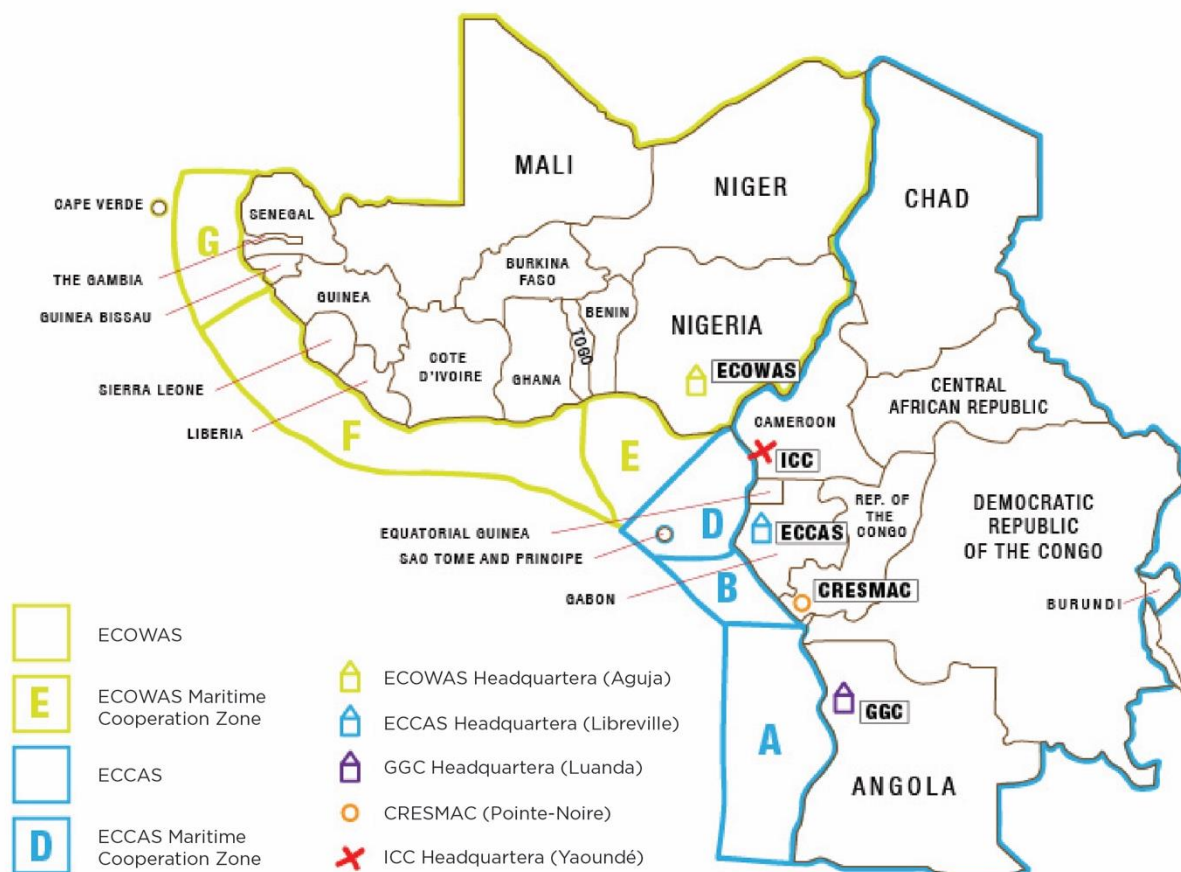
Figure 1

The Gulf of Guinea
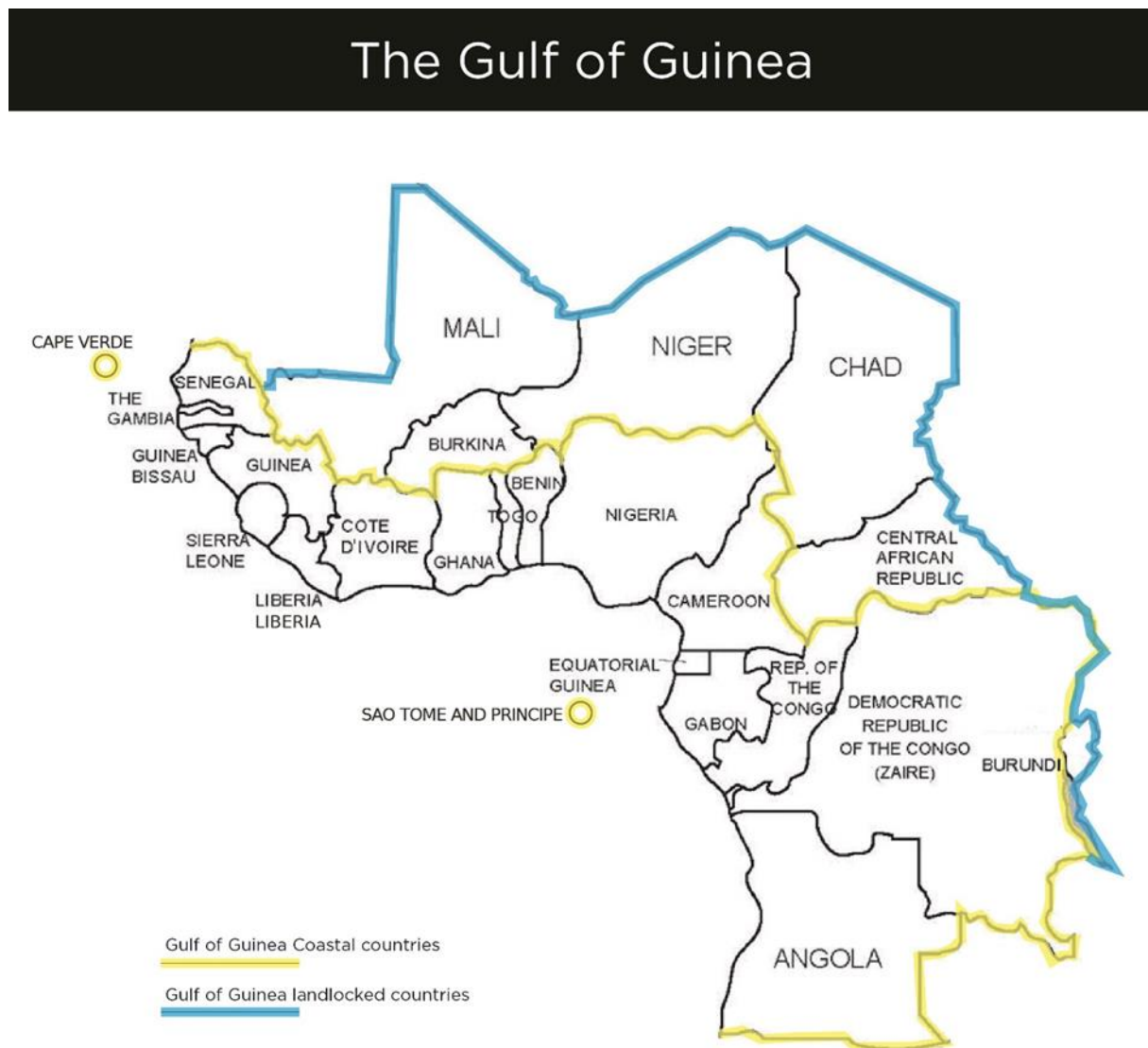
Source: Google maps, adapted, 2017

Figure 2

The Gulf of Guinea Maritime Architecture

Source: International Crisis Group, 2014

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	IELTS				
espanhol	C1	B2	B2	B2	B2
	DELE				

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Competências de organização

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– Facilidade de adaptação e integração a diferentes circunstâncias

Competência digital	AUTOAVALIAÇÃO				
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