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The European Union as a Maritime Security Provider – The Naval Diplomacy Perspective

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ABSTRACT

The aim of this article is to assess how the European Union advances its role as a global security actor and how it deploys the military forces provided by the member states. Tracing the current debate of the identity and means of the European Union, we analyze the two maritime operations, EU NAVFOR Somalia (Operation Atalanta) and EUNAVFOR MED (Operation Sophia) from a naval diplomacy perspective. Naval diplomacy acknowledge a more versatile role for naval forces, not just military advancement and force projection. For this purpose, we need to go beyond mission descriptions and operational mandates in order to analyze and assess the two operations from within, relying on internal reports and interviews with senior officers who have participated in the operations. Results show that naval forces seeks cooperation with International organizations, NGOs, and third countries in order to facilitate security and good order of the global common of international water. Still, complex security problems are not resolved in this manner and EU maritime operations are highly political, thus facing an uncertain future as a tool of CSDP.

In 2016, the European Union (EU) adopted the EU Global Strategy stating that: "The European Union will promote peace and guarantee the security of its citizens and territory. Internal and external security are seen as intrinsically intertwined: our security at home depends on peace beyond our borders."[1] The EU seeks to advance a "comprehensive approach" to security, which would include not only traditional defence and military responses to security threats but also include multilateralism, humanitarian security, cooperation as well as cooperation with civil societies outside the European Union. In its external action the "…EU is committed to a global order based on international law, which ensure human rights, sustainable development and lasting access to the global commons."[2]

In order to assess how the EU advances its role as a global security actor it is important to analyze how the union uses its military forces. For this purpose, we need to go beyond mission descriptions and operational mandates. Rather, priorities and practices *within* the military operations are of great interest if we wish to understand the nature of these operations as well as the formation of EUs identity as an international organization with capacity to act beyond its borders. By 2020, the EU has implemented twelve missions under the framework of the Common Security and

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Defence Policy (CSDP) and two of these have been maritime operations – EU NAVFOR Somalia (Operation Atalanta) and EUNAVFOR MED (Operation Sophia)[3]. Previous analyses of EU military operations characterizes them as peacebuilding, policing and civilian assistance rather than coercive military operations and traditional power projection.[4] Therefore, a traditional defense dimension or "militarization" of the EU under the CSDP framework remains in doubt as most operations are mainly characterized by either peacekeeping or have a security focus.[5]

Still, the magnitude, and the deployment of naval vessels, equipment and personnel, have created a "maritime focus" in the European Union Security Strategy and requires further analysis due to their different size and nature. In addition, the EU Global Strategy also expresses specific interest to become a "global maritime security provider."[6] Open and safe sea routes are viewed as necessary means to ensure the prosperity and safety of Europe.

The 2019 report on the EUGS implementation emphasized these two maritime operations, stating that "Operation Atalanta – fighting piracy off the Horn of Africa – is one of the EU's most successful initiatives: from 176 attacks in 2011, incidents have gone down to a total of just four failed attacks in 2018." This positive trend has continued during 2019 and 2020. It is suggested, however, that the political turmoil and economic recession following Covid-19 might cause increases in pirate attacks in the region. Regarding Operation Sophia, the 2019 report continued to state that it "has worked to disrupt the business model of hundreds of migrant smugglers and human traffickers in the Mediterranean, and trained 355 Libyan navy and coastguard personnel to save lives and respect human rights."[7]

Still, it remains unclear whether these operations may be considered military operations under CSDP framework, or operations mainly devoted to international maritime security. It depends, or so we argue, on the nature of the actions taken during these operations and the strategic, operational and tactical behavior of the maritime forces. Overall, these two maritime operations seem to imply something more than mere policing, peacebuilding and civilian assistance.

This article provides a theoretical framework based on contemporary understanding of naval diplomacy. The latter concept is understood as "a means of communication by maritime actors, both state and non-state, in pursuit of their interests."[8] By investigating the nature of the two maritime operations from a broader perception of naval forces, we can provide a more exhaustive understanding of these operations. This is achieved also by adding unique data from within this operation in terms of interviews with former senior commanders and staff officers with leading position in the operation and within the headquarters. In doing so, we may also be able more fully to understand the role of EU as a global maritime security actor. The following research question will guide our investigation: how can the maritime operations of the EU, (EU NAVFOR) Somalia-Atalanta and EUNAVFOR (MED) Sophia), be understood and characterized from a naval diplomacy perspective?

Previous Research – EU Militarization and Maritime Operations

The maritime operations adds new fuel to the fire and heated discussion of the identity and behavior of the EU, wavering between a more traditional defense orientation or

a normative superpower devoted to a liberal world order and human (rather than state) security.[9] The term "normative superpower" refers to a novel kind of great power that differ in its institutional set-up and conduct of external relations. It relies mainly on civilian rather than military means, and pursues specific norms rather than specific interests based on geopolitical considerations and military superiority.[10]

According to Germond, "Atalanta was a demonstration of the projection of the EU's power both at the military level… and at the symbolic level."[11] In a recent article, Tardy also argues that the two maritime operations conducted by the EU should be seen as evidence of a new orientation, a move from security to defence behavior in its foreign policy behavior. He concludes that the maritime operations shows an advancement toward defence and militarization of the EU simply by the fact that these forces guards European interests and borders.[12] The deployment of maritime forces by the EU seem to suggest that the union, under the CSDP, has advanced its military capacity, and slowly but surely, is moving toward a more military oriented approach in its external relations and as a response to a wide set of security problems.[13]

The idea that military deployment would drive the EU toward traditional defence and military power fits with some earlier predictions stating that once the EU gain access to military power, even indirectly through the Member states, the nature of EU's foreign policy and behavior will assume a more traditional form, mimicking other "superpowers."[14] Aggestam, on the other hand, have suggested that the deployment of military forces does not necessarily shift the policy orientation or "identity" of the EU. It can still be a "normative" superpower oriented toward peacekeeping and humanitarian security, despite the fact that it has attained military power and capabilities.[15]

Other scholars have pointed out that the current binary discussion of normative/ethical/civilian superpower and/or the military superpower hides the violent and colonial past of Europe as well as the more subtle forms of violence that are present in all forms of "securitization."[16] Even a human security agenda includes gendered and racialized discourses for how to best pursue order and "civility" inside and outside European borders. Stern have shown that the securitization of Europe is both civilizing and violently exclusionary: "the gendered and colonial grammar of these spatial and temporal distinctions work to naturalise a certain (re)production of "Europe," yet haunt the secure Europe and the better world promised in the strategy."[17] The fact that Europe is depicted as a normative superpower, enabling it to use military power to secure European interests, has been described as "organized hypocrisy"[18], or at the very least, that there is a tension between human security or European security.[19] The maritime operations are no exception but further display the difficulty of attending to various security goals with military means.

