

# Institutional Competition

Lessons Learnt from the Gulf of Aden Operations

Linnéa Porathe

# Abstract

Since 2009 the European Union and the North Atlantic Treaty Organization have conducted counter-piracy operations in the Gulf of Aden and the Indian Ocean to tackle Somalia based piracy. As the two organizations are arguably the most important security providers for Europe they have also moved towards managing the similar tasks in military and crisis management operations. As Brussels officials and academics are debating duplication of efforts and competition, staff from operational level has emphasized the excellent cooperation which takes place below the surface of political level in the operations.

This thesis studies the effects of institutional competition between the European Union and NATO in their respective counter-piracy operations off the Horn of Africa. It takes the approach that there is a case of institutional competition, but that this competition generates positive outcomes such as learning and experimentation, increased transparency as well as new solutions.

*Key words:* EU-NATO relations, institutional competition, maritime security, counter-piracy operations

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# 1 PART I

## Introduction

Since the end of the cold war, the European Union (EU) and the North Atlantic Treaty Organization (NATO) have been in rapid transformation. As the two organizations have moved from their original *raison d'être* and clear division of labor (the European Union as an economic power and NATO as a military power), the issue on cooperation versus competition has been hotly debated in Brussels<sup>1</sup>. While efforts have been made to bring the two organizations together, the lack of communication and cooperation on political level has been seen as remarkable, especially since the organizations have most of their member states in common and are based in Brussels<sup>2</sup>.

As official communiqués from the organizations describe a close and strategic partnership, critics claim that there is a “*political deadlock*” or “*frozen conflict*” which impede any efforts to establish institutional relations<sup>3</sup>. This conflict has been visible in the realm of security and defense matters and there have been concerns about the duplication of efforts in cases where the EU and NATO have conducted simultaneous military and crisis management operations in the same operational theatres<sup>4</sup>.

There are researchers who remark that while there is a case of political competition between EU and NATO in Brussels, cooperation on the ground is smooth<sup>5</sup>. There are also scholars who hypothesize that an increased number of institutions performing similar tasks in policy areas and competing for resources and tasks could have positive effects. These effects include the ability to improve practices by learning from competition and experimentation to find new solutions

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<sup>1</sup> Hofmann, 2008; Hofmann 2013

<sup>2</sup> The European Union and NATO currently have 22 of 28 member states in common. Albania, Canada, Norway, Turkey and the United States and Canada are NATO members, but not members of the European Union. Austria, Finland, Ireland, Malta and Sweden are members of the European Union and NATO's Partnership for Peace, but not members of NATO. See also NATO Parliamentary Assembly, 2007.

<sup>3</sup> NATO-EU: A Strategic Partnership [http://www.nato.int/cps/en/natolive/topics\\_49217.htm](http://www.nato.int/cps/en/natolive/topics_49217.htm); Hofmann & Reynolds, 2007

<sup>4</sup> See for instance NATO 1; Lachowski, 2002; and Hofmann & Reynolds, 2007; and Smith, 2010

<sup>5</sup> Tejpar & Zetterlund, 2013, p. 33

for cooperation<sup>6</sup>. The idea is that these learning experiences could be beneficial for society at large<sup>7</sup>.

One case which has been described by officials from both organizations as an excellent example of EU and NATO cooperation is their respective counter-piracy missions, EU NAVFOR Operation Atalanta and NATO's Operation Ocean Shield to tackle Somalia based piracy. In this case, the EU and NATO have performed similar tasks in the same operational theatre without formal agreements for cooperation with overwhelmingly positive results. With the combined efforts of the navies, shipping industry and the international community the piracy problem is currently said to be suppressed, with only two reported attacks since May 2012. This success has been specially accredited to the cooperation between the navies<sup>8</sup>.

While a majority of academic research has focused on the negative aspects of EU and NATO relations, such as the inability to discuss the things that really matter, or to meet at all<sup>9</sup>, this study will look into one area of research which has not been studied, namely the effects of institutional competition between the EU and NATO, and if this competition can generate positive outcomes.

This thesis will assess the effects of institutional competition in the case of EU and NATO interaction in the Gulf of Aden and the Indian Ocean in their respective counter-piracy operations, Operation Atalanta and Operation Ocean Shield. This case is relevant to research since it is a case of the EU and NATO performing the similar tasks in the same area of operation, which in theory gives member states of both organizations a choice between favorable institutional frameworks, creating a textbook example of institutional competition<sup>10</sup>.

Looking at maritime security is also timely as the European Union and NATO are in the process of developing new maritime security strategies. Moreover, they have both aimed to use the comprehensive approach to tackle maritime piracy, as well as interacted with the international community. Lessons learnt from these operations could be valuable for future military and crisis management operations as well as a model for international cooperation<sup>11</sup>.

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<sup>6</sup> Bergh & Höijer, 2008

<sup>7</sup> Ibid., xi

<sup>8</sup> Bridger, 2013; Interview NATO HQ, January 2014

<sup>9</sup> Hofmann & Reynolds, 2009, p. 1

<sup>10</sup> Bergh & Höijer, 2008, xv

<sup>11</sup> NATO Shipping Center "OOS Background"; EU NAVFOR Atalanta

## 1.1 Research Question

The research question is interesting since it can be seen as a contradiction, where it poses that competition, which is usually regarded as something negative can generate the exact opposite outcomes and have positive effects. This is relevant in the case of the operations in the Gulf of Aden and Indian Ocean where ground level staff have described the cooperation as excellent as opposed to the dominating academic literature which calls EU and NATO cooperation in general “*remarkably bad*”, “*dysfunctional*” and “*not working at all*”<sup>12</sup>.

In light of the above, the research question to guide this thesis is as follows:

*How can institutional competition contribute to improved cooperation and new solutions?*

## 1.2 The Aim of the Study

The aim of this study is to assess effects of institutional competition between the European Union and NATO. By doing so, another objective is to give a new perspective to the debate on EU and NATO relations.

## 1.3 Why Study EU and NATO Relations?

The study of security lies at the heart of the International Relations (IR) discipline which at its core analyzes the interaction between states<sup>13</sup>.

During the Cold War era, the realist view dominated the studies on international relations and it asserts that states are the key actors in the international system which is characterized by anarchy and competition for power, resources and influence<sup>14</sup>. The end of the Cold War has given way to a number of new explanatory models for security cooperation and especially for the liberal paradigm. The notion of cooperative security and a changing international security environment with more actors involved, and a more diffuse distribution of power make the interaction between institutions relevant to research<sup>15</sup>.

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<sup>12</sup> Interviews EU and NATO, January 2014; See for instance the DIIS report “*Cooperative Security: NATO’s Partnership Policy in a Changing World*” 2014:01

<sup>13</sup> Collins, 2007

<sup>14</sup> Ibid.

<sup>15</sup> Flockhart (2014) “*Changing Partnerships in a Changing World*”, p. 20

The European Union and NATO are arguably Europe's most important security providers, and they are examples of well-established and robust multilateral institutions. While the study of multilateral institutions is popular in academia, EU and NATO are commonly studied in isolation from one another, which could be due to the lack of institutionalized forms of cooperation<sup>16</sup>.

As the European Union and NATO have been in rapid transformation the past twenty years the institutions have moved towards managing the same security related tasks with the European Union increasingly engaging in military operations and NATO taking on crises management responsibilities. While their cooperation or lack of cooperation is interesting to research *per se*, there have not been analyses that take the next step and look to the effects of the competition between these institutions.

The idea that competition can generate positive outcomes is a new approach to the debate on EU and NATO, but there have already been indications that the deadlock on political level has forced officials on operational level to "*solve problems before they reach Brussels*"<sup>17</sup>. One researcher describes this discrepancy between EU and NATO on political and operational level:

*"Actors on the ground in missions where EU and NATO forces are deployed side by side have learnt to cope with these competitive and dysfunctional dynamics through informal and ad hoc cooperation at lower levels"*<sup>18</sup>

While the dominating paradigm in academic research related to security studies and international relations has shifted focus from realism to liberalism and a more positive way to explain *why* states choose to cooperate in security and defense matters<sup>19</sup>, it is most relevant to study the EU and NATO relations to look to the outcomes when they fail to do so. This could also be generalizable to other cases of institutional competition, whether or not it refers to EU and NATO specifically, or when they are engaging with other actors in international relations.

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<sup>16</sup> Hofmann, 2010

<sup>17</sup> Debate held in Brussels, May 2014; Smith, 2010; and Hofmann, 2013

<sup>18</sup> Hofmann, 2010, p. 2

<sup>19</sup> Collins, 2007

## 1.4 Existing Studies on EU and NATO Relations

Several studies of the European Union and NATO give explanations to their expansion and integration, but they are as has been mentioned, commonly assessed in isolation from each other<sup>20</sup>.

There are however examples of the European Union and NATO relations being studied through game theory, rational choice theory and by comparison of neoliberal and neorealist views to assess which explanatory model is better suited to explain their interaction.

While the enthusiastic liberal view which dominated the post Cold War security studies in the 1990s, such as the notion that the West had won the Cold War<sup>21</sup>, the twenty-first century so far has been characterized by the inclusion of more actors and a broader spectrum of issues when studying international security cooperation<sup>22</sup>. Security is no longer seen in terms of only military power and deterrence but it includes various concepts of security such as human security, economic and political security as well as environmental security<sup>23</sup>.

Recently, scholars have looked at NATO in terms of new cooperative security concepts which refer to new power constellations and ways of cooperating. This view predicts a change from a one-directional way of cooperating where NATO “*tells other what to do and get them to join in*”, to a co-procedure of shaping policies where actions origin from the outside and not from the inside<sup>24</sup>. This is a view that looks at this diversity of actors beyond the scope of European security, and through broader measures, and NATO’s partnership programs as well as their cooperation with other actors can be seen as examples of this shift.

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<sup>20</sup> See for instance Mearsheimer, 1990

<sup>21</sup> Flockhart, 2014, p. 17. See also Francis Fukuyama’s influential essay “*The End of History?*” where the universalization of Western liberal democracy is predicted the final form of government.

<sup>22</sup> Collins, 2007

<sup>23</sup> Ibid.

<sup>24</sup> Waever in Flockhard , 2014, “*Cooperative Security – A New Concept?*” p. 47-60

## 2 Method and Materials

The method chosen for this study is qualitative analysis on a single case study, namely the interaction between the European Union and NATO in their respective counter-piracy operations in the Gulf of Aden and Indian Ocean.

This case is chosen since it is an example of the two institutions performing similar tasks under the same mandate in the same area of operation. The two institutions can also be seen as overlapping in terms of member states, and using military assets from the same national pool of resources, which links it directly to the theoretical framework used<sup>25</sup>.

First, the study sets out to define the case of institutional competition between the European Union and NATO. It does so by presenting aspects of their *institutional design, resources* and *coordination* which can be seen to indicate cases of institutional competition<sup>26</sup>. These sections describe significant events that have shaped the cooperation between the European Union and NATO, as well as the attempts to create formal institutionalized relations. This background is necessary in order to understand the complex dynamics that affect the institutions today, even if the political landscape has changed since<sup>27</sup>. These are all variables which can be seen to have effect on the cooperation and coordination at large.

The study uses the main ideas drawn from a theoretical framework by economic scholars Bergh and Höijer, namely that institutional competition can facilitate learning and experimentation, increase democracy and create new solutions. This approach is relevant in light of previous and existing studies on institutional competition and security cooperation since it is the general idea that a diversity of actors and competition could lead to these effects which in turn could have positive outcomes on society at large<sup>28</sup>.

Operational staff from the European Union, NATO and other stakeholders has accredited the success of counter-piracy efforts to the multiple actors involved<sup>29</sup>, and they have spoken about creative new solutions as a result from these operations,

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<sup>25</sup> Hofmann, 2008

<sup>26</sup> Biermann in Hallenberg et al, 2009; Hofmann, 2008

<sup>27</sup> It was stated in the first preparatory interview for this thesis that the understanding for how the EU and NATO have evolved will help to accept the complexity and bureaucratic processes. This understanding was necessary also to grasp the current operations at sea.

<sup>28</sup> Bergh & Höijer, 2008

<sup>29</sup> As was illustrated by the consensus in the debate held in May 2014, which is presented in the results part.

which could be applied on international cooperation. This creates a good starting point for this thesis<sup>30</sup>.

While this theory has previously been used in economic analysis<sup>31</sup>, its main ideas are applicable to other fields of research. By applying the theoretical approach to the case of institutional competition in the realm of security, this study can also be seen as testing the explanatory capacity for the theory.

The paper hypothesizes in accordance with these ideas that institutional competition can have positive outcomes. The following broader areas will be analyzed in the study:

- Competition
- Learning and experimentation
- Transparency
- New solutions

The empirical data consists of interviews with representatives from various levels within the EU and NATO structures with experience from the operations on political and/or operational level. The interviews center on the themes above, with open-ended and neutral questions. With the respondents associating freely on these concepts, the intention was to find common standpoints and contrasting views, which could be contrasted to existing research as well as the theoretical framework in order to test its reliability.

