The London School of Economics and Political Science

'Managing global (in-)security: Reconstructing the EU's international identity in the context of counter-piracy at the Horn of Africa'

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A thesis submitted to the European Institute of the London School of Economics for the degree of Master of Philosophy, London, May 2014.

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Abstract

The aim of this thesis is to reconceptualise the EU's international identity in the context of its counter-piracy efforts at the Horn of Africa.

While in the past grand narratives have lent meaning to the EU's role in the world – e.g. civilian power, global power – the current state of the discipline is characterised by the so-called strategic deficit. What both these narratives and their critique misunderstand is the logic of security at the EU level by disregarding its grounding in a particular history and process of institution-forming, most notably reflected in the legacy of constructive ambiguity and the transgovernmental bias, which combine to produce an institution that is fundamentally de-politicised – or, rather, post-political – in nature.

With recourse to this institutional particularity, I propose a conceptual approach based on the imperative of 'managing globalisation', which elucidates how the EU frames and tackles piracy as an adverse instance of globalisation. First, the Somali pirate is discursively removed from his local context and relocated to the global security agenda as the unpolitical enemy of all and threat to global order. As the relevant 'other' he is used to legitimate EU intervention. Second, the EU's declared comprehensive approach to counter-piracy reflects an operationalisation of the new dogma of 'effective multilateralism'. While piracy mitigation remains important as a security objective, international cooperation itself is elevated to the status of security objective.

Consequently, the EU's practice of counter-piracy is driven by its concern with the management of globalisation, concomitantly redefining the EU's international identity towards becoming a global security-provider.

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Acknowledgements

Any dissertation involves its struggles – struggles with your topic, your discipline, yourself, and the relativity of time. At the beginning of your studies you have an infinite amount of time. Then suddenly you have run out of time. The act of finishing becomes a dilemma as you approach the event horizon, necessity and impossibility at the same time. Apparently Arshile Gorky once said "I never finish a painting – I just stop working on it for a while". I'll settle for that.

I would like to thank the London School of Economics and Political Science for having provided me with the institutional and financial support to pursue my studies. Of course, I am particularly indebted to my supervisors Spyros Economides and Karen E. Smith who have always lent a helping hand, especially in times of inertia and self-doubt.

I also want to thank a group of colleagues and friends, whom have provided me with useful comments, scathing critiques and emotional comfort over this period. This includes my colleagues from the European Institute, and especially those taking part in our regular research seminars, tirelessly scrutinising half-baked ideas, trying to collectively navigate that Möbius strip. Special mention is also reserved for Ian Klinke at the University of Oxford, Lukas Obholzer at the LSE, and Sara Marquez at City University London. For all the others that have helped along the way: you may pass unmentioned but not forgotten.

I dedicate this study to my parents, Manfred and Renate.

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Moritz Reinsch

London, May 2014

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Chapter 1

Introduction: construction

Perhaps we shouldn't have been so surprised. After all, maritime piracy is a very traditional security issue for Europe, dating back to the 'Sea Peoples' that raided ships in the Mediterranean off the coast of Asia Minor at the time of the Late Bronze Age.[1] It has remained a constant issue for seafaring nations over the centuries and saw its heyday from the 1650s to the 1730s, the 'golden age of piracy'.[2] With the rise of modern national navies pirates have largely disappeared from the world's oceans. Yet, recently piracy has made a comeback on the international security agenda, and it is especially Somali pirates that have made the headlines since the mid-2000s, to the point where now there is a large-scale international effort underway to fend off the return of the 'scurvy scourge'.

The European Union has been at the forefront of this, fielding its naval mission EUNAVFOR Somalia (otherwise known as operation *Atalanta)* in December 2008. Since then year on year has seen the extension of the mission, which has garnered overwhelming support from member states and within EU institutions, to the effect that additional twinning security missions have been put into place, EU Training Mission Somalia and EUCAP Nestor. Counter-piracy has become a stable and largely uncontested item on the EU's security agenda. But why has this happened? And what does it tell us about the EU as an international security actor?