Previous research have suggested that Operation Sophia's intended aim to disrupt human smuggling and trafficking activities in the Mediterranean Sea may in fact be in violation with international law of human rights and the international law of the sea.[20] In addition, the close collaboration with Frontex, the European Border and Coast Guard Agency, have led to the conclusion that EUNAVFOR MED is divided between several different security goals. Beside the anti-trafficking goal, EU also wish to secure its borders and halt migration routes to Europe, not least after the migrant crisis of 2015.[21] Given disparate security goals, it may seem odd to launch a maritime operation

with military vessels to deal with a "human" security crisis in terms of migration and trafficking. The operation has been criticized for being "inhumane" and more oriented toward fighting trafficking and securing borders rather than saving refugees in need. According to some scholars, this is the result of a "off-the-shelf institutional blueprint" created by the relative success of fighting piracy outside the coast of Somalia (Operation Atalanta). Suggested here is that, in a crisis-situation, the EU used established policies and procedures, leading them to the decision to copy past institutional designs and practices previously considered successful.[22]

Previous research on Operation Atalanta have found little evidence that this mission was launched to protect European shipping interests or to balance against other great powers. Rather, the operation was initially seen as a way to promote and uphold UN resolutions and protect World Food Program shipping. EU did not prioritize its own economic interests and followed international laws in its dealings with pirates. An early assessment was thus that Operation Atalanta could be seen merging military means with a humanitarian agenda.[23] Other scholars have later identified several coalitions and justifications for Operation Atalanta, noting that economic interests and securing shipping have also been a driving force for prolonging the operation once launched in November 2008.[24]

Others have questioned the effectiveness of fighting piracy with military means, and while it may supress attacks against ships, as long as overwhelming forces remain in the area, it does little to address the political and social problems that creates the push-factor for (mainly) young men to engage in illegal activities. A 2013 article suggests that five main obstacles stand in the way of effective control of Somali piracy: "lack of alternate employment; local corruption; the nature of the victims of piracy [as being outsiders to society in contrast to other common forms of organized crime]; the practices of some shipping companies and insurers [in that shipping companies are not willing to adhere to "best practice" and may even pay ransom in dark]; and the fact that enforcement efforts push pirates to innovate, which in turn worsens the problem."[25] Modern piracy, however, is a complex security-problem that is difficult to solve, as it may be approached from a range of different paradigms, or understandings of the problem at hand. Five paradigms, in which problem-solutions are entangled, have been described by Christian Bueger: a *security paradigm* – piracy is an immediate threat; a *legal paradigm* – piracy is a crime; an *economic paradigm* – piracy is a business model; a *development paradigm* – economic root causes; and finally a *humanitarian paradigm* – piracy is the source of suffering for individuals. Furthermore, these paradigms produce a range of tensions between them.[26] Another point often raised is that while piracy is most visible at sea, it is foremost an onshore problem. Thus, naval patrols, transit corridors, escort programs, the hardening of vessels, or the employment of private guards on board vessels are measures that focus on sea activities, but they do not address the problems on land.[27]

As stated above, and in order to answer our research-question, we need a theoretical framework that explicitly theorizes different roles for naval forces in peacetime. Furthermore, we need to consider the context of these operations, the sea, as well as the conduct and practices of naval forces *in theater*. More specifically, what EU forces actually do in these operations, matters a great deal for how to determine the nature of the European Union's maritime operations and how the EU is working toward its

goal of becoming a global maritime security provider. Such a framework is available in theories of naval diplomacy.[28]

Theory – Maritime Security and Naval Diplomacy for the 21th Century

Traditionally considered crucial instruments of war and defence, naval forces also play important roles in maritime security and as a tool of diplomacy.[29] Ken Booth identified this versatile role of naval forces and suggested that states are interested in the use of the sea for three core reasons: 1) passage of goods and people; 2) passage of military force for diplomatic or military purposes; and 3) exploitation of resources in and/or under the sea. These three tasks provides three roles for navies – a diplomatic, policing and military role.[30] The prioritization between these roles would influence the nature, size, deployment and employment of naval forces. In this article we assess the diplomatic and policing role of naval forces in the case of the EU and with an emphasis on the former.

Historically the oceans are subjected to a doctrine of "freedom of the sea," meaning that beyond coastal waters the sea was common to all mankind and no one could claim authority over the sea.[31] In the 1982 UN Conventions on the Law of the Sea (UNCLOS) the territorial sea was extended to 12 miles, with a 12 miles extension of a contiguous zone and a 200 mile Exclusive Economic Zone (EEZ) belonging to the sovereign costal state. Beyond these zones, the High Seas are regarded as international waters, a global common, and are not subject to the sovereignty of any state.[32] From this follows that international and collaborative efforts are often requested by international organizations, such as the United Nations (UN), EU, African Union (AU) but also NATO to defend and secure peaceful maritime activities. Given this background, and the need for extended international collaboration to secure the governance of the sea, it may in fact be a natural development of the EU and its inclination toward a liberal world order to adhere to collaborative action in order to secure a global common.