A debate on the topic *Lessons Learnt from the Gulf of Aden Operations* held in Brussels in the end phase of this study is also included as empirical data since the discussions came to centre on the issues examined in this paper. This panel debate was organized by a Brussels based think tank with expert speakers from the European External Action Service (EEAS), NATO Maritime Command (MARCOM), the U.S. Mission to NATO, and the Department of Political Economy, King's College London. The views represented from military, economic and political perspective were highly relevant for the aim of this paper and to contrast academic sources and the interviews<sup>32</sup>.

In the preparatory stages for this thesis, two informal interviews were held in Brussels with general focus on EU and NATO cooperation. These were valuable in setting the focus and aim for the continued research for the paper. A visit to the Port of Fujairah in the United Arab Emirates and meetings with representatives from the shipping industry in January 2014 proved valuable to create an understanding for the industry's point of

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<sup>30</sup> The success in countering piracy can be seen by the number of attacks by Somali pirates in 2011 (237) which dropped to only 2 reported cases from 2012-2014, according to *Oceans Beyond Piracy*. The other arguments come from the informal interviews conducted in the preparatory stages of this thesis as well as meetings with representatives from the shipping industry in Fujairah, in the UAE.

<sup>31</sup> Which dates back to analyses made by philosophers David Hume, Adam Smith and Immanuel Kant and beyond.

<sup>32</sup> Security and Defence Agenda - A Neutral Platform for discussing defence and security policies, <http://www.securitydefenceagenda.org/Functionalnavigation/Aboutus/tabid/1234/Default.aspx>

view. These interactions were informal in nature only with the aim to grasp the context of issues regarding counter-piracy efforts. They are not presented in the analysis as empirical data since they were held without the informed consent and did not focus on the same issues as the interviews that were held at later stages<sup>33</sup>.

An advantage of performing the preparatory interviews was that it allowed for finding relevant questions. It furthermore helped to identify research areas seen as relevant to the staff in the operations, which creates a link between the academic study and the institutions.

Other sources used in the thesis are official documents from the European Union and NATO, academic journals and sources from independent research agencies<sup>34</sup>.

## 2.1 Methodological Considerations

This thesis takes the approach that scientific research is about finding explanations and improving understanding for societal phenomena<sup>35</sup>. There are however different ways to create these explanations and improved understanding.

Social science research commonly draws inspiration from the natural sciences and the quantitative methods for analysis with its emphasis on cause and effect, and generalization of results. While the aim of scientific research is to find generalizable results, this does not necessarily eliminate the study the particulars by looking at few cases through the qualitative method. As has been argued by King, Keohane and Verba<sup>36</sup>:

*“The very purpose of moving from the particular to the general is our understanding of both”*

This argument illustrates the importance of creating a genuine understanding for the research area as a first step to generalize results which can be contrasted to the view from critics of the case study method who argue that studying few cases would be insufficient in order to establish reliability and reliability in findings<sup>37</sup>.

Other scholars in favor of few empirical examples believe that focusing on the particulars in few examples can contribute to a greater understanding for the wider research area. It can also be argued that the case study method allows the researcher to examine the research problem from the outside and leads “within-

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<sup>33</sup> In addition, a visit to the operational headquarters in Northwood for the EU and NATO is scheduled on May 30. Due to time constraints, this visit is scheduled after the hand in of the thesis but in time for the presentation of the study. This visit has the aim of an improved overall understanding of the research area, since the physical settings and interaction with “real people” can a dimension that cannot be found in the academic literature.

<sup>34</sup> The non-profit organization *Oceans Beyond Piracy* has been an important source for accurate and relevant information on these issues.

<sup>35</sup> Easaiaasson et al. 2010

<sup>36</sup> King, Keohane & Verba, in Easaiaasson et al. 2010.

<sup>37</sup> Ibid.

case explanations”.

While this approach lacks a control situation, it gives a more thorough analysis on the empirical data. Another advantage of using a single case study method is the chance to conduct a more thorough literature review, which enables insights late in the research process that would not be possible with a large number of cases<sup>38</sup>.

These factors have all been taken into consideration when structuring this thesis. In terms of foreign and security policy, situations are rapidly changing and institutions are affected by internal and external factors which makes it difficult to identify independent variables or control situations. The method has been carefully chosen by considering the dynamics of the EU and NATO relations, the complex and multifaceted operational theatre where the counter-piracy operations takes place, as well as its applicability and relevance to the theoretical framework.

Despite the complex nature of the institutional characteristics, the results of this study could be generalizable in other cases of institutional competition between security providers also relating to the idea of changing dynamics of security cooperation, as described in Section 1.4 on existing studies on EU and NATO relations.

## 2.2 The Interviews

Two preparatory interviews were held in the early stages in of the research with military officials with operational experience from Atalanta and Operation Ocean Shield.

Four interviews were then conducted in Brussels in May 2014. The respondents were chosen because of their experience from the counter-piracy operations but also for their individual expertise and for organizational level they were working on. The objective was to get as broad sample as possible, in order to enhance the reliability of the results<sup>39</sup>.

To conduct more interviews would arguably have strengthened the reliability of the results, but since the findings were contrasted with academic sources as well as the preparatory interviews, it should be seen as sufficient. In addition, the choice to interview experts from within the organizations could raise questions in terms of bias, and though it could have been expected that the interviewees would speak in favor of their organization, this was not noted in the interviews.

The interviews with NATO officials were conducted with two representatives at NATO’s political headquarters in Brussels. The first interview was conducted with a political official working for a NATO member state which has played a significant role in counter-piracy efforts. The second interview was conducted

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<sup>38</sup> Gustavsson, 1998, p. 5-8

<sup>39</sup> Esaiasson et al. 2010, p. 284-311

with a military official with insight in the discussions preceding the establishing of Operation Ocean Shield. This respondent also had operational experience from missions where both the European Union and NATO had been operating.

The other two interviews were conducted with officials in the EU structures with experience in Operation Atalanta. The first interview was held with a national representative at an EU delegation and the second with an official at the European External Action Service.

The interviews were held in the offices of the respondents with informed consent<sup>40</sup>. Because the sensitivity of some of the issues, and the fact that the respondents gave their personal reflections on their organizations, their identities were kept anonymous. Due to security regulations, laptops, tape recorders and other electronic devices were not allowed in all buildings and therefore the interviews were documented by note-taking.

While there are many advantages of tape recording interviews in terms of accuracy, quoting and for memory; recording the respondents in this environment could possibly have kept them from speaking as freely, and therefore it was also a choice to only take notes<sup>41</sup>.

The interviews were semi-structured, informal and from between 45-60 minutes. While each interview included the themes of *competition, learning and experimentation, transparency* and *solutions*, the initial questions in each interview were of a more general kind, such as the coordination and cooperation between the EU and NATO at large, in order to see where this would lead the interview. The objective was to get the respondent to associate freely around the concepts<sup>42</sup>.

The interview guides were individually designed to suit the respondent, relating to their work tasks and experience. For instance, interviews with representatives with operational experience evolved around these experiences, while representatives on political level were asked about questions relating to the political aspects. There were both general and more specific questions, and the idea was to use open-ended questions with the aim to find the “unexpected”, with the hopes of finding common standpoints, or contrasting views.

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<sup>40</sup> The respondents were given the information on the study, the procedure of the interview and that their identities would be kept anonymous in the text.

<sup>41</sup> Easaiaasson et al. p. 283-313

<sup>42</sup> This idea is derived from the study of sociology and what is known as the “dream scenario” or “free conceptualization”.

## 2.3 Delimitations

In order to conduct a comprehensive and accurate study in accordance with the outlined aim of the paper, delimitation is necessary. A wide number of actors are involved in the counter-piracy measures which go beyond the military operations. Counter-piracy measures are also taking place on various levels. While several EU officials have pointed out that Operation Atalanta should be seen as a “piece of a larger puzzle”<sup>43</sup>, a representative from a national delegation at NATO commented that the interaction between NATO and China, or NATO and Pakistan could be seen as just as relevant to examine as the EU and NATO relations in this case<sup>44</sup>.

As this study aims to give a new perspective to the debate on EU and NATO relations, other aspects of the “bigger puzzle” of countering maritime piracy are excluded. It is worth to take into account that also within the EU and NATO, work takes place on different institutional levels. At NATO, there is a distinct division between the work that takes place on military and political level<sup>45</sup>, and in the European Union there are parallel initiatives with regards to counter-piracy under the authority of the European Commission and the European Council, which has made some researchers consider cases of “intra-institutional competition” within the organizations<sup>46</sup>.

An important factor for security and defense cooperation is external political factors. One of the interviewees remarked that the current crisis in Europe’s immediate neighborhood has driven EU and NATO to closer communication and cooperation in their response to Russia<sup>47</sup>. External political factors could play a role with regards to the EU and NATO behaviors in military operations, but as it would not contribute to the aim of the study it is excluded.

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<sup>43</sup> Interview 1

<sup>44</sup> Interview 2

<sup>45</sup> Interview 1, NATO Handbook, Hofmann, 2007

<sup>46</sup> Tejpar & Zetterlund, 2013, p.31

<sup>47</sup> Interview 1

## 2.4 Outline

This thesis is made up by three parts. The first part has the introduction, methods and materials, the theoretical framework as well as a presentation of the research area. The second part of the thesis presents significant events that have shaped the establishment of institutional relations between the European Union and NATO in security and defense policy as well as their institutional design and resources. The third and final part presents the results and the conclusion.

The following section will explain the theoretical framework, before giving the background to the international response to piracy in the Gulf of Aden and Indian Ocean.

### 3 Theoretical Approach

The theoretical framework for this study is drawn from the ideas presented by scholars Bergh and Höijer in their 2008 textbook *“Institutional Competition - New Thinking in Political Economy”*. Through a number of essays, the editors give a new perspective on the traditionally negative view on institutional competition. Instead of negative assessments, the authors argue that institutional competition can lead to learning effects and information effects, as well as experimentation and corrective forces.

According to the authors, analysis in the field have previously focused on negative effects from institutional competition, such as races to the bottom and “democratic deficits” as the competition would force politicians to prioritize international investments capital rather than working for their voters<sup>48</sup>.

To challenge this negative view, the authors pose the question:

*“Why is it that competition between institutions is seen as something bad, when the lack of competition is seen as just as bad in standard analysis?”<sup>49</sup>”*

Consequently, they want to turn the above argument around and suggest that institutional competition can generate positive outcomes such as:

- *Institutional competition might facilitate democracy rather than inhibit it*
- *Institutional competition might lead to learning processes through experimentation which might be beneficial for society*
- *Institutional competition might act as a corrective force to reduce inefficiencies<sup>50</sup>*

The general idea is that competition leads to diversity and “friendly rivalry”, and that the competition between favorable institutional frameworks could lead to experimentation and act as a corrective force when the main institutions are compelled to adapt in order to better satisfy their constituents<sup>51</sup>.

There is also an important mechanism stemming from competition, which is the

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<sup>48</sup> Bergh & Höijer, 2008, ix

<sup>49</sup> Ibid.

<sup>50</sup> Ibid. ix

<sup>51</sup> Bergh and Höijer, 2008, p. 13

ability to learn from competitors<sup>52</sup>. According to this view, competition should be seen as a discovery process. In relation to this is also the practice of experimentation, and to use “trial-and-error” in order to find the best solution to a specific problem. According to the theory, multiple actors involved will lead to increased diversity in measures and it will also hinder a single actor to be overly influential in decision-making processes. In this sense, institutional competition can also be linked to a democratic aspect<sup>53</sup>.

Additionally, another argument related for institutional competition is that increased competition is likely to lead to institutional pluralism, which in turn could lead to competing institutional frameworks, as nations are expected to vote with their feet<sup>54</sup>.

While the main ideas in this textbook are examined through an economic view, the authors acknowledge that institutions can be discussed in more general terms, and that the concept of institutional competition is applicable to studies of political units, foreign policy and military power. Moreover, Bergh and Höijer point out that institutional competition goes beyond the roles of governments, states and markets and is relevant when analyzing formal and informal institutions, as well as competition on various levels within societies and on global scale<sup>55</sup>.

### 3.1 Institutional Competition in the Realm of Security

Institutional competition is a composite phrase which can be defined in several ways but the general idea is that there are actors (or institutions) that offer a specific service, and that there are customers who are free to choose from these services. Institutions in this sense can relate to political units, markets, governments or even “*system of behavioral rules, sanctions and the actors that enforce them*”. An illustration of this definition is the state; since it creates the legal rules, imposes sanctions and appoints actors responsible of administrating these sanctions<sup>56</sup>.

Institutional competition can also be defined as “*the coordination of systems by institutions*”. There is a distinction between two types of competition, namely

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<sup>52</sup> Wohlgemuth in Bergh & Höijer, 2008, p.67-90

<sup>53</sup> Bergh & Höijer, 2008

<sup>54</sup> Ibid. xi

<sup>55</sup> Ibid.

