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Deploying Military Force Under CSDP: The Case of EU NAVFOR *Atalanta*

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INTRODUCTION

In December 2008, the European Union's (EU) Common Security and Defence Policy (CSDP)¹ achieved another significant "first" when EU Naval Force (NAVFOR) *Atalanta*², the Union's first-ever naval operation, was launched to combat maritime piracy off the coast of Somalia. Hailed as 'a significant step in Europe's nascent security and defence policy'³, the operation was designed to contribute to the international community's nascent campaign against Somali piracy, which had grown into a major international security problem, by protecting the World Food Programme's (WFP) humanitarian convoys and other vulnerable vessels in the Gulf of Aden and Somalia's Indian Ocean coast. Importantly, EU NAVFOR was also the first CSDP military operation commanded by the United Kingdom, which had offered to lead the operation and take on the role of the framework nation. On top of Britain, EU NAVFOR's first phase was executed with the help of France and Greece, from which the latter also commanded the operation's Force Headquarters. Compared to most other CSDP military operations that had been launched since 2003, EU NAVFOR was also deployed in a relatively short period of time after the Union launched its political and strategic planning process for the operation. After the planning process was kicked into motion in July, it took only six months before the Council was able to declare EU NAVFOR operational, which was done by EU Foreign Ministers at the General Affairs Council on December 8.

¹ Before the Lisbon Treaty entered into force in December 2009, the CSDP was known as the European Security and Defence Policy or ESDP. However, for the sake of consistency, this paper will use the post-Lisbon term 'CSDP' whenever it refers to the policy.

² *Atalanta* is a Greek mythological figure known for her skills as a huntress and athletic abilities.

³ *The Guardian*. 'Armada against Somali pirates is EU's first naval operation', (London, UK; 08 December 2008).

This paper explores the process that led to the deployment of EU NAVFOR *Atalanta* in December 2008 by conducting comparative case studies on France, Germany, and the United Kingdom. By using collective action theory, it argues that the operation was deployed because EU Member States saw it as a lucrative joint product activity, i.e. a collective action producing varying degrees of both public and private goods. Firstly, *Atalanta* produced a relatively pure public good in the form of improved maritime security around the Horn of Africa. Since the deployment began, it improved the safety of strategically important trade routes and the delivery of humanitarian aid to Somalia. These were non-excludable benefits that could be enjoyed freely and without restriction by the whole international community, regardless of participation in EU NAVFOR. Secondly, *Atalanta* also produced various contributor-specific benefits that could be enjoyed only by the contributing countries themselves. Most importantly, it smoothed domestic opposition in France to the country's reintegration into NATO's command structures, allowed Germany to engage in anti-piracy operations without changing its Basic Law, and reaffirmed Britain's traditional role as a naval power. Thirdly, EU NAVFOR contributed to the production of European club goods by opening new grounds for the CSDP and improving NATO-EU cooperation as a result of France's eventual return into NATO.

INTERNATIONAL RELATIONS THEORY AND MILITARY CSDP

Since the EU entered the business of military crisis management in 2003, CSDP operations have received a good amount of scholarly attention⁴. This is no doubt due to the fact that, for half a century, the conventional wisdom in European studies held

⁴ The literature on EUFOR Althea includes at least the following publications: Damien Helly. 'EU NAVFOR Somalia: The EU military Operation Atalanta', in Giovanni, Grevi, Damien Helly, and Daniel Keohane (eds), *European Security and Defence Policy: The First 10 Years (1999-2009)*, (Paris, France; European Union Institute for Security Studies; 2009). Basil Germond and Michael E. Smith. 'Re-Thinking European Security Interests and the ESDP: Explaining the EU's Anti-Piracy Operation', *Contemporary Security Policy* 30(3) 2009: 573-93. Kees Homan and Susanne Kamerling. 'Operational Challenges to Counterpiracy Operations off the Coast of Somalia', in Bibi Van Ginkel and Frans-Paul Van Der Putten (eds), *The International Response to Somali Piracy: Challenges and Opportunities*, (Leiden, Netherlands; Martinus Nijhoff Publishers; 2010). Marianne Riddervold. 'Finally Flexing its Muscles? Atalanta – The European Union's Naval Military Operation Against Piracy', *European Security* 20(3) 2011: 385-404. Joris Larik and Quentin Weiler. 'Going Naval in Troubled Waters: The EU, China and the Fight Against Piracy off the Coast of Somalia', in Jing Men and Benjamin Barton (eds), *China and the European Union in Africa: Partners of Competitors?*, (Farnham, UK; Ashgate Publishing; 2011). Hans-Georg Ehrhart and Kerstin Petretto. 'The EU and Somalia: Counter-Piracy and the Question of a Comprehensive Approach', *Study for The Greens/European Free Alliance*, (Hamburg, Germany; 2012).

that the ‘high politics’ of security and defence was too sensitive to be dealt at the European level and at odds with the Union’s ‘civilian power’ self-image. However, IR theorists have hitherto all but ignored the EU’s military activities. This is surprising because the deployment of military force is something that touches the very heart of the subject. Thus, IR should be able to answer why CSDP military operations are deployed and how the participants overcome the associated collective action problem.

The most established IR theory dealing with the use of force is neorealism. Neorealists view states as competitive units interacting in an anarchic international system whose behaviour is primarily determined by the distribution of material power in the system. The anarchy of the system means that there is no ‘night watchman’ at the international-level to whom states could turn for help or which could enforce agreements amongst themselves in the same way that they enforce laws amongst their citizens. Thus, anarchy implies that states have to take measures to ensure their survival, ‘a prerequisite to achieving any goals that states may have’⁵, largely by themselves. In other words, states are trapped in a self-help system in which ‘those who do not help themselves, or who do so less effectively than others, will fail to prosper, will lay themselves open to dangers, will suffer.’⁶ This means that all states have a special interest in taking action against threats that could have adverse effects on their security. Sometimes these threats can be so great that states have incentives to form alliances⁷ or integrate to increase the efficiency of their resource-consumption⁸.

The problem with neorealism, however, is its almost exclusive focus on existential threats, i.e. things that can “kill” states. As Arnold Wolfers observed in the 1960’s, threats to states’ survival have been the exception rather than the norm throughout history⁹. Even in the midst of Cold War sabre-rattling, the 1962 Cuban Missile Crisis that almost blew up the world was a rare exception. After the Soviet Union collapsed and the risk of a global nuclear war faded, “lesser threats” such as intrastate wars and

⁵ Kenneth N. Waltz. *Theory of International Politics*. (New York, US-NY; McGraw-Hill; 1979), pp. 91-2.

⁶ *Ibid.*, p. 118.

⁷ Stephen Walt. *The Origins of Alliances*. (Ithaca, US-NY; Cornell University Press; 1987), p. viii.

⁸ Sebastian Rosato. *Europe United: Power Politics and the Making of the European Community*. (Ithaca, US-NY; Cornell University Press; 2011), p. 3.

⁹ Arnold Wolfers. *Discord and Collaboration: Essays on International Politics*, (Baltimore, US-MD; Johns Hopkins University Press; 1965), p. 153.

failed states became the dominant items in most countries' security agendas. This was because the international community began to understand their link to less conventional threats that could cause enormous material destruction and human suffering, such as terrorism and organised crime¹⁰. Although these threats do not rival the spectre of nuclear war, the international community has sacrificed an enormous amount of treasure to fight them over the past two decades. Examples include NATO's intervention to stop Serb ethnic cleansing in Kosovo in 1999 and the US-led intervention to fight Al Qaeda in Afghanistan after the terrorist attacks of September 11, 2001.

An important feature of contemporary crisis management is that it is mainly about realising 'milieu goals', i.e. foreign policy goals aimed at shaping conditions beyond one's national boundaries¹¹. They are important because states have an interest in ensuring that their surrounding environment is relatively permissive. Many of the negative consequences of intrastate wars, such as refugee flows and organised crime, have a tendency to spillover outside their country of origin if left unchecked. However, the benefits produced by the realisation of milieu goals, such as stability in the Balkans, have public goods features, which means that they can be enjoyed as freely by states that did not participate in their production than they can be states that did. According to traditional game theory, this creates a prisoner's dilemma-type collective action problem in which no state has incentives to invest in the production of the desired good if they can free ride at others' expense¹². As a result, states may fail to do anything at all about some international security problems if they expect that others would deal with them first. This is essentially why the international community failed to prevent the 1994 Rwanda genocide and the 1995 Srebrenica massacre.

The incentive structure of a collective action, however, is a prisoner's dilemma only if it is expected to produce a pure public good and played only once. In reality, collective actions such as crisis management operations may lead to the simultaneous production of multiple different goods, which may vary in their publicness. These are

¹⁰ Michael E. Smith. *International Security: Politics, Policy, Prospects*, (Basingstoke, UK; Palgrave Macmillan; 2010), p. 116.

¹¹ Wolfers. *Discord and Collaboration*, p. 74.

¹² Mancur Olson. *The Logic of Collective Action: Public Goods and Theory of Groups*, (Cambridge, US-MA; Harvard University Press; 1971), p. 21.

called ‘joint products’ because they consist of combinations of goods that can be purely public, impurely public, or purely private¹³. A crisis management operation, for example, may produce a pure public good, such as regional stability, which can be enjoyed in equal amounts by both contributing and non-contributing countries. On top of this, the same operation may produce contributor-specific benefits that cannot be enjoyed by anyone else than the contributor itself. An example would be better relations with the target state that might lead to increased bilateral trade. These contributor-specific benefits are important because ‘the prognosis for collective action hinges on the collective activity’s ratio of excludable benefits (that is, contributor specific benefits and club goods) to total benefits.’¹⁴ In other words, the more contributor-specific benefits a collective action produces, the better its chances of success.

If international crisis management is a joint product activity, then several hypotheses follow. First, states should be more willing to contribute to a crisis management operation the more contributor-specific benefits they expect to gain from it. If the operation produces no contributor-specific benefits at all, then there should be little enthusiasm for launching it in the first place. States should be least enthusiastic about contributing to an operation that is expected to produce only a pure public good because then the prisoner’s dilemma re-emerges and free riding becomes lucrative. Second, states should not contribute to a crisis management operation if the private benefits gained by another contributing state are expected to lead to a decrease in the value of its own benefits. In other words, contributor-specific benefits should be as complimentary as possible and not rival each other. The more they compliment each other, the better the prospects for collective action.