A more military understanding of the deployment of naval forces would instead suggest that EU initiate maritime operations based on their subjective interests and identity formation in the sense "what does it take to be a global maritime power." The deployment of naval forces would thus be to advance the interest of the EU. Such a force projection could then be identified if the operation and the naval forces violates international law and conventions, if it goes against the interests of other actors and if it violates the sovereignty of third countries.[33] An analysis of the maritime operations must not only include a contextual background analysis of why the operation was initiated, and who the actors and stakeholders are, but also analyze the nature and actual tasks and conduct within the operations, as well as the strategic and tactical behavior in the headquarters and in theater. For instance, our interviews shows that once EU maritime forces arrive at a scene where people are in distress at the open sea, they are bound to assist these people prior to pursuing human smugglers even though the latter was one of the stated goals.

Maritime security and naval operations that deploy naval assets is thus per se not a sign of a military approach. In fact, contemporary maritime security must be situated in relation to new security challenges and new non-state actors who operate on the sea. A wider approach to maritime security includes maritime interstate disputes,

maritime terrorism, piracy, trafficking of narcotics, people and illicit goods, illegal fishing, environmental crimes, maritime accidents and disasters.[34] A global common requires protection and commitment from international organizations, sovereign states as well as non-governmental organizations (NGOs) that together work to ensure "good order" and free movement of the sea.[35]

This may be an additional advancement in what traditionally has been identified and discussed under the term of naval diplomacy.[36] In that sense, we need to be careful when assessing the two maritime operations conducted by the EU. In fact, despite the use of military equipment and personnel, these operations may be more in line with international (maritime) security than a realist power projection upon third states disrupting the interest and agenda of the EU.[37]

By analyzing the purpose, the nature and practices in theater, we can determine if these operations follows a collaborative or competitive rationality. While classical naval thinkers such as Mahan and Corbett only marginally touched on naval diplomacy, instead focusing on different ways to employ naval forces in war, strategic thinkers during the Cold War made significant contributions to the field.[38] Cable, Luttwak and Booth, chief among them, framed their assessment of naval diplomacy in a bipolar world system, featuring theories that were realist in outlook, state-centered, and binary in the sense of one actor doing something and another one reacting. In the latter case, the instigator was usually a great power while the subject tended to be a weaker state. Moreover, historically it also served the purpose of keeping a naval balance and deterrence between U.S. and U.S.S.R., and today it is clear that warships can be sent to remote places signaling seriousness and capability to intervene. The main emphasis was also on hard power rather than the many subtle forms of soft power available. The post–Cold War era, however, has fostered a new approach to this, emphasizing a multilateral approach, a broader context of interactions between different actors, a focus also on soft power and actions of amities.[39]

Kevin Rowlands has provided such a model for naval diplomacy in the twenty first Century (see Figure 1). He starts with the proposition that to understand *why* a specific naval action is undertaken (its specific purpose), one needs to assess *how* it is conducted, ranging from soft power actions such as visits, exercises and provision of aid, to hard power actions such as interdiction, blockade and strikes. No doubt the conduct (how) will at times change due to circumstances that arises, and this may alter the initial reason (why) for commencing the operation. Rowland also holds that one needs to understand *who* the actors involved are and in different tiers of importance, besides the directly involved participants (primary actors), also commercial organizations and domestic target audiences (secondary actors), and lastly regional neighbors, the international community and NGOs (tertiary actors). Finally, it is important to understand *what* these forces do in a tactical sense and on a scale of more aggressive measures such as coercion, deterrence and picture-building (collecting intelligence) to more peaceful and friendly measures such as building prestige, cooperation, and assistance.[40]

In the context of analyzing EUs maritime operations, it is of interest to establish the degree to which different forms of hard and soft power are used to deter and counter piracy outside Somalia, and to contain human trafficking, as well as migrant- and weapons-smuggling in the Mediterranean. It is thus necessary to determine the
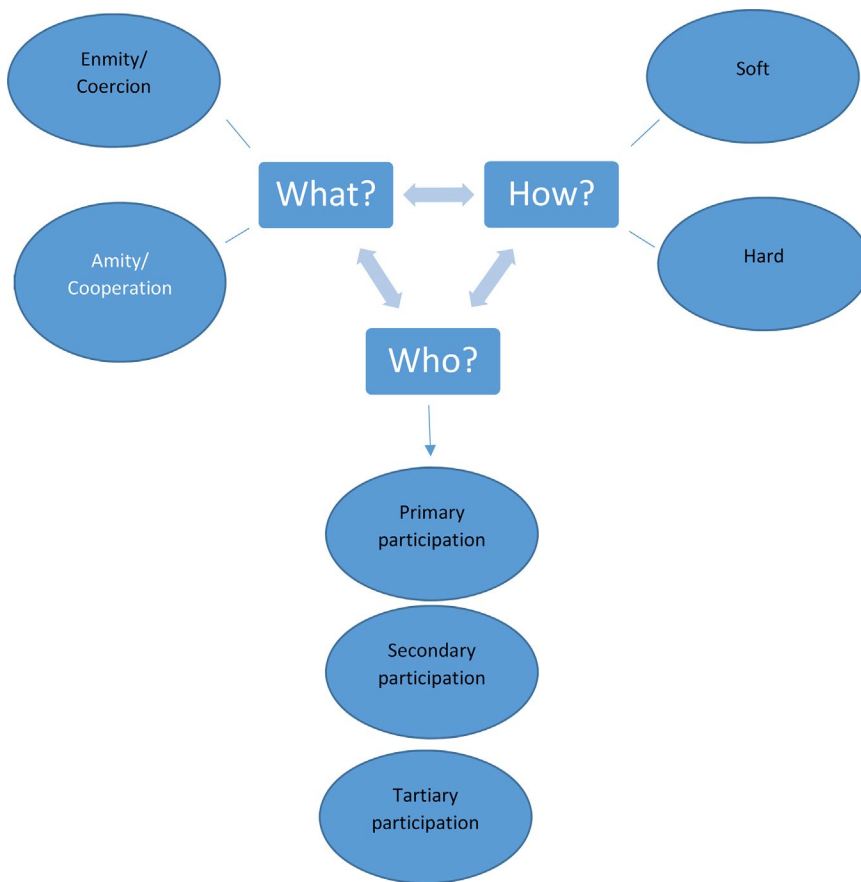
Figure 1. Model of naval diplomacy (modified from Rowlands 2019, 109*). *Kevin Rowlands, *Naval Diplomacy in the 21st Century – A Model for the Post-Cold War Global Order* (Abingdon and New York: Routledge, 2019), p. 108.

nature of the actions made by the EU in tactical terms in the advancement toward their goal to combat piracy, weapons-smuggling and human trafficking. To what extent did the EU use coercive versus supportive tactics in the two operations?