<sup>56</sup> Höijer in Bergh & Höijer, 2008, p. 1-29

*resource based competition* and *yardstick competition*. While the first concept refers to competition over scarce resources and where actors get their share by denying the other actors theirs, yardstick competition is concerned with how competing institutions can learn from each other's comparative success and failures, which introduces the idea of competition conducive to experimentation and learning<sup>57</sup>. In this thesis, both the EU and NATO are defined as institutions, but while this definition goes for NATO as whole, the European Union's Common Security and Defense Policy (CSDP), which is responsible of the Union's security policies, is the "sub-institution" of the Union which will be contrasted with NATO in this paper.

When applying this theoretical framework to the dimension of EU and NATO relations, institutional competition can be understood as the two institutions providing security services which the states with dual memberships can choose from. According to the theory this would make the institutions adapt their services in order to attract "customers"<sup>58</sup>, or in this case participation from states in military or crisis management operations.

This case of competition in the realm of security has also been described by Biermann<sup>59</sup>, who argues that multiple security providers are competing for mandates, tasks and resources, both in Europe and globally<sup>60</sup>. The same line of reasoning suggests that security providers are likely to adapt to show their adequacy to handle specific threats. In the case of the European Union and NATO, Biermann claims that this can be seen as an institutional selection process for the European states that are members of both organizations<sup>61</sup>. Another scholar who has made the same distinction is Hofmann, who argues that the EU and NATO are overlapping institutions in three dimensions; common membership, intersecting mandate and shared resources<sup>62</sup>.

Some researchers have also claimed that there might be a case of intra-institutional competition within the European Union institutions where there are numbers of programs runs by various EU institutions make coordination difficult,<sup>63</sup> which could lead to a lack of transparency. For both the European Union and NATO in military operations "costs lie where they fall", which means that the operations and military assets are funded and provided by the participating states, and not by a joint budget<sup>64</sup>. In general terms, this gives the member states of both organizations a choice between EU and NATO in security

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<sup>57</sup> Bergh in Bergh & Höijer, 2008, xi

<sup>58</sup> Ibid.

<sup>59</sup> Biermann in Hallenberg et al. 2009, p. 54

<sup>60</sup> Ibid, pp. 40-61

<sup>61</sup> Biermann in Hallenberg et al. 2009

<sup>62</sup> Hofmann, 2008

<sup>63</sup> Tejpar & Zetterlund, 2013, p. 29-33

<sup>64</sup> Some expenses are covered by the joint budget, such as administrative costs and to some extent logistics. The participating states will contribute with staff and military assets from their national budgets.

policy, creating an incentive for “competition over favorable institutional frameworks” in operations where both EU and NATO are engaged. Moreover, it can be viewed as a competition for military assets which are in the same national pool of resources<sup>65</sup>.

The main ideas from Bergh and Höijer’s with regards to democracy, learning and experimentation, and whether competition can act as a corrective force have been applied to the research area slightly amended. For instance, democracy in the theoretical framework can be linked to openness to constituents<sup>66</sup>. When applied to the research area, transparency and information-sharing have been used as a measure of democracy, and the aspect of a corrective force is linked to creating new solutions.

## 3.2 Application of the Theoretical Framework

The main ideas from the theoretical framework have been used to create the interview guide. With open-ended questions, the interviews have focused on the themes of competition, learning and experimenting, transparency and solutions. By letting the interviewees give their own associations to these concepts, common grounds could be identified as result, and these will be presented in the third part of this thesis.

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<sup>65</sup> Hofmann, 2013

<sup>66</sup> According to this line of reasoning, democracies should be seen as “cooperatives” owned by their citizens, or constituents and should be evaluated on their ability to serve the interests of those citizens. Vanberg in Bergh & Höijer 2008, xv. In this case the constituents could be viewed as the citizens of the member states of the EU and NATO or the national representatives that represent their interests.

## 4 The International Response to Piracy in the Gulf of Aden and Indian Ocean

Maritime piracy was put on the global security agenda after a number of brutal attacks on commercial shipping vessels off the coast of Somalia in the early 2000s<sup>67</sup>. The rise of Somali piracy can be seen a directly linked to the collapse of the Somali political system which had been reality since a *coup d'état* in 1991 and the collapse of the Siad Barre government<sup>68</sup>. The piracy business evolved into a lucrative alternative for Somalis suffering from poverty, and the absence of functioning state structures let the industry evolve almost unimpeded<sup>69</sup>.

The international response to the piracy off the Somali coast came after United Nations (UN) General Secretary Ban Ki-moon had urged the international community to escort the UN World Food Program (WFP) ships through the dangerous waters off the Somali coast. The initial response was *ad hoc*, with French, Danish and Canadian vessels answering the UN request<sup>70</sup>. Their duties were later taken over by a NATO operation in 2008, which was followed by the European Union and the Combined Maritime Forces (CMF) taskforce 151 (CTF-151) in 2009. The presence of the navies was encouraged by representatives from the shipping industry, and several coordination mechanisms were established as well as the creation of non-governmental organizations mainly concerned with the safety of seafarers<sup>71</sup>.

The three naval coalition led by the European Union, NATO and the Combined Maritime Forces are currently operating the area with independently deployed ships from various states. The area of operation covers around 2,000,000 nautical miles, which equals 3,700,000 square kilometers<sup>72</sup>. The coalitions also patrol the Internationally Recommended Transit Route (IRTC) in the Gulf of Aden, which is an established shipping route in the High Risk Area (HRA) where commercial vessels are escorted in convoys after registering to the Maritime Security Centre Horn of Africa (MSCHOA) in the United Kingdom.

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<sup>67</sup> Bridger, 2013, p. 1

<sup>68</sup> NATO Parliamentary Assembly

<sup>69</sup> Ibid.

<sup>70</sup> Bridger, 2013

<sup>71</sup> See for instance the Best Management Practices 4 for an overview of the coordination mechanisms, and Oceans Beyond Piracy 2012.

<sup>72</sup> EUNAVFOR Atalanta

Also states such as Pakistan, China, Russian, India, Iran and Japan have deployed independent warships to escort commercial shipping vessels under their national flag. The navies work closely together and they are also in close communication and coordination with the regional states such as Oman, the United Arab Emirates and Kenya. On any given day, around twenty to thirty warships patrol the High Risk Area off the Horn of Somalia<sup>73</sup>.

Although maritime piracy is nothing new or exclusive to Somali waters, the perception of the threat it posed to world trade explains the proportion of the response by the international community to counter piracy. It is estimated that 90 % of world trade is transported by sea and approximately 30 % of the shipping goods measured by value is transported through the Gulf of Aden each year<sup>74</sup>. Around 22,000 commercial vessels cross the Gulf of Aden annually toward global choke points Suez Canal, the Bab-el-Mendeb passage from the Arabian Sea to the Red Sea and the Hormuz Strait between Oman and Iran<sup>75</sup>.

There have been questions relating to the scope and proportion of the counter-piracy efforts by the international community and one researcher pointed out that:

*“The idea of NATO using the world’s most advanced warships to combat Kalashnikov striped teenagers in skiffs would have seen laughable to the founding fathers of NATO”<sup>76</sup>.*

However, if one looks at the economic costs on regional and the world economy, the counter-piracy efforts are seen as proactive and cost-efficient<sup>77</sup>. And as an official from NATO’s International Military Staff (IMS) pointed out with regards to the above quote, the reason why NATO uses the world’s most advanced warships to combat pirates is simply because “you use what you have”<sup>78</sup>.

Representatives from the industry and the navies have also pointed to the brutal methods used by pirates such as the common practice of holding seafarers hostage for long periods of time for ransom money, which has evolved to a piracy business model. Without functional state institutions, pirates have been able to keep hostages for periods up to two years and negotiating increased ransoms<sup>79</sup>.

Another motivation behind the response to piracy is the importance for the international community and individual states with significant interest in the maritime sector to safeguard the sea lines of communications and the freedom of

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<sup>73</sup> Bridger, 2013

<sup>74</sup> NATO Parliamentary Assembly; NATO Operation Ocean Shield

<sup>75</sup> NATO Operation Ocean Shield, NATO Parliamentary Assembly

<sup>76</sup> Bridger, 2013, p. 2

<sup>77</sup> *World Bank Report on the Costs of Piracy*, Interview NATO HQ, January 2014

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

the seas, outlined in the United Nations Convention on the Law of the Seas (UNCLOS) as one of the world's universal laws<sup>80</sup>.

The naval response to tackle Somali piracy has evolved since the pirates started to change tactics<sup>81</sup>. Initially, the attacks occurred in the geographical area of the Gulf of Aden and off the Somali coastline, but the pirates started using hijacked ships as motherships from where they could embark their skiffs. After this gradual tactical shift by the pirates, attacks were reported as south as Mozambique and as far east as the Indian coast. As the pirates shifted tactics, the navies followed further out in the seas<sup>82</sup>.

While the number of reported pirate attacks peaked in 2011 with 237 attacks on ships and 28 successful hijackings<sup>83</sup>, there has to date only been two successful attacks since May 2012<sup>84</sup>. The success of counter-piracy efforts have been accredited the naval forces and their deterring presence, as well as proactive measures from the shipping industry which can be found in the *Best Management Practices for Protection against Somalia Based Piracy* (BMP4). These practices include increased transit speeds in the High Risk Area, the use of citadels or safe rooms and barbwire to hinder pirates from boarding the ships.

The increased use of private armed security onboard ships can also explain the drop in reported attacks which so far is said to have had a 100 % success rate<sup>85</sup>. Researchers from independent non-profit organization *Oceans Beyond Piracy* express concerns that the decreased perception of threat is making mariners steer away from the practices in the BMP, in order to reduce costs, and furthermore that they fail to report attacks<sup>86</sup>.

There is a strong consensus among stakeholders from navies and industry that the use of military force can only tackle the symptoms of problem and the real solution to end Somali piracy must deal with the causes and not only the symptoms<sup>87</sup>. The current mandates of the EU and NATO naval operations will end in December 2014, and they are most likely to be extended until 2016 since there is also consensus that despite the drop of number of attacks, the real solution to Somali piracy remains ashore. According to stakeholders, the operations are ready for the “next phase” and finding an exit strategy for the military operations,

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<sup>80</sup> See for instance “*The Strategy for the Danish Counter-piracy efforts, 2011-2014*”, published by Danish Ministry for Foreign Affairs.

<sup>81</sup> Sörenson & Widen, 2014

<sup>82</sup> Ibid.

<sup>83</sup> Oceans Beyond Piracy, 2011

<sup>84</sup> NATO ACO

<sup>85</sup> Oceans Beyond Piracy, 2012

<sup>86</sup> Ibid.

<sup>87</sup> Tejpar & Zetterlund 2013

and establishing rule of law in Somalia – a process which should be owned by Somalia<sup>88</sup>.

## 4.1 The Strategic Importance of the Indian Ocean

While economic motivations provide good explanations to the international community's engagement in counter-piracy efforts, the participating states represent a wide number of different interests and several of them are conducting measures on different levels. States have participated in one, two or all three naval coalitions while they have simultaneously created development aid programs for capacity building in Somalia<sup>89</sup>.

There is also a technological imperative which can be viewed as an added value to the operations. By participating in the missions, states get a chance to test their technology, as well as conducting reconnaissance and surveillance. Participation in the operations also allows training interoperability with regional actors. As the regional navies from Pakistan, India and Oman are maturing, Western traditional navies, such as the United States, the United Kingdom and France, see it as valuable for building and maintaining relations with these states, partially through port visits and by conducting joint exercises. These new relationships can also be seen as arms sales opportunities with the regional actors<sup>90</sup>.

The traditional Western naval powers are forming closer relationships with regional actors such as the United Arab Emirates, Oman and Qatar. These states keep a significant presence in the region, both ashore and at sea, which can be described by national interests in resources and regional security presence<sup>91</sup>. Keeping influence and presence at sea can be seen as strategic since it allows for power projection and independence from sovereignty restrictions<sup>92</sup>.

There is also imperative to keep presence in the region in order to secure energy. The maritime area which between the Horn of Africa and the Indian Peninsula gives access to the Hormuz Strait and Persian Gulf which is vital for the world's energy security. This is illustrated by the CMF which has a specific task only focused with safeguarding energy security. Furthermore, The United States presence in the region can also be linked to the maintenance of stability in the wider Middle East the North African region. The CMF has also issue-specific task

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<sup>88</sup> Ibid, p.44; Debate in Brussels, May 2014, Interview 1, Interview 4

<sup>89</sup> Debate in Brussels, 2014

<sup>90</sup> Willett, 2014, "Changing the Gulf Security Game" IHS Jane's Defence Weekly

<sup>91</sup> Ewence, 2014, "Presence and Influence – Western naval power in Gulf security today and tomorrow". IHS Jane's Navy International, March 2014

<sup>92</sup> Ibid.

forces with responsibilities ranging from the protection of Iraqi oil terminals to providing aircraft carriers ready to respond in the case of chemical attacks in Syria; and for deploying aircrafts to the United States military operation in Afghanistan<sup>93</sup>. This very much illustrates the strategic importance of the Indian Ocean and why states choose to keep maritime presence.

## 4.2 The Naval Operations and Their Mandates

A more thorough description of the naval operations will be presented in Chapter 8 of this thesis and this section should be seen as a brief background in light of the international response to counter piracy.

