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## **The two faces of EU-NATO cooperation:**

### **Counter-piracy operations off the Somali coast**

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“I know a lot of people often say that we are either competing or cooperating in counter-piracy. Actually, we are working alongside one another. We are more deconflicting than we are cooperating. We certainly are not integrating.” (Interview with senior NATO official, August 2010)

#### **Introduction**

Although seaborne piracy is by no means a new phenomenon, it has become a more exigent challenge in recent years (see Bueger 2013a). Incidents have been on the rise in many parts of the world, such as in the Caribbean, in East Asia, but most of all around the Horn of Africa. As from 2008, the Horn of Africa has seen a drastic surge in pirate attacks with numbers rising from eight attacks in 2007 to 61 in 2008, 76 in 2009, 124 in

2010 to 176 in 2011 (ICC International Maritime Bureau, 2012).<sup>1</sup> Exacerbated by the situation on land, with a lingering food crisis in Southern Somalia which has displaced a million people within a year, and continued fighting between Islamist insurgents and the transitional government, more than 40% of piracy cases reported globally between 2007 and 2012 took place in the waters off the Somali coast (ICC International Maritime Bureau, 2012). Because of the importance of the Gulf of Aden as a major international trading route and strategic choke point, many nations have seen their economic and security political interests challenged in this context. Developments in recent years have led to comprehensive international engagement in the region, including a strong maritime presence with several multinational contingents in place which are made up of military contributions by more than 30 countries. Other than for its strategic importance, the maritime security situation around the Horn of Africa has received scholarly attention as a “laboratory for international military naval coordination” (Helly, 2009: 399).

More specifically, the region has become a focal area for the study of the relationship between the European Union (EU) and the North Atlantic Treaty Organization (NATO). Maritime engagement in the Gulf of Aden is a puzzling recent case for anyone interested in the political and institutional problems underlying EU-NATO cooperation, a topic, which has already generated a vast literature (e.g. Hunter, 2000; Brimmer, 2002; Howorth, 2003; Howorth and Keeler, 2003; Burwell et al., 2006; Valasek, 2007;

Kramer and Serfaty, 2007; Howorth, 2009; Varwick and Koops, 2009; Drozdiak, 2010; Hofmann, 2011; Græger and Haugevik, 2011). Since late 2008, both organizations have conducted counter-piracy operations off the Somali coast to reinstall stability in the region and to reduce the number and frequency of disruptions to international shipping routes; interestingly, without having any formal political framework for cooperation. Although the EU's maritime operation NAVFOR 'Atalanta' and NATO's operation 'Ocean Shield' (following its precedent NATO 'Allied Protector') operate in the same theatre and with similar mandates, there is no formal link between them. The two operations also run outside the so-called Berlin Plus framework, i.e. outside the agreements that were put into place in 2002 to formally regulate both strategic and operational cooperation between the EU and NATO, including intelligence cooperation and the exchange of information. Member states of the EU and NATO have been unable to agree on the political relationship between the two organizations in a way that would allow for joint operational effort and sound strategic cooperation, let alone for a unity of command in this important matter. No joint planning has been envisaged, neither before nor after any of the operations were deployed. Furthermore, although both organizations have operations in the same mission space, no official task-sharing takes place between NATO and the EU, and there is no intended or formal functional and strategic complementarity of actions.

Given these particular circumstances, counter-piracy off the Somali coast holds a lot of

potential to serve as an exemplar for analyzing the politics underlying the institutional, inter-organizational and political relationship between the EU's Common Security and Defence Policy (CSDP) and NATO. That said, research on the operational realities in this context and the way these are affected by this particular relationship between the EU and NATO has remained limited (except for e.g. Seibert, 2009; Muratore, 2010; Smith, 2011). So far, the literature has focused more on the strategic foundations of multinational counter-piracy operations in this region (e.g. Germond and Smith, 2009; Chalk, 2010; Willett, 2011; Bueger, Stockbruegger and Werthes, 2011) as well as on the international legal framework for operational action in this area (e.g. Roach, 2010; Geiss and Petrig, 2011; Bueger, 2013b). This article seeks to contribute to closing this gap by illustrating how limitations at the political and strategic levels affect and condition working reality at the operational and tactical levels within both organizations. Two faces of EU-NATO cooperation become apparent: the political level is dominated by a permanent deadlock while on the ground and at sea staff within both organizations have developed a modus operandi, which allows them to deliver fairly successfully in complementing yet detached operations.<sup>ii</sup>

### **The two faces of EU-NATO cooperation: political deadlock versus pragmatism**

International maritime presence off the Somali coast serves as a prime example for the underlying logic of inter-organizational cooperation in the realm of multilateral security

and conflict resolution. Apart from being resource driven and focusing on minimizing and pooling efforts, international security organizations like NATO and the EU through its CSDP are dependent on the purposive choices of their member states – and so is any cooperation between them. The case of EU-NATO cooperation in this specific regional context reflects much of the general debate about the relationship between these two organizations and their cooperation in operations more specifically (see Missiroli, 2002; Bilgin, 2003; Riggio, 2003; Reichard, 2004; Mace, 2004; Messervy-Whiting, 2005; Michel, 2007; Smith, 2011). A lot of this political debate is focused on aspects of duplication, competition and rivalry (e.g. Cornish, 2006; Ojanen 2006; Biermann, 2008; Duke, 2008; Thulstrup, 2010; Mayer, 2011), which are issues that have divided the transatlantic security regime for many years. The question as to how the security relevant aspects of the EU's Common Foreign and Security Policy (CFSP) would relate to any existing arrangements within the framework of the Western European Union (WEU) or NATO long dominated much of the discussions on the potential scope of any such policy. Another recurring dispute concerns whether or not the EU should acquire its own autonomous operational headquarters; a structure that has “been denied to the EU/ESDP for years owing to disputes over the division of labour between the EU and NATO, which partly resulted from American reluctance to support the creation of independent EU military capabilities (that is, the US preference for ‘no duplication’ of NATO’s capabilities, including planning and operational headquarters, within the EU)”

(Germond and Smith, 2009). Atlanticists within the EU, the United Kingdom in particular, have sought to retain the exclusive primacy of NATO as a security framework whereas Europeanists, and first of all France, have been inclined to promote a strong and autonomous EU security and defence policy. However, the debate has since moved beyond these two positions, and there seems to be more of a general consensus that the CSDP and NATO can usefully complement each other. Therefore, the two organizations are pressed more than ever to develop ways to cooperate, particularly when they operate in the same mission space.