To test these hypotheses, this paper analyses the deployment of EUFOR Althea in 2004. It applies a qualitative methodology using the techniques of *structured, focused comparison* and *process tracing* to answer the research question¹⁵, i.e. why EU Member States deployed Althea. The case studies on France, Germany and the United

¹³ Todd Sandler. ‘Impurity of Defense: An Application to the Economics of Alliances’, *Kyklos* 30(3), 1977, pp. 443-60.

¹⁴ Todd Sandler. *Global Collective Action*, (Cambridge, UK; Cambridge University Press; 2004), p. 54.

¹⁵ Alexander L. George and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences*, (Cambridge, US-MA; Belfer Center for Science and International Affairs; 2005), p. 67.

Kingdom were chosen for two reasons: firstly, their military capabilities are roughly equal, which means that all of them should be equally able to contribute; secondly, they have different views on the purpose and role of CSDP, especially vis-à-vis NATO. This is to maximize the likelihood the contributor-specific benefits they hope to gain would be far apart from and perhaps at odds with each other. To make comparison between the cases easy, they have been structured into three parts. The first part is called ‘The Launch of WFP Escorts’ and it investigates the period from July 2007 to December 2007 during which France decided to launch Operation *Alcyon* to protect WFP convoys to Somalia. The second part is called ‘The EU Decides to Act’ and it looks at the period from January 2008 to June 2008 during which the EU made the decision to get involved in the international community’s campaign against Somali piracy. The final part is called ‘Planning and Launch’ and it looks at the second half of 2008 during which EU NAVFOR *Atalanta* was planned and then finally launched.

BACKGROUND

Maritime piracy around the Horn of Africa and especially in Somalia’s coastal waters is an international security problem that has existed for decades. Although earliest reports of the phenomenon date back to the 1950’s, it started to become systematic in the 1980’s¹⁶. However, since the mid-2000’s, the phenomenon began to transform from a mere ‘domestic nuisance’ into the ‘sophisticated and well-organized industry’ that it is today¹⁷. The roots of the problem lie in the fact that Somalia has been without an effective central government since the eruption of the country’s on-going civil war. After the overthrow of the military regime of President Siad Barre in 1991, Somalia’s territory and coastal waters have been left largely administered. As a result, various self-appointed militias and local administrations have been able to roam relatively in the country’s territory and assert control over parts of its coastal waters.

Piracy off the coast of Somalia was a relatively unknown problem in the final years of President Barre’s rule. In the late 1980’s when the phenomenon was still at an early

¹⁶ Martin N. Murphy. *Somalia: The New Barbary? Piracy and Islam in the Horn of Africa*, (London, UK; C. Hurst & Co. Publishers; 2011) p. 11.

¹⁷ United Nations. ‘Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811 (2008)’, (New York, US-NY; 10 December 2008) p. 27.

staged of development, Somali pirates tended to pose as law-enforcement officers in order board vessels that very close to the country's shore¹⁸. Once on board, they would rob whatever cargo or items they could find from the hijacked vessel. However, they usually did not take the crew as hostages or ask for ransom money for their release. It should be emphasized that these early pirates were not as sophisticated or well organised as those who are operating in Somalia's territorial waters today. According to the UN Monitoring Group on Somalia, the best description that could be applied to them would be that of 'sea robber', i.e. 'passengers or crew members of private vessels who commit armed robberies of commercial vessels in seaports and territorial waters'¹⁹. In the 1990's, Somali piracy continued to receive relatively little international attention. This was largely due to the relatively low frequency of attacks and the pirate's inability to reach major shipping lanes. According to data collected by the International Maritime Bureau since 1994, the highest numbers of pirate attacks in Somalia's territorial waters during the 1990's were recorded in 1994 and 1999 when 14 ships were attacked during both years. These attacks, however, took place relatively close to Somalia's coastline and, therefore, did not constitute a serious threat to maritime traffic around the Horn of Africa.

During the first half of the 2000's, the number of pirate attacks in Somalia's coastal waters continued to grow slowly but gradually. However, since the turn of the millennium, the emphasis of these attacks had started to shift from Somalia's Indian Ocean coast to the Gulf of Aden. This narrow sea passage, which links the Mediterranean to the Indian Ocean through the Suez Canal, is one of the world's busiest shipping routes and a strategically significant corridor for transporting fossil fuels from the Persian Gulf to Europe and beyond. These negative developments led to the first serious calls by the international community to do something about the problem. In November 2005, the UN's International Maritime Organization appealed to 'all parties which may be able to assist to take action' to ensure that all future pirate attacks are prevented and any hijacked ships are immediately and unconditionally released. Four months later in March 2006, the President of the UN Security Council issued a statement that encouraged states who had naval assets and aircraft near the

¹⁸ United Nations. 'Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1630 (2005)', (New York, US-NY; 04 May 2006) p. 25.

¹⁹ Ibid.

coast of Somalia ‘to be vigilant to any incident of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law’. These calls increased the international community’s attention to the problem of piracy off the coast of Somalia and decreased the number of attacks in 2006 by more than a half from their 2005 level.

Despite the international community’s efforts to manage the problem of Somali piracy in 2006, the number pirate attacks reached a new peak in 2007 with a total of 51 attacks that year. The growth of Somali piracy forced the international community to consider new measures to ensure the safety of maritime traffic around the Horn of Africa, especially the World Food Programme’s (WFP) humanitarian aid shipments to Somalia, which provided food assistance to roughly one million Somalis. In the first six months of 2007 alone, two WFP-contracted vessels were hijacked by Somali pirates resulting in the death of one security guard on board. As a result of these attacks, it had become increasingly difficult for the WFP to find contractors willing to take the risk of sailing to Somalia. This was a worrying development for the WFP, which transported roughly 80 percent of its food assistance to Somalia by sea using contracted vessels. Land transportation via Ethiopia or Kenya was not a serious option because various ethnic militias and criminal gangs controlled much of the area outside Mogadishu and maintained checkpoints throughout Somalia demanding “fees” from anyone attempting to pass through. Thus, an immediate solution was needed to the problem of piracy so that the WFP could continue to provide food assistance to the Somali people.

In July 2007, the increasing number of pirate attacks off the coast of Somalia triggered action calls by key UN organisation monitoring the situation. On July 5, IMO Secretary-General Efthimios E. Mitropoulos and WFP Executive Director Josette Sheeran issued a joint communiqué in London that called for ‘concerted and co-ordinated international action to address the threat of piracy and armed robbery against ships in waters off the coast of Somalia’. They warned the international community that Somali pirates ‘threaten the sea lanes in the region and could endanger the fragile supply line for food assistance to Somalis whose lives have been shattered by more than 15 years of civil conflict, political instability and recurring

natural disasters.’ IMO Secretary-General Mitropoulos had also sent a letter to UN Secretary-General Ban Ki Moon urging international community to increase its efforts to fight piracy off the coast of Somalia. Secretary-General Ban, on his own behalf, had also expressed concern for the safety of WFP food convoys already in June in a report on the situation in Somalia to the UN Security Council, which stressed its concern over the situation on August 20 when it passed Resolution 1772. In other words, pressure was mounting on the international community to take action to guarantee the safety of WFP convoys to Somalia.

THE LAUNCH OF WFP ESCORTS (JULY-DECEMBER 2007)

France

Soon after Nicolas Sarkozy was elected as the 23rd President of the French Republic in May 2007, France began to pay increasing attention to Somali piracy around the Horn of Africa. At this point, the French government saw it mainly as a humanitarian problem that threatened the safety of WFP food convoys, which had become easy targets for Somali pirates. By August, Sarkozy’s new government was actively seeking ways of increasing the provision of humanitarian assistance to Somalia and improving the international community’s anti-piracy campaign²⁰, which had taken a blow due to the increasing number of attacks. France, like many other countries, was convinced that reducing piracy was key to facilitating the delivery of food assistance and other humanitarian supplies to Somalia because the vast majority of this assistance was transported by sea. During an interview in September, President Sarkozy noted that helping the international community to monitor Somalia’s coastal waters in order to assist the WFP to reach the country is in France’s ‘interest’²¹. He explained that since the Straits of Gibraltar, the narrowest point between Europe from Africa, is only 12 kilometres wide, ‘Africa’s problems are liable to become our problems’.

²⁰ US Embassy Paris. ‘AMISOM: French MFA Says New Resources Not Likely to Assist Burundi Concerning Somalia’, (Paris, France; 08 August 2007).

²¹ *The New York Times*. ‘Excerpts From Interview With Nicolas Sarkozy’, (New York, US-NY; 23 September 2007).

Having considered different options for managing the problem of Somali piracy in early autumn, France was relatively quick in transforming its policy ideas into an action plan. On September 25, after attending a UN Security Council meeting in New York, President Sarkozy announced that 'France is prepared to send a warship' to protect the delivery of food assistance and other humanitarian supplies to Somalia²². He explained that France is prepared to guarantee the safety of WFP convoys by providing naval escorts for a two-month period and called all countries 'who wish to do so to join this initiative'. WFP Executive Director Sheeran, who was certain that naval escorts would 'reduce the threat of piracy and allow WFP to feed more hungry people in Somalia', warmly welcomed the French initiative²³. The escort programme, which became known as Operation *Alcyon*, was declared operational on November 16 and carried out its first escort the following day. For the first two months of the operation, a French frigate protected the WFP's vessels. However, after the period that Paris had promised to escort WFP convoys came to an end, the operation was passed over to Denmark in February 2008. During its existence, Operation *Alcyon* was also carried out by the Netherlands, Germany and Canada before it was temporarily taken over by NATO in October 2008 and then finally incorporated into the EU's naval force in December.

After Operation *Alcyon* began to escort WFP-contracted vessels, all food shipments were able to reach Somali ports without being hijacked by Somali pirates. However, these humanitarian escorts did not provide a solution to the broader problem of Somali piracy that continued to plague maritime traffic around the Horn of Africa. Between January and December 2007, pirates successfully hijacked a total of 11 vessels in the Gulf of Aden and Somalia's Indian Ocean coast. As a result, the UN Security Council had begun to consider the possibility of adopting a distinct anti-piracy resolution that would provide states that already had naval assets in the region with additional powers to manage the problem. At the time, the US had also begun to consider the possibility of using Combined Task Force 150 (CTF-150), Operation Enduring Freedom's naval component that was attached to the US Fifth Fleet, as a platform for joint anti-piracy efforts. CTF-150 had been patrolling the treacherous

²² *Agence France-Presse*. 'Somalia: France Offers to Send Warship off Somalia to Deter Pirates', (Paris, France; 15 September 2007)

²³ World Food Programme. 'WFP welcomes French offer to protect ships from Somali pirates', (26 September 2007).

waters around the Horn of Africa since the beginning of the coalition's war in Afghanistan and conduct counter-terrorism and counter-narcotics operations. France expressed interest in discussing Washington's idea of building future anti-piracy efforts on CTF-150²⁴, but it did not make any firm commitments.