On the one hand, the reasons for why the EU is dealing in counter-piracy may seem straightforward. In material terms, piracy represents an undeniable threat, which comes in various forms. Piracy imposes economic costs on European merchant

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[1] See Ormerod, H. (1924). *Piracy in the Ancient World: an Essay in Mediterranean History*. Liverpool: University of Liverpool Press; Gabbert, J. J. (1986). Piracy in the Early Hellenistic Period: A Career Open to Talents, *Greece & Rome, 33* (2): 156-163.

[2] Rediker, M. (2004). *Villains of All Nations: Atlantic Pirates in the Golden Age*. Boston: Beacon Press; Cordingly, D. (1995). *Under the Black Flag: The Romance and the Reality of Life Among the Pirates*. New York: Random House.

companies in particular or European countries' international trade relationships in general, either in actual damage done, or by fuelling increased spending on counter-piracy measures. It also threatens the lives of European citizens directly engaged in maritime trade passing through the region. Piracy also endangers the well-being of Somalis themselves as it disrupts the delivery of shipments by the World Food Programme. Further, as Somali pirates raid the critical European-Asian sea trade route passing by the Horn of Africa the issue carries a wider geostrategic relevance.

In fact, all of these reasons are convincing, and they provide a good reflection on the various narratives of EU power that are often invoked to explain why the EU acts the way it does on the international scene. The civilian power narrative can be traced in the preoccupation with trade and a concomitant rendition of security in economic terms. The normative power/ethical power narrative is reflected in the consequential emphasis of the humanitarian aspect of the EU's engagement. The global power narrative finds expression in the extrapolation from the local manifestation of piracy to its systemic repercussions, that is the geostrategic threat is presents to global trade flows. However, the fact that the security issue of Somali piracy and the EU's reaction to it fit to some extent into all of these different narratives does not tell us very much. Each of the power narratives provides an internally consistent perspective onto the actions the EU takes on the international scene, and the reasons for which it does. The stories they tell mean to bind history, present and future into a narrative arc that constitutes the EU's international identity. However, where these narratives fail is in their disconnect of the institutional reality of EU security, and the outputs it creates – as recently affirmed by the emergence of the debate around the so-called strategic deficit.

If we aim to gain a better understanding of the EU as a security actor – and that also means re-assessing the idea that the EU is somehow special, a *sui generis* actor – we must look beyond mere *causes* of EU security policy, and rather consider how the EU *practises* security. Practice supposes action, but it also supposes the construction of meaning. In the context of piracy then, the question is: What does the EU's practice of security tell us about the EU itself?

To allow us to unpack piracy as a security issue I propose the following three basic – yet crucial – (sets of) questions about the EU and Somali piracy, which will allow us to gain a better understanding not only of how the EU does security, but also how this reflects on the EU's identity as an international actor. First, what makes Somali piracy a *threat* for the EU? Put differently, what kind of security issue does piracy present? For instance, with reference to the lens of Buzan's sectoral approach, one may

ask whether Somali piracy poses a military, political, societal, economic, or environmental danger?[3] Second, what is the *referent object* in this context? When the EU affirms piracy as a threat, who or what needs to be protected? European citizens, companies, economies, or the whole world? Third, how can security be achieved? What *policies* are enacted to achieve security? This triad of threat, referent object, and policies covers the 'who', 'what' and 'how' of any given security issue. In order to instil these questions with meaning, however, we have to assess them within the context of the practice of EU security, because:

> "foreign policies rely upon representations of identity, but it is also through the formulation of foreign policy that identities are produced and reproduced".[4]

Towards that end I propose the conceptual lens of 'managing globalisation', as introduced by Jacoby and Meunier.[5] Although their conceptualisation is heavily drawn from and oriented towards EU trade policy, I will argue the case for its applicability to the realm of EU security in general and counter-piracy in particular. Managing globalisation implies that the EU is adversely affected by globalisation in various respects. If 'managing' means "altering the existing course of things and reorganising them for a purpose" [6], then we will come to see that this is precisely what the EU does with respect to Somali piracy as an adverse instance of globalisation, redefining its own identity as an international actor in the process.