This article holds that formal non-cooperation of the two organizations as can be seen in the case of counter-piracy is not primarily a matter of inter-organizational competition or rivalry, as it has been argued prominently (see e.g. Seibert, 2009). It is more about the way organizational fora are used by member states as a means to maximize specific national interests. Most of NATO members are EU member states, and most EU member states are either members of NATO or have signed a security agreement with the alliance in the framework of the Partnership for Peace (PfP). Despite greatly overlapping membership structures and a common history of increasing strategic and normative convergence, however, formal political unity between the two organizations has been hard to attain.

Shortly before CSDP became operational in 2003, the Berlin Plus agreements were put into place to provide a formal political, institutional and operational framework for

cooperation between the EU and NATO. When these arrangements were to become operationalised for the first time in the context of the EU Operation ‘Concordia’ (March-December 2003), the first military CSDP operation, they were hailed as a milestone in developing a strategic partnership between the two organizations. The arrangements, however, were preceded by fierce political struggles over the way CSDP should relate to NATO, and to what extent it should be given the capabilities to act independently of NATO. One of the key protagonists in this debate has been Turkey, which in the face of CSDP inception developed serious concerns over becoming marginalized as a non-EU member and thus third state.<sup>iii</sup> To eventually attain Turkey’s consent, the arrangements had to be defined more narrowly to exclude the involvement of any (future) EU member state that had no security arrangement with NATO, which was first and foremost pointing at Cyprus ~~(and Malta)~~. The EU accession of Cyprus ~~and Malta~~ therefore complicated the picture dramatically.<sup>iv</sup> NATO member Turkey has since continued to block any attempt at establishing stronger formal cooperative ties between the alliance and the EU, mainly by denying Cypriot (and until 2008, Maltese)<sup>v</sup> participation in EU-NATO meetings – a situation that is commonly referred to as the ‘participation problem’. What is more, as a non-NATO and non-PfP member, Cyprus has in turn used her stance as an EU member state to marginalize Turkey by blocking cooperation between the EU and Turkey from within the EU, such as in the context of Turkey’s involvement in the European Defence Agency (EDA).

The Berlin Plus agreements through which the EU is granted access to NATO assets and capabilities, in particular NATO's strategic command for operations, the Supreme Headquarters Allied Powers Europe (SHAPE),<sup>vi</sup> have since only served as a formal framework for EU-NATO cooperation once, namely in the case of EUFOR 'Althea' (ongoing since December 2004). To comply with Turkey's conditions, however, this arrangement excludes Cyprus from all formal EU-NATO communication; most crucially from meetings at the ambassadorial level, i.e. between the Political and Security Committee (PSC) of the EU and NATO's North Atlantic Council (NAC). The two organizations can only formally communicate and cooperate within the Berlin Plus framework – and only Berlin Plus matters can be discussed. As a result, institutional red lines, particularly with regard to the passing of sensitive information are very present in the relationship between the two organizations whenever Berlin Plus is not used as a formally agreed framework as is the case with counter-piracy.<sup>vii</sup>

For focus regions like the Horn of Africa this means that the ability of NATO and the EU to cooperate effectively is conditioned by the political agenda of a small group of member states. Apart from benefitting from the functional consequences of their EU or NATO membership, Turkey and Cyprus (often backed by Greece) use their institutional affiliations to pursue their national interests in a very definitive fashion. Leaders within both organizations seem to be unable, and to some extent unwilling, to remove this organizational disconnect. As will be shown in this article, this situation has wide

ranging implications for the organizational reality in common mission areas like the Horn of Africa: international and seconded staff within each organization have to compensate and for the lack of a formal framework for cooperation, and are bound to operate within the artificial red lines imposed by the highest levels while trying to limit collateral damage, i.e. casualties, material costs of non-cooperation but also operational effectiveness more generally. Based on 60 interviews with EU and NATO officials (2010-2011), this article illustrates how the operational and tactical levels have developed ways of coordinating efforts informally despite the lack of a political framework. It aims to show to what extent and how organizational actors thereby succeed at bypassing organizational boundaries and overcoming political limitations to carry out their mandate. It discusses the question to what degree these practices have become institutionalized and whether they have the potential to trigger formal change in the relationship between the two organizations.

The next section gives an overview of the operational background and mandates of 'Atalanta' and 'Ocean Shield', and briefly discusses other international counter-piracy engagement in the area. The article then turns to the specific mission setup including the organizational structures within both the EU and NATO and the institutional set of inter-organizational rules that determine the institutional red lines of EU-NATO cooperation. The third section analyzes the way the 'participation problem' is becoming institutionalized in the mission space, i.e. the way it is translated into organizational

practices at the operational and the tactical levels. The article will conclude by linking back to the notion of inter-organizational cooperation not only being resource driven as the duplication and competition debate about the EU and NATO would suggest (e.g. Cornish, 2006; Duke, 2008). It is instead heavily dominated, if not determined, by state interests and national agendas, particularly when it comes to formal institutional developments. Pragmatic and informal arrangements in turn seem to override the dominating role of state interests, which leads to more flexibility and functionality but does not, in the long run, compensate for the lack of formal arrangements nor likely trigger any changes.