Germany

As the international community began to take measures to protect vulnerable humanitarian vessels against pirates around the Horn of Africa, Germany was also following developments in Somalia with a watchful eye. However, Berlin's main concern at the time was the deteriorating humanitarian situation inside the country, which threatened the lives of thousands, if not millions, of Somalis, rather than piracy. This concern was highlighted in October when Chancellor Angela Merkel embarked on a four-day visit to Africa that took her to Ethiopia, South Africa, and Liberia. During her visit to the continent, the Chancellor often spoke of the terrible conditions that prevailed in Somalia, describing it as 'a catastrophe for the people'²⁵. She also promised that, if asked, Germany would offer all the help it could muster to help the warring sides in Somalia find a political solution to the civil war that had been tearing the country apart for almost two decades. It was also clear that these were not only empty words; the German government demonstrated genuine concern for the plight of the Somali people by increasing its humanitarian assistance to Somalia in November.

However, the issue of Germany's possible involvement in anti-piracy operations around the Horn of Africa became an issue for heated political debate in Berlin in November. This debate was triggered by the German government's request that the *Bundestag* extend the mandate of Germany's contingent in NATO's Operation Enduring Freedom for another year. Within the framework of Operation Enduring Freedom, the country had also been conducting maritime security operations around the Horn of Africa as part of CTF-150. These operations were linked to the on-going global War on Terror, and their main task was to prevent terrorist from gaining access to the strategically important sea-lanes around the Horn of Africa. Although piracy in

²⁴ US Mission to the UN. 'Next Steps on Piracy off Somalia', (New York, US-NY; 26 November 2007).

²⁵ Die Bundesregierung. 'Rede von Bundeskanzlerin Merkel vor der Afrikanischen Union in Addis Abeba', (Berlin, Germany; 04 October 2007).

Somalia's coastal waters was not its main focus, CTF-150 had conducted several anti-piracy operations over the past years due to the increased frequency of attacks. At the end of 2007, Germany was involved in CTF-150 with the F 213 *Augsburg*, a Bremen class frigate, with a crew of 224 men. When explaining the Germany Navy's tasks in CTF-150, Defence Minister Franz Josef Jung emphasised to the *Bundestag* that its first priority was to secure the sea-lanes around the Horn of Africa and prevent terrorists from gaining access to safe havens. However, the second task that Defence Minister Jung stressed was to help secure the important sea passages around the area. According to him, the security of international shipping lanes was especially important for Germany because 80 percent of the country's international was transported by sea²⁶. Thus, German economic interests were clearly threatened if piracy in these strategically important sea-lanes would continue to spread.

Despite the clear German economic interests at stake if piracy around the Horn of Africa would continue to spread and disrupt international shipping, some deputies in the *Bundestag* were against the German Navy's participation in possible anti-piracy operations. This was due to the fact that, at this stage, there were some uncertainties over whether there were sufficient legal grounds in the German Basic Law to allow such operation to be conducted in the first place. As a result of these uncertainties, even some deputies from the governing parties had reservations against endorsing the renewal of the German mandate in Operation Enduring Freedom if it would lead to further anti-piracy operations. A deputy from the governing SPD, for example, explained in a *Bundestag* session that 'there is no legal basis' that would allow the German Navy to monitor the strategically important sea-lanes around the Horn of Africa²⁷. However, the extension of Germany's mandate in Operation Enduring Freedom, and therefore also in CTF-150, was ultimately approved by a large majority of 414 of a total of 622 *Bundestag* deputies.

United Kingdom

²⁶ Bundesministerium der Verteidigung. 'Rede des Verteidigungsminister Jung im Bundestag zur Verlängerung der Operation Enduring Freedom', (Berlin, Germany; 08 November 2007).

²⁷ Deutscher Bundestag. 'Plenarprotokoll 16/126', (Berlin, Germany; 15 November 2007) p. 13229.

Like most of its partners in Europe and beyond, the UK had been following Somalia's devastating civil war with a highly concerned eye since it began. As a country that had become home to a large community of immigrants and refugees from Somalia, Britain was particularly worried about the country's deteriorating humanitarian situation and its effects on the local population. To improve the humanitarian plight of the Somali people and stop the spread of famine, the British government had been contributing a large amount of humanitarian assistance to Somalia and its Transitional Federal Government (TFG). In 2007 alone, the UK had committed about £8.7 million to various humanitarian operations around the troubled country. This generous amount included £600,000 to the UNICEF nutrition programme in southern Somalia and £466,000 to the non-governmental organisation *Médecins du Monde* for health and nutrition interventions²⁸. In other words, the British government was heavily involved in supporting Somalia and the TFG.

However, Britain's humanitarian assistance to Somalia had also a sound national security-logic behind it. The British government had been aware for a long time that the terrorist network al-Qaeda had 'exploited the absence of an effective government in Somalia to use the country as a base for both terrorist training and planning'²⁹. According to Foreign Minister David Miliband, al-Qaeda's presence in Somalia could even threaten the UK's national security because Britain was known to be home to a small number of East African extremists. Thus, for the UK, aiding the Somali people and assisting the TFG to assert control over the country's ungoverned territory was linked to its broader objectives in the War on Terror. Beyond providing humanitarian aid, the British government was fighting terrorism around the Horn of Africa through the Royal Navy's participation in CFT-150. Since the coalition's war-effort in Afghanistan began and Operation Enduring Freedom was launched, the Royal Navy had been conducting maritime security operations around the Horn of Africa in support of the War on Terror. These operations were designed to 'deny international terrorists use of the maritime environment as a venue for attack or to transport personnel, weapons or other material'³⁰. Although British warships in CTF-150 had

²⁸ House of Lords. 'Daily Hansard', (London, United Kingdom; 14 November 2007).

²⁹ House of Commons. 'Written Answers for 26 November 2007', (London, United Kingdom; 26 November 2007).

³⁰ The Royal Navy. 'Royal Navy Completes Term as Commander, Task Force 150', (London, UK; 10 July 2007).

occasionally come into contact with Somali pirates near the country's coast, anti-piracy operations were not part of CTF-150's mandate and, therefore, not the Royal Navy's primary focus.

Beyond the Royal Navy's participation in counter-terrorism patrols around the Horn of Africa, the British government did not make any major policy initiatives to manage Somali piracy in 2007. However, this does not mean that London did not appreciate the seriousness of the problem or the fact that increasing pressure had been mounting on the international community to take action. The UK demonstrated that it shared its partners' concern of the problem by co-sponsoring UN Security Council resolution 1772 in August and supporting IMO Secretary-General Mitropoulos' initiative to discuss Somali piracy in the UN Security Council³¹. However, unlike President Sarkozy's highly proactive government in France, Britain did not make any offers to increase its anti-piracy efforts around the Horn of Africa or escort humanitarian convoys on their way to Somalia. Although the British government supported President Sarkozy's initiative to launch Operation *Alcyon* to protect WFP-contracted vessels on their way to Somalia, it did not provide any direct logistical or financial support to this operation³². This remained the case for the rest of the year.

THE EU'S DECIDES TO ACT (JANUARY-JUNE 2008)

France

After the year 2008 began, France continued to support further action by the international community to manage Somali piracy. However, after launching Operation *Alcyon* to protect WFP food convoys in November 2007, the French government's policy towards the problem seemed to lose a sense of urgency for implementing additional measures. By the end of January, the two-month period that France had promised to escort WFP food convoys and guarantee their safety came to an end. Fortunately for the WFP and those Somalis whose livelihoods depended on the WFP, this did not mean the conclusion of Operation *Alcyon*. Before the

³¹ House of Lords. 'Lords Hansard of 10 October 2007', (London, United Kingdom; 10 October 2007).

³² House of Commons. 'Written Answers for 18 December 2007', (London, United Kingdom; 18 December 2007).

conclusion of its two-month escort mission, Paris had ensured the continuation of the operation by handing over the main responsibility of conducting it to Denmark, which began to escort WFP convoys in February. Around the same time, the US government had also adopted a more pro-active stance on Somali piracy by pushing for UN Security Council action on the issue. As the country that had initiated Operation *Alcyon* to protect WFP convoys against Somali pirates, France was naturally behind the Bush administration on this matter³³. The French government was also considering further initiatives to manage the problem, such expanding the mandate of CTF-150 to include anti-piracy operations³⁴. However, this was an idea that had not yet left the drawing board-stage.

The lack of urgency that characterised the French government's policy towards Somali piracy in the first quarter of 2008 suddenly disappeared in April when the phenomenon became a direct threat to French citizens. On April 4, a four-deck French luxury yacht named *Le Ponant* was attacked by a group of well-armed pirates in the Gulf of Aden on its way to the Suez Canal. The pirates, who were operating by speedboats from a fishing vessel used as a pirate mothership, hijacked the yacht and anchored it into the port of Eyl in Puntland – a known pirate safe heaven. At the time of the hijacking, the yacht was carrying a crew of 30 people, including 22 Frenchmen, but no actual passengers. After several days of negotiations between the pirates and the French government that resulted in the release of the yacht and its crew on April 11, Paris decided to launch a commando operation to pursue the pirates on shore with helicopters and retrieve some of the \$2 million that was paid to them as ransom by CMA-CGM, the company that owned *Le Ponant*. The operation, which was conducted with the approval of Somalia's TFG, resulted in the capture of six pirates on land an hour after they received the ransom. After being detained on a French warship, the pirates were eventually transported to France to stand trial.

The hijacking of *Le Ponant* was an incident that had a profound impact on the French government's policy towards Somali piracy. It forced France to accept that, besides threatening the provision of humanitarian aid, the phenomenon had become a threat to

³³ US Embassy Paris. 'French Views on Somalia and Piracy', (Paris, France; 03 March 2008).