I propose a detailed case study analysis of EU counter-piracy at the Horn of Africa to shed light on how the EU constructed piracy as a security threat and developed its policy response accordingly. The original contribution to knowledge that this thesis advances is twofold: at the conceptual and theoretical level it offers a more contextualised understanding of the EU's international identity by disentangling the ever-louder call for 'strategy' from the aspirational determinism of the policy area and placing it within the realm of the pervasive 'post-political' state of Europe and the EU polity in particular. At the empirical level, it argues that EU counter-piracy must be understood not as a functional requirement of Europe's 'new threat' agenda but instead as a practical yet reflexive effort at managing the adverse effects of globalisation.

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[3] Buzan, B. (2007). *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (2nd edition). Colchester: ECPR Press.
[4] Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge, p. 1.
[5] Jacoby, W. & Meunier, S. (2010). Europe and the management of globalization. *Journal of European Public Policy, 17* (3): 299-317.
[6] Ibid, pp. 300-1.

1.1 Stretching security

EUropean security studies now constitutes a productive and eclectic sub-discipline that connects International Relations and EUropean Studies. Security studies acquired the status of an academic (sub-)discipline during the Cold War when it was still referred to as strategic studies. The field of study generally inquires into the causes and effects of conflict and peace. At its outset this often meant a focus on global superpower competition, however, contemporary scholarship has become much wider, dealing with all sorts of issues to do with forms of organised violence. This widening of the research agenda points to a core problem in the discipline, that is widespread disagreement as to its central notion: *what is security?* Arguably one of the more accepted definitions that has withstood the test of time is that by Wolfers:

> "Security, in an objective sense, measures the absence of threats to acquired values, and in a subjective sense, the absence of fear that such values will be attacked." [7]

The benefit to Wolfers' definition is first and foremost that it explicitly allows for a differentiation between objective and subjective renditions of (in-)security. The implication of this is that the perception of (in-)security may differ from the 'reality' of (in-)security. While the approach adopted in my study significantly departs from any notion that implies that security can exist as an objective, natural fact and instead advocates the idea that security is always constructed, Wolfers' definition presents a refreshing contrast to most mainstream thought in early strategic studies that portrayed security through the immutable category of national interest. Similarly, Wolfers' focus on 'values' rather than 'interests' allows for a more inclusive and flexible conceptualisation of security.[8]

      While the strand of strategic studies that dominated the late phase of the Cold War had a particularly constrained imagination of security that heavily relied on game-theoretic models and a decidedly materialist, structuralist approach to the study of the

[7] Wolfers, A. (1952). National Security as an Ambiguous Symbol. *Political Science Quarterly,* 67 (4): 481-502.

[8] Similar definitions that also allude to 'values' as referent object are those by Lippmann ("a nation is secure to the extent to which it is not in danger of having to sacrifice core values, if it wishes to avoid war, and is able ... to maintain them by victory in such a war" (Lippmann, W. (1943). *US Foreign Policy: Shield of the Republic.* Boston: Little Brown, p. 51)), and Baldwin (security means "a low probability of damage to acquired values" (Baldwin, D. (1997). The Concept of Security. *Review of International Studies, 23* (1): 5-26.))

international system, most prominently developed in Kenneth Waltz' neo-realism[9], the field of security studies rapidly opened up with the end of the Cold War. The broadening of the international security agenda – and its academic counterpart – quickly led to the emergence of new security issues and a fundamental rethinking of security. Talk of superpower confrontation abated and the focus on interstate conflict became less central to the discipline. Conversely, the opening up of security studies is concisely captured in notions such as Buzan's 'sectoral approach'[10] – security is stretched horizontally to include not just military security but the sectors of political, economic, societal and environmental security as well (new referent objects) – and notions such as 'human security' or Samuel Huntington's 'clash of civilizations'[11] – security is stretched vertically below and above the nation-state (new levels of analysis).