Method and Materials

The empirical study of this article applies a theoretical framework on naval diplomacy to analyze the two maritime operations conducted by the European Union. This in order to analyze the EU as a global maritime security provider and the use of naval forces. In order to analyze these operations we cannot simply follow the public communications and public reports of the maritime operations available on official websites – we need access to a different material. These operations are high-profile and extremely important for the image and identity of the EU. In that sense, we may suspect that publicly available information is strategic and carefully selected to project a specific image of the EU.[41] We are not solely interested in the "true motives" behind these operations but focus instead on behavior and priorities made in the headquarters and

"on the ground" by officers and personnel. For instance, while the Operation Sophia did not have a search and rescue mission, the forces present at sea often encountered people in need at sea and did engage in rescue operations. Another aspect might be that Operation Sophia indirectly was thought to stop refugees to reach European soil but this was never officially stated in documents and instructions. Instead it was assumed (by some) to be a "positive" side-effect but also became a major source of conflict between Member states, and between EU and other organizations. Still, when it comes to maritime security there is no obvious tradeoff between the security interests of the EU and a liberal world order in which there is good order at sea.[42] An obvious challenge is the secrecy that typically characterizes security and defense operations.

We have used two types of material in our analysis. First of all, public records and reports that are available on web-pages of the EU as well as the web-pages of the maritime operations. Adding to this type of sources, we have conducted ten individual interviews with senior officers having held key positions in the operations, either in headquarters or as naval commanders at sea. These senior officers originated from Sweden, Finland, the Netherlands, Austria, France and Great Britain. Data that is restricted, as well as interviews, needs to be handled with care. Interviews were made anonymous in order for senior commanders and staff officers to speak more openly about highly political and sensitive issues, as well as not being the targets of attacks by criminal networks. Interviews were conducted with video calls as the global pandemic of Covid-19 made physical meeting impossible. Interviews lasted 60-90 min and notes were taken during the interview. Subsequently, these notes were transformed into written memorandums of conversation. Questions asked concerned collaboration within the operation, between Member States, and other external organizations. We also posed questions regarding challenges during the operations, asking the respondent to consider the mission assignments and the outcomes. These questions helped us understand how naval forces operated in this close environment and how they prioritized between different aims and roles.

The method used for scanning and reading the various documents and statements can be described as a "content analysis."[43] That means analyzing statements, actions and justifications of the purpose and conduct of the maritime operations.[44] In the analysis, we investigate how the EU motivates (justifies), organizes and carries out its maritime operations and notes indicators for the diverse functions of naval diplomacy, including the use of force, violation of sovereignty or breach of international law or conventions. Another strength of the analysis is that the two cases allow for cross-cases comparisons.

Analysis - The European Union and Maritime Operations

The European Union Defence Policy

Before we move to our analysis of the two naval operations it might be useful to get a short glimpse of the development of the European Union's development within security and defense policies since the end of the 1990s. After the end of the Cold War and the conflicts in the Balkans, the EU became more oriented toward conflict prevention, peacekeeping and crisis management. In the 1999 Treaty of Amsterdam,

previous amendments were codified and agreed upon by the Member states. The Treaty of Amsterdam specified the tasks for the EU's Common Foreign and Security Policy, defined the military tasks that the EU could undertake, and created the possibility for developing a more comprehensive common defence policy in the future. At EU Council meeting in Cologne the same year, the member-states agreed that "the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO."[45]

The resources for an EU military operation could be gathered from NATO assets, with the permission of NATO member states, or by member-states directly. The subsequent 1999 Helsinki Headline Goal called on member-states to be able to "deploy rapidly and then sustain forces capable of the full range of the Petersberg tasks set out in the Amsterdam Treaty. These "tasks" were set out in the Petersberg Declaration adopted at the Ministerial Council of the Western European Union (WEU) in June 1992. On that occasion, the WEU member countries declared their readiness to make available to the WEU, but also to NATO and the EU, military units from the whole spectrum of their conventional armed forces. Such operations could include as much as 50-60 000 persons in a single operation."[46] This development in the security/defense field expanded and made possible the capability of the European Union beyond civilian and humanitarian operations and aid.[47]

Further advancements to enable a military role for the EU was included in the Lisbon Treaty signed 2007. It modified the Treaty on European Union (TEU) and the Treaty of the European Community (TEC). The Lisbon Treaty contained important provisions related to the CSDP. It included a mutual assistance and solidarity clause, the creation of a framework for Permanent Structured Cooperation, an expansion of the Petersberg tasks to include "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking and post-conflict stabilization."[48]

Another decisive step toward a common security and defense policy was the Permanent Structured Cooperation (PESCO). This cooperation is voluntary but 25 of the now 27 national armed forces are active in pursuit of a common structural military integration. Based on Article 42.6, 46 and protocol 10 of the Lisbon Treaty, PESCO was established in 2017 with the objective "to jointly arrive at a coherent full spectrum of defense capabilities available to Member States for national and multinational (EU, NATO, UN, etc.) missions and operations." The idea behind PESCO was to "enhance the EU's capacity as an international security actor, contribute to the protection of the EU citizens and maximize the effectiveness of defense spending."[49] Designed to contribute to a new stage in the development of the CSDP, PESCO enables a more assertive role for the EU in the realm of security and defense, not least in its external relations.[50]