NATO's presence in the Gulf of Aden can be viewed as part of the Alliance's ambition to maintain the naval interoperability gained from the counter-terrorism mission Operation Active Endeavor (OAE), in 2001, and the Libya intervention Operation Unified Protector (OUP) in 2010 which were both conducted in the Mediterranean Sea<sup>94</sup>. After the European Union established its operation Atalanta it also launched a simultaneous civil mission (with military expertise) in the Horn of Africa. The civil mission, EUCAP NESTOR focuses on capacity building, such as assisting the development of a Somali coast guard. The two missions can be seen as examples of the European Union's comprehensive approach in engagement with third states, which in this sense aims at bringing together civil and military CSDP by multifaceted efforts<sup>95</sup>. While the EU has experience in post-crisis management, this is relatively new ground to NATO which is stated in its Strategic Concept from 2010 that a comprehensive political civilian and military approach is necessary for efficient crisis management<sup>96</sup>

While the naval coalitions to some extent overlap in terms of area of operation, participating states and mandates, there are also differences. The mandate for Operation Atalanta has developed from deterrence and disruption to include aerial strikes on pirate camps, and while NATO has mandate to monitor beach camps, the Alliance cannot engage on Somali land territory, and it lacks the bilateral agreements with regional states such as Kenya and the Seychelles for extradition and judicial trials after capturing suspected pirates<sup>97</sup>.

One researcher notes that members of both organizations are more likely to insert ships to the EU mission since it is better resourced, which is an option not open

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<sup>93</sup> Ewence, 2014; Willett, 2014; Interview 3

<sup>94</sup> Finman, 2010

<sup>95</sup> Tejpar & Zetterlund, 2013

<sup>96</sup> NATO's Strategic Concept 2010

<sup>97</sup> Bridger, 2013

for states such as Turkey and Denmark which has an “opt-out referendum” related to the European Union Common Security and Defence Policy, which in practice means that it does not participate in military operations conducted by the European Union<sup>98</sup>.

Currently, the European Union and NATO are discussing the extension of mandates for the missions, and both organizations are developing new maritime security strategies expected to be finalized in 2014. While the decision on mandate is conducted on political level by consensus of 28 member states for both organizations, the force generation is made by the individual states and there are indications that the perceived threat reduction of piracy has made force generation, or troop contribution difficult<sup>99</sup>.

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<sup>98</sup> Ibid. Smith, 2010, p. 21

<sup>99</sup> Interview 1 & Interview 3

## 5 PART II

This section outlines the background to some of the significant events that have shaped the establishment of institutional relations between the European Union and NATO from the end of the Cold War until the Lisbon Treaty and today.

### 5.1 EU and NATO – The Establishment of Institutional Relations

The European Union and NATO existed as two parallel organizations without formal relations for almost forty years<sup>100</sup>. Since the establishment of a common security and defense policy within the European Union, attempts have been made to create formal institutional relations where the EU and NATO should complement each other with their capabilities and expertise<sup>101</sup>. While one could argue that the first attempts to establish institutional relations were made much sooner, the Cold War will be used as a starting point in this thesis since this can be seen as the common denominator to start the rapid transformation processes of both the EU and NATO.

Two major events in the 1990s that particularly came to shape the direction of the European Union and NATO were the end of the Cold War and the perennial problems in the Western Balkans<sup>102</sup>. The end of the Cold War allowed for the European Union and NATO to expand towards former communist states in Eastern and Central Europe, and it also enabled the neutral western European states Austria, Finland and Sweden to join the EU in 1995 and NATO's Partnership for Peace (PfP) program in 1994.

The dismantling of the Soviet Union and the end of the bipolar world order had left NATO without a clear purpose, and many scholars had predicted that the Alliance would demise or disappear<sup>103</sup>. Instead NATO recognized the need for transformation and started a process that is still ongoing today, with an aim towards managing a broader set of security related tasks, set out in the Alliance's new strategic concept from 1991<sup>104</sup>. Hereby, NATO shifted focus from military deterrence towards the added value of security provider by diplomatic means as

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<sup>100</sup> Hofmann, 2009

<sup>101</sup> Lachowski, 2002

<sup>102</sup> Lachowski, 2002, p. 152; Smith, 2010

<sup>103</sup> Biermann, p. 40; see also Mearsheimer, 1990

<sup>104</sup> Smith, 2010; NATO's New Strategic Concept 1991

well and the ambition to act as a “multi-purpose alliance”. This new direction of NATO focused on conflict prevention through diplomatic means, crisis management and partnership programs<sup>105</sup>.

Perhaps the most remarkable transformation after the Cold War was the European Community’s change from an economic integration power towards a Union aiming to speak with one voice in a number of policy areas<sup>106</sup>. With the enlargement rounds in 1995, 2004 and 2007, it more than doubled its population and carried out rounds of institutional reform through the adoption of new treaties.

The outbreak of civil war in Yugoslavia and the EU’s inability to intervene in its immediate neighborhood can be said to be the ultimate push for the creation of a European security and defense policy, independent from NATO<sup>107</sup>. Moreover, NATO’s military intervention in Kosovo in 1999 demonstrated the gap between the European capabilities and those of the United States, and it also divided states that were members of both organizations in terms of which organization that should be the main security provider of Europe<sup>108</sup>.

The 1990s and the transformation of both organizations saw many examples of a Europeanist camp which wanted to see the European Union as lead organizations for security and defense issues, emancipated from American influence, and a “transatlantic” camp that lobbied for the EU developing capabilities only to complement existing NATO structures<sup>109</sup>.

There had been previous efforts to create a security policy in Europe, such as the early establishment of a European Defence Community which later evolved into the Western European Union (WEU) in the 1950s. The WEU was a transatlantic defense union comprised by the United States and Western European states. Some of its institutional characteristics and tasks were later used as a basis for the creation of a new European Security architecture which was to evolve after the Cold War, such as the Petersberg tasks<sup>110</sup>. These were later integrated into the European Union treaties such as the Amsterdam Treaty, the Treaty of Nice and ultimately, the Treaty of Lisbon<sup>111</sup>.

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<sup>105</sup> NATO’s New Strategic Concept 1991

<sup>106</sup> Lachowski, 2002

<sup>106</sup> Ibid.

<sup>108</sup> Lachowski, 2002, p. 152

<sup>109</sup> Lachowski, 2002

<sup>110</sup> These were humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management.

<sup>111</sup> Reichard, 2006, p. 276

## 5.2 The WEU and the ESDI

With NATO's new strategic concept from 1991, the Alliance had acknowledged the need to adapt to a new and more promising era in Europe<sup>112</sup>. The Alliance choose to some researcher's surprise, to keep its backbone on collective defense as is outlined in Article V, but added new commitments by taking on non-military tasks as well<sup>113</sup>. At the same time, the European Union (then the European Community) had incorporated the Petersburg tasks under the authority of the Western European Union, which outlined possible military operations.

As the two organizations were moving towards managing the similar kind of tasks in terms of security and defense, there were also attempts to have a common security policy under NATO lead. When the WEU was made lead organization for all European-led military crisis operations this was supported by particularly France who wanted to counter balance the American influence in NATO<sup>114</sup>. According to this view, the European Union should develop its own planning and operational capabilities in security and defense and also capable for autonomous action, as opposed to being dependent on NATO capabilities. The contrasting view from others, such as the United Kingdom and the United States sought to establish a European Security pillar which would develop under NATO lead.

While there were still uncertainties about the future role and influence of the United States in the post-Cold War Europe, the transatlantic argument was that European capabilities should be seen as a complement to the existing NATO structures. These contrasting views reached a compromise in Brussels in 1994 where the European security pillar under NATO was recognized as a "European Security and Defence Identity", or the ESDI. The North Atlantic Council (NAC) meetings in Berlin in 1996 further established that the activation of the ESDI should be supported by military and political structures of NATO. And while the Western European Union would be the lead-organization in European crisis management operations, the ESDI activation was rationalized as "separable but not separate military capabilities in operations led by the Western European Union"<sup>115</sup>.

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<sup>112</sup> NATO's New Strategic Concept 1991

<sup>113</sup> Smith, 2010

<sup>114</sup> France had left NATO's military structures in the 1950s since it believed that the Alliance was too influenced by the United States. It returned first in 2009.

<sup>115</sup> Lachowski, 2002, Smith 2010

## 5.3 The Saint Malo Declaration and the ESDP

The Saint Malo summit held in France in 1998 marked the end of the WEU as a lead organization and gave green light for a new compromise. The French and British Heads of State and Government jointly declared in that Europe must have capacity for *autonomous action* while also stating that:

*“The European Union would be contributing to the vitality of a modernized Atlantic Alliance which is the foundation of the collective defense of its members”.*

and thereby retaining its commitment to NATO and its transatlantic commitment not to duplicate existing NATO structures<sup>116</sup>.

The Saint Malo declaration marked the shift from the attempts to create a transatlantic European Defence and Security Identity, towards the first attempts to establish the European Security and Defence Policy (ESDP), which was independent from NATO. The ESDP was given its legal basis through the ratification of the Treaty of Nice in 2001, and later had its task transferred to the Common Security and Defence Policy in the Treaty of Lisbon 2009.

While some European capitals had been concerned that the creation of the ESDP would replicate NATO in terms of structure, policy and procedures<sup>117</sup>, others, most notably the United Kingdom had argued for the ESDP to function as a European compliment to existing transatlantic capabilities. France and other European states, had on the other hand lobbied for the rationalization of the ESDP as Europe’s primary security tool, free from American influence<sup>118</sup>.

This shift in policy from the ESDI to the ESDP was concretized in 1999, with the Treaty of Amsterdam coming into force and the European Council *Declaration on Strengthening the Common European Policy on Security and Defence*, where it was stated that the EU requires the capability for autonomous action for the purpose of executing the Petersberg tasks in civil and crisis management operations<sup>119</sup>. This enabled for the formal transfer of tasks from the WEU to the EU, and this shift in policy was also noted in NATO’s Washington Summit the same year, where the Alliance acknowledged:

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<sup>116</sup> Joint Declaration on European Defense, French-British Summit, Saint-Malo, 4 December 1998. Available at: [http://www.iss.europa.eu/nc/actualites/analysisbooks/browse/1/select\\_category/10/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx\\_ttnews\[pS\]=978303600&tx\\_ttnews\[pL\]=31535999&tx\\_ttnews\[arc\]=1&cHash=ca903e9011](http://www.iss.europa.eu/nc/actualites/analysisbooks/browse/1/select_category/10/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews[pS]=978303600&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=ca903e9011).

<sup>117</sup> Howorth & Keeler, 1999, p.56

<sup>118</sup> Hofmann, 2013

<sup>119</sup> Gustenau 1999 in Schimmelfennig 2003

*“the resolve of the European Union to have the capacity for autonomous action so that it can take decisions and approve military action where the Alliance as a whole is not engaged”<sup>120</sup>.*

The European Council meeting in Cologne and the establishment of the ESDP marks where the European Union for the first time can be seen as a key security actor<sup>121</sup>, and this is where institutional relations between NATO and the new ESDP body could actually start evolve.

## 5.4 Berlin Plus

One scholar notes that while the ESDP could have taken many forms, it used NATO’s structures as a template<sup>122</sup>. The main institutions of the ESDP were the Political and Security Committee, the EU Military Committee and the EU Military staff, which can be contrasted with the North Atlantic Council (NAC), the Military Committee and the International Military Staff (IMS)<sup>123</sup>.

In 2000, the first NAC-PSC meeting was held to discuss foreign and security matters. In 2001, the EU and NATO made joint statements on the developments in the Western Balkans through its *“Concerted Approach for the Western Balkans”* and they also conducted a joint crisis management exercise<sup>124</sup>.

In 2002 the Berlin Plus arrangements, which had been initiated in 1996 were finalized, allowing for the EU to use NATO planning capabilities on case-by-case in the event of a EU-led crisis management operation. The Berlin Plus arrangements *de facto* mean that EU-led operations could be planned and executed from NATO’s operational headquarters in Belgium<sup>125</sup>.

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<sup>120</sup> The Alliance’s Strategic Concept, Approved by Heads of State and Government participating in the meeting of the NAC in Washington D.C on April 23 and 24, April 1999. Press Release NAC –S, 24 April 1999

<sup>121</sup> Schimmelfennig 2003

<sup>122</sup> Hofmann, 2008

<sup>123</sup> Hofmann, 2008; Hofmann, 2009

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

## 5.5 The Lisbon Treaty and NATO's New Strategic Concept

The European Common Security and Defence Policy (CSDP) as we know it today entered into force with the Treaty of Lisbon in 2009, when it replaced the ESDP. The creation of the Lisbon Treaty has had great significance for the structuring and coordination of EU's military capabilities. Lisbon paved way for the establishment of the European External Action Services (EEAS) with the appointment of a High Representative and Vice President to speak for the Union in foreign affairs<sup>126</sup>.

