



Europe's Fight Against Piracy: From the Barbary Coast to Operation Atalanta

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Introduction

European cooperation in the fight against piracy is anything but new. Between 12 and 21 July 1784, a joint fleet consisting of Spanish, Portuguese, Neapolitan, and Maltese ships bombarded the city of Algiers, a stronghold of the Barbary pirates. On 27 August 1816, an Anglo-Dutch fleet bombarded Algiers again, this time with the aim of stopping the practice of enslaving Europeans. Two centuries later, during the night of 14 to 15 May 2012, forces of the EU naval mission *Atalanta* attacked a pirate base on the Somali coast. However, for the European Union, Operation *Atalanta* (also known as *EUNAVOR Somalia*) is the first aero-naval operation conducted in the framework of its 'Common Security and Defence Policy' (CSDP). The mission, which is part of the wider international efforts to fight Somali piracy, has been going on for four and a half years. The present paper examines the performance of this mission and puts it in the wider historical context of the European integration process as well as Europe's role in contemporary international relations.

To this end, the paper first introduces the operation, delves into how it was conceived and assesses its performance to date. Subsequently, it argues that Operation *Atalanta* represents an important benchmark for the credibility of the European Union as a global actor and thus constitutes rather a logical continuation of the European integration process. It shows that Europe and its nations have come a long way since the fight against the Barbary pirates of the past.

December 2008: The EU goes naval

The European Union was not the first actor to address piracy off the coast of Somalia with military means. Piracy attacks in this region had already been reported for a decade before *Atalanta* was launched in December 2008. Given the persistent lack of an effective government in Somalia, piracy found a fertile breeding ground there. The country has been a so-called 'failed state' for more than two decades. As pirate attacks surged between 2007 and 2008, at first individual countries including Canada, Denmark, France and the Netherlands, as well as NATO, sent warships to escort ships of the United



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Nations World Food Programme (WFP) through this area. Moreover, US-led coalition forces (the *Combined Maritime Forces*) had already been – albeit initially incidentally – involved in counter-piracy.

In mid-2008, the United Nations Security Council seized the matter and adopted a series of resolutions calling on the international community to fight piracy, both on the high seas off the Somali coast as well as in the territorial waters of Somalia, in cooperation with the Transitional Federal Government of Somalia (TFG). Responding to the call of the Security Council, the EU assumed a leading position in a relatively short period of time. Given that naval assets from various EU Member States were already present in the area, EU engagement started in September 2008 with a small mission consisting of a cell charged with coordinating these different national deployments called Operation *EU NAVCO*. This coordination mission was followed up two months later by the launching of a genuine EU naval mission, operation *Atalanta*. Its mandate has been extended several times, and is projected to last until the end of 2014.

The objectives of the operation, as stipulated in Council Joint Action 2008/851/CFSP, are, firstly, ‘the protection of vessels of the WFP delivering food aid to displaced persons in Somalia’, and furthermore ‘the protection of vulnerable vessels cruising off the Somali coast, and the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast’. In March 2012, the mandate of *Atalanta* was expanded to cover Somali coastal territories also, thus allowing for attacks on land against pirate bases (Council Decision 2012/174/CFSP).

By creating a mission of its own, the European Union has consistently provided one of the largest counter-piracy contingents in the past four years. Even though numbers fluctuate due to the constant rotation of vessels, overall operation *Atalanta* comprises usually of about four to seven warships and a small number of maritime patrol and reconnaissance aircraft. In addition to the EU, a number of warships from other countries are present in the area for the specific purpose of counter-piracy. These operate either on a national basis, or take part in the US-led Combined Maritime Forces, *Combined Task Force 151* or NATO’s Operation *Ocean Shield*.

A number of reasons are likely to have motivated the Union to take this step. From an economic point of view, the operation was clearly in the Union’s interest. As the world’s foremost trading power, the EU and its Member States are dependent on safe maritime shipping lanes. This applies in particular here, as the Gulf of Aden is a so-called ‘choke-point’ through which vast quantities of goods are traded between Europe and Asia, as well as oil and gas from the Persian Gulf. Apart from economic considerations, by upholding UN Security Council Resolutions, the EU was able to become more visible as a responsible international actor. The combination of these factors allowed for the convergence of interests among critical Member States, including above all France, which is seen as the main instigator of the operation, but also Germany and the United Kingdom.