The security and military focus in the EU Global Strategy document includes statements of protection of EU citizens and borders, functions normally assigned to the sovereign state: "The European Union will promote peace and guarantee the security of its citizens and territory. Internal and external security are ever more intertwined: our security at home depends on peace beyond our borders."[51] It is not necessarily the case that such bold statements is followed by action and implementation, and the

exact status of EU as a security actor remains unclear.[52] Still, the EU has initiated and managed twelve military operations outside its borders and some are still ongoing.[53]

How can the development of CSDP and other advancement in the field of security and defense be connected to the maritime operations? Activities that take place at sea are identified as special interest to the European Union. In June 2014, the Council of the European Union adopted *The European Union Maritime Security Strategy* (EUMSS). This document identified that "The Sea is a valuable source of growth and prosperity for the European Union and its citizens. The EU depends on open, protected and secure seas and oceans for economic development, free trade, transport, energy security, tourism and good status of the marine environment."[54]

It also stated that "the EU and its Member States have, thus, strategic interests, across the global maritime domain, in identifying and addressing security challenges linked to the sea and sea borders management." It continued by noting that "European citizens expect effective and cost-efficient responses to the protection of the maritime domain, including borders, ports and offshore installations, in order to secure sea-borne trade, address potential threats from unlawful and illicit activities at sea…."[55] The European Union further expressed a strong interest in maritime security, seen as an instrument for economic prosperity. The maritime security focus was further noted in the EU Global Strategy from 2016 in which EU declared its ambition to be "a global maritime security provider."[56] This overview above provides a background for the maritime operations of the EU and what follows is an analysis of them, starting with the EU NAVFOR Somalia.

EU NAVFOR Somalia

The EU NAVFOR Somalia, which started in November 2008, was the first maritime operation launched under the framework of CSDP. Despite the recent Lisbon Treaty, many member-states still viewed NATO as the main organization to address maritime security issues but according to our material, some nations pushed for EU rather than NATO as they wanted to strengthen the EU and act more independently of NATO. This despite the fact that NATO member states had access to naval forces, had joint naval exercises and standing rotating naval forces.[57] Prior to Operation Atalanta, EU had focused its external activities on land-based military and peacekeeping operations in the Balkans and on the African Continent, for example in Congo and Chad. In the Atalanta operation, however, the main operational tasks were fighting, deterring and disrupting acts of piracy and armed robbery on the high seas off the coast of Somalia (EU NAVFOR Booklet 2016)[58]. The operation has been extended multiple times and its current mission is extended to December 2022 (OP Atalanta 2021)[59]. On 30 July 2018, the Council of the European Union extended the mandate of Operation Atalanta until December 2020. The novelty for European states was that this operation was in line with the Berlin Agreements between EU and NATO, allowing EU to take lead command in military operations and use NATO assets and structures in doing so. As with all EU CSDP operations, the member states contributes on a voluntary basis with vessels, military equipment and/or personnel and the contributing states cover the operational costs themselves. Most EU member states, albeit to various degrees, have contributed with forces and/or military personnel to the operation and

to the headquarters.[60] The background to the emerging piracy problem in this region is that during the second phase of the Somali civil war in 2000, foreign ships exploited the absence of an effective national coast guard and illegally exploited Somali fishing grounds and even dumped illicit waste. Local communities responded by forming armed groups to deter invaders. This grew into a lucrative trade, whereby such groups would hijack commercial vessels and ask for large ransom payments for vessels, personnel and cargo. This also explains the peak in incidents occurring around 2005, which further pressured EU to take action [61]

The operation description follows UN Security Council resolutions[62] and was approved by the EU Council under the Joint Action 851. The core objectives of the Atalanta operation are thus:

- To protects vessels of the World Food Program (WFP) and the African Union Mission in Somalia (AMISOM), and other vulnerable shipping
- To deter, prevent and repress piracy and armed robbery at sea
- To monitor fishing activities off the coast of Somalia in accordance with international rules
- To support other EU missions and international organizations working to strengthen maritime security and capacity in the region.

The NAVFOR forces are allowed to use military force to "contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast" and to escort vessels chartered by the WFP to carry humanitarian aid to Somalia.[63]

In addition to EU NAVFOR operation and its rotating units, a considerable international military maritime presence is deployed in the area. NATO has had two active operations in the region, Allied Protector and Ocean Shield, the former ended in 2009 and the latter ended in 2016. The Combined Maritime Forces (CMF) and independent national units from countries such as China, India, Japan, Korea, Russia and several other countries still remains active in the area as of 2020.[64] The CMF is a multinational maritime partnership, which exists to uphold international law in international waters and straits by countering illicit non-state actors and promoting security, stability and prosperity. CMF has 33 member nations, including some of the most prominent naval powers in the world, including Australia, France, Germany, Japan, Turkey, United Kingdom and United States. CMF is a coalition of the willing and does not prescribe a specific level of participation from any member nation. The CMF counter-piracy operations have a specific operation active off the coast of Somalia.[65]

This means that even if Operation Atalanta was initiated and later controlled by the European Union it is still (only a small) part of a multinational cooperation and collaborative effort in protecting the sea communications and fighting of piracy in the region. The fact that EU NAVFOR Somalia responded to, and continues to follow, the resolutions of the UN Security Council, collaborates with CMF as well as independent national units, indicates that the operation is foremost an operation directed toward maritime security and policing rather than having a military focus.