### **Detached operations with similar mandates**

The concurrent maritime engagement of the EU and NATO off the Somali coast since late 2008 was first hailed as a potential showcase for how the two organizations could ideally complement each other. The situation started out with what seemed to be clear and effective task-sharing between two diverse yet complementary security organizations. After the UN Security Council had adopted a set of resolutions to enable international action against piracy off the Somali coast (resolutions 1814, 1816, 1851) in 2008, NATO launched operation 'Allied Provider' in October of the same year using one of its maritime immediate reaction forces, Standing Naval Maritime Group 2 (SNMG2), which happened to be operating in this part of the world at the time. In fact,

NATO's 'Allied Provider' was designed and intended as a short-term operation pending the establishment of an autonomous EU maritime operation, EU NAVFOR 'Atalanta', which was launched successively in December 2008. NATO and the EU seemed to perfectly complement each other with this sequence of operations. The EU, however, did not formally take over from NATO. The deployment of SNMG2 had been scheduled to end in December 2008 in any case as the ships were due to return to their original operating area in the Mediterranean. The withdrawal of SNMG2 in December 2008 only happened to coincide with the point at which the EU operation was launched. "In the end, there was a useful degree of continuity with the counter-piracy effort effectively passing from NATO to the EU, but it had not been formally planned that way" (House of Lords, 2009: 1). At the time, there was no declared intention of any further involvement of NATO in the region. In March 2009, however, NATO announced a follow-up mission, operation 'Allied Protector', just about when the EU considered extending 'Atalanta' until December 2009.

This turned the purported model case for EU-NATO task sharing and complementarity into what could be seen as a prime example of strategic overlap, and potentially, duplication. Today, the two organizations are deployed in the same region with similar mandates: both NATO and EU operations focus on deterrence, prevention and repression of acts of piracy and armed robbery at sea.<sup>viii</sup> They also both engage in the protection of vulnerable vessels where NAVFOR 'Atalanta' has taken on a specific yet

not exclusive focus on vessels chartered by the World Food Programme (WFP) and ships that provide logistical support to the African Union (AU) operation AMISOM.<sup>ix</sup> Since August 2009, the mandate of NATO ‘Ocean Shield’ formally includes capacity-building aspects and the training of local and regional authorities in Somalia – elements that NAVFOR ‘Atalanta’ did not formally include until recently. In July 2012, however, the Council of the EU announced the imminent launch of a new civilian CSDP operation EUCAP ‘Nestor’ (Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean) to complement counter-piracy efforts through training, rule of law and capacity-building measures on land (European Union External Action Service, 2012).

In terms of capabilities, NAVFOR ‘Atalanta’ is the more resourced operation, providing 6 warships (10-12 in 2012) as well as a number of Maritime Patrol Aircraft (MPA) (EU NAVFOR Somalia, 2013) while at the time of writing, in July 2013, NATO contributes only three warships (five in 2012) (NATO Live, 2013). Also, while NATO’s mandate is broader on paper, the EU has a more evolved portfolio as a comprehensive security provider including financial and political instruments as well as a solid set of legal arrangements with adjacent states (see Gebhard and Norheim-Martinsen 2011). This finds confirmation not least in the capacity building and training missions the EU has launched *in support* of its military engagement at sea, such as in the context of EUPM Somalia, of EUCAP ‘Nestor’, and its development and economic cooperation

programmes.

In the case of counter-piracy operations off the Somali coast, it is particularly important to discuss EU-NATO cooperation against the background of other international maritime engagement in the area. Since 2002, the US-led Combined Maritime Forces (CMF), a maritime coalition of the willing, has been present in the region, focusing on maritime security in general but particularly on counter-terrorism operations at sea. Since 2009, CMF has also assumed counter-piracy tasks deploying either Combined Task Force (CTF)-151 or CTF-150. Alongside CMF, there is a number of independent deployers, such as China, India, the Islamic Republic of Iran, Japan, Kenya, Malaysia, Russia, Saudi Arabia, South Africa and Yemen, which commit naval assets to counter-piracy efforts without joining any of the multinational coalition operations, i.e. 'Ocean Shield', 'Atalanta' or CMF. This international context conditions EU-NATO cooperation in an important way: any EU-NATO issue can be framed as part of the multinational maritime efforts in the region, which not only depoliticizes many aspects of cooperation but also facilitates the exchange of information and opens up opportunities for coordination, which would be hard to attain in the formal EU-NATO context. As will be shown in this article, EU-NATO cooperation at the operational and tactical levels profits greatly from the involvement in multinational coordination mechanisms that have a pragmatic focus on joint operational efforts rather than on political sensitivities within or between any of the coalitions involved. Apart from being

most apparent at the operational and tactical levels, this is being acknowledged by staff within both the EU and NATO and even taken advantage of in order to facilitate closer cooperation.

### **The institutional framework of EU-NATO cooperation in counter-piracy**

EU NAVFOR 'Atalanta' and NATO's operation 'Ocean Shield' operate alongside each other with no formal links between the chains of command or at the organization to organization level. Given their very similar mandates, there is a unity of effort and ambition between the two organizations but formally no unity of command. There are two independent non-integrated chains of command with each a very different hierarchical nature and organizational logic.<sup>x</sup> Levels in one structure are not mirrored in the other, which means that docking mechanisms are problematic. Recent reorganization of EU structures in the context of the European External Action Service (EEAS) has exacerbated the problem of institutional incompatibility to the point where institutional actors within NATO were no longer sure of their organizational counterparts within the EU (Interview with senior NATO official at HQ Operations, April 2011).

At highest levels within each organization, the Secretary General of NATO and the EU High Representative (HR) play important political roles although their institutional impact on the state of EU-NATO cooperation remains limited. Javier Solana, who acted

in these positions consecutively (1995-1999 and 1999-2009) has repeatedly advocated a closer and more flexible relationship between the two organizations. Secretary General Rasmussen and HR Ashton have since also pushed for closer cooperation, and highlighted the need for developing a way of working together more effectively, particularly in common areas of operation. These declarations of intent, however, are commonly accompanied by references to ‘what is possible’ and the ‘political limitations’ of cooperation. The underlying limitations are very clearly affecting the political and strategic levels of the two chains of command: the EU’s PSC and NATO’s NAC, which are made up of member state political and ambassadorial representatives, cannot meet outside the Berlin Plus framework to discuss ongoing operations or strategic direction of mutual concern.<sup>xi</sup>

Both the EU and NATO have their operational headquarters (OHQs) based at Northwood, which also hosts the British Royal Navy compound. They are, however, co-located and thus distinct structures with no formal arrangements for interaction. SHAPE, NATO’s strategic command for operations in Mons, plays no official role in the context of this particular case. Its planning facilities are not used as an operational headquarters (OHQ) under the political guidance and strategic control of the PSC, as it would be the case in a Berlin Plus type cooperation setup. The Deputy Supreme Allied Commander Europe (DSACEUR) nevertheless plays a crucial role in the relationship between the two organizations, and constitutes an important point of contact for the

EU's Crisis Management and Planning Directorate (CMPD), which is in charge of political-strategic planning of all CSDP operations. Permanent military liaison arrangements that were put into place to facilitate contact between the two organizations as a result of the implementation of Berlin Plus, i.e. the EU Cell that was installed at SHAPE to complement the NATO permanent liaison team at the European Union Military Committee (EUMC) were instead hardly involved in operational matters related to counter-piracy (Interview with official at EEAS/SHAPE, October 2010). The following section looks at how this formal disconnect is reflected in a lack of functional arrangements for communication and the sharing of information and intelligence.