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Four and a half years of fighting pirates off the Somali coast

How has *Atalanta* performed during the past years? On the upside, it has contributed to reducing the number of successful pirate attacks, to the authority of the United Nations Security Council, international law and human rights, as well as to fostering multilateral cooperation. On the downside, it has failed to thwart piracy altogether, while a permanent and sustainable solution to the underlying causes of piracy is still lacking. From an EU perspective in particular, *Atalanta* has not been mandated to protect EU citizens, even though Europeans have repeatedly been taken hostage by Somali pirates. Furthermore, the Union continues to serve as only one of several frameworks through which the Member States can operate, which puts in question the idea of the EU as a 'cohesive force' on the international stage.

Atalanta has indeed been successful in protecting ships of the World Food Programme as well as in reducing the rate of successful pirate attacks, especially in the Gulf of Aden. This is not least due to the 'Internationally Recognized Transit Corridor', which the EU helped to establish. It allows merchant ships to organize themselves into convoys and receive military escorts through the Gulf of Aden. However, an unintended consequence of the success of *Atalanta* in the Gulf of Aden is that pirates have relocated their activities to the east coast of Somalia and have started to operate in the Indian Ocean. In view of this vast body of water (the area of operation for *Atalanta* covers now two million square nautical miles, i.e. twice the size of the Mediterranean) and the limited number of assets available, effective control is difficult to maintain. Nevertheless, as of late, piracy has been abating in the region. According to figures of the International Maritime Bureau, in comparison with the 219 attacks (including attempts) attributed to Somali pirates in 2010 (in the Red Sea, the Somali coast, the Gulf of Aden, Oman and the Indian Ocean) in 2010, the number rose to 237 in 2011, but dropped to 75 in 2012. In the first quarter of 2013, only five incidents attributed to Somali pirates were reported.* In view of these numbers, the measures of the international community seem to be bearing fruit.

However, the root causes of piracy in Somalia remain to be addressed. After all, it is the failed-state problematic ashore that created an environment for piracy to prosper. The European Union tries to tackle this through its so-called 'comprehensive approach' and with the help of a specially designated EU Special Representative for the Horn of Africa. In addition to Operation *Atalanta*, it has taken a range of other measures to help improve the situation on the ground. Together with its Member States, the EU remains the largest donor of humanitarian and development aid to Somalia. It is politically and financially supporting the Somali Transitional Federal Government as well as the African Union Mission in Somalia. Furthermore, in April 2010, it launched a small mission - *EU Training Mission Somalia*, based in Uganda, aimed at training Somali security forces for the TFG. In July 2012, the Council of the EU also agreed on Operation *Nestor* to strengthen the maritime security capabilities of several countries around the Horn of Africa, including Somalia.



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The effectiveness of this approach has been criticized as insufficient in view of the apparent lack of substantial improvement on the ground in Somalia. One might characterise this criticism as unfair to the extent that it would expect the EU to single-handedly 'fix' Somalia. This is a complex and massive problem which has persisted for more than two decades, a durable solution to which arguably requires more capabilities – political, financial and military – than even an extremely committed European Union could muster. Given past experiences with a more robust engagement in Somalia, above all the failed US-led UN mission *UNISOM II*, which ended in the withdrawal of American forces in 1994, as well as the continuing weakness of the TFG, it is illusory for the EU to spearhead a new effort to bring back an effective government to Somalia in the short-term.