³⁴ US Embassy Paris. 'French Support Anti-Piracy Efforts, May Want to Expand Role of CTF-150', (Paris, France; 27 March 2007).

the safety and security of French nationals as well. As a result, France began to advocate more robust policies to fix the problem after the tragedy of *Le Ponant* had come to a happy end. This policy change was evident in the statements that Paris began to issue following the release of the hostages, which urged the international community to increase its efforts to manage the problem. Foreign Secretary Bernard Kouchner, for example, stressed that the international community ‘must mobilize to fight resolutely against piracy in the Gulf of Aden and off the coast of Somalia’³⁵. It was also clear that Paris had come to advocate a larger UN-mandated naval presence around the Horn of Africa that could be used to improve the safety of international maritime traffic in the region³⁶. To get the ball rolling, France and the US drafted a resolution on Somali piracy and circulated it in the UN Security Council on April 28. The draft resolution would have authorised states, with the approval of Somalia’s TFG, to use ‘all necessary means to identify, prevent, and repress actions of piracy and armed robbery’³⁷. It would also allow states that were pursuing pirates to engage in ‘boarding, searching, and seizing vessels engaged in or suspected of engaging in acts of piracy or armed robbery’ for a six-month period that could be renewed. A month after its circulation, the UN Security Council adopted it unanimously on June 3 as resolution 1816.

In parallel with its efforts at the UN Security Council, the French government had also begun to consider the possibility of working a solution to the problem of Somali piracy through EU channels. Since France was scheduled to takeover the rotating Presidency of the EU Council in July, Paris had launched internal considerations on what it could achieve on the issue in the EU framework during its six-month Council Presidency³⁸. Also, President Sarkozy had decided to reintegrate France into NATO’s integrated command structures, which meant that launching a high-profile EU anti-piracy initiative during its Council Presidency would show that the French government remained committed to Europe and smoothen likely domestic opposition

³⁵ Ministère des Affaires étrangères. ‘Communiqué de Bernard Kouchner’, (Paris, France; 11 April 2008).

³⁶ Ministère des Affaires étrangères. ‘Intervention du Premier ministre, M. Francois Fillon, devant la communauté française’, (Tokyo, Japan; 12 April 2008).

³⁷ Associated Press. ‘US, France circulate UN resolution to battle pirates’, (New York, US-NY; 28 April 2008).

³⁸ US Embassy Paris. ‘USD/P Edelman’s April 28 Meetings with Elysee and Defence Ministry’, (Paris, France; 02 May 2008).

the country's return to NATO³⁹. However, until the hijackings of *Le Ponant* and *Playa de Bakio*, a Spanish tuna boat also hijacked in April, the Union had not been at the vanguard of fighting the problem. The issue of Somali piracy had been discussed on several occasions at the EU's Political and Security Committee (PSC) since November 2007⁴⁰, but these discussions had not produced any concrete policy outcomes. In the conclusions of the final General Affairs Council of 2007, for example, the Union recognised 'the increasing danger posed by acts of piracy off the Somali coast' and noted that it 'will study possible ways to respond to the problem'⁴¹ without specifying what this could entail. However, the EU's approach to the subject started to become more proactive after the high-profile hijackings that took place in April. In the GAERC of April 29, the Member States had 'an exchange of views at Spain's initiative on ways to contribute, notably in the framework of the UN, to an international response to prevent and fight against such acts'⁴². This was the first time that the EU stated publicly that it was considering ways of supporting the international community's campaign against Somali piracy.

As the debate over the adoption of what would become UN Security Council resolution 1816 was still on-going, EU Foreign Ministers issued a formal expression of concern over the growth of maritime piracy off the coast of Somalia in the conclusions of the May 26-27 GAERC⁴³. The Member States also expressed that they appreciated the UN Security Council's commitment to addressing the problem and expressed hope that the resolution under consideration would be adopted swiftly. After the UN Security Council's unanimous adoption of resolution 1816, the EU's approach to the problem of Somali piracy was shifted up a gear. On June 16, the EU Council requested 'the Council General Secretariat and the Commission to study possible options on implementing all commitments contained in its conclusions of 26 May, as well as on how to best contribute to the implementation of UN Security

³⁹ Author's interview in August 2012.

⁴⁰ Council of the European Union. 'Piracy off the Somali Coast', (Brussels, Belgium; 15 May 2008).

⁴¹ Council of the European Union. 'General Affairs and External Relations', (Brussels, Belgium; 10 December 2007) p. 15.

⁴² Council of the European Union. 'General Affairs and External Relations', (Brussels, Belgium; 29 April 2008) p. 15.

⁴³ Council of the European Union. 'General Affairs and External Relations', (Brussels, Belgium; 27 May 2008) p. 13.

Council resolution 1816'⁴⁴. The Member States decided to task the European Commission and the Council General Secretariat to study the different options in which the EU could take part in the international community's campaign against Somali piracy. Its main purpose was to evaluate broad policy options, including the possibility of providing coast guard training for Somalia and Yemen⁴⁵. However, although there were no public references to the possibility of deploying CSDP naval operation to fight piracy around the Horn of Africa, it was clear that the process that would ultimately lead to the deployment of the EU's first-ever naval operation had been kicked into motion.

Germany

As the international community began to consider additional measures against Somali pirates after the high-profile hijackings of April 2008, the German Navy's ability to participate in anti-piracy operations around the Horn of Africa continued to be restricted. Although German warships in CTF-150 had occasionally protected vessels under attack by Somali pirates, as in the case when a German frigate stopped an attack against a Japanese supertanker, the country's navy was authorised to act only when an attacked ship required emergency help, i.e. when there was no other way of removing the threat to the ship and its crew. The German Navy was not allowed, for example, to track down and hunt suspected pirate vessels. This was due to the fact that anti-piracy operations were neither included in Operation Enduring Freedom's mission, nor mentioned in the German contingent's mandate that was approved by the *Bundestag*⁴⁶. This difficult legal problem had started to cause frustration within the higher echelons of the Germany Navy, whose commanding officers wanted to remove some of the legal restrictions to enable the country's warships engage pirates more effectively. Vice Admiral Wolfgang Nolting, commander of the German Navy, for example, suggested that the country's Basic Law should be changed to allow German

⁴⁴ Council of the European Union. 'General Affaires and External Relations', (Brussels, Belgium; 16 June 2008) p. 11.

⁴⁵ US Embassy Paris. 'French GAERC Response', (Paris, France; 13 June 2008).

⁴⁶ Deutsche Marine. 'Gefahr auf See - Marine hilft', (Glücksburg, Germany; 25 April 2008).

warships engage pirates in the high seas⁴⁷. This was also the view of high-ranking officials in the German Ministry of Defence⁴⁸.

After the UN Security Council adopted resolution 1816, officials from the Federal Ministry of Defence and the *Auswärtiges Amt* began discussion at the Heads of Department-level on the different options available to improve the German Navy's ability to participate in the international community's campaign against Somali piracy⁴⁹. During these discussions, reports began to circulate saying that the German government preferred an option that would allow it to improve the navy's ability to fight piracy around the Horn of Africa without opening the difficult process of constitutional reform. However, around the same time, the EU's PSC had begun discussions on how the Union could contribute to the implementation of UNSC resolution 1816. The German government noted that, when the discussions in Brussels would progress further, it would then examine whether Germany could participate in a possible EU anti-piracy operation. Very importantly, it explained that there would be no legal obstacles to German participation in a EU anti-piracy operation. This was because it would be considered as a collective security action under Paragraph 2, Article 24 of the German Basic Law that would be supported by a UN Security Council Resolution and a EU Joint Action⁵⁰. Thus, by participating in a CSDP naval operation with a clear mandate, the German government could increase the navy's leverage vis-à-vis Somali pirates without opening the constitutional reform process.

United Kingdom

In the first half of 2008, British warships in CTF-150 continued to engage in occasional anti-piracy operations within the framework of Operation Enduring Freedom. By the end of April, as the UN Security Council was beginning to debate the draft anti-piracy operation, British warships had engaged Somali pirates once

⁴⁷ *Focus Online*. 'Marineinspekteur Nolting: Die Bundeswehr muss Piraten jagen dürfen', (26 April 2008).

⁴⁸ *Der Tagesspiegel*. 'Staatsekretär Kossendey will Grundgesetz zum Kampf gegen Piraten ändern', (Berlin, Germany; 09 June 2008).

⁴⁹ Die Bundesregierung. 'Regierungspressekonferenz vom 13. Juni', (Berlin, Germany; 13 June 2008).

⁵⁰ Die Bundesregierung. 'Regierungspressekonferenz vom 25. Juni 2008', (Berlin, Germany; 25 June 2008).

since the year began. There had also been a case in which Somali pirates hijacked a vessel commanded by a British captain as it was sailing in the Gulf of Aden. After holding the vessel and its crew hostage for 46 days, the pirates released them on March 18 after the company that owned the ship decided to pay ransom⁵¹. Thus, piracy off the coast of Somalia was a phenomenon that threatened not only vital maritime trade routes around the Horn of Africa, but increasingly the safety of British nationals as well. Undoubtedly due to both of these factors, maritime piracy was addressed in the UK's first-ever National Security Strategy that was published in March 2008. According to the document, the UK is 'committed to multilateral efforts to protect legal economic activity against disruption or attack, whether electronic attack, money-laundering, or piracy'⁵². It also emphasized that the Royal Navy 'maintains a presence in the Indian Ocean and Persian Gulf, to contribute to international work to protect vital sea lanes and choke points against a range of threats, from terrorism to piracy and potential state-sponsored disruption'. Although the document did not explain how maritime piracy could be tackled, it was clear that the British government saw it as part the broader issue of economic security.

Although the British government supported the international community's campaign against Somali piracy and co-sponsored UN Security Council resolution 1816, maritime piracy around the Horn of Africa was not a priority issue for London. In fact, the policy-lead for maritime piracy across the British government had so far lied with the Department of Transport, rather than the Ministry of Defence or Foreign Affairs⁵³. When it came to Somalia, London continued to be focused on restoring peace and improving the humanitarian situation on the ground. This focus was also clear within the UN Security Council, where Britain circulated a draft resolution on Somalia on April 24. It called the UN to move its political operation inside Somalia, boost efforts aimed at restoring peace, and continue planning for a UN peacekeeping operation that would eventually takeover from the African Union Mission in Somalia (AMISON)⁵⁴, which had been in the country since March 2007. On May 15, the main tenets of the UK's draft were adopted as UN Security Council resolution 1814, which

⁵¹ *The Guardian*. 'British captain held for 46 days by Somali pirates freed with his crew', (London, UK; 19 March 2008).

⁵² Cabinet Office. *The National Security Strategy of the United Kingdom: Security in an Interdependent World*, (Norwich, UK; The Stationery Office; 2008) p. 54.

⁵³ House of Commons. 'Written Answers for 21 April 2008', (London, UK; 21 April 2008).