### **Institutional limitations and red lines**

While it is less clear whether the concurrent but detached deployment of NATO and EU maritime forces in the region actually constitutes a duplication of efforts, the problem remains that there is no inter-organizational arrangement in place for communication, cooperation, or command and control.<sup>xii</sup> This results in a number of institutional limitations. Firstly, as the security agreements for the passing of sensitive information do not extend to Cyprus, communication and information systems (CIS) infrastructure cannot be shared between the two operations. Secondly, contributing nations to either side are forced to enter bilateral arrangements. Forces mandated to support one operation and not the other have difficulty sharing intelligence between operations; even

nations involved in both but ‘favouring’ one over the other, inevitably give tasking priority to that operation.<sup>xiii</sup>

The passing of sensitive information and the exchange of relevant intelligence across organizational boundaries is in fact the most challenging problem that the EU and NATO have to surmount when cooperating in a non-Berlin Plus setting.<sup>xiv</sup> In a situation where Berlin Plus is used as a framework, a restricted (classified) NATO document can only be sent to EU member states that have signed security agreements with NATO, which excludes Cyprus. Outside this framework, NATO staff recognizes that any operational issues would be dealt with at the level of the EU 27 including Cyprus, which is why they will not pass on the document to their EU staff counterpart in the first place. What further complicates the situation is that all documents that are under the control of the originator, even, for example, non-classified NATO documents, are held back as these too would be released to all EU 27 member states. Two international organizations with 21 coinciding members operating in a common mission area and combating a common threat are kept from sharing intelligence and exchanging information even if it serves shared interests. When asked about this situation, one EU official responded: “in many ways there is nothing that we would not want to share. But our hands are bound by documents that have been written 5, 10, 15 years ago” (Interview with EU official at Northwood OHQ, April 2010).

In the absence of a formal framework for cooperation, and crucially, for the sharing of information and the exchange of intelligence, a ‘sharing of information agreement’ on EU Classified Information (EUCI) which is external to the provisions of Berlin Plus was first devised unilaterally within ‘Atalanta’. Crucially, this agreement was given consent by the PSC, based on the consideration that the absence of such an arrangement would be “binding what ‘Atalanta’ could and could not do” (Interview with EU official at Northwood OHQ, April 2010). This EU document has later been mirrored by a NATO agreement on the sharing of information. Taken together, these agreements are aimed at regulating different levels of classification, or what is deemed intelligence. They limit the exchange of information by e.g. allowing the passing of photographs from one organization to the other, but not the analysis of those pictures and any intelligence that may or may not stem from them.<sup>xv</sup> The EU and NATO may share pictures with each other, but based on their shared interest in pursuing very similar mandates and avoiding a duplication of efforts, they would need to be able to share the analysis with each other as well.

These restrictions are somewhat eased by the fact that there are 21 coinciding member states, and that the forces are able to access their respective NATO or EU information/computer systems. Intelligence has to be de-classified, however, before it can be passed across to the other system manually because the information/computer systems are completely separate – a situation that “does cause real frictions and real

difficulties” (Interview with senior NATO official at SHAPE, August 2010). The physical proximity of the two OHQs in Northwood also provides practical advantages as briefings can be held which can be attended by both EU and NATO staff. However, these institutional red lines remain a constant source of frustration at the operational level.

Moreover, the sharing of intelligence has ramifications beyond merely coordinating and deconflicting in areas of operations. Many personnel at the operational level pointed out in the interviews that cooperation and the sharing of intelligence is needed for other areas as well, most notably, when pursuing a comprehensive approach in crisis management. As one interviewee put it “what we want to do is get suspects in a court and in front of a judge and the only way to do that is by sharing information” (Interview with EU official at Northwood OHQ, April 2010). However, even this seemingly uncontroversial ambition appears to cause problems at the political level. There is clear evidence that in reaction to these political limitations but mainly out of operational necessity, the existing rules are often stretched “beyond what those agreements are and how they are literally read,” which is also not unknown to the political actors at higher levels within both organizations. There obviously is an ambition at the operational level to “make things work”, which comes, however, with the kind of determination that accepts that not all actions are within “the rules and regulations that currently exist” (Interview with EU official at Northwood OHQ, April 2010). “The commanders have

developed very clever ways because they cannot have formal discussions or cooperation through official channels. So, do you know what they were using? Yahoo Messenger. I am talking about the commanders at sea. It is ridiculous but we can't see it and it is informal' (Interview with Cypriot Official to the PSC, April 2011).