1.2 New threats and piracy at the Horn of Africa

In this globalised, interdependent world European states see themselves faced with a myriad of 'new threats', which extend beyond a traditional conception of security solely oriented towards interstate warfare and includes challenges such as terrorism, organised crime, regional instability, energy supply security, migratory pressures, environmental disasters.[12] One of these new threats is in fact a very old threat that has made a rather spectacular comeback onto the international security agenda in 2008: piracy. Having been abandoned to cinemas and debates about intellectual property rights, piracy re-emerged as the scourge of the seas in the unlikeliest (or perhaps likeliest) of places, Somalia. Operating in a vast area at the Horn of Africa (HoA) – including Djibouti, Eritrea, Ethiopia, Kenya and Somalia[13] – Somali pirates have

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[9] Waltz, K. (1979). *Theory of International Politics*. New York: McGraw Hill.

[10] Buzan, B. (1991). *People, States and Fear: An Agenda for Security Studies in the Post-Cold War Era.* Brighton: Wheatsheaf.

[11] Kaldor, M., Martin, M. & Selchow, S. (2007). Human Security: A New Strategic Narrative for Europe. *International Affairs, 83* (2): 273-288; Huntington, S. P. (1996). *The Clash of Civilizations and the Remaking of World Order*. New York: Simon & Schuster.

[12] Matlary, J. H. (2009). *European Union Security Dynamics: In the New National Interest*. Basingstoke: Palgrave Macmillan; Edmunds, T. (2006). What *Are* the Armed Forces for? The Changing Nature of Military Roles in Europe. *International Affairs, 82* (6): 1059-1075.

[13] Although the EU defines the Horn of Africa somewhat expansively with recourse to all of the countries belonging to the Intergovernmental Authority on Development (IGAD) – that is Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan and Uganda – the latter three can be ignored in a discussion of piracy as they are irrelevant either due to their land-locked

dominated headlines and policy meetings. Commission President Barroso remarked that "piracy, violence and lawlessness continue to plague the land and of course the seas of Somalia".[14]

Appreciating that "maritime routes are essential for EU trade and regional stability"[15], the EU dispatched its first military naval mission to the HoA under the Common Security and Defence Policy (CSDP). EU counter-piracy operation *Atalanta* (formally EUNAVFOR Somalia) was launched in December 2008 and it is set to continue until at least December 2014, with the objective of 'deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast'.[16] What makes *Atalanta* interesting as a case of EU security is that it represents a departure from previous CSDP missions.

There are many diverse accounts of why member states may choose to undertake security action at the EU level. It facilitates burden-sharing, and economies of scale; it facilitates risk-sharing and politics of scale; it provides a platform for the transformation of national militaries; it can provide cover for particularistic national interests; it spurs competitiveness in the European defence market; it provides an important step towards political union. With seemingly endless possibilities in sight, many observers stood confounded when the CSDP grinded to a near halt following the enactment of the Lisbon Treaty (which, ironically, was intended to lend impetus to the CSDP). A plethora of lamentations have combined to assert that the CSDP suffers from a 'strategic deficit', that is a lack of purpose and punch.[17] Since then the only missions that came out of the CSDP machinery were *Atalanta* and its Somalia-based flanking missions

territories (South Sudan, Uganda), or due to the extremely low number of piracy incidents (Sudan).

[14] Barroso, J. M. (2009). Speech at the International Conference on Somalia. Brussels, 23 April 2009. http://europa.eu/rapid/press-release_SPEECH-09-188_en.htm

[15] European Commission (2009). The Instrument for Stability – Multi-annual Indicative Programme 2009-2011, Brussels, 8.4.2009, C(2009)2641, p. 12. http://ec.europa.eu/europeaid/what/security-conflict/documents/ifs_2009_2011_en.pdf

[16] Council of the EU (2008). *COUNCIL JOINT ACTION 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast*. Official Journal of the EU, L 301/33, 12 November 2008.