⁵⁴ Associated Press. 'Britain proposes UN peace effort operate within Somalia', (24 April 2008).

presented an integrated strategy for peace in Somalia. However, after the adoption of resolution 1816 on Somali piracy, London did not rush to propose ways of implementing it. The British government merely emphasized that they will ‘continue to work with our international partners to tackle the issue of piracy’⁵⁵. Unlike France and Germany, Britain also was not prepared to support a possible CSDP naval operation to implement the resolution. Because CTF-150 the US Fifth Fleet were already deployed in the region, London thought that any additional European anti-piracy efforts should take place within the framework of these existing arrangements⁵⁶.

PLANNING AND LAUNCH (JULY-DECEMBER 2008)

France

On July 10, a month after the EU Council tasked its General Secretariat and the Commission to study different possibilities for fighting Somali piracy, CFSP High Representative Javier Solana presented the fruits of this labour to the EU Foreign Ministers in the General Affairs Council. The result of this effort was a paper that outlined some very broad policy options, ranging from the deployment of a full CSDP operation to establishment of an informal coalition-of-the-willing⁵⁷. However, soon after Solana presented the paper, it became clear that strong political forces were pushing the EU towards the CSDP option. These forces originated from Paris and Madrid, which had started to rally support in their fellow European capitals for a united EU effort to fight piracy around the Horn of Africa⁵⁸. France and Spain were especially keen to see that this effort would take the form of a CSDP naval task force that could engage in anti-piracy operations in pirate infested waters in the Gulf of Aden and the Indian Ocean⁵⁹. Undoubtedly, France’s efforts to establish a CSDP naval force were aided by the fact that some Member States, including Germany, had

⁵⁵ House of Commons. ‘Written Answers of 24 June 2008’, (London, UK; 24 June 2008).

⁵⁶ Author’s interview in August 2012.

⁵⁷ US Embassy Hague. ‘Netherlands/Somalia: Implementation of UNSCR 1816’, (The Hague, Netherlands; 18 July 2008).

⁵⁸ US Embassy Brussels. ‘Belgium: Support for Implementation of UNSCR 1816 (2008) on Somali Piracy’, (Brussels, Belgium; 15 July 2008).

⁵⁹ US Embassy Paris. ‘French Support for UNSCR 1816 (Somali Piracy)’, (Paris, France; 15 July 2008).

informed Paris that they could not provide additional naval assets to the fight against Somali piracy unless there was a CSDP operation with a specific mandate to manage the problem. This was because a CSDP deployment would allow them to avoid thorny constitutional issues at home and be more popular among the general public than a NATO operation or a coalition-of-the-willing⁶⁰. Although there was no clear picture at the time what this operation would look like, EU planners at the Council General Secretariat considered that the most likely option was the deployment of ‘a warship that would travel a set route and at set times to provide protection for any private vessels that wanted to join it voluntarily’⁶¹. Thus, the early foundations of the EU’s naval deployment had been laid down.

While Paris and Madrid were rallying support for a EU anti-piracy task force, the Union was initiating its political and strategic planning process for a new CSDP military operation. In the EU’s standard military planning process, adopting a Crisis Management Concept (CMC) is normally the first step towards the deployment of an operation. The CMC’s purpose is to serve as the conceptual framework that outlines the EU’s basic approach and political objectives in relation to a specific situation, which, in this case, was piracy off the coast of Somalia and in the Gulf of Aden. By mid-July, the EU Military Staff (EUMS) had submitted a draft CMC to the EU Military Committee (EUMC) for review, which has to provide military advice on the document before it can be agreed by the PSC and approved by the Council. After passing through the EUMC and PSC, the CMC was adopted by the Council on August 5 using the written procedure⁶². The adopted document stressed that EU’s political objective in the fight against Somali piracy should be ‘to contribute to improved maritime security in the region’⁶³. It emphasised the strategic importance of the area around the Horn of Africa to international trade and the transportation of oil

⁶⁰ US Embassy Paris. ‘The French EU Presidency: Institutional Goals in the Shadow of Crisis Management’, (Paris, France; 10 September 2008).

⁶¹ US Mission EU. ‘U.S.-EU Africa Troika Addresses Sudan, Chad, Horn, DRC, Zimbabwe’, (Brussels, Belgium; 17 July 2008).

⁶² The written procedure is a decision-making method used by the EU Council on urgent matters. After the President of the Council proposes that the procedure, the Council adopts a decision by a written vote. These written votes may be used where all members of the European Council having the right to vote agree to that procedure.

⁶³ Hans-Georg Ehrhart and Kerstin Petretto. ‘The EU and Somalia: Counter-Piracy and the Question of a Comprehensive Approach’, *Study for The Greens/European Free Alliance*, (Hamburg, Germany; 2012) p. 27.

from states in the Persian Gulf. In other words, this was the foundation on which further military planning would build.

After the CMC was adopted by the Council, the next major step in the Union's planning process was taken on September 15 when EU Foreign Ministers in the General Affairs Council made two important decisions: firstly, they decided to set up a EU Naval Coordination (EU NAVCO) action; secondly, they agreed on a Military Strategic Option (MSO) for the EU naval force. With regards to the first decision, EU NAVCO was a mechanism that was established to coordinate EU Member States' existing contributions to anti-piracy operations around the Horn of Africa. It became fully operational four days later after the Council adopted a Joint Action that established EU NAVCO's legal framework. The main tasks of the EU coordination action was to support 'the surveillance and protection activities carried out by some Member States off the Somali coast'. At first, it consisted of two warships, one from France and the other from Spain, a P-3 Orion maritime reconnaissance aircraft provided by Spain, plus a coordination cell situated within the Council General Secretariat. This cell was commanded by Captain Andrés Breijo Claur from the Spanish Navy and included a small officer staff. However, EU NAVCO was not directly in control of any military assets on its own, nor did it serve as any kind of Operational Headquarters. Even after EU NAVCO became operational, the Member States continued to be fully in charge of their own vessels, which meant that operational command of their warships lied firmly at the national level. Furthermore, in case the Council would later decide to launch a full CSDP naval operation, EU NAVCO would be terminated and its activities taken over by the new Operational Headquarters.

During the same Council session that established EU NAVCO, EU Foreign Ministers also approved a MSO for the CSDP naval force. The adoption of an MSO was delayed earlier in the month due to the UK's manoeuvring in the EUMC on September 3, when Britain tabled a supplemental paper that required the EUMS and the Council General Secretariat to develop additional MSOs⁶⁴. The UK was reluctant to agree to the deployment of a CSDP naval force and continued to insist that additional

⁶⁴ US Mission Brussels. 'Anti-Piracy: UK Mission to EU Views on the State of Play', (Brussels, Belgium; 04 September 2008).

European anti-piracy operations should take place within the framework of CTF-150 and NATO instead⁶⁵. However, the option that was ultimately adopted on September 15 envisaged the deployment of an operation that would carry out three primary objectives: first, the protection of WFP food convoys; second, safeguarding strategically important shipping routes in the Gulf of Aden; and third, the protection of fishing vessels in the Indian Ocean⁶⁶. Although the inclusion of WFP escorts in the operation's likely objectives might give the impression that it was motivated by humanitarian considerations, it is clear that these objectives were chosen first and foremost to protect the interests of EU Member States most affected by piracy around the Horn of Africa. Firstly, the EU and its Member States had for long been emphasising the importance of protecting the strategically important shipping routes in the Gulf of Aden because Europe's external trade was heavily reliant on safe passage through this critical choke point. On top of this, the Gulf of Aden was also the region where European citizens had become most directly affected by piracy, as in the case of the hijacking of *Le Ponant* in April. Secondly, Spain had been pushing long for the EU to protect its fishing vessels in the Indian Ocean, which had become easy prey for Somali pirates. In fact, some Member States believed that Spain was interested in a EU anti-piracy task force only as far as it would protect its fishing fleet. London, for example, saw Madrid's fishing fleet-issue primarily as a national problem for Spain and not something that should be dealt in the framework of the EU⁶⁷, not least because Spanish vessels were known to engage in illegal fishing in Somalia's exclusive economic zone⁶⁸. Thirdly, after pirate attacks in the Gulf of Aden and Somalia's Indian Ocean coast surged to record levels in 2008, it became clear that WFP escorts might not be the EU Member States' highest priority. The French government, for example, emphasised the importance protecting shipping routes in the Gulf of Aden and fishing vessels, even if it meant that insufficient capabilities would temporarily be available to protect WFP escorts⁶⁹. Thus, this specific MSO was

⁶⁵ Author's interview in August 2012.

⁶⁶ US Embassy Paris. 'French Expect a Productive September GAERC', (Paris, France; 12 September 2008).

⁶⁷ US Mission Brussels. 'Anti-Piracy: UK Mission to EU Views on the State of Play', (Brussels, Belgium; 04 September 2008).

⁶⁸ Author's interview in August 2008.

⁶⁹ US Embassy Paris. 'French Updates on Counter-Piracy: EU Coordination Cell Operational Today', (Paris, France; 19 September 2008).

designed primarily to protect the interests of EU Member States, not to advance humanitarian goals.

In the run up to the General Affairs Council in September, the French government had been pushing hard for the establishment of EU NAVCO and the adoption of the MSO. Although all EU Member States agreed on the desirability of coordinating their existing anti-piracy efforts around the Horn of Africa, some of them would have preferred EU NAVCO to function as a full CSDP operation from the outset⁷⁰. However, due to the increasing number of attacks by Somali pirates, France wanted to have additional anti-piracy mechanisms in place as soon as possible. The need for such mechanisms was re-highlighted in early September when another high-profile hijacking of a French yacht took place in the Gulf of Aden. On September 2, Somali pirates hijacked *Carre d'As*, a French yacht that was sailing from Australia towards the Suez Canal. After being held hostage for two weeks, the ship and its two passengers were liberated after France conducted another commando operation against the hijackers. After the incident, President Sarkozy issued a strongly worded statement that appealed to the international community to mobilise against Somali piracy and ensure the safety of maritime traffic in the region⁷¹. Thus, Paris felt that it could not wait until planning for the proposed CSDP naval force was completed, which was likely to take at least another two or three months before the operation would be ready to deploy due to unresolved financing and chain-of-command issues⁷². At this stage of the EU's planning process, no Member State – not even France or Spain – had expressed clear willingness to serve as the operation's framework nation and provide the Operational Headquarters.