### **Informal cooperation and the institutionalization of the 'participation problem'**

The institutional deadlock that results from the blockage at the political level has serious implications for the way EU and NATO can cooperate in a common mission space, particularly as there are no formal agreements in place. International staff in the area of operations and in Brussels has to find ways to make cooperation work regardless of these limitations. There is strong empirical evidence that international personnel within both organizations have been very keen to develop informal practices to facilitate coordination, information exchange and deconfliction, and to embark on avenues of interaction outside the straightjacket of formal EU-NATO relations. On the one hand, many staff proactively seek to find ways to circumvent the institutional impasse, e.g. by framing cooperation as a multinational rather than an inter-organizational issue or by keeping coordination and cooperation efforts at the operational and tactical levels and thus away from politics at higher levels. On the other hand, many staff also show readiness to challenge the organizational red lines imposed by existing arrangements, and push political actors for more pragmatism and institutional flexibility.<sup>xvi</sup> This

“bottom-up pressure” can to a large degree be attributed to the sheer “operational necessity” of making the relationship work in practice (Interview with NATO Official at Northwood OHQ, April 2010).<sup>xvii</sup> The threat arising from the piracy problem is real, and so is the international sense of responsibility of dealing with the issue effectively and on a cooperative basis. Top-down developments, such as decisions within the PSC, are often triggered by pressure coming from the operational level.<sup>xviii</sup>

The office of the DSACEUR and its relationship with CMPD are an interesting, unique and non-linear avenue for cooperation between the two organizations. According to one international staffer at NATO, “through the DSACEUR is where the real business is being done, for both formal Berlin Plus and, importantly, non-Berlin Plus operations. He keeps the dual hat to discuss even non-Berlin Plus issues” (Interview with international staff official at NATO HQ Brussels, September 2010).<sup>xix</sup> However, the interlocutor was also quite adamant that this was not the proper docking mechanism for a robust institutional relationship, even for informal EU-NATO cooperation. “There should be meetings with the NATO Assistant Secretary General for Operations and the head of CMPD, but these meetings are stale and she [the head of CMPD] will only meet with the DSACEUR to discuss real business” (Interview with international staff official at NATO HQ Brussels, September 2010). Interviews revealed that meetings between the office of the DSACEUR and that of the CMPD occur on a regular basis. DSACEUR staff are very keen to help facilitate EU-NATO cooperation in all areas but particularly

where the two organizations are deployed in the same mission area. Furthermore, there is also an attitude in the office of the DSACEUR that the relationship with the CMPD and other EU/CSDP institutions was vital for the enhancement of EU-NATO cooperation in operations that are not formally connected and for helping to overcome sub-optimal performance in such cases.<sup>xx</sup>

### **An opaque framework masked by the international and maritime milieu**

EU-NATO cooperation benefits greatly from the multinational context of counter-piracy in the region. Given that another coalition, the US-led CMF, operates in the region along with other independent deployers, the relationship between the two organizations often gets conveniently diffused at the operational and tactical levels. Before ‘Atalanta’ was launched in late 2008, throughout 2007 and 2008 several European states (France, Denmark, the Netherlands, along with Canada) had already been engaged in counter-piracy action. In September 2008, a Naval Coordination Cell (NAVCO) was created under the auspices of the EU to facilitate cooperation among several parties present in the area including EU and NATO forces as well as third actors (Council of the European Union, 2008). The purpose was to enhance coordination and cooperation for a shared objective, based on the scope of UNSC resolution 1816. The activities of NAVCO were later integrated into ‘Atalanta’.

One of the most important frameworks for coordination and cooperation between EU and NATO staff and representatives of other actors in the area of operations established since is the so-called Shared Awareness and Deconfliction (SHADE) Group, which meets at the tactical level and includes representatives of the maritime industry. Since late 2008, CMF organizes SHADE coordination meetings in Bahrain every eight weeks, which involve all fleets operating in the region. The meetings are co-chaired by a permanent CMF chair and a rotational EU or NATO chair, and focus almost exclusively on technical matters at the tactical level. For EU and NATO staff, these meetings offer a welcome opportunity to deconflict and coordinate actions and exchange best practices in a multinational context that involves other actors and thus, keeps the political problems of EU-NATO cooperation at a distance. Interestingly, the chair of SHADE is deliberately kept to the level of Colonel or Commander to keep ‘politics out’ (Interview with NATO official at Northwood OHQ, April 2010). EU and NATO staff “work hard on” retaining this multinational format as it is geared towards developing a common understanding and enabling the coordination of “planning and operations” (Interview with NATO official at Northwood OHQ, April 2010).

One of SHADE’s most important achievements to date was the establishment of the Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden. Given the sheer size of the area to be secured, the group agreed on establishing recommended shipping lanes based on shared information about operational experiences in the region.

There is still the wider Indian Ocean as well as the Somali Basin, but the IRTC has been effective in at least limiting piracy within the Gulf itself. It not only reduces the size of the area of operations but also allows for more concerted task-sharing between the three multinational deployments: the position of an IRTC coordinator, which rotates among the CMF, the EU and NATO, has been created to ensure tactical coordination. This trilateral arrangement builds on the IRTC Coordination Guide, a gentlemen's agreement to keep the number of ships per area within the IRTC to a minimum: eight to ten vessels ensure good coverage of the IRTC at a time. To make this work, intense coordination efforts are needed, which have so far been very successful.<sup>xxi</sup> Notwithstanding the individual mandates of each organization, NATO to detour and disrupt piracy, CMF doing the same plus other national objectives and counter-terrorism, and the EU's specific commitment to the WFP, they all still provide two ships to the IRTC. "The IRTC is the highest priority for everybody" not least because the problem can only be tackled with the help of all multinational and independent deployers. Despite an overall awareness of the need of keeping all parties engaged in a cooperative manner, it "does not mean that coordination is always easy or achieved" (Interview with NATO official at Northwood OHQ, April 2010).

Besides the achievements of multinational coordination and deconfliction with regard to the IRTC, there have also been attempts to achieve this in the Somali Basin where the specific challenge lies in keeping pirates from getting off the beach and reaching out

into the Gulf. Cooperation in this respect, however, has not been institutionalised for as long. In response to some unsuccessful attempts at cooperating, resulting in ‘quite a few pirated ships in the Somali Basin’, starting in Spring 2010, the EU and NATO organized meetings involving the CMF to ‘hammer out what was needed to make it work’. These efforts have led to ‘excellent coordination between the EU and NATO (and CMF) in order to resolve the issue of pirates getting off the shore of Somalia and into the wider Basin’ (Interview with NATO official at Northwood OHQ, April 2010). Like coordination for the IRTC, in this case too, it also builds on a gentlemen’s agreement to facilitate progress: coordination is based on a 6-month rotation, and both organizations as well as CMF agreed to deploy forces in the Somali Basin.