Concerning the respect for international law and human rights, the mandate of *Atalanta* underlines that the operation is 'in support of' the relevant Security Council resolutions, and is to be conducted 'in a manner consistent with' the United Nations Convention on the Law of the Sea. More specifically touching upon human rights, the mandate addresses the treatment of captured piracy suspects, stating that their transfer and subsequent prosecution must be carried out 'in a manner consistent with relevant international law, notably international law on human rights'. In this vein, the EU concluded transfer agreements with Kenya and the Seychelles in 2009, which are aimed at ensuring that the human rights of the transferees are protected. This stands in stark contrast to certain actions by other deployments. A notorious incident from May 2010 involved the Russian navy, which, after forcefully liberating the tanker *Moscow University* from a pirate hijacking, put the captured pirates in an inflatable boat and set them afloat, which most likely resulted in their death.

In addition, *Atalanta* is an example of what the EU calls 'effective multilateralism', as it has promoted and facilitated cooperation and coordination among major powers and organizations active in the region. It set up the 'Maritime Security Centre–Horn of Africa', where ships in the area can register and receive information regarding pirate attacks and elaborated 'Best Management Practices' to avert pirate attacks in cooperation with the shipping industry. Furthermore, the EU has actively participated in the International Contact Group on Piracy off the Coast of Somalia and helped to establish the 'Internationally Recognized Transit Corridor'. Crucially, it has co-chaired the 'Shared Awareness and Deconfliction' mechanism (SHADE), which coordinates military anti-piracy deployments in the region.

Given the presence of various navies including those of the major global players, the region has become a testing ground for multilateral cooperation in the twenty-first century, which involves the USA, Russia, India and China. There is a clear geopolitical dimension underlying the counter-piracy operation in this area. In this regard, the EU, with its contributions and achievements in multilateral cooperation, has shown initiative and leadership. What is more, it also stood up to the other powers, for instance by insisting on remaining co-chair of SHADE.



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Nevertheless, it is still difficult to see the EU as a single 'power' in its own right in the case of *Atalanta*. After all, the EU remains only one of many options for its Member States to act internationally. While *Atalanta* can be lauded as decisive action on the part of the EU, exhibiting leadership and innovation, it has also highlighted the freedom of the Member States to conduct their own foreign policies despite the Common Security and Defence Policy of the Union. In many ways, the EU appears to be a forum or framework to be used by the Member States, in addition to others or the option to 'go it alone'. Thus, the convergence of interests of the EU Member States on *Atalanta* has not kept a number of them (including Denmark, Greece, Italy, the Netherlands, Portugal, Spain the UK and even France) from contributing in parallel to other missions in the framework of NATO and/or the Combined Maritime Forces, for anti-piracy or other purposes such as counter-terrorism in the region. Sometimes the same warship has been simply rotated through these different formats, such as the British Navy's *HMS Northumberland*, which was part of the NATO operation in late 2007, and then joined *Atalanta* a year later. Moreover, while Norway as a non-EU NATO member has contributed to *Atalanta*, EU member Denmark, which has opted out of the CSDP, has taken over the rotating command of *Combined Task Force 151* in early January 2012. In addition, EU ships sometimes switched to operating under their national flag for conducting missions outside of the mandate of *Atalanta*, for instance to escort their own ships or to rescue their own nationals.

Concerning the latter point, it is noteworthy that the mandate of *Atalanta* does not extend to the protection and rescue of EU citizens from pirates. The Treaty on European Union, as reformed by the Lisbon Treaty, now contains the explicit foreign policy objective for the Union to 'contribute to the protection of its citizens' (Article 3(5) TEU). The concept of Union citizenship, as established in EU law, has gained considerable importance within the internal legal sphere of the Union. In the external domain, by contrast, Member States have a difficult time even agreeing on common rules for providing consular and diplomatic protection to EU citizens. Against this backdrop, it may not surprise that operation *Atalanta* is, according to its mandate, prioritizing WFP ships, and lending protection to everyone else on a case-by-case basis, while EU citizens are mentioned nowhere.

However, EU citizens are threatened by pirate attacks, as evidenced by numerous hijackings involving Europeans victims. Furthermore, this is obviously a concern for individual Member States, as they have engaged actively in operations to rescue their own citizens. France in particular has not hesitated to use deadly force against pirates to liberate hostages on hijacked yachts. In other cases, EU Member States have rescued each other's citizens, such as the Dutch Frigate *Tromp*, which in April 2010 freed a multinational crew from the hijacked *MV Taipan* that had German nationals on board. Against this backdrop, it would seem logical for the Member States of the EU to pool their resources in order to protect their citizens, also understood as *EU citizens*, together.