As EU Member States were preoccupied with the protection of strategically important shipping routes in the Gulf of Aden and fishing vessels in the Indian Ocean, the short-term future of Operation *Alcyon*, the French-initiated escorts that were launched to protect WFP contracted vessels against Somali pirates, was suddenly called into question. Since June 25, HMCS *Ville de Quebec*, a Canadian frigate that was originally deployed to participate in Standing NATO Maritime Group 2 (SNMG-2),

⁷⁰ US Embassy Paris. 'Somalia: UNSC Sanctions and Piracy', (15 September 2008).

⁷¹ Présidence de la République. 'Piraterie au large des côtes somaliennes', (Paris, France; 16 September 2008).

⁷² US Embassy Paris. 'Somalia: UNSC Sanctions and Piracy', (15 September 2008).

had carried out these escorts. However, Canada's rotation in Operation *Alcyon* was scheduled to end in late October and Ottawa had no desire to extend its deployment, which it had already done once in August. As a result, the international community needed to find another country or organization that take-over Operation *Alcyon*'s duties until the EU's naval operation would deploy. Although France had initiated the WFP escort-programme, Paris indicated that it did not have the naval capacity to lead them again at the time because its primary concern was the protection of Gulf of Aden shipping routes and fishing vessels in Indian Ocean⁷³. Because no country was stepping up, UN Secretary General Ban appealed to NATO, whose SNMG-2 was already scheduled to sail to the region to conduct a series of port visits in NATO's partner countries around the Persian Gulf, to takeover the WFP escorts until the EU naval force would be ready to deploy. This was done through a letter to NATO Secretary General Jaap de Hoop Scheffer dated September 25⁷⁴. After discussing the UN's request in Brussels, NATO Defence Ministers agreed on October 9 to alter SNMG-2's original mission to accommodate WFP escorts. This was done by splitting the group into two after its arrival in the Gulf of Aden. The first part, which became Operation Allied Provider, started to provide protection to WFP food convoys after the official handover ceremony on October 23, while the second part continued to the Persian Gulf to conduct the originally scheduled port visits⁷⁵. In other words, Operation Allied Provider was a short-term bridging operation designed to protect WFP food convoys until the arrival of the EU's naval task force.

While NATO was getting ready to protect WFP-contracted vessels, planning for the EU's forthcoming naval task force continued to push ahead. At the informal meeting of EU Defence Ministers at Deauville on October 1-2, the Member States agreed to accelerate planning for the CSDP anti-piracy operation to deploy it as soon as possible. Their sense of urgency was magnified by the high-profile hijacking of *MV Faina*, a Ukrainian cargo ship carrying 33 Soviet manufactured T-72 main battle tanks and other military hardware, off the coast of Somalia on September 23, which highlighted the seriousness of Somali piracy as an international security problem and

⁷³ US Embassy Paris. 'French Updates on Counter-Piracy', (Paris, France; 19 September 2008).

⁷⁴ Allied Maritime Command HQ Northwood. 'Operation Allied Provider', http://www.manw.nato.int/page_operation_allied_provider.aspx. Accessed 24 August 2012.

⁷⁵ US Mission NATO. 'Readout from 29 October North Atlantic Council', (Brussels, Belgium; 31 October 2008).

the presence of arms deals in the region. However, although eight Member States promised that they would offer capabilities to the CSDP anti-piracy operation at Deauville, uncertainties remained over who would command it and where the Operational Headquarters would be located. Although France and Spain had been the most vocal advocates of deploying a CSDP operation, neither one of them had offered to command it so far. During the meeting at Deauville, French Defence Minister Herve Morin proposed that Britain would take charge of the operation, but admitted that it was not certain that London would accept this because ‘our British colleague told us that his boats are already overused’⁷⁶. The continued uncertainty over the operation’s command and control structures pressured Italy to declare at NATO’s North Atlantic Council that it was considering hosting the Operational Headquarters in Rome because counter-piracy was extremely important for the Italian government⁷⁷. However, this did not happen in the end due to Britain’s offer to host the Operational Headquarters at Northwood near London, which was gladly accepted by the PSC on October 14.

Before it was decided that the new CSDP naval force would be an autonomous EU military operation, the Union had considered the possibility of conducting it in the Berlin Plus framework that would have allowed it to use NATO’s existing planning and command and control structures. However, this idea was rejected because the Member States felt that the planning process for the CSDP naval force could not be delayed to accommodate the additional two to three months of internal and external negotiations that using Berlin Plus would have almost certainly required⁷⁸. No doubt, they were well aware that any agreement between the EU and NATO on the use of Berlin Plus was likely to be extremely difficult to reach due to Turkey’s general hostility towards EU-NATO cooperation ever since the southern part of the divided island of Cyprus was admitted to the Union in 2004. However, although it was decided that the CSDP naval force would not utilise the Berlin Plus arrangements, NATO and the EU decided to establish informal liaison arrangements to coordinate their anti-piracy operations around the Horn of Africa. Officials from the Council

⁷⁶ Associated Press. ‘EU states raise hands for Somalia maritime force’, (Deauville, France; 01 October 2008).

⁷⁷ US Mission NATO. (10 October 2008).

⁷⁸ US Mission EU. ‘EU Military Committee Chairman on ESDP and EU-NATO Relations’, (28 November 2008).

General Secretariat and the Chairman of the EUMC, for example, held regular meetings with DSACEUR General John McColl over the EU's forthcoming naval force. On top of this, the EU also established channels of communication between its own Operational Headquarters and NATO's Allied Maritime Command Headquarters at Northwood⁷⁹. Beyond these two examples, NATO also recommended keeping communications open at lower levels as well to avoid 'raising flags that would elicit a Turkey-Cyprus roadblock'⁸⁰.

After it was agreed that the CSDP naval force would be commanded from Northwood, it became possible for the EU to take the legal step of establishing the operation and move on to the final military strategic phase of the planning process. This took place on November 10, when EU Foreign Ministers meeting at the General Affairs Council agreed to establish the legal framework for what was now called EU NAVFOR *Atalanta* by adopting Joint Action 2008/851/CFSP. For the Joint Action, the General Secretariat of the Council had also estimated that the operational costs that the Member States would have to pay jointly through the Athena mechanism would be approximately €8.3 million for the first twelve months of the operation. However, as had been suggested by the adoption of the MSO in September, the operation that the Council established had three primary objectives. These were firstly, 'the protection of vessels of the WFP delivering food aid to displaced persons in Somalia'; secondly, 'the protection of vulnerable vessels cruising off the Somali coast'; and thirdly, 'the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast'⁸¹. In order to fulfil these objectives, EU planners in the Council General Secretariat estimated that the operation would require at least three ships at all times: one to escort WFP convoys, another to escort commercial ships in the Gulf of Aden, and a third for surveillance of the area of operation, particularly the important fishing areas⁸². Thus, the fact that only one ship was allocated to carry out WFP escorts indicate that the main focus of EU NAVFOR

⁷⁹ US Mission EU. 'EU Preparing for Piracy Mission, No Plan for Captured Pirates', (Brussels, Belgium; 17 November 2008).

⁸⁰ Ibid.

⁸¹ *Official Journal of the European Union*. 'Council Joint Action 2008/851/CFSP of 10 November 2008', (Brussels, Belgium; 12 November 2008).

⁸² US Mission EU. 'EU Preparing for Piracy Mission, No Plan for Captured Pirates', (Brussels, Belgium; 17 November 2008).

Atalanta was the protection of EU Member States shipping and fishing interests around the Horn of Africa, which had become under threat by Somali pirates.

The fact that EU NAVFOR's mandate was primarily focused on the protection of maritime trade routes and private vessels was something that was warmly welcomed by the international shipping industry. Ever since Somali piracy had grown into a well-organised criminal industry, shipping companies had issued regular calls demanding the international community to do more to guarantee the safety of trade routes around the Horn of Africa. Soon after France launched Operation *Alcyon*, for example, representatives from the shipping industry expressed frustration that, while being good for Somalia's humanitarian situation, the initiative did nothing to improve the general security of the waters around the Horn of Africa⁸³. The shipping industry's concerns were understandable because the increasing likelihood that Somali pirates attacked commercial vessels had caused insurance premiums to rise dramatically and increased pressure to avoid pirate-infested waters. By late 2008, some shipping companies had even decided to avoid the Gulf of Aden altogether by taking the much longer – and expensive – route around the Cape of Good Hope. However, the biggest shock to the shipping world came on November 15 when Somali pirates were able to hijack the *Sirius Star*, a considerably large Saudi Arabian oil tanker that was sailing as far as 450 nautical miles off the Kenyan coast. The hijacking of the *Sirius Star* was highly significant because it showed that Somali pirates, by using captured vessels as mother ships for long-range attacks, were now able to threaten shipping lanes that had previously been considered outside their reach. Thus, immediately after the hijacking, major shipping companies and industry representatives renewed their calls for the international community to increase its efforts to fight Somali piracy.

On December 8, the General Affairs Council gave the green light for EU NAVFOR *Atalanta*'s deployment by adopting Council Decision 2008/918/CFSP that launched it. During the same Council session, EU Foreign Ministers approved the rules of engagement and the Operation Plan, which reaffirmed that the minimum number of

⁸³ US Embassy London. 'Somalia: Political Solutions Required for Shipping Industry Piracy Concerns', (London, UK; 18 June 2008).

ships required in *Atalanta*'s area of operation at any given time was three⁸⁴. After making these decisions, the Council authorised the Operation Commander, Rear Admiral Philip Jones, 'to release the activation order in order to execute the deployment of the forces and start execution of the mission'⁸⁵. Thus, after a planning process that took six months to complete, EU NAVFOR *Atalanta* was finally launched. It should be emphasised that the successful and relatively quick deployment of the EU's first-ever naval operation was a political victory for Union as a whole, but especially for France and its Council Presidency. After all, it was France who began to take concrete measures to protect vulnerable ships against pirate attacks by launching Operation *Alcyon* already in November 2007. After piracy around Somalia's coastal waters continued to spread in the first half of 2008, Paris, together with Madrid, pushed its fellow European capitals to become more involved in this effort and organise a coherent EU response. On top of this, the successful launch of a new and relatively high-profile CSDP operation was likely to smoothen domestic opposition to France's return into NATO's integrated command structures, which was formally announced by President Sarkozy in March 2009. Even before France took over the rotating Council Presidency, its European partners understood that Paris considered the development of CSDP during its Presidency as a necessary precondition for its reintegration into NATO. This would allow the French government to defend to the French public that the country's return to NATO's integrated command would not decrease its commitment to Europe and construction of *Europe de la Défense* – the symbolic goal of late President Charles de Gaulle.