Another example of pragmatism and ingenuity at the operational level is the shared use of two innovative information and communication systems among the forces deployed in the fight against piracy. The first is known as the Maritime Security Centre – Horn of Africa (MSC-HOA). Established by EU NAVFOR in close cooperation with maritime industry, MSC-HOA provides “24 hour manned monitoring of vessels transiting through the Gulf of Aden whilst the provision of an interactive [public] website enables the Centre to communicate the latest anti-piracy guidance to industry and for Shipping Companies and operators to register their movements through the region” (MSC-HOA webpage). The second system, MERCURY, is even more crucial to multinational and inter-organizational cooperation in the area of counter-piracy. This secure but

unclassified internet based communication system, which has been initiated by the British and facilitated within SHADE, works as a ‘neutral communications channel’ and ‘allows all SHADE participants to coordinate together in real time’ (EU NAVFOR Somalia, 2009). “Because NATO systems won’t talk to EU ones and vice versa, and then when you bring in all the independent deployers, you can’t talk to them. So again, we have found innovative ways [MERCURY] to talk to each other” (Interview with EU official at Northwood OHQ, April 2010).

Multinational cooperation and deconfliction also occurs with the Maritime Patrol Aircraft (MPA) element of operations.<sup>xxii</sup> Working out of a cell in Bahrain, all operating forces in the region coordinate their actions with the EU, NATO and CMF taking the lead on a rotational basis. NATO had no MPAs in operation during the first three years but still took part in the coordination. The exact number of the EU’s MPAs in the region is not confirmed, but their patrolling activity provides a crucial added value to other actors in the area of operations, which includes NATO, the CMF but also independent deployers.<sup>xxiii</sup> The MPA cell in Bahrain serves as a useful hub between EU and NATO forces while embedding this cooperation in a wider multinational context. Reportedly, EU and NATO liaison officers “who sit in on all the various briefings” are the drivers behind much of the MPA deployments (Interview with NATO official at Northwood, April 2010).

### **Unity of effort without unity of command**

EU-NATO cooperation in combating piracy generally benefits from the unique culture and operating procedures in maritime operations. There is a long tradition of multinational maritime cooperation ‘that goes far back in history’ (Interview with NATO official at Northwood OHQ, April 2010), not least including the tradition of ‘ship-to-ship’ cooperation that transcends any political boundaries and limitations at the tactical level. Further advantages arise more specifically from the fact that the two OHQ’s of ‘Ocean Shield’ and ‘Atalanta’ are situated at Northwood. Their co-location has facilitated informal EU-NATO cooperation in the face of political obstruction to the extent that some officers even see this practical situation as a condition sine qua non for the success of these operations: “if NATO had not been here or the EU OHQ had not have been placed here, I have no doubt that we would still have a relationship but would it be as close as it is now? And I think that the ability to walk across the road has made a huge difference” (Interview with EU official at Northwood OHQ, April 2010). Northwood, not least because of its proximity to London as an important hub for the international maritime community, has become a ‘fusion centre’ for the exchange of sensitive information across organizational boundaries. There have also been deliberate attempts to institutionalize cooperation at Northwood. A NATO officer described the practices whereby liaison officers of both organizations commonly “sit in on all the various briefings. You have a Joint Collection Management Board (JCMB), which is to

agree on intelligence, what should be the focus area and what is needed.” (Interview with NATO official at Northwood OHQ, April 2010).<sup>xxiv</sup> When asked about the increasing institutionalization of informal cooperation, an official at the OHQ of ‘Atalanta’ replied: “We must keep it at the tactical and operational level. A lot comes down to personalities and I think we have a good relationship between the liaison officers. Now, obviously that is then caught by the institutional issues of classified information” (Interview with EU official at Northwood OHQ, April 2010).

While differences in the bureaucratic cultures by virtue of their history and capabilities persist as much as their different institutional instincts, there are also very strong affinities between the two organizations. “They are used to working with other nations and doing things together” (Interview with NATO official at Northwood OHQ, April 2010), unlike other deployers such as China, they have a routine of engaging in multinational operations). Looking at the way the two organizations relate to and cooperate with independent deployers in the same area of operations helps to contextualize and benchmark the practical relationship between the EU and NATO.

If you look at the specific example of China, it would be a first for them participating in an operation where there is a fear of loss of face and fear something could go wrong on their watch. Of course as for Russia and India as well, there are also political considerations (Interview with NATO official at Northwood OHQ, April 2010).”

A reality that puts EU-NATO cooperation into context in this regard is the fact that there are 21 coinciding member states, which comes with a unique level of trust across organizational boundaries. In fact, all EU contributors to ‘Atalanta’ are also members of

NATO, which has a very positive impact on relations in the mission area. Not only does it mean that personnel are transferring between organizations or are even double-hatted, but there also exists a common understanding and culture at the political and operational level, which is reflected in informal practices of cooperation. Furthermore, although these are detached operations with two independent, i.e. non-integrated chains of command, they are not operated by different navies. There is only one set of forces for each nation state, regardless of whether they are attached to NATO or EU. Many officers and assets within either 'Atalanta' or 'Ocean Shield' have at one time been attached to the other parent organization. "Even more important than the close proximity of the OHQs, is the fact that we already knew each other very well before we started (Interview with NATO official at Northwood OHQ, April 2010)." The interchange rate of personnel between the EU and NATO is part of what accounts for a common culture between these two organizations, a culture that is qualitatively different from the relations of each of them with other partners in the area.

## **Conclusions**

Cooperation and coordination between the EU and NATO forces in counter-piracy have so far worked surprisingly well despite the lack of a formal agreement. EU and NATO staff seem to have established effective mechanisms of informal cooperation and information exchange. There is a keen awareness and resolve by staff in both

organizations to keep as much of EU-NATO interaction as possible at the operational and tactical levels. The issue of limitations to cooperation is something that both EU and NATO personnel take seriously, while the operational level within 'Atalanta' – because of the nature of the EU's chain of command – seems to be particularly successful in its attempts to push the political level to enable cooperation and at least tolerate the informal crossing of red lines. Functionality, however, has expanded on both sides despite inherent differences and a lack of suitable docking mechanisms. The two OHQs' proximity has clearly facilitated this process, as has the international context and unity of efforts in the area, and the unique culture of maritime cooperation in general. However, many remarks in the interviews within both the EU and NATO note a deeper level of learning and even socialization that builds on decades of military cooperation between most of European NATO members and EU member states. The EU and NATO have a shared organizational history, which has not only resulted in the establishment of standard operating procedures but also a common operational culture, at least in military contexts. Cooperation between the EU and NATO is e.g. significantly more advanced and institutionalized than cooperation between either organization and any of the independent deployers in the region.