When asked about the origins of Operation Atalanta, one of our respondents, a senior commander of the Royal Navy, stated that while some European countries

wanted their naval forces to protect their own fishing fleets and shipping, it was the more human-oriented goal that finally made a joint EU operation possible. Thus, the protection of World Food Program-shipments "started the whole thing" as well as EUs ambition to act in the region. But there was also alternative motives for activating the EU. France, often a reluctant supporter of NATO, clearly acted as a driving force and saw a possibility to increase EU's role as a maritime security provider. The Royal Navy, however, would have preferred to act within the NATO framework.[66] The aim of fighting piracy allowed for extensive collaboration with other international organizations and countries. Operation Atalanta would thus serve as an excellent template for EU, and similar operations might be contemplated in the future. While maritime security operations suited the EU, military operations were something completely different, the respondent believed. He concluded: "Real military and naval operations would be a big and difficult step for the EU."[67]

A similar point was raised by senior commanders from a smaller country in Europe, Sweden. Operation Atalanta, they argued, was straightforward with strong mandate and good cooperation between the units from different countries. Rules of engagement and order structures were clear from the beginning which supported joint effort with the different units and made cooperation with external actors very easy.[68] Another senior commander from the same country noted that besides the cooperation on the ground, headquarters have also been established which provides experience for future missions.[69] Still, two respondents also informed us that sometimes cooperation worked better with outsiders and third countries as naval forces from EU sometimes decided to "change flag" and prioritize missions more closely related to the national interests. Shifting flags, and thus rules of engagement, could be seen as problematic from an EU perspective. However, as EU does not have any military assets on their own, and relies on voluntary contribution of their member states, it might be difficult to enforce commands and orders.[70]

Reaching out to shipping companies, and producing manuals on how to avoid piracy and close encounters, have been identified as an important contribution of the operation. However, it sometimes proved problematic with private security companies on board of ships that was escorted since they did not follow protocol and sometimes used excessive and deadly force.[71] Another part of the operation was also to communicate with pirates and locals via radio or flyers, informing them of the dangers of the pirate trait.[72] Obviously, not all interaction with pirates was nonviolent. One of our respondents stated that when pirates were captured, EU forces often had no clear orders on what to do with them – sometimes pirates would be kept on the ship, and sometimes they had to be released at insecure places ashore. Whereas the impression was that EU forces always provided warning shots and rarely direct fire, other countries could be both trigger happy and quite brutal, especially if a ship under their flag had been targeted.[73]

After a few years in theater, direct interaction against pirates could often be avoided as EU naval units gathered ships to be protected in convoys. This allowed them to escort a large number of vessels past the most dangerous hot spots and pirates tended to notice the presence of military vessels. This, in combination with air control that more easily detected ships and individuals with hostile intentions, made encounters with pirates increasingly rare.[74]

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Events	8	59	99	166	74	20	5	1	3	6	4	5	3
Total Attacks	23	199	203	212	42	10	3	0	1	9	2	1	0
Succesful A.	13	40	49	29	6	0	0	0	0	2	0	0	0
Disruptions by EU forces	0	14	65	28	16	10	1	0	0	2	0	1	0

Source: EU NAVFOR –Key Facts[75].

Adding to the table above, there has been no incidents of piracy off the Horn of Africa reported during 2021. Still, the potential for piracy is arguably merely suppressed rather than eradicated despite more than twelve active years. Push factors for engaging in illegal activities remains and the political instability in Somalia have worsened during the last years, according to UN Security Council, and is even likely to increase due to emerging hardships of the covid-19 pandemic.[76] Despite this, there have been few incidents the last couple of years as shown in the report from EU NAVFOR Somalia. However, as late as 2017 two successful piracy attacks occurred off the coast of Somalia. These incidents show that despite international presence of naval forces, the pirate activity continue. This is also a lasting impression and opinion by all the respondents involved in the Atalanta operation. Piracy is mainly suppressed by the presence of naval forces but it is not eradicated. Therefore, it seems unlikely that EU will be able to close the operation anytime soon.

Eunavfor Med

EUNAVFOR MED was launched in 2015. This operation had an outspoken aim to fight human trafficking and to focus on "search and rescue" in the theater of the Mediterranean Sea: "The mission core mandate is to undertake systematic efforts to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to contribute to wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea."[77]

The EUNAVFOR MED operation was active between 22 June 2015 and 31 March 2020[78]. Initially the operation was intended to be one aspect of the EU comprehensive response to the migration issue of the EU and the transit route over the Mediterranean Sea but this was politically controversial. The EU Council approve the operation and its different phases in May 2015. The EU decided that EUNAVFOR MED should be conducted in sequential phases and in accordance with the requirements of international law.[79]

EUNAVFOR MED's objectives stipulated that:

1. in a first phase, support the detection and monitoring of migration networks through information gathering and patrolling on the high seas in accordance with international law;
2. in a second phase, (a) conduct boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking, (b) conduct boarding, search, seizure and diversion, on the high seas or in the territorial and internal waters of that State, of vessels suspected of being used for human smuggling or trafficking;

3. in a third phase, in accordance with any applicable UN Security Council Resolution or consent by the coastal State concerned, take all necessary measures against a vessel and related assets, including through disposing of them or rendering them inoperable, which are suspected of being used for human smuggling or trafficking, in the territory of that State, under the conditions set out in that Resolution or consent.[80]

On 7 October 2015, the EUNAVFOR MED mission moved to its second phase (Phase II) as set out in the Council Decision and was renamed "Sophia."[81] Two days later the UN Security Council issued a resolution highlighting the need to address the situation with refugees and migrants crossing the Mediterranean as an unsafe route to Europe, but more so the importance of disrupting the business of trafficking and smuggling from Libya. It therefore "welcomes" the EU NAVFOR MED and its current mission statement.[82] The mission core mandate was to undertake systematic efforts to identify, capture and dispose of vessels and other assets used by migrant smugglers. This was said to contribute to the wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea. Thus, the operation itself was controversial from a human rights perspective. It has been highly criticized by civil society organizations and human rights experts as it did not include search and rescue as one of the main objectives and was accused of trying to stop migrants from reaching Europe[83]. This impeded the human right to seek asylum and could potentially create more human suffering as people would be stranded in Libya and remain in illegal transit camps. UN Secretary General criticized the orientation and priorities of the operation in a speech in the European Parliament 27 May 2015, saying that, "Europe has an important role to play and a collective responsibility to act. Saving lives should be the priority."[84]

It is clear that fighting piracy or "fighting" people smuggling are two different challenges. People smuggling in this case intermingles with the human right to seek asylum and this complexity quickly translated into political controversy in the EU and between the Member states.[85] EU NAVFOR MED seemed more closely linked to European security interests of protecting borders and gaining control in the region and territorial waters, whereas EU NAVFOR Somalia is more connected to maritime security and to serve a global common in close collaboration with other sovereign nations and organizations. Fighting piracy is also more straightforward than fighting human trafficking and refugee flows as the latter opens up for considerations of human rights and human security.