Germany

After the EU began to plan for a CSDP anti-piracy operation and adopted the CMC, Germany immediately began to consider ways of supporting the operation⁸⁶. The reason for this was that a naval operation in the framework of CSDP, with a specific mandate, would fulfil the legal requirements of the German Basic Law for the country's participation in the international community's campaign against Somali

⁸⁴ US Mission EU. 'EU Launches Anti-Piracy Operation Despite Unresolved Legal Issues', (Brussels, Belgium; 22 December 2008).

⁸⁵ Council of the European Union. 'General Affairs', (Brussels, Belgium; 08 December 2008) p. 33.

⁸⁶ US Embassy Berlin. 'German Out-Of-Area Deployment Update', (Berlin, Germany; 13 August 2008).

pirates. Such an operation would enable Germany to adopt a more robust stance against Somali pirates and allow the government to avoid opening the difficult process of constitutional reform, which had earlier been considered as a prerequisite. As the German government noted on August 22, the country could participate in the proposed CSDP anti-piracy operation based on the collective security provisions of Article 24 of the German Basic Law⁸⁷. According to Paragraph 2, Article 24 of the Basic Law, Germany ‘may enter into a system of mutual collective security; in doing so it shall consent to such limitations upon its sovereign powers as will bring about and secure a lasting peace in Europe and among the nations of the world’⁸⁸. According to the German government, if the operation could be made into a case of collective security, then it would be possible for the country to do what it had not been able to do so far, i.e. participate in anti-piracy operation beyond the provision of emergency assistance to ships that are under attack by pirates.

Constitutional restrictions continued to handicap Germany’s ability to participate in anti-piracy mechanisms when the EU Council decided to establish EU NAVCO in September. As already noted, some Member States had told France and Spain that they would have preferred EU NAVCO to function as a full CSDP operation from the outset rather than a formally organised coordination of EU Member States’ naval assets that were already deployed around the Horn of Africa. However, if there ever was more than one such Member States, Germany was undoubtedly their leading voice. According to Berlin, the establishment of EU NAVCO did not fulfil the German Basic Law’s requirements to allow the country to participate in anti-piracy operations off the coast of Somalia. Three days before the EU Council established EU NAVCO, the German government noted explicitly that the establishment of a EU military coordination action ‘is not enough for a German participation’ in anti-piracy operations around the Horn of Africa⁸⁹. The government explained that Germany’s participation in the fight against Somali pirates is dependent on the establishment of a full CSDP military operation with a new mandate, for which it could seek authorisation from the *Bundestag*. It added that should the EU’s planning for the

⁸⁷ Die Bundesregierung. ‘Regierungspressekonferenz vom 22. August’, (Berlin, Germany; 22 August 2008).

⁸⁸ Deutscher Bundestag. ‘Basic Law for the Federal Republic of Germany’, (Berlin, Germany; October 2010).

⁸⁹ Die Bundesregierung. ‘Regierungspressekonferenz vom 12. September’, (Berlin, Germany; 12 September 2008).

CSDP naval force progress to the point where the Council would establish it by adopting a Joint Action, Germany would definitely contribute to the force. According to Defence Minister Jung, this contribution was likely to be one frigate.

The same constitutional issues resurfaced in October when the UN requested NATO to escort WFP food convoys to Somalia until the EU's naval operation was ready to deploy. At the time when NATO decided to split SNMG-2 into two and establish Operation Allied Provider for escorting WFP contracted transports, Germany had two vessels in SNMG-2: the F 212 *Karlsruhe*, a Bremen class frigate, and a Rhön class tanker. However, these vessels were assigned to the other half of SNMG-2, which continued to the Persian Gulf to carry out port visits and therefore did not participate in anti-piracy operations. This was no doubt due to the fact that, had German vessels been assigned to Operation Allied Provider, their use would have been restricted to cases when WFP convoys were in need of emergency assistance during on-going pirate attacks. As Berlin reminded, no German vessel will be allowed to engage actively in anti-piracy operations around the Horn of Africa without an explicit authorisation from the country's *Bundestag*⁹⁰. To change the *status quo*, Foreign Minister Frank-Walter Steinmeier explained that the German government would eventually submit a new anti-piracy mandate for the *Bundestag*'s approval, which would regulate the country's participation in the forthcoming CSDP naval force⁹¹. Defence Minister Jung emphasised that having a mandate to fight terrorism in the framework of Operation Enduring Freedom and eventually another one to fight piracy in the framework of CSDP 'serves our maritime security and free maritime trade'⁹².

A solution to Germany's constitutional conundrum arrived in November when the EU Council established the legal framework for EU NAVFOR *Atalanta* by adopting a Joint Action. This move allowed the German government to go forward to seek a mandate from the *Bundestag* that would give the necessary authorisation for the country's participation in anti-piracy operations around the Horn of Africa. The German government hoped that this mandate would be made as effective as possible to give the German Navy the necessary powers to protect the strategically important

⁹⁰ Die Bundesregierung. 'Regierungspressekonferenz vom 10. Oktober', (Berlin, Germany; 10 October 2008).

⁹¹ Deutscher Bundestag. 'Plenarprotokoll 16/185', (04 November 2008) p. 19757.

⁹² *Ibid.* p. 19759.

shipping routes in Gulf of Aden and Somalia's Indian Ocean coast. As Europe's biggest economy and the world's largest exporter, Germany had vital economic interests at stake if piracy around the Horn of Africa continued to spread. This point was effectively summarised by Chancellor Angela Merkel during a session of the *Bundestag*. The Chancellor observed that 'When we speak about open markets, we speak about transportation routes, secure transportation routes. Then we are quickly in a completely different topic that deals with piracy and other issues, in which the federal government is naturally also aware of its own responsibility. Because how does free trade serve us, if one does not get with a ship where one wants?'⁹³ Thus, Germany did not shy away from declaring that piracy was a direct threat to its economic interests and it was prepared to use force to defend these interests if necessary.

Soon after the EU Council established EU NAVFOR *Atalanta*, the German government began drafting a mandate that would allow the German Navy to participate in the operation. After working on it for a month, the mandate was sent to the *Bundestag* for approval on December 10. As Defence Minister Jung had promised, Germany decided to contribute one frigate, the F 212 *Karlsruhe*, which had previously been attached to SNMG-2, to EU NAVFOR. On top of its 200-man crew, the frigate came with two 10-man boarding teams consisting of highly trained *Kampfschwimmer* elite-soldiers, plus two Sea Lynx Mk.88A helicopters. In the draft mandate, the German government requested that the *Bundestag* set the German contingent's troop ceiling to 1,400 soldiers⁹⁴. However, Defence Minister Jung emphasised that this did not mean that 1,400 German soldiers would be deployed near the Horn of Africa to fight Somali piracy. Instead, he explained that the government wanted to maintain a degree of flexibility in the execution of the operation. More specifically, the German government wanted to be able to temporarily pull out German warships from SNMG-2 and CTF-150 and place them under EU NAVFOR's flag to carry out anti-piracy missions in case they were close known pirate vessels⁹⁵. Because neither SNMG-2 nor CTF-150 had a specific mandate to engage in anti-piracy operations, this arrangement would increase the number of ships that Germany

⁹³ Deutscher Bundestag. 'Plenarprotokoll 16/189', (Berlin, Germany; 26 November 2008) p. 20341.

⁹⁴ Deutscher Bundestag. 'Antrag der Bundesregierung', (Berlin, Germany; 10 December 2008).

⁹⁵ Bundesministerium der Verteidigung. 'Rede des Bundesministers der Verteidigung, Dr. Franz Josef Jung, anlässlich der EU-Mission „Atalanta“', (Berlin, Germany; 17 December 2008).

could use against Somali pirates. It was also estimated that the financial costs of this deployment for the first twelve months of the operation would be around €45 million for the German taxpayer⁹⁶.

On December 19, an overwhelming majority of *Bundestag*-deputies voted to approve Germany's participation in EU NAVFOR *Atalanta*. This approval gave the green light for FGS *Karlsruhe* to join EU NAVFOR's other warships in conducting anti-piracy operations around the Horn of Africa. Undoubtedly, the *Bundestag*'s strong support for EU NAVFOR was due to the fact that many of its members understood that Somali piracy was not only a regional humanitarian problem, but also threat to Germany's own economic interests. This point was emphasised by both Defence Minister Jung and Foreign Minister Steinmeier during their speeches at the *Bundestag* before Germany's participation in EU NAVFOR was approved. Foreign Minister Steinmeier explained that Germany had a strong interest in protecting maritime traffic around the Horn of Africa because many of the ships that pass through the region either belong to German shipping companies or transport cargo to Germany⁹⁷. After Steinmeier, Defence Minister Jung added that 'it is in our own interest to effectively oppose the scourge of piracy in order to ensure maritime security and free maritime trade'⁹⁸. Thus, by contributing to EU NAVFOR *Atalanta*, Germany was serving the humanitarian goal of protecting WFP convoys, but also its own economic interests that had become under threat from Somali pirates.

United Kingdom

At the time when the EU began to plan for a CSDP naval force to fight Somali piracy, London's official position was that the British government was working with its EU partners 'to consider future deployments of naval ships' to protect WFP shipments to Somalia⁹⁹. However, beneath this polished surface, the UK was attempting to dissuade France and Spain from pushing ahead with the idea of launching a CSDP operation. Because NATO and the US fifth Fleet were already present in the Gulf of

⁹⁶ Deutscher Bundestag. 'Antrag der Bundesregierung', (Berlin, Germany; 10 December 2008).

⁹⁷ Auswärtiges Amt. 'Rede Außenminister Frank-Walter Steinmeier 1. Lesung ESVP-Mission "Atalanta", Deutscher Bundestag, 17.12.2008', (Berlin, Germany; 17 December 2008).

⁹⁸ Bundesministerium der Verteidigung. 'Rede des Bundesministers der Verteidigung, Dr. Franz Josef Jung, anlässlich der EU-Mission „Atalanta“', (Berlin, Germany; 17 December 2008).

⁹⁹ House of Commons. 'Written Answers for 22 July 2008', (London, UK; 22 July 2008).