In conjunction to this, NATO had adopted its new strategic concept at the Lisbon Summit in 2010, where it declared its strategic partnership with the EU, making a reference to the Union as a "unique and essential partner to NATO for the overall security in the Euro-Atlantic area"<sup>127</sup>. In the strategic concept, the Alliance called for strengthened transparency and enhanced practical cooperation between the EU and NATO, from coordination, to planning and mutual support in the field<sup>128</sup>.

The institutional changes following the Treaty of Lisbon and NATO's New Strategic Concept will be further explained in Chapter 6 and 7, and in Chapter 8 of the thesis which deals with the coordination of the missions.

## 5.6 Cooperation in the field

Since the establishment of the ESDP and CSDP, the European Union has engaged in a number of operational theatres such as Sahel in Niger, South Sudan, Iraq, Afghanistan and Somalia. The EU missions have most commonly been mandated to perform civil crisis tasks, rule of law missions and police missions. Examples of these are the EUPOL Afghanistan, and EULEX in Kosovo, where the EU performs civil policing tasks such as assisting in the reforms and development of the police sector<sup>129</sup>.

When looking at EU and NATO interaction in the field, one can distinguish between ways for this cooperation. There are the formal Berlin Plus operations such as ALTHEA and CONCORDIA in Bosnia and Herzegovina, and Macedonia,

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<sup>126</sup> EU, Treaty of Lisbon

<sup>127</sup> NATO Lisbon Summit Declaration 2010, [http://www.nato.int/cps/en/natolive/official\\_texts\\_68828.htm](http://www.nato.int/cps/en/natolive/official_texts_68828.htm)

<sup>128</sup> Ibid.

<sup>129</sup> EUPOL, <http://www.eupol-afg.eu/>; EULEX, <http://www.eulex-kosovo.eu/en/front/>

non-agreed framework missions where they are in the same operational theatre performing different functions, such as in Afghanistan and Kosovo, and lastly there are operations where the EU and NATO are operating the same geographical area, performing similar tasks without formal arrangement for cooperation, as is the case with Operation Atalanta and Operation Ocean Shield<sup>130</sup>.

Cooperation on ground level is said to be working well and this goes for both informal cooperation and formalized cooperation through the Berlin Plus arrangements where the EU uses NATO command and planning structures. Despite the apparent success of operations under Berlin Plus, one EU official claims that it is unlikely that we will see operations of this kind again until the political impasses have been resolved<sup>131</sup>. In relation to this, when asked why the EU and NATO should cooperate, NATO official replied that failure to communicate and cooperate means risking the lives of civilians as well as staff from both organizations<sup>132</sup>.

While the Berlin Plus arrangement refers to the EU using NATO's military capabilities, one scholar pointed out that there is also a case of "Berlin Plus in reverse" in operations where both EU and NATO are engaged. This relates to how NATO could use the European Union's knowledge and expertise in civil crises management, which is an area new to NATO.

## 5.7 The Participation Problem

At first glance, the direct link between the dispute between Cyprus and Turkey might not be easy to spot, but this political impasse can be seen as one of the most important factors to explain the political deadlock between the European Union and NATO on political level. This deadlock relates to how the EU member state Cyprus and NATO member state Turkey allegedly use their single membership to block formal cooperation between the EU and NATO, and this has impact on information sharing and meeting formats<sup>133</sup>.

This political impasse which has been referred to the participation problem relates to how the EU has decided that it will not discuss issues which have security implications without all member states present. When the Berlin Plus arrangements were finalized in 2002, it was decided as a compromise that Cyprus would not take part in operations where the EU uses NATO capabilities, hence Cyprus was excluded from Berlin Plus arrangements. Formal meetings between

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<sup>130</sup> Smith, 2010, p. 9; Reichards, 2006, p. 273-311

<sup>131</sup> Interview 1, Interview 3

<sup>132</sup> Interview 3

<sup>133</sup> Smith, 2010

the EU and NATO could therefore take place without Cyprus, but this *de facto* led to what could be seen as a “strait jacket” for cooperation since formal EU and NATO meetings could not discuss any other issues than those under the Berlin Plus framework since Turkey did not want to share sensitive information relating to security and defense with non-NATO members<sup>134</sup>.

An example of the implications this has had for EU and NATO cooperation was the NAC-PSC meeting in 2008 after Kosovo had declared independency. Despite the huge significant this had for the European Union and NATO’s engagement in the Western Balkans, this meeting format could not discuss anything other than operation ALTHEA in Bosnia and Herzegovina<sup>135</sup>.

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<sup>134</sup> Smith, 2010, p. 5

<sup>135</sup> Interview 3

## 6 Institutional Design of the CSDP

Following the background on the establishment of EU and NATO institutional relations, this section will describe the existing structures of the European Union's Common Security and Defence Policy. This section is followed by a more thorough presentation of Operation Atalanta and Operation Ocean Shield as well as the coordination mechanisms for the counter-piracy missions.

Since the following section has described the processes of establishing relations between the EU and NATO, this section describes the current design of the institutions which is valuable to understand how cooperation could take place.

The European Union Common Security and Defence Policy of today is only five years old and created by the ratification of the Treaty of Lisbon in 2009<sup>136</sup>. Its structures are under the authority of the European Council where decision-making is made unanimously. A decision regarding the Union's political and security issues are prepared by the Political and Security Committee (PSC) and presented to the European Council while the overall work is prepared by the Permanent Representative Committee (COREPER).

The Political and Security Committee is a permanent body created to act as the focal point for the Union's international relations and it is comprised by 28 national representatives who are under the authority of the High Representative. Furthermore, the PSC acts to prepare a consistent EU response in crisis, and the representatives convene several times a week to discuss all issues which might have implications on the Union's foreign policy<sup>137</sup>.

Since 2000 there have been recurrent PSC-NAC meetings, which are the highest level of cooperation between the EU and NATO. These meetings are held bimonthly and it is stated in EU legislation that the PSC should play a major role in consultations with NATO. Furthermore, the functions of the PSC is to exercise "political control and strategic direction" of the EU's military response to a crisis, and it is the Political Security Committee that after consultation with the European Union Military Committee evaluates the strategic military options, including the chain of command, operation concept and operation plan which is forwarded to the Council for a formal decision. This is processed within the European External

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<sup>136</sup> See Treaty of Lisbon, [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/lisbon\\_treaty/ai0026\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/lisbon_treaty/ai0026_en.htm)

<sup>137</sup> Reichards, 2006, p. 49-99

Action Service, which in function is autonomous from other EU bodies and works in accordance with existing EU policies<sup>138</sup>.

*The European External Action Service (EEAS)* was officially established in 2011 as an autonomous body of the European Union and its mandate is to assist the High Representative and Vice President (HR/VP) in foreign affairs. It was created as the Union's "diplomatic arm" to the world, and it should make sure that there is consistency and coordination in the EU's foreign affairs<sup>139</sup>.

*The Committee for Civilian Aspects of Crisis Management (CIVKOM)* is a parallel institution to the EUMC, which provides advice and expertise to the PSC on civil crisis management aspects. The CIVKOM develops lessons learned; best management practices and helps to improve coordination of EU resources<sup>140</sup>.

In order to overcome the civil and military division of the Common Security and Defence Policy, the *Crisis Management Planning Directorate (CMPD)* was established. It is in the CMPD's mandate to plan both civilian and military operations. In addition there is a, *Civil Planning and Conduct Capability (CPCC)*, which was established by the Council in 2007 in order to conduct the planning of civil operations, which can be seen as the equivalent of a civilian operational headquarters<sup>141</sup>.

*The European Union Military Committee (EUMC)* is the highest military forum within the Union and it consists of the member states' Chiefs of Defense (CHODs) who meet twice a year to discuss EU defense matters in Brussels. The Chiefs of Defense are also represented by the national permanent military representatives (MILREPs) in the Military Committee in meeting formats throughout the year. NATO has equivalent structures with its International Military Staff (IMS), and informal cooperation on these levels are said to be working well<sup>142</sup>.

An important mechanism which could possibly enhance relations between the European Union and NATO is the appointment of the Deputy Supreme Allied Commander Europe (DSACEUR) who is the second highest commander in Europe after NATO's Supreme Allied Commander Europe (SACEUR). The SACEUR and the DSACEUR both work from NATO's operational headquarters, SHAPE in Mons, Belgium and while the appointed SACEUR is an American general, the DSACEUR is European and with allegiance to the European Union and to NATO. One researcher argues that the strategic role of the DSACEUR has been understated in the literature, and that the real cooperation between the

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<sup>138</sup> Reichard, 2006, p. 49-99

<sup>139</sup> EU NAVFOR Atalanta

<sup>140</sup> EU NAVFOR Atalanta

<sup>141</sup> EU NAVFOR Atalanta

<sup>142</sup> Smith, 2010, p. 7

European Union and NATO takes place through this very office and the EU cell which is located in the SHAPE headquarters<sup>143</sup>.

*The European Union Military Staff (EUMS)* was created as a result of the Treaty of Nice where it was decided that permanent political and military structures in the European Union should be established. With the implementation of the Treaty of Lisbon, the EUMS came under the authority of the CSDP to provide military expertise and support. On the one hand, the EUMS is directly under the authority of the High Representative but on the other hand, it operates under the direction of the EUMC, and thus creates a direct link between the Armed Forces of the member states and the European Council<sup>144</sup>.

## 6.1 Costs Lie Where They Fall

When it comes to funding and resources for military operations conducted by the European Union, “costs lie where they fall”. This means that after a political decision has been made to launch an operation, it is the member states that contribute with resources to the mission except in the cases which are funded by the ATHENA mechanism, which covers costs such as transport, infrastructure and medical services<sup>145</sup>. While this is the case for the strict military operations, the civilian missions such as the EUCAP NESTOR are funded by the joint European Commission budget, which gives them larger budgets. Some researchers have hypothesized about “strategic policy shaping” due to these financial arrangements. And furthermore, others with insight in the EU structures believe that the launching of a civil mission “with military expertise” but not purely military was financially motivated. This can also be linked to the apparent difficulty in getting member states to contribute with resources once the actual decision to launch an operation has been done, and there have been implications that the many different initiatives by two separate EU bodies could also lead to cases of “intra-institutional competition”<sup>146</sup>.

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<sup>143</sup> Smith, 2010. p. 14

<sup>144</sup> Lachowski, 2002, p. 158-159

<sup>145</sup> EU ATHENA Mechanism

<sup>146</sup> Tejpar & Zetterlund, 2013, p. 33

## 6.2 Operational Headquarters

The European Union does not have permanent headquarters and this has been debated by those who believe a permanent headquarters would duplicate existing NATO structures, and other who argue that the lack of “robust” command structures could be problematic for its future military operations<sup>147</sup>.

Through the Berlin Plus arrangements the EU can use NATO’s planning capabilities which are located in Mons, Belgium. Since the arrangements were finalized, there is an integrated EU cell located in these headquarters and the DSACEUR at NATO’s headquarters is double-hatted<sup>148</sup>, and works for the EU and NATO. The EU can use the naval headquarters in Northwood, London, where also NATO Maritime Command is located. In addition, the European Union can use the EU Operations Center (EU OPCEN) in Brussels, or chose between four national headquarters in France, Italy, Germany and Greece. After an operational headquarters has been nominated to the European Council, the operational headquarters appoints the force headquarters, which commands the ground operations.

The question of a permanent headquarters has been discussed among the EU member states. The strongest opponent of a permanent EU headquarters is the United Kingdom which claims that it could rival NATO commands, or duplicate its existing command structures which would ultimately lead to unnecessary costs. France on the other hand has argued that the establishment of a permanent OHQ would facilitate the Union’s overall progress for defense efforts<sup>149</sup>.

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<sup>147</sup> See for instance Simon, 2010 “*Command and Control? Planning for EU Military Operations*”; and “*EU Military Headquarters plans backed by Baroness Ashton*”.

<sup>148</sup> This is “Eurospeak” for a person or institution performing two roles.

<sup>149</sup> Interview 1 and Interview 4

## 7 Institutional Design of NATO

NATO is commonly mistaken for being a pure military alliance. A more accurate description would be a political-military organization, since the decisions are made on political level, and the military staff is there to advise, assist the political body, and to create the operational plan for missions. Similar to the European Union CSDP structures, NATO has a military staff, national delegations, and a political council, the North Atlantic Council (NAC), comprised by the 28 ambassadors which is the Alliance's highest decision-making body. Decisions are made by consensus by the 28 member states, and after a decision with military implications has been made in the NAC, it is passed to the military structures<sup>150</sup>.

The national delegations at NATO's political headquarters are comprised by national representatives appointed by their capitals to represent their national security interests. An important institutional change after the Cold War was the increased cooperation with non-NATO states through partnership programs<sup>151</sup> and increased international dialogue. While partner countries can participate in some meetings, they do not take part in decision-making<sup>152</sup>.

NATO's international staff (IS) consists of around 1200 civilian personnel and are recruited by NATO or appointed by their respective government. Their primary task is to assist the national delegations and they are under the authority of the Secretary General<sup>153</sup>.

NATO's military operational command structure has three tiers operating on strategic, operational and tactic level. After NATO's Lisbon Summit in 2010, the Alliance decided to "flatten" its military structure in order to cope with shrinking defense budgets of the member states. On strategic level there are two commands, the Allied Command Operations (ACO) and Allied Command Transformation (ACT).