In addition to the expressed intention to follow legal frameworks, "partnership" was set out as a key word of the EU NAVFOR MED. These partnerships would include, and be extended to, partner countries, partner organizations, NGOs and international agencies, working together and sharing their experiences on how to manage the crisis from a humanitarian point of view. Thus, the EU has sought partnership with NGOs in order to cope with the humanitarian aspects of search and rescue operation in the Mediterranean Sea[86]. Still many NGOs with a human rights/security agenda have been critical of the operation as a whole and have viewed the operation as more oriented toward policing, border control and a way to deter people from reaching European

soil and to seek asylum.[87] Others have been critical of the search-and-rescue orientation since such an operation enables traffickers to send humans out to sea in poor and unseaworthy vessels, knowing, or at least being able to convince individuals, that there will be assistance of EU personnel in the High Sea. This was said to encourage migrants and refugees to undertake the dangerous journey and even making it easier for people smugglers who no longer needed to take people all the way across the Mediterranean. This suggests assisting people smuggling rather than stopping them, thereby creating pull-factors for migrants and people smugglers alike.[88]

As stated above, on 7 October 2015, the operation moved to its second phase, focusing on boarding, searching, capturing and destroying vessels suspected of being used for human smuggling or trafficking on the high sea. The operation ended 31 March 2020, but while being active, additional tasks was given to headquarters. On 20 June 2016 European Council added the mission of training the Libyan Coast Guard and Navy, and to contribute to the implementation of the UN arms embargo on the high seas off the coast of Libya in accordance with UNSCR 2292 (2016) and UNSCR 2357 (2017). On 25 July 2017 European Council also issued the task that Operation Sophia should set up a monitoring mechanism of the long-term efficiency of the training of the Libyan Coast Guard and Navy, and to conduct new surveillance activities and gather information on illegal trafficking of oil-exports from Libya in accordance with UNSCR 2146 (2014) and 2362 (2017). Operation Sophia should also support information sharing on human trafficking with member states law enforcement agencies, as well as FRONTEX and EUROPOL[89].

Finally, as EU NAVFOR Sophia was terminated on 31 March 2020, a new maritime operation, entitled EU NAVFOR IRINI, (Greek for "peace"), took over the tasks concerning the implementation of the UN arms embargo through the use of aerial, satellite and maritime assets. The operation aims to carry out inspections of vessels on the high seas off the coast of Libya suspected to be carrying arms or related material to and from Libya in accordance with United Nations Security Council Resolution 2292 (2016), while also continue to train the Libyan Coast Guard and disrupt human trafficking (EU NAVFOR IRINI 2020)[90]. When Operation Sophia ended in March 2020 it had resulted in the arrest of 143 suspected smugglers and the destruction of 545 boats. The European Council on Refugees and Exiles[91] reports that the operation has saved more than 49,000 people in distress, most of which have been disembarked in Italy[92].

One respondent, a senior officer from the Armed Forces of a Nordic country, who worked in the operation for over two years, reports that even if the outspoken aim never was to save migrants, this quickly became a priority of the active units. According to this officer, the daily operations depended on intelligence gathered by sensors and from other actors such as Europol, police forces and coast guards in different countries. The commanders of Operation Sophia had no people on the ground in Libya. Thus, they had to guess, and try to predict, the routes and operations of the traffickers, and to stop them in their tracks, preferably before boats were sent out from the Libyan coast. Ships could be directed toward the smugglers' base of operations and potentially relevant locations off the coast, with the aim to stop traffickers, while at the same time rescue migrants.[93]

The officer stated that it was often difficult to differentiate between smugglers and migrants due to their tactics. Often, boats of poor quality where packed with 60-80

migrants but they also included some smugglers that steered the boat and kept order among the passengers. These, often unseaworthy, vessels were accompanied by a faster boat that was used as a getaway vehicle. When the boat reached international water, and the NGOs, coastguards or EU forces would appear, the smugglers quickly jumped into the faster boat and fled the scene. EU forces prioritized to take care of and save the migrants, even when attacked by traffickers. These faster getaway vehicles were often armed and sometimes opened fire on the different ships making hardly no distinction between naval ships, coast guards or unarmed NGO rescue boats. Migrants and the poor quality vessels would be used as human shields in order to prevent coast guards or naval forces from firing back. The officer further mentioned that during his active service, he could not recall that EU forces had ever returned fire in any shape or form.[94] In fact, a more accurate description was that EU naval forces "worked as a police force and coast guard, which had very little resemblance to a naval operation."[95]

The officer also mentions that at the beginning of OP Sophia, NGOs often saw EU naval forces as hostile to their own aims, with a different security agenda, as the latter wished to stop migration flows across the Mediterranean. However, specific conferences, as well as incidents and experience, enabled cooperation between NGOs and EU naval forces. NGOs experienced that they rarely could manage on their own. Rescue operations in high water or in the dark was difficult and dangerous, and at times traffickers would stay on the scene or even fire on the NGOs during the rescue operation. This eventually resulted in cooperation between EU naval forces and NGOs within the operation and in theater, sharing information and coordination during rescue mission.[96] The image of a conflict between NGOs and EU naval forces exaggerates the conflict between these actors in the actual operation.