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Naval Power Europe?

Beyond the appraisal of the performance of *Atalanta* per se, the operation feeds into a wider debate on the trajectory of European integration and the role of the European Union on the international stage. The EU was traditionally portrayed in the scholarship as a distinctly 'civilian' power, either by design or by default. The launching of a Security and Defence policy of the EU in the 1990s and its operationalization in the 2000s has put this traditional conception into question. 'Militarising' the process of European integration, according to critical voices, would vitiate the Union's distinctiveness and in the worst case even its normative clout. For more enthusiastic observers, it meant rather that the EU would 'normalize' by acquiring the full range of tools of a global power, including notably military means to pursue its interests. These means, however, can also be used to further ethical and humanitarian ends.

As *Atalanta* shows, the Common Security and Defence Policy of the European Union continues to advance and mature. The EU now engages in military operations on land, at sea and in the air. Given the importance of the Gulf of Aden for trade flows and energy security, the economic motivations for launching the operation are rather evident. Beyond economics interests, the EU decidedly put the emphasis on acting within the common United Nations framework, in accordance with international law, and with a priority of protecting vessels of the World Food Programme. It took the lead in shaping cooperation mechanisms involving all major powers. Regarding the treatment of captured pirates, the Union has been insistent that their human rights be respected. Moreover, it has made efforts to improve the situation on the ground in Somalia. In view of all this, Operation *Atalanta*, together with the other measures adopted by the EU in this crisis, has advanced not only the Union's interest but also values of a global appeal.

All the same, the idea of a nascent 'naval power Europe' should not be equated with the emergence of a singular *Europe puissance*, at sea or elsewhere. The operation was born out of favourable circumstances, and represented a more manageable challenge compared to other international crises. It involves minimal action and exposure on land, and in terms of technology and firepower, modern European navies are far superior to the improvised skiffs of Somali pirates. Thus, under these particular circumstances, the EU was an opportune framework through which the Member States could act. Given the intergovernmental nature of the CSDP, this does not bind them to do so in other situations. As the European Union's rather absent role in the Libyan civil war in 2011 showed, willing and able Member States might opt for other frameworks such as NATO, or continue to act on a national basis. As we have seen, even in the fight against Somali piracy, several Member States choose to contribute in parallel to operations other than that of the EU.

Conclusion

In sum, it can be observed that Operation *Atalanta* represents an overall success for the European Union. It has expanded the Common Security and Defence Policy into the maritime domain and it has shown that the Member States are capable of acting on fairly short



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notice. Most importantly, it has demonstrated that the EU can be a leader with initiative and perseverance.

Thus, coming back to the start of the paper, what has changed when we contemplate anti-piracy operations undertaken jointly by European nations today compared to the past? In the broader historical picture, joint European operations were rather the exception. Instead, true to the dictum 'no peace beyond the line', condoning, encouraging and partaking in acts of piracy against rival powers through 'privateers' and 'letters of marque' was the rule. Furthermore, Algiers was bombarded as an act of collective punishment and with of the broader intention of coercing the Barbary States into peace treaties dictated by the Europeans. Today, not only do European states cooperate in an organised manner to fight piracy, understood as an established affront against international law, the EU itself has moved to the vanguard of international efforts to restore peace and an effective self-government in Somalia. In view of this remarkable development, Europe has indeed come a long way from the Barbary Coast to the shores of Somalia.

* These numbers are taken from the annual and quarterly reports of the ICC International Maritime Bureau, which can be requested, free of charge, via: <http://www.icc-ccs.org/piracy-reporting-centre/request-piracy-report>

Useful websites:

<http://www.eunavfor.eu/>
<http://www.bruxelles2.eu/category/piraterie-maritime>
<http://www.icc-ccs.org/piracy-reporting-centre>

Suggested readings:

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