While ACO is located in the headquarters of Supreme Headquarters Allied Powers Europe (SHAPE), ACT is located in Norfolk in the United States.

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<sup>150</sup> NATO Handbook, 2006

<sup>151</sup> Such as Partnership for Peace (PfP), the Istanbul Cooperation Initiative (ICI) and the Mediterranean Dialogue (MD).

<sup>152</sup> NATO Handbook, 2006, p. 193-209

<sup>153</sup> Ibid. p. 77

NATO's International Military Staff (IMS) works closely with the International Staff and they are based in the same headquarters in Brussels. The international military staff is headed by a general at level of three stars or flag officer and their area of work is divided in divisions of plans and policy, operations, intelligence, co-operation and regional security, logistics, armament and resources. The IMS functions as the link between the political decision-making body and NATO's strategic military commanders SACEUR and SACT, with offices at SHAPE in Mons, Belgium and Brunssum, the Netherlands<sup>154</sup>.

NATO's Military Committee, which could be seen as the equivalent of the EUMC, precedes its counter-part by four decades and has been a standing meeting format since NATO's establishment in 1949. It meets frequently throughout the year with national military representatives, and three times a year with national Chiefs of Defense. The Military Committee provides consensus based advice to NAC with regards to military policies and strategies.

With the 2011 New Strategic Concept, NATO also introduced a new civil and crisis emergency through the comprehensive approach (similar to the one of the as the EU). In its Strategic Concept, NATO states that by comprehensive approach it means to *"combine the use of broad range of tools and greater interaction between international organizations, non-government organizations, civilian experts and military actors"*. The Alliance also committed to implement UN resolution 1325 on Women, Peace and Security and in all NATO-led military operations and missions<sup>155</sup>.

The transformation of NATO's structures and areas of operation show how NATO is taking on a new role where it is engaging with new actors and in more policy areas<sup>156</sup>. The reform of the military structures to become "leaner" also mirrors the austerity which its member states are facing in terms of defense budgets. Also the funding of NATO military operations go under the principle of "costs lie where they fall", and since this is also the case for the European Union, the organizations are funded and equipped by the same pool of national resources.

In terms of funding, NATO has three budgets that go under the common funding arrangements; the civil budget, the military budget and the NATO Security Investment Programme. These budgets cover Alliance command structures, communications systems and responsibilities that go beyond the responsibilities of any single members<sup>157</sup>.

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<sup>154</sup> NATO ACO

<sup>155</sup> NATO's Strategic Concept 2011

<sup>156</sup> NATO Handbook, 2006, p. 20-21

<sup>157</sup> NATO Topic "Paying for NATO" [http://www.nato.int/cps/en/natolive/topics\\_67655.htm](http://www.nato.int/cps/en/natolive/topics_67655.htm)

While the previous sections have reiterated how a Europeanist camp has aimed to “emancipate” itself from American influence in the European security sector, the United States has recently started to shift focus from Europe towards strategic interests in South East Asia. Officials from the United States have also publically expressed that it is time for Europe to start taking responsibility of its own security, since the United States currently contributes to the largest part, 73 %, of NATO’s common budget<sup>158</sup>.

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<sup>158</sup> This is figure commonly used inside NATO HQ, and is also illustrated in this article by the Washington Post in March 2014: <http://www.washingtonpost.com/blogs/worldviews/wp/2014/03/26/the-u-s-wants-its-allies-to-spend-more-on-defense-heres-how-much-theyre-shelling-out/>

# 8 Coordination of the Operations

This section puts Operation Atalanta and Operation Ocean Shield in a context by describing their inception and where they are today. This section then continues to describe the coordination mechanisms of the counter-piracy efforts, which have been developed by navies and industry. This creates improved understanding for the larger picture of the counter-piracy measures, and also illustrates the multifaceted approach of coordination that is taking place on different levels.

## 8.1 Background

The first response to Somali piracy was on national initiatives with individual states escorting their national ships through the Gulf of Aden after an increased number of attacks on commercial vessels and the UN World Food Program ships. These efforts were formalized as NATO's Operation Allied Provider was established from October-December 2008 until the EU Operation Atalanta was launched in December 2008 to take over these tasks. From March-August 2009, NATO conducted parallel operations to Atalanta with its Operation Allied Protector which was later replaced by Operation Ocean Shield which was comprised by the same actual naval force but with a more robust mandate<sup>159</sup>.

During the early stages of these parallel operations, the intention was to have strategic planning conducted jointly by the EU and NATO, and there were recurrent briefings for NATO staff on the progress of Atalanta from the EU in order to show transparency<sup>160</sup>. During these early stages, NATO's launching of its own counter-piracy operation was not given. In spring 2009, NATO's Standing Naval Maritime Group 1 (SNMG1) employed in the Eastern Atlantic area was deployed to conduct port visits to Singapore and Australia. As piracy activities at the time were increasing in the Gulf of Aden, these port visits were cancelled and the NATO forces stayed in the Gulf of Aden to conduct counter-piracy measures<sup>161</sup>.

As these responsibilities were transferred to the Standing Naval Maritime Group 2 (SNMG2), consisting of frigates from Italy, Greece, Turkey, the United Kingdom

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<sup>159</sup> Bridger, 2009

<sup>160</sup> Interview 3

<sup>161</sup> Ibid; NATO ACO: Operation Ocean Shield

and the United States; Operation Ocean Shield was launched partially due to Turkey speaking for the need of NATO's own counter-piracy operation. The SNMG2 constellation was the same used for the first rotation of Operation Ocean Shield from August 2009<sup>162</sup>.

Both the EU and NATO have had transformation in their institutional organization and military structures since then. With the implementation of the Treaty of Lisbon, the European Union transferred tasks relating to security and defense matters to the recently established CSDP. Following the launching of Operation Atalanta were the creations of the European Union Training Mission (EUTM) Somalia, and EUCAP NESTOR, which were also under the CSDP framework. Officials within the EU point out that these missions are still in their early stages and in process of development<sup>163</sup>.

While new initiatives are being developed in Brussels, coordination mechanisms are created by seafarers in the actual operational area to enhance cooperation and information sharing between the relevant stakeholders and this goes beyond the European Union and NATO<sup>164</sup>. Hence, several initiatives are being developed simultaneously at different levels.

## 8.2 Operation Atalanta

Operation EUNAVFOR Atalanta was launched as European Union's first naval operation in 2008. The mandate for Operation Atalanta has evolved from protection of vessels to an extended operational area that also includes Somali land territory and the Somali internal waters. Its operational area has also expanded beyond the Gulf of Aden off the Somali coast to include areas of the Southern Red Sea and a large part of the Indian Ocean. The operational area currently covers an area of 2,000,000 square nautical miles, or 3,700,000 square kilometers<sup>165</sup>.

The operational lead rotates between the participating states on four month basis and the number of vessels deployed depends on the monsoon period where piracy activity is low. On a typical rotation there are 4-7 Surface Combat Vessels, 1-2 supporting ships, and also 2-4 Maritime Patrol and Reconnaissance Aircraft (MPRA) and approximately 1,200 personnel. The warships and aircrafts use the port of Djibouti as well as the French Djibouti Air Base through bilateral agreements with the EU. The EU has also set up bilateral agreements with

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<sup>162</sup> NATO ACO; Interview 3

<sup>163</sup> Interview 1, Interview 4

<sup>164</sup> Specifically pointed out by all respondents.

<sup>165</sup> EU NAVFOR Atalanta

regional states such as Kenya and the Seychelles for legally transferring suspected pirates for trial in their national courts<sup>166</sup>.

Operation Atalanta patrols the Internationally Recommended Transit Corridor in conjunction with NATO and CMF, and it also conducts reconnaissance and surveillance operations. In addition, the warships routinely conduct physical checks or “friendly approaches” with local vessels in order to get a better understanding of the maritime community in the region<sup>167</sup>. The friendly approaches are also conducted in order to assure the local fishermen that the naval forces are not a threat to them or their livelihood<sup>168</sup>.

Atalanta is coordinated from two headquarters; on operational level from the Operational Headquarters in Northwood, London and on tactical level from the Force Headquarters (FHQ) onboard a flagship in the operational area. The FHQ is led by a Force Commander (FCdr) who is responsible of the planning and execution of the tactical military activities in the operational area. The FCdr reports to the Operation Commander in the OHQ, who commands the operation in conjunction with the political and military authorities in the EU. The OpCdr also conducts strategic military analysis with the EU military staff and reports directly to the Political and Security Committee. The chairman of the EU military committee is the main point of contact to the OpCdr<sup>169</sup>.

The European Operations Center was activated for the first time in 2012 in order to facilitate coordination between the three CSDP missions, Atalanta, EUTM Somalia and EUCAP NESTOR. The Council decided to activate the EU OPCEN on a two years term, which has now been extended until 2015. This temporary headquarters is staffed by liaison units from the three missions and its activation was done in order to “improve coordination and strengthen civil-military synergies”. Moreover, the EU OPCEN should provide support to the EU’s Crisis and Management Planning Directorate (CMPD), which is the civilian military strategic planning structure in the CSDP<sup>170</sup>.

The activation of the EU Operations Centre can be seen in light of the debate on whether the EU should get permanent operational headquarters or not, a question which is debated among the member states as has already been discussed in the text. The EU OPCEN is currently not fully staffed and its functioning should be seen as “embryonic” according to officials<sup>171</sup>. The OPCEN in Brussels does not have command responsibility but is tasked to support the existing chain of command. Currently, it does not have the right resources to “lead”, and its

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<sup>166</sup> Ibid. Tejpar & Zetterlund, 2013

<sup>167</sup> EU NAVFOR Atalanta

<sup>168</sup> Ibid.

<sup>169</sup> Tejpar & Zetterlund, 2013

<sup>170</sup> Ibid; EU NAVFOR Atalanta

<sup>171</sup> Interview 4

purpose is being debated among the member states. Some describe it as problematic that the EU does not have robust command and control structures, while others, with the United Kingdom in lead, claim that there are already headquarters in Europe to be used and that it would duplicate NATO's structures.

### 8.3 Operation Ocean Shield

When Operation Ocean Shield replaced Operation Allied Protector in August 2009 it had a more robust disruption and deterrence mandate<sup>172</sup>. It currently operates with the following four objectives: *to deter and disrupt pirate operations at sea, coordinate international counter-piracy measures, enhance the maritime community's capacity to counter piracy effectively, and develop a regional counter-piracy capability*<sup>173</sup>.

Its area of operation has also expanded to follow the pirate activity as it has moved from the Gulf of Aden to the Red Sea and the Indian Ocean. Since its inception in 2009, it has welcomed participation from non-NATO states such as the Ukraine and New Zealand. While the mandate for Operation Ocean Shield can be seen as stronger than its two predecessors, this mandate does not cover action in the Somali territory (as opposed to the European Union), but it has modified the operation to also include the surveillance of pirate beach camps and to neutralize pirate skiffs<sup>174</sup>.

The mandate for Operation Ocean Shield is decided by consensus in the North Atlantic Council which then delegates responsibility to the ACO (Allied Command Operations) and the Operational Headquarters NATO Maritime Command (MARCOM), located in Northwood, London, in the same multinational headquarters as Operation Atalanta and the British Armed Forces.

Operation Ocean Shield has been estimated to cost the Alliance \$5,7 million in annual administrative costs<sup>175</sup>, which are covered by the common budget. Currently, Operation Ocean Shield has four ships, and the Allies have debated the extension of the mandate as well as struggles of fulfilling force requirements<sup>176</sup>. This is likely to have impacts on the decision to extend the operational mandate, as well as how a possible exit strategy from the operation would look like<sup>177</sup>. NATO is also in the process in creating a Maritime Security Strategy, expected to

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<sup>172</sup> Bridger, 2013

<sup>173</sup> Alliance Maritime Security Strategy

<sup>174</sup> Bridger, 2013

<sup>175</sup> Oceans Beyond Piracy, 2012

<sup>176</sup> Interview 3

<sup>177</sup> Ibid.

be finalized in conjunction with the NATO Summit in Cardiff in September this year<sup>178</sup>.

## 8.4 Coordination Mechanisms

*Shared Awareness and Deconfliction (SHADE)* is coordination mechanism which was established in 2008 to bring together stakeholders from regional states, navies and the shipping industry. Four conferences in Bahrain are held annually to share information and exchange views regarding counter-piracy efforts. The chairmanship of these conferences rotates from EUNAVFOR, CMF and NATO. In addition to these conferences there are subgroups which discuss specific issues such as convoy coordination, resource requirement and aviation operations<sup>179</sup>.

*Contact Group on Piracy off the Coast of Somalia (CGPCS)* is another coordination mechanism which was formed in early 2009 to coordinate states and stakeholders to act as a common point of contact. The CGPCS is based in New York.