Operation Sophia, however, was much more politically sensitive than OP Atalanta, something being felt within the operation. There was a profound conflict, for example, between the EU and Italy on the nature of the mission. Italy wanted to reduce the number of migrants and stop boats from leaving the shores altogether and certainly not assist, nor receive migrants rescued at sea. This sometimes created friction within the operation as countries wished to act as the flagship and thereby prioritize and command the ships.[97]

Another respondent, a senior officer from the Dutch Armed Forces, noted that it was foremost Spain, Italy and Germany, being the main contributors of operational forces that wished to shape the mission according to national interests and specific problems. They wanted to create clear effects, such as border control and less migrants reaching Europe. But the mission description was not about stopping migrant flows, it was directed toward halting trafficking of humans and people smuggling as a business model, although these two aspects are often difficult to keep apart and train the Libyan coast guard/navy. Still, according to International Maritime Law, search and rescue is required by all who travels the oceans. The problem was the manner in which different actors would frame the operation of Sophia, as saving migrants and helping them to reach Europe, or as an operation fighting human trafficking, turning the entire operation and its different objectives and modes of operation into a political battlefield.[98] The image of internal conflicts among EU countries during OP Sophia was confirmed by several respondents, mentioning different ideas on how to prioritize in the operation, or slow responses in contributing ships, equipment or personnel.[99]

Conclusions and Reflections

We started the article by noting that the nature of European Union external activities and military operations under CSDP is difficult to determine. The recent turn and ambition to become a global maritime security provider, and the deployment of naval forces under EU flag, adds nuances to the important question of the role and identity of the European Union. It also adds to the question whether if and how such ambitions and activities can be seen as a military approach with regard to security problems and external actors of the EU or as part of a militarization of the European Union. This led us to our research question: How can the maritime operations of the EU, (EU NAVFOR) Somalia-Atalanta and EUNAVFOR (MED) Sophia, be understood/ characterized from a naval diplomacy perspective?

At first glance, the two maritime operations may indicate core evidence that EU wishes to use military power forces beyond its borders in pursuit of European security, as well as contributing to global maritime security. However, if we follow the tradition of naval diplomacy it is clear that naval forces have versatile roles and functions, well beyond the narrow sphere of military affairs. The theory of naval diplomacy presented above stipulated that in order to understand why naval forces are used, we must determine how they are employed, who the actors involved are and what these forces do in a tactical sense.

Both operations follows closely from UN mandate and security resolutions and are identified as maritime security operations. The main adversary or problem is not sovereign nations but different types of illegal activity, done by criminal networks operating in the context of international water. Piracy, but also human smuggling and/ or trafficking are different ways in which criminal networks are driven by potential profit to pursue activities that threatens the interest of the European Union, as well as the entire society of states, and the global common of the High seas. These non-state actors are in fact capable of creating substantial political, economic and security problems for the European Union. Operation Sophia followed after the relative success and experience of Operation Atalanta, the latter being able to substantially diminish the immediate threat of piracy outside the coast of Somalia. Still, Operation Sophia was not as successful or unproblematic due to the more complex problems of refugees, International Law, and the immediate danger of human life. This complexity, the proximity and political conflicts within Europe as to the nature of the operation and its purpose, have created turmoil at both the political and operational level.

Our investigation does not find any act of direct violence, neither toward sovereign countries, pirates or human smugglers. It is quite possible that the persons interviewed would not like to disclose such details but there has not been any indication in the material or in the media suggesting the use of lethal violence by EU forces during these operations, despite the fact of the negative publicity of operation Sophia. Challenges have been noted dealing with criminals during the operation and the EU has sometimes deemed it necessary to cooperate with actors that often stray from international rules and norms. In both operations, EU has established extensive collaboration with external actors. In Operation Atalanta, EU cooperated with other international organizations such as UN, CMF and NATO, with other sovereign nations, including China, India and Russia, but also shipping companies. In the case of

Operation Sophia, there may have been political controversy between EU and NGOs, but at the operational level, we learned that EU maritime forces often work together with NGOs during search and rescue operations. One important finding was that in both operations, internal coordination was at times strained due to political conflicts and national interests. Also, even if all units was under EU flag there were occasions when units changed flag and performed other missions in the area.

Our finding suggests that while at a first glance the deployment of maritime forces seem to support an image and advancement of a militarized EU[100], we are more inclined to view the operations in terms of maritime security operations. Following a more nuanced understanding of naval diplomacy we can see that these military units do not use direct violence against third countries or criminal networks. At the same time, we also notice the "securitization" and heighten temperature[101] that enables the deployment of maritime forces to solve complex political problems. As one respondent said with regard to Operation Sophia "it feels like we are providing aspirin to a problem that requires penicillin."[102] The tension noted between human security and European security[103] seems to persist. While Operation Atalanta, with its more clear-cut mission and goal, far away from European borders, may have been regarded as "successful," operation Sophia was far more politicized and controversial. It remains to be seen whether the experience of these two operations actually resulted in enough confidence among EU members to launch additional maritime operations in the future.

Notes

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Mechanisms of Integration (The Hague: Springer, 2018). "Human security" is identified by the United Nations as an approach to assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their people. Human security calls for people-centered, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people and all communities and thus serves as grounds for international interventions and UN operations. See UN A/RES/66/290 2012.

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11. Basil Germond, "The EU's Security and the Sea: Defining a Maritime Security Strategy," *European Security* 20 no. 4 (2011): 574.

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14. Ian Manners, "Normative Power Europe Reconsidered: Beyond the Crossroads," *Journal of European Public Policy* 13, no. 2 (2006): 182–99; Ian Manners, 2010. "Global Europa: Mythology of the European Union in World Politics," *JCMS: Journal of Common Market Studies* 48, no.1 (2010): 67–87; Basil Germond and Michael E Smith, "Re-Thinking European Security Interests and the ESDP: Explaining the EU's Anti-Piracy Operation," *Contemporary Security Policy* 30, no.3 (2009): 573–93.

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