The nature of informal arrangements developed between the two organizations also suggests that they are more than just manifestations of pragmatist ad hoc solutions or mere reactions to operational and tactical necessities. Instead, a process of

institutionalizing practices “through the backdoor”, i.e. outside of formal cooperation agreements and far off the political arena, becomes manifest. Based on their experience of working with each other, staff within both the EU and NATO have developed shared practices that help them sideline the political blockage and institutional impasse that has determined the course of cooperation between the two organizations over years. The institutionalization of the PSC-NAC blockage that can mainly (but not solely) be attributed to the Turkey-Cyprus issue, has been the single biggest foundation of robust bottom-up processes of cooperation. The result of this dynamic comes close to a ‘unity of effort’ which is to compensate for the lack of a formal link or ‘unity of command’ that a Berlin Plus setup would provide. There is even a sense of Berlin Plus being applied ‘in essence’ but not ‘in form’ since a lot of these informal processes take very similar channels and build on the liaison arrangements installed in the context of Berlin Plus. It seems unlikely, however, that the links established informally will translate into substantial reforms of the Berlin Plus agreements that would render them a more functional tool for current and future scenarios of EU-NATO cooperation. Reconciliation of the Turkey-Cyprus issue would obviously change the situation overnight but this scenario is ~~ever more~~ currently still ~~improbable~~ unlikely. There is reason to assume that for any major formal changes to take place that would even override political blockage, the EU and NATO would have to be faced with an imperative to pool forces in a belligerent high intensity scenario. Libya could have been

such a case but neither Kosovo nor Afghanistan have so far created this sort of pressure for the organizations to cooperate fully and without artificial institutional limitations.

Lessons learned and best practices developed in the context of counter-piracy are nevertheless significant for the way EU-NATO cooperation has developed. More than in any other operational context, it has become clear that the relationship between the EU and NATO is no longer primarily determined by competition. The links, commonalities and affinities between the two organizations are stronger than the political divide and formal deadlock would suggest. It has been argued that the piracy problem in the region provides for a unique operational context that only masks competition in that the challenge seems big enough to allow for the concurrent presence of several organizations. The geographical stretch and the nature and magnitude of the problem are indeed such that if one of the organizations were to leave the forces of either side would struggle to cope on their own. Another practical aspect which in turn weakens the argument of competition and duplication is that the presence of two organizations also comes with the advantage that contributors have a better choice of organizational frameworks, which gets more third countries involved than if e.g. the EU was the only organization in place.

The case of counter-piracy has also quite clearly established a scenario of EU-NATO cooperation that has so far only been discussed in the context of civilian crisis management: the idea of a 'Berlin Plus in reverse' has become very real with the EU

running a more resourced and comprehensive operation that NATO seems to complement rather than lead both in terms of its military capabilities but also in terms of its strategic capacities. While the clear unity of effort might weaken any argument of competition or hierarchy between the two organizations, it has transpired from the interviews that this kind of functional primacy of 'Atalanta' is real to the extent that were the operations to integrate, the EU operation would be more likely to take the lead. However, it is unlikely that these experiences will translate into a political decision to recalibrate EU-NATO cooperation. National interests in keeping the status quo of EU-NATO cooperation will not cede before a real test case arises.

## **Notes**

<sup>i</sup> The number of attacks started to decline only after the second half of 2012, with a drop from 176 incidences in 2011 to 47 in 2012 and 5 incidences by April 2013 (ICC International Maritime Bureau, 2013).

<sup>ii</sup> Similar developments have previously been reported for other cases, such as in Kosovo and Afghanistan (e.g. Smith 2011; Grevi, Helly and Keohane 2009), where the EU and NATO also occupied the same operational space without any formal framework for cooperation. The difference between those cases and the specific case of counter-piracy lies in the fact that the two organizations are not only operating in parallel in the same region, they also fulfil largely similar mandates. In that respect, this particular case is more similar to the way EU-NATO interaction was handled in Darfur in 2005 (see Reichard 2006).

<sup>iii</sup> Turkey therefore blocked any decisions within NATO that would help CSDP to become more autonomous. Turkish aspirations for EU membership exacerbated the problem as Turkey started to use the NATO-CSDP issue to condition the course of its accession process. Turkey reportedly blocked the Berlin Plus process on this basis for more than two years (1999-2002) (see e.g. Howorth, 2009).

<sup>iv</sup> After leaving PfP in 1996 for concerns over its national security, Malta rejoined the programme in April 2008. Meanwhile, Cyprus remained the only EU member state that has not signed or ratified a security agreement with NATO.

<sup>v</sup> Malta also could not participate in formal EU-NATO meetings until it signed a security agreement with NATO in 2008.

<sup>vi</sup> Despite there being a general tendency in both the academic and the political debate of focusing on and conceiving of Berlin Plus mainly as a kind of rental contract that regulates EU access to NATO assets and capabilities, and command and control structures in particular, it is important for this study to consider Berlin Plus in its entirety. As this article will come to show, some elements of Berlin Plus, such as the creation of permanent coordination and liaison structures between the two organizations, helped to facilitate informal coordination in counter-piracy without there having been a political consensus to formally activate it as a framework (see also note xix).

<sup>vii</sup> This begs the question under what circumstances Berlin Plus was rejected as the preferred mechanism. When asked about the process, one very senior NATO official responded, “the only time we talked about that was for ‘Atalanta’ and it did not really go anywhere. Why even think about doing it if you know that when it gets into the PSC it will just be blocked. Under the current climate no one is going to do that because they know it would never work” (Interview with senior NATO official at SHAPE, August 2010).