*Maritime Security Centre Horn of Africa (MSCHOA)* is located in the Operational Headquarters in Northwood, London and it monitors the vessels transiting the Gulf of Aden and the IRTC. It is manned 24-hours and shipping companies and operators are encouraged to register when they enter the High Risk Area (bounded by Suez and the Strait of Hormuz), on its homepage, by fax or email. The establishment of the MSCHOA was initiated by EUNAVFOR and it also coordinates group transits or convoys with escort by EUNAVFOR or other forces in the region. The Best Management Practices encourages the shipping companies and operators to register their transit through the high risk area and if they have sensitive cargo to the MSCHOA and report suspected activity to the UK Maritime Trade Operations (UKMTO), which is located in Dubai. *NATO Shipping Centre* is the equivalent of the MSCHOA and is also located in the Operational Headquarters in Northwood<sup>180</sup>.

*MERCURY* is a closed but unclassified information-sharing and communication system operated by the MSCHOA. The MERCURY chat function allows for real-time cooperation between the naval forces and industry, civil as well as military stakeholders<sup>181</sup>.

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<sup>178</sup> Interview 3

<sup>179</sup> NATO Parliamentary Assembly

<sup>180</sup> MSCHOA, NATO Shipping Center, BMP 4

<sup>181</sup> EU NAVFOR Atalanta; NATO Parliamentary Assembly, 2007

*The UK Maritime Trade Operations (UKMTO)* acts as the primary point of contact for merchant vessels and liaises with military forces in the region in case of a piracy attack. The UKMTO strongly encourages that all vessels transiting the High Risk Area reports to the UKMTO daily – whether or not they have a private security team aboard, or are part of a larger national convoy. A recent report by *Oceans Beyond Piracy* expresses concerns that because the threat perception has decreased, and as a result of the common use of private security teams onboard, ships are now moving away from the Best Management Practices as well as failing to report their presence and pirate attacks<sup>182</sup>.

*The International Recommended Transit Corridor (IRTC)* was established as a recommended transit route for merchant vessels transiting from the Suez Canal through the Gulf of Aden. The transit corridor can be likened by a highway at sea that stretches around 550 nautical miles at sea between Puntland, Somalia, and Yemen. The corridor is patrolled by EU, NATO and CMF naval forces, as well as by Maritime Patrol and Reconnaissance Aircraft. Merchant vessels are organized in convoys and in group transits<sup>183</sup>.

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<sup>182</sup> *Oceans Beyond Piracy*, 2012; BMP 4

<sup>183</sup> EU NAVFOR Atalanta

## 9 Part III

This section first presents the results of the case of institutional competition between the European Union Common Security and Defence Policy and NATO in terms of institutional design, resources and coordination. It then continues to present the results of the four interviews. These results are divided in four sections according to the areas of *competition, learning and experimentation, transparency and new solutions*. When possible, the results have been triangulated with independent sources for increased reliability. The major themes do overlap to some extent and this section also includes empirical data from the debate “*Lessons Learnt in the Gulf of Aden Operations*”.

### 9.1 Results

The results show indications of institutional competition between the European Union and NATO when it comes to their institutional design, resources and coordination. When looking toward the establishment of institutional relations between the European Union and NATO in their defense and security policies there have been continuous efforts to make them complement each other’s capabilities as well as competition of which organization should take the lead in European security and defense matters. In terms of institutional design the CSDP structures are based on NATO’s institutional design<sup>184</sup> and the parallel institutions such as the NAC-PSC, the EUMC-NATO Military Committee as well as the double-hatted roles of the DSACEUR and MILREPs could possibly act as facilitators for formal and informal cooperation.

The processes when establishing institutional relations also show that the competition should not be seen as competition between the institutions as such, but as the competing interests of nation states which are members of one or both organizations. With regards to resources, the intersecting membership leads to the two organizations using assets from the same national pools of resources, and with the member states challenged with the same cuts in defense budgets, this could be seen as an indicator for a stronger case of institutional competition between the EU and NATO. However, the various levels within the organizations seem to create cases of intra-institutional competition, which is visible in the European Union’s CSDP which is also related to the funding mechanisms of a civil and military budget.

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<sup>184</sup> Hofmann 2008

The background to the establishment of Operation Atalanta and Operation Ocean Shield shows the interdependence between the European Union and NATO in their counter-piracy operations, and the broader coordination efforts introduced in the previous chapter add a dimension to this multifaceted picture.

## 9.2 Competition or cooperation – or both?

*“It never became a question on the EU versus NATO, instead the multiple actors worked as a springboard for greater international cooperation<sup>185</sup>”*

The interviews first focused on general aspects of cooperation, coordination and possible institutional competition between the European Union and NATO. The case of institutional competition on political level was supported by the interviews, and so was the notion that the deadlock on political level has given actors more scope to enhance informal cooperation.

There is consensus from the interviews and from the debate that the cooperation and coordination between EU and NATO and other forces in the operational area is excellent. Despite the number of actors involved performing similar tasks, neither of the respondents express concerns for duplication of efforts in the counter-piracy efforts<sup>186</sup>. At the same time, the case of institutional competition is recognized by the respondents and it is mentioned times that once issues reach political “things become tricky”. Three of the respondents also point to how political trickiness (referring to how the European Union and NATO cannot openly discuss the real issues do to the participation problem) has made the actors on operational level “*solve the problems before they reach political level*”<sup>187</sup>. Moreover, the respondents also point out that while cooperation is easy on operational level and through informal contacts, this cooperation is difficult or non-existent on formal level.

Two of the respondents describe discussions on national level on to which format to contribute to when the EU and NATO are performing similar tasks in the same operational area. The respondents also acknowledge that discussions of this kind are common but not something that officials will speak of publically.

By participating in these operations, states expect to get more insight and influence in the organizations as such, and hope to strengthen relations with other states, as well as testing their military technology and exercising interoperability with other actors<sup>188</sup>. Two of the respondents express some frustration of the lack of functioning meeting formats, and one of them points out that the EU and

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<sup>185</sup> Debate in Brussels, May 2014

<sup>186</sup> Interviews 1-4

<sup>187</sup> Interview 1, 2 and 4

<sup>188</sup> Interview 3

NATO need to communicate and cooperate, because if they do not, then it could risk the lives of operational staff as well as civilians<sup>189</sup>. One interviewee remarks that while current meeting formats do not touch upon the important issues, it is important that these formats exist once they become necessary for the real discussions<sup>190</sup>.

Several of the interviewees expressed that cooperation between the navies, coalitions and nation states, is working well because they are all mariners doing their job – “we, as humble seamen cooperate<sup>191</sup>”. To them, the discussions and political impasses in Brussels are irrelevant<sup>192</sup>.

Moreover, an added value of the many actors involved is the opportunity for *ad hoc* cooperation with other states, such as Russia and China. Due to the sensitiveness related to formal political cooperation with these states, the cooperation has to take place “under the surface”. For instance, American and Russian warships were planned to conduct joint operations by going from the Gulf of Aden to the Mediterranean Sea, ready to respond to the instabilities in Syria. This is naturally a very sensitive political matter, and after the Russian intervention in the Ukraine, it was cancelled<sup>193</sup>.

While the “trickiness” on political level partially relates to states using their single membership to block efforts for formal cooperation and to increase transparency between the EU and NATO, it also relates to the division between the military and political structures within the EU and NATO. One NATO official describes this division to be significant than the number of actors involved when it comes to coordination of the missions. Since the mandate to perform certain tasks must be decided by 28 member states unanimously, the deliberations on political level are seen as time-consuming and keep the military staff from conducting the operational planning when waiting for the political decision<sup>194</sup>.

When it comes to formal frameworks for cooperation, one of the interviewees expresses that the operations under Berlin Plus arrangements have been successful, but that we are unlikely to see similar operations before the “participation problem” is resolved<sup>195</sup>. The same interviewee also states that the outcomes of institutionalized cooperation between the European Union and NATO could have “extraordinary results”<sup>196</sup>.

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<sup>189</sup> Interview 3

<sup>190</sup> Interview 1

<sup>191</sup> Debate in Brussels, May 2014

<sup>192</sup> Ibid., Interview 1 and Interview 2

<sup>193</sup> Debate in Brussels, May 2014

<sup>194</sup> Interview 1 and Interview 2

<sup>195</sup> Interview 1

<sup>196</sup> Interview 1. The “extraordinary results” relate to the success of two operations under the Berlin Plus agreements, as well as the view that EU and NATO could complement each other with EU’s expertise in civilian missions, and NATO’s expertise and experience in military engagement.

One researcher has argued that nations that are member of both organizations are likely to contribute to Operation Atalanta before Operation Ocean Shield since Atalanta is better equipped, has more resources and a broader mandate. While both the EU and NATO emphasize the importance of a comprehensive approach, NATO has not managed to come to political agreement to expand the mandate, and it has not formed similar bilateral agreements with regional states such as the European Union. According to one of the respondents, it is not about competing institutional frameworks, it is about those states, such as France and the Netherlands, that prefer civil and crisis management conducted within the framework for the European Union and not NATO<sup>197</sup>.

In conclusion, there is both competition and cooperation between the European Union and NATO, and this competition can be viewed as dealing more with the states involved than the institutional design *per se*. Moreover, the effects of the competition on political level can be viewed as a deadlock which directly leads to operational staff working around it. This seems to be an unofficial agreement on both political and military level, and according to one of the respondents, many officials speak openly about enhanced cooperation, but have no aims to actually pursue this, instead they will speak about “giving it more time” to develop forms for institutionalized cooperation. This is due to a perception that states are more influential on EU level than in NATO<sup>198</sup>.

### 9.3 Learning and experimentation

The idea drawn from the theoretical framework is that learning and experimentation evolve from a diversity of actors able to learn from their competitors through “friendly rivalry”. Furthermore, the idea is that this way of learning should be seen as a discovery procedure, and that experimentation is a trial-error process to identify the best solutions<sup>199</sup>.

The parallel operations in the Gulf of Aden, combined with the number of actors operating under the same mandate create a good case for institutional competition in theory.

The navies have shown great proactive measures and cases of trial-and-error in order to find the best solutions. The shipping industry is most likely the most creative actor in this aspect, and this experimentation or solutions can be found in the Best Management Practices. When piracy started to surface in the Gulf of Aden, the shipping industry made sure that vessels transiting the high risk areas increased their speed; when attacks continued, they built citadels and used barb wire and water cannons to stop the pirates to board ships. These changes and

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<sup>197</sup> Interview 3

<sup>198</sup> Interview 2, Interview 3

<sup>199</sup> Bergh & Højjer, 2008, xv

experimentation could be done easily since the shipping industry does not have the same constituents to answer to as the multilateral organizations do. These actors cannot be seen as competing institutions, since they do not have the same constituents or can be seen as competing for the same resources, mandates and tasks.

When looking at the EU and NATO, it is clear that their mandates have evolved simultaneously, but it is not easy to tell if the development comes from the diversity of actors or from other factors. What can be said is that the European Union through its political processes has had chances to conduct experimentation in order to find improve its practices and find the best solutions. While NATO has emphasized the need for a comprehensive approach to counter piracy, the European Union has been able to realize it.

This has been done through a number of creative and pragmatic solutions, such as the activation of the EU Operations Center for the first time, the European Union Training Mission Somalia (which since it was not deemed safe in Somalia, was conducted in Uganda<sup>200</sup>); and lastly the launch of its first civilian CSDP mission to take regional approach, EUCAP NESTOR. Respondents with experience from these missions recognize that these measures should be seen as embryonic, and need time to mature.

The “discovery process” can also be seen in the way that the European Union has dealt with problems it has encountered since establishing its naval operation. It has handled the judicial aspects of piracy (relating to the difficulty in collecting evidence and to prosecute the suspected pirates) by forming bilateral agreements with regional states which allows for transfer of suspected pirates for judicial trial. According to one of the respondents, also NATO has tried to have similar judicial agreements, but according to this respondent, NATO does not have the same resources for “political buy-ins” in the regional states, and what is more, due to the difficulties to achieve political consensus within the Alliance, this has not been achieved<sup>201</sup>. When asked about the prospect for NATO’s future in capacity building measures similar to those of the European Union, one of the respondents replies that this is “unlikely”<sup>202</sup>. The respondent also explains that the lack of political consensus among the NATO member states to engage in capacity building measures is due to states strategically choosing the European Union as a format for capacity building, since they expect to have a more powerful voice in the European Commission than in the North Atlantic Council.

When asked about lessons learnt for future operations, the four interviewees state that the multifaceted characteristics of Somalia, which have shaped the counter-

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<sup>200</sup> Nilsson & Norberg, 2012

<sup>201</sup> Interview 3

<sup>202</sup> Interview 2

piracy measures, make it unlikely that the specific counter-piracy measures will be applied to future maritime operations. They point to the lack of political institutions in Somalia which is not the case in for instance the Gulf of Guinea off the coast of Nigeria which is currently threatening to eclipse the Gulf of Aden as the world's most pirate-ridden waters.

However, some more general lessons learnt can be identified from the Gulf of Aden operations. The first is to focus the military operations to “optimize every Dollar and Euro”<sup>203</sup>. This has been achieved by focusing the military efforts around the monsoon period where the piracy activity is at its lowest. Moreover, it deals with combining security with training on various levels, and also the notion that security and development go hand in hand. From a NATO point of view, lessons learnt are also the success of increasing cooperation with its partner countries from the ICI and global partners<sup>204</sup>.