Aden and the Indian Ocean, London felt that additional European anti-piracy efforts should take place within the framework of these existing arrangements. The British government's opposition towards the CSDP deployment became clear at the EUMC's meeting on September 3, where the UK deliberately delayed the formal planning process for a CSDP operation. At the meeting, Britain tabled a supplemental paper that required the EUMS and the Council General Secretariat to develop additional MSOs for further discussion in the PSC before the EU's formal planning process could proceed. This move was made deliberately to postpone any consideration of a CSDP naval operation by the PSC to October. The British government was hoping that this delay would give the EU time to review the need for an additional CSDP effort to fight piracy due to the fact that a multiplicity of national and international anti-piracy efforts had already been deployed around the Horn of Africa. London was hoping that the forthcoming deployment of NATO's SNMG-2 would provide even more incentives for abandoning the CSDP initiative. The reasoning behind Britain's thinking was that, should the EU see that WFP ships were already protected and ever-large vessels could be used to deliver aid to Somalia due to the security provided by existing anti-piracy efforts, any support for the CSDP naval force would wither away.

Despite London's attempt to derail a CSDP deployment, political interest towards a EU naval force continued to be strong in Europe. As the extent of this interest became clear, the British government was forced to reassess its policy towards the proposed deployment. Since the deployment of a EU naval force was first proposed, London had been 'less than enthusiastic' about the planned CSDP operation and continued to view CTF-150 as its preferred platform for conducting anti-piracy operations around the Horn of Africa¹⁰⁰. However, towards the end of September, the UK began to understand the necessity of adopting a more compromising attitude because some Member States, including Germany, continued to emphasise that they needed a CSDP operation with a specific mandate to fight Somali pirates before they could adopt a more robust stance against Somali piracy and provide additional naval assets¹⁰¹. Beyond this, the British government accepted that it should not block the French Council Presidency's CSDP goals since they would aid President Sarkozy in re-

¹⁰⁰ US Embassy London. 'UK confused by USG Policy on Peacekeeping in Somalia', (London, UK; 10 October 2008).

¹⁰¹ Author's interview in August 2012.

integrating his country into NATO. London also understood that Paris was almost certain to veto any possible NATO replacement operation if it would continue to block the CSDP deployment¹⁰². As a result, Britain's adoption of a more positive approach towards the proposed CSDP deployment became clear at the informal meeting of EU Defence Ministers at Deauville, where Defence Minister Des Browne suggested that the UK might be willing to consider participating in the EU's naval operation. He even defended the proposed CSDP deployment by explaining that, 'as the world's biggest trading grouping, protecting the EU's security and way of life depended on being able to secure global trade routes'¹⁰³. However, Defence Minister Browne underlined that this did not mean that Britain's participation was set in stone because the Royal Navy remained overburdened due to its involvement in multiple naval operations around the world. But regardless of this, it was clear that London's policy had started to change.

After the informal meeting of EU Defence Ministers at Deauville, the British government's policy towards Somali piracy and the EU's naval operation in particular continued to evolve. Around mid-October, Ministers from the government departments that shared responsibility for countering maritime piracy around the Horn of Africa decided that Britain 'should take a more proactive stance on dealing with this issue' and recognised that 'this will be best achieved with international partners including NATO, the EU and coalition forces already in the Gulf of Aden'¹⁰⁴. This policy reassessment was driven by the Foreign Office¹⁰⁵, although it was rumoured at the time that it originated from Prime Minister Gordon Brown's office. It resulted in an increasingly positive approach towards the planned CSDP naval force, which the UK was now willing to command from its Multinational Headquarters at Northwood and appoint Rear Admiral Philip Jones as the first Operation Commander. In strictly military terms, it made good sense for the British government to make this offer because the UK was already serving the deputy commander of NATO's Fifth Fleet. Thus, by assuming the leading role in EU NAVFOR, Britain would be an effective contact point between NATO and the EU¹⁰⁶. However, the UK also

¹⁰² Author's interview in August 2012.

¹⁰³ *The Irish Times*. 'EU agrees on mission to combat piracy', (Deauville, France; 03 October 2008).

¹⁰⁴ House of Commons. 'Written Answers for 21 October 2008', (London, UK; 21 October 2008).

¹⁰⁵ Author's interview in August 2012.

¹⁰⁶ Author's interview in August 2008.

understood the political value of commanding EU NAVFOR and supporting France's reintegration into NATO. However, soon after making the offer, London emphasised that it was conditional on the EU's ability to generate sufficient forces for the operation because it wanted the operation to be credible. This condition was noted and the UK's offer to serve as the operation's framework nation gladly accepted by the EU's PSC on October 10. Thus, in approximately one month, the British government's policy towards the CSDP naval operation had gone through a complete U-turn.

In the run up to the EU Council's adoption of a Joint Action that formally established EU NAVFOR, the British government wanted to ensure maximum cooperation between the EU force and those anti-piracy efforts that were already deployed in the vicinity of the Horn of Africa. More specifically, London wanted to ensure that, once it would become operational, EU NAVFOR's cooperation with CTF-150 and SNMG-2 would be as smooth as possible. With this goal in mind, the EU and NATO had worked to establish a series of informal channels of communication between each other. Both organisations hoped that these channels would make tactical coordination and information sharing easy once EU NAVFOR would arrive to its theatre of operation. However, these arrangements were treated with certain political sensitivity due to Turkey's initial insistence that EU-NATO cooperation should take place only in the framework of the Berlin Plus. However, after finding a solution that Turkey could agree on, both organisations were cautious not to cause any trouble that would disrupt them. Thus, when Greece was nominated as the first Member State to command EU NAVFOR's tactical Force Headquarters, London saw the possibility for trouble. It was assumed that the UK was worried that, after so much effort had been put into finding a workable EU-NATO liaison arrangement, Greece might use the position as an opportunity to fly political flags that would spark a dispute with Turkey¹⁰⁷. However, the British government ultimately agreed to the appointment of Greece as the first country to command *Atalanta's* Force Headquarters because the country occupying this post would change every three months, thus ensuring the missions long-term integrity and continuity¹⁰⁸.

¹⁰⁷ US Mission Brussels. 'EU Preparing for Piracy Mission, No Plans for Captured Pirates', (17 November 2008).

¹⁰⁸ US Embassy London. 'Horn of Africa Piracy', (19 November 2008).

In the final weeks before EU NAVFOR's launch, London was curiously defending the operation as a successor to NATO's Operation Allied Provider. Prime Minister Brown's office, for example, emphasised that EU's naval force would deploy to the troubled waters around the Horn of Africa to combat Somali piracy 'as a successor to the NATO mission'¹⁰⁹. Although there was an element of truth in this because the protection of WFP-chartered vessels, which Operation Allied Provider had carried out since October, was also part of EU NAVFOR's mandate. However, the fact was that EU NAVFOR *Atalanta* was a new operation with a much broader mandate compared to Operation Allied Provider. Neither was it conducted in the framework of Berlin Plus to use NATO's command and control structures, which had been the case with previous CSDP military operations that took over from the Alliance. Thus, it was wrong to view it simply as another EU take-over operation in the style of Operation Concordia or EUFOR Althea. This point was also emphasised by Rear Admiral Philip Jones, EU NAVFOR's Operation Commander, who explained to the House of Lords in February 2009 that *Atalanta* 'took over from no-one; it was a new operation'¹¹⁰.

During EU NAVFOR's force generation process, the British government confirmed that they would contribute one frigate for the first part of the operation. This was to be the HMS *Northumberland*, a Type 23 frigate, which had previously been attached to CTF-150. After EU NAVFOR was declared operational on December 8, the British frigate stayed in the region and simply changed flags. As the EU's first-ever naval deployment began to execute its mandate, the British Ministries of Defence and Foreign Affairs emphasised the operation's importance to the protection of international trade. Defence Secretary John Hutton, who had succeeded Mr Browne at the beginning of October, declared that '(w)e just can't allow the trade and commerce of the world to be jeopardised by pirates and we have to stand up and defend ourselves. If we do not, we will regret that day. It is a very, very serious threat'¹¹¹. The same point was made by Foreign Secretary Miliband, who noted that the high number of ships that were being held hostage by Somali piracy was 'testimony to the

¹⁰⁹ 10 Downing Street. 'Morning press briefing from 20 November 2008', (London, UK; 20 November 2008).

¹¹⁰ House of Lords European Union Committee. *Combating Somali Piracy: the EU's Naval Operation Atalanta*. London, UK: The Stationery Office, p. 1.

¹¹¹ *The Guardian*. 'Armada against Somali pirates is EU's first naval operation', (London, UK; 08 December 2008).

current insecurity of shipping that affects all of us through its impact on global trade'¹¹². Thus, the British government saw that the launch of EU NAVFOR *Atalanta* also served the UK's own economic interests at a time when the global financial crisis was deepening.

CONCLUSION

This paper analysed the process that led to the deployment of EU NAVFOR *Atalanta*, the EU's first ever naval operation, in December 2008. By using collective action theory, it argued that EU Member States decided to deploy the operation mainly because they saw it as a lucrative joint product activity, i.e. a collective action producing varying degrees of both public and private goods. Firstly, EU NAVFOR produced a relative pure public good by contributing to the international community's on-going campaign against Somali piracy. This contribution increased security in the strategically important trade routes in the Gulf of Aden, which is an important chokepoint for international maritime trade and the transportation of oil from the Persian Gulf. Because increased security in the Gulf of Aden is something that benefits the vast majority of states in the world, regardless of whether they participate in EU NAVFOR or not, it can be considered as a relatively pure public good.

Secondly, EU NAVFOR also contributed to the production of a number of European club goods, i.e. goods that can mainly be enjoyed by European countries. By opening new avenues for the EU's CSDP, the operation contributed to the production of a more robust CSDP that could serve the interests of EU Member States more effectively in the future. Also, by helping France to reintegrate into NATO's command structures in 2009, EU NAVFOR made an indirect contribution to improving relations between NATO and the EU.

Thirdly, by launching EU NAVFOR, EU Member States expected it to produce a number of contributor specific benefits that could only be enjoyed by the contributors themselves. Like Spain, France had important fishing interests in the Indian Ocean. Thus, the launch of EU NAVFOR helped France share the costs of protecting its

¹¹² House of Commons. 'Hansard Debate', (09 December 2008).

fishing fleet. On top of this, it helped France to return into NATO integrated command structures by smoothing domestic opposition to this move among the French public. Germany was mainly expecting the operation to enhance its ability to participate in the international community's on-going campaign against Somali piracy. Before planning for EU NAVFOR began, Germany was seriously considering reforming its Basic Law to grant its navy the necessary powers it needed to engage in anti-piracy operations with its European and international partners. When it became clear that the EU was considering launching a CSDP naval operation, however, Germany immediately became a strong advocate of the idea because it would allow it to participate in the operation without engaging in constitutional reform. And last but not least, Britain received a tremendous amount of good will from its European partners by offering to command the operation. It also confirmed the UK's traditional role as a leading naval power.