<sup>viii</sup> In March 2012, the EU extended the mandate of NAVFOR ‘Atalanta’ to include air strikes up to two kilometers in land yet still ruling out the option of getting ‘boots on the ground’ (EU NAVFOR Press Release 23 March 2012).

<sup>ix</sup> It is interesting to note that at the purely military/operation level, the EU’s commitment to the WFP is, as one NATO Commander stated it, “drawing the short straw”. The mission they are doing, “although a great mission to deliver food to Somalia, but to use a billion dollar warships to do it is really not a great mission for the military” (Interview with NATO official at Northwood OHQ, April 2010).

<sup>x</sup> In the chain of command of the EU, for example, the operational and tactical levels are more closely linked to the political level, i.e. the PSC and the HR, than within NATO. This not only implies that the strategic level of the EU is more responsive but also that operational and even tactical matters tend to become politicised more easily within the EU chain of command. NATO operational and tactical levels in turn have more leeway as to what can be done in theatre. (Interview with EU official at Northwood OHQ, April 2010).

<sup>xi</sup> At the time of writing, there have been five *informal* PSC-NAC meetings, with all NATO and EU members present including Cyprus, but none have discussed issues relating to counter-piracy.

<sup>xii</sup> For additional literature on Command and Control, please see: Alberts, D.S., Hayes, R.E., 2006. Understanding Command and Control. CCRP, Washington D.C.; Alberts, D.S., 2007. Agility, Focus & Convergence - The future of Command & Control - PART IV. The International C2 Journal, CCRP 1.;

Alberts (2010) DS NATO NEC C2 Maturity Model. Washington D.C. The Command and Control Research Programme.

<sup>xiii</sup> From an EU perspective and with regard to agreements originating from the PSC, one must distinguish between the cooperative relationship with third contributors in general, i.e. independent deployers, and contributing states that are NATO-members but non-EU, such as Canada. Because the EU is more restrictive when it comes to the involvement of third contributors and because of the political intricacies surrounding the Cyprus-Turkey issue these countries rather choose to contribute to ‘Ocean Shield’ than to ‘Atalanta’ (Interview with Senior Official at NATO HQ Operations, April 2011).

<sup>xiv</sup> For additional literature on intelligence-sharing, please see: Svendsen, A.D.M., 2008. The Globalization of Intelligence Since 9/11: The Optimization of Intelligence Liaison Arrangements. *International Journal of Intelligence and CounterIntelligence* 21, 661–678; Lefebvre, S., 2003. The Difficulties and Dilemmas of International Intelligence Cooperation. *International Journal of Intelligence and CounterIntelligence* 16, 527–542.

<sup>xv</sup> “This delineation between information and intelligence is an interesting one in that its raw data that come into this HQ, and we take a very pragmatic approach to that. As soon as some analysis has gone into that and therefore it carries an EU caveat, that puts us very much on the tightrope” (Interview with EU official at Northwood OHQ, April 2010).

<sup>xvi</sup> In the case of the EU, this effect is particularly strong because of the nature of its chain of command: given that the political and operational levels are more tightly linked to each other, the political level, i.e. the PSC tends to be more responsive towards input coming from the operational and even tactical levels than it is the case with NATO and the NAC (see also note **Error! Bookmark not defined.**).

<sup>xvii</sup> Interviews with a broad range of staff within both organizations suggest that this kind of attitude can vary considerably depending on personalities but also on the level of experience of staff with the

underlying knowledge of the inter-organizational realities: there is a clear indication that staff become more keen to push the envelope the longer they are faced with the practical limitations. It also transpires that military staff are more likely to challenge formal arrangements than policy officers.

<sup>xviii</sup> This bottom-up push effect goes well beyond the issue of facilitating EU-NATO cooperation in the absence of a political agreement. International staff working at the operational levels have, for example, also pushed for a formalization of the way the EU works with independent deployers. In the context of 'Atalanta' there has been a 'challenge to the institutional norms' of the EU (Interview with EU official at Northwood OHQ, April 2010); not only with regards to the cooperation with NATO, but also in terms of how the EU can cooperate with Russia, China, Japan and other independent deployers. In the absence of cooperation to date and given the operational necessities transpired by staff at the operational level, the PSC agreed on ten 'cooperative frameworks' that set out the procedures for EU-cooperation with these countries in the area of operations.

<sup>xix</sup> This is where a more comprehensive view on the Berlin Plus agreements is necessary: the inter-organizational arrangements that were agreed in the context of Berlin Plus in 2003 included a specific EU-related institutional mandate for the DSACEUR, stating that he would take on a general coordinating role at the military-strategic level that is not limited to Berlin Plus operations (see also note vi).

<sup>xx</sup> "On the other operations, and the areas of major cooperation outside of that (Berlin Plus), counter-piracy for example, what one does there is try to facilitate the passage of sensitive information. It is quite difficult because one cannot be seen to be doing it too formally" (Interview with senior NATO official at SHAPE, August 2010).

<sup>xxi</sup> "I don't think we have had a ship taken out of the convoy yet" (Interview with NATO official at Northwood OHQ, April 2010).

<sup>xxii</sup> MPAs are a key asset in the fight against piracy since they provide important support for forces at sea and on the ground. They fly through the IRTC and look for any small craft that are fishing, migrant smuggling from Somalia to Yemen, or pirating crafts. The aircraft also go into certain areas on the Somali coast to try and detour and disrupt pirates from leaving the coast. Once pirates are at sea, “MPAs are used to do a ‘see-and-avoid kind of tactic’ and inform the merchant traffic (Interview with NATO official at Northwood OHQ, April 2010.

<sup>xxiii</sup> “On many occasions, acts of piracy have been disrupted as a direct result of the exchange of information and coordination between MPAs and EU NAVFOR warships” (EU NAVFOR Somalia, n.d.).

<sup>xxiv</sup> There was a NATO Strategic Review (June 2011) which considered the closure of Northwood as the alliance looked to reduce its maritime command centres from currently three (Northwood, Lisbon and Naples) to just one. Losing Northwood, where 2,000 staff work, would not only have been a blow to Britain's prestige within NATO but would also have had significant implications for EU-NATO cooperation in counter-piracy.

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