Lastly, the counter-piracy measures do give examples of learning, discovery and experimentation and these measures could very well be linked to the diversity of actors involved. It seems apparent that there are actors within NATO that would like to see the similar measures as those from the European Union developed also within the framework for NATO; however, since NATO has not yet been able to come to agreement on its way ahead when it comes to capacity building measures, there is not really a case of competition between the EU and NATO in this aspect.

In conclusion, the lack of a case of institutional competition gives the theoretical framework a poor explanatory capacity in this sense.

## 9.4 Transparency

*“SHADE is an invention but also a new paradigm. This paradigm is easy, simple and transparent.”<sup>205</sup>*

The SHADE mechanism is in fact brought up by all respondents as a good example of creative new measures to counter piracy<sup>206</sup>. Its meeting formats which allow for all relevant stakeholders and regional actors to discuss future solutions, share views, ideas and information is seen as a necessary tool for transparency. Also the MERCURY system to share information and alerts can be views as a creative invention in a similar way. The MERCURY is said to be easily accessed for the relevant stakeholders, civilian as well as military, and it allows for instant information sharing. MERCURY also provides a contact with the Operational Headquarters in Northwood from the shipping community and navies.

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<sup>203</sup> Debate in Brussels May 2014

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Interviews 1, 2, 3, 4

The respondents state that the initiative to establish the SHADE mechanism was a direct effect from not being able to convene in formal meeting sessions. *“We couldn’t get unity of command, so we created unity of effect”<sup>207</sup>”*.

This relates to how the naval missions could not have one formal joint command structure for coordination of the operations which led the operational staff to create their own structures with the industry and other relevant stakeholders, who due to different reasons were unwilling or unable to participate in the EU or NATO coalitions. Also, since the European Union and NATO could not have a joint command structure, this was resolved by co-locating the operational headquarters as two separate headquarters in the same building in Northwood, London.

Both these solutions in order to get the right information out and to coordinate the operations can be seen as directly related to the fact that the European Union and NATO do not have formal forums for discussing their counter-piracy operations. Yet they are conducting similar missions with the same objective and under the same United Nations mandate, also according to the very same military standards and with the same national resources.

While there seems to be the general agreement that the information-sharing is transparent within the operations, there is also one respondent who points to difficulties from political level which has had negative impacts on the missions.

The respondent gives the example of when Sweden had rotational lead of Operation Atalanta. Both Atalanta and NATO use the same secret systems for transferring positions via NATO’s encryption keys. Since Sweden was not a NATO member it did not get access to these keys in order to properly conduct the coordination needed. Even if Sweden eventually did get the encryption keys, they were not able to make them work for the time of FHQ Atalanta.<sup>208</sup> The respondent draws a direct link to the Cyprus and Turkey impasse to explain this. Due to fear that politically sensitive information would reach Cyprus, all non-NATO states, also those states in NATO’s Partnership for Peace, could expect to encounter similar difficulties.

Since institutional competition according to the theoretical framework is expected to act as a correctional force, the respondent was asked if this difficulty, three years later, would have been corrected, but the respondent saw this as “highly unlikely”<sup>209</sup>. Moreover, the same respondent claims that operational staff are asked by their superiors not to put anything down in written form since there is always a risk that information reaching political level information will be blocked

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<sup>207</sup> Debate, Brussels May 2014

<sup>208</sup> Interview 3. This case is also illustrated in the report by Tham Lindell & Weibull, 2013, p. 46

<sup>209</sup> Interview 3

by “one certain member state”<sup>210</sup>.

When looking at the measures through SHADE and MERCURY, these are examples of how institutional competition can lead to increased cooperation and transparency between actors. Since it was not seen as possible to have a formalized joint structure for command and coordination – also since there was no institutionalized form of cooperation between EU and NATO in their counter-piracy operations – it made operational staff together with the industry find relevant ways to get around this difficulty. This is in line with the theory that institutional competition could lead to increased transparency, and also with the line of reasoning described in part 1.4 on new cooperative security, which predicts new forms for cooperation, where actions can originate from the outside, and not from the inside<sup>211</sup>. This is a good example of this kind of cooperation which comes from different actors and not one dominating multilateral institution, and instead is shaped from several different actors.

As was mentioned in the earlier stages of this paper, the idea to examine transparency in the operations is related to the aspect of democracy, which in turn relates to openness to an institution’s constituents. In these cases, the institutional competition seems to have led to the opposite. While it increases transparency to stakeholders in the operational area, institutional competition between the EU and NATO, or maybe even the political-military division within the organizations, seems to have created a policy of transparency as long as it stays on operational level. And from the interviews, it seems like this is a known fact on both political and military level<sup>212</sup>. While this could be seen as leading to increased operational efficiency in terms of reaching the mission objective faster, and creating corrective measures, in terms of openness to constituents, the levels of transparency are uncertain. One could argue that the political level of the institutions have delegated power to the military levels – but for the citizens expected to “own their institutions”<sup>213</sup>, the discrepancy between what is being published in the official communiqués and what is being told by operational staff show two different pictures, which could raise concerns of transparency and openness.

## 9.5 New Solutions

The past three sections of the results part have all provided examples that could be viewed as new creative solutions in the Gulf of Aden operations. What is relevant for this thesis is if these solutions can be seen as an effect of institutional competition, and also if they can be generalizable to future operations and

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<sup>210</sup> Ibid.

<sup>211</sup> Waever in Flockhard, 2014

<sup>212</sup> Interview 2, Interview 3

<sup>213</sup> Vanberg in Bergh & Højjer, 2008, xv

international cooperation.

In the debate held on the topic *Lessons Learnt from the Gulf of Aden Operations*, EU and NATO staff expressed enthusiasm for the lessons learnt from these missions. The SHADE mechanism was described as a new paradigm and model for international cooperation, which could be used in other security related policy areas.

One expert in the panel debate also recounted a flexible meeting format held at NATO with the *28 Allies plus Navies*. This expert describes a meeting with NATO members and relevant stakeholders from the industry, regional states and the European Union around the same table as “*the most extraordinary thing ever*” and a “*feeling of ‘we are the world’*” since it allowed for discussions on all dimensions of the piracy problem<sup>214</sup>.

Moreover, the decision to co-locate the EU and NATO maritime headquarters in Northwood, London was recounted as “quite extraordinary” in this debate, since it allows for cooperation on informal and personal level without the need for formal political guidelines, this can in a sense be seen as a way of getting around the competition on political level.

When touching upon the topic of solutions, it is interesting to see whether this is viewed as solutions of the piracy issue as such, or seen as related to a solution to the political deadlock in EU and NATO relations. One respondent specifically points to how officials openly speak about the importance of enhancing cooperation, while on informal level there is no rush to speed things up. The same respondent claims that the chances of “bottom-up” processes are unlikely to affect institutional policies due to the distinct division of political and military within the organizations – also since this information does not reach political level<sup>215</sup>.

While the experts in the debate in an open forum spoke enthusiastically about the lessons learnt and the applicability in other security related areas, the interviewees generally took a more “sober” approach. While they believed that the counter-piracy efforts were a success, they were cautious when speaking on how these measures could be used in future maritime operations, instead they pointed to the specific characteristics of Somali based piracy, which are seen as inherently different from piracy in the Gulf of Guinea and the Strait of Malacca.

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<sup>214</sup> Debate held in Brussels, May 2014

<sup>215</sup> Interview 2



# 10 Conclusions

## *What are the lessons learnt from the Gulf of Aden Operations?*

This thesis set out to assess how institutional competition can contribute to improved cooperation and new solutions. It did so with the objective of giving a new perspective to the debate on EU and NATO relations which is usually assessed in a negative way, when the institutions are not analyzed in isolation from one another. The choice of case study was seen as timely and relevant for the institutions which are in process of developing new maritime security concepts, but also relevant to test the theory's explanatory capacity on a case of institutional competition in the realm of security.

The paper has hypothesized, after indications from the preparatory stages of the study and previous research, that institutional competition can generate positive outcomes such as learning and experimentation, increased transparency and new solutions. A secondary objective of this thesis was also that the results would be generalizable to other cases of institutional competition in international relations.

This paper first set out to build a case of institutional competition, by explaining how the relationship between the European Union and NATO has been shaped from the end of the Cold War until today, the main themes related to effects of institutional competition were then assessed through interviews with relevant stakeholders and contrasted with academic literature.

The results show a case of institutional competition between the European Union and NATO in the field of security. Since military operations are funded by the principle "*costs lie where they fall*", in terms of both military assets and financial resources, these are derived from the same pool of national resources. In times of austerity and for two institutions conducting the similar tasks this is a textbook example of "competition by favorable institutional frameworks" as outlined in the theoretical framework. This case is also strengthened when looking at different national interests, such as how states expect to gain insight and influence when participating in the operations.

The interviews as well as the literature and comments from the panel debate also show that the counter-piracy missions are seen as successful in suppressing piracy, and that there are many added values from the operations. These added values include new inventions for cooperation such as the SHADE mechanism, initiatives to co-locate headquarters and to cooperate with other actors "under the surface". In theory, this should indicate that institutional competition can contribute to improved cooperation and new solutions, but in several of the cases the correlation between the European Union and NATO is not clear enough to strengthen this argument. For instance, the fact that NATO has not been able to come to agreement within its own structures to launch similar capacity building measures such as those of the European Union, it cannot be said to be competing in this area. This leads to poor explanatory capacity for the theoretical approach. Since the European Union alone has shown great examples of experimenting and creative solutions, it would have been interesting to see the effects *if* NATO had

been in competition in means for civil and capacity building measures when it comes to bilateral agreements with regional states for instance.

One of the most interesting findings is however how the obvious competition and political impasse on political level in Brussels can be directly linked to improved cooperation and *ad hoc* solutions in the operational theatres. As has been illustrated in the text, one of the driving forces behind the very creation of Operation Ocean Shield was that Turkey wished to see for a counter-piracy operation led by NATO. While the two operations initially performing the same tasks under the same mandate they were unaware of each other on formal political level due to the lack of meeting formats between the EU and NATO. As a result of this, the operational staff and other actors created *unity of effect*. To find solutions of this sort, such as the SHADE meeting formats, the clear division of labor between different coordination points of contacts, all make examples of the lessons learnt from the Gulf of Aden operations. In addition, to engage with all relevant stakeholders, such as civil and military staff, industry and non-governmental organizations should be a lesson learnt for future operations.

When it comes to transparency and democracy the idea from the theoretical framework is that institution in general should work for the best interest of its constituents. The constituents in in this case can be seen as the citizens of the European Union and NATO member states who have delegated power to national decision-makers. In these operations there are indications that information does not go beyond operational level, and that this is a known fact on operational as well as political level in the case of counter-piracy operations. This makes it relevant to think of what would be in the best interest of the constituents, if it is about the operations reaching their goals or if it is a transparent process with accessible information in the mean time.

As concluding words, although the theory cannot adequately explain all aspects in this case of EU and NATO interaction, it has been relevant to look at the positive effects, such as the *ad hoc* solutions and inclusion of new actors and all relevant stakeholders. For future studies on institutional competition in the realm of security, it would be interesting to involve more actors as well as using a broader dimension of the concept of security, such as looking at security and development as two concepts that go hand in hand.



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## List of Abbreviations

ACO	Allied Command Operations
ACT	Allied Command Transformation
CMF	Combined Maritime Forces
CSDP	Common Security and Defence Policy
DSACEUR	Deputy Supreme Allied Commander Europe
ESDI	European Security and Defence Identity
ESDP	European Security and Defence Policy
EEAS	European External Action Service
EU	European Union
FHQ	Force Headquarters
HRA	High Risk Area
IRTC	International Recommended Transit Corridor
MRPA	Maritime Patrol and Reconnaissance Aircraft
MSCHOA	Maritime Security Center Horn of Africa
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
OHQ	Operational Headquarters
OPCEN	Operations Center
PSC	Political and Security Committee
SACEUR	Supreme Allied Commander Europe
SHADE	Shared Awareness and Deconfliction
SHAPE	Supreme Headquarters Allied Powers Europe
SNMG	Standing NATO Maritime Group
WEU	Western European Union

## **Appendix A**

### Examples of Interview Questions

#### **Operation Ocean Shield**

- How is cooperation between EU and NATO?
- Are there signs of competition between the European Union and NATO?
- Why are there three different maritime coalitions?
- What lessons can be learnt on organizational level as well as national level?
- What are the most important lessons learnt for future maritime operations?
- How will NATO conduct capacity building measures?
- What can you say about transparency in these missions? How does the right information reach the right persons?
- Can you give examples of “corrective measures” taken since the inception of the operations?

#### **Operation ATALANTA**

- How is cooperation between EU and NATO on political level?
- How is coordination with other major naval anti-piracy operations in the area conducted?
- Are there lessons learned from Atalanta that can be used for future maritime operations?
- What can you say about cooperation and coordination between EU and NATO in the operations?
- What is the overall effect of Operation Atalanta so far?
- Can you give examples of “corrective measures” taken since the inception of the mission?