[17] Menon, A. (2011). Power, Institutions and the CSDP: The Promise of Institutionalist Theory. *Journal of Common Market Studies, 49* (1): 83-100; Biscop, S. (2002). In Search of a Strategic Concept for the ESDP. *European Foreign Affairs Review, 7*: 473-490; Shepherd, A. (2003). The European Union's Security and Defence Policy: a policy without substance? *European Security, 12* (1): 39-63; Biscop, S. & Coelmont, J. (2010). A Strategy for CSDP: Europe's Ambitions as a Global Security Provider. *Egmont paper, no. 37*, October 2010; Gourlay, C. (2011). *The Politics of EU Civilian Interventions and the Strategic Deficit of CSDP.* DCAF, EU Crisis Management Papers Series, Brussels, September 2011.

EU Training Mission Somalia and EUCAP Nestor, and a number of short-term missions exclusively located in the Sahel.

As already alluded to, *Atalanta* marks a strategic turn for CSDP. Germond and Smith argue that previous missions often lacked a clearly identifiable European security interest (e.g. the civilian monitoring mission of the peace agreement in Aceh, Indonesia), generally were of a very limited scale in ambition and impact, and operated mostly as *civilian* missions. Even the few military missions fielded under CSDP were mostly of the static peacekeeping type involving ground forces.[18] While the EU's earliest interventions would in fact be takeovers from previous NATO deployments (i.e. military peacekeeping missions Concordia and Althea in the Balkans), later military engagements in central Africa could be construed as poorly disguised French attempts to use the cover of the EU to further its national strategic interests in that region.[19]

Although it is accurate that Atalanta is markedly different from previous EU security interventions, this is mostly so for a reason not named above. A core problem for EU foreign policy has been not so much a lack of strategy, as is so fashionable to argue these days. Instead, it is a lack of identity, or rather the neglect of a fundamental part of the concept of identity. Identity necessitates an elaboration of the self through an interpellation with the other. Yet, the latter has been either absent or become increasingly unknown to the EU. Whereas a tacit case can be made that the civilian power Europe narrative drew its internal coherence from either Europe's denunciation of its own violent past or from the refusal to compete in the great power scheme of the Cold War, the widespread dissatisfaction with Europe's fickleness in its own policy circles suggests that the civilian character was to a large extend borne out of necessity. Similarly, the normative power Europe narrative sets itself up against the modern tenets of International Relations where might-is-right, and the rule of law has yet to be established. The global power Europe narrative develops an image of a multipolar future world order. Each of these narratives draws its logics of action either from a temporal 'othering' towards itself, or from a loosely defined other that can never be explicitly named. In its security efforts at the Horn of Africa, the EU finds a convenient other in the Somali pirate – the enemy of all – on the basis of which the EU constructs an important part of its global identity, the management of globalisation.

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[18] Germond, B. & Smith, M. E. (2009). Re-Thinking European Security Interests and the ESDP: Explaining the EU's Anti-Piracy Operation. Contemporary Security Policy, 30 (3): 573-593.
[19] Menon, A. (2009). Empowering Paradise? The ESDP at ten. *International Affairs, 85* (2): 227-246.

1.3 Structure of the thesis

Chapter 2 outlines the major contending narratives that have been invoked to describe EU power in the world. It outlines the three core narratives, namely civilian power EU, normative power EU and global power EU. It draws an analytical divide between civilian/normative power (the two are collapsed into each other for the sake of simplicity) and global power. These power narratives serve to map the analytical space that largely defines the field of EU security, while also providing the conceptual point of departure for the empirical investigation at hand. Thus, while debates on EU power often provide useful analytical lenses through which we can evaluate specific institutional developments or policy outputs, they also regularly obscure the relationship between these crucial categories.

Chapter 3 picks up this conceptual discontent by critically linking it to the alleged 'strategic deficit' of CSDP. It outlines the core strategic deficiencies – lack of clear priorities and weak strategic culture; lacking resources and mismatched instruments; and disjointed policy outputs – and thus provides the basis for a more pragmatic perspective onto the historically and institutionally contingent space of EU security.

Chapter 4 consequentially reframes the problematique of the strategic deficit with recourse to the specific institutional history and structure of EU security. On the one hand, pervasive constructive ambiguity has favoured the institutional imitation of CSDP crisis management structures – largely based on the NATO template. On the other hand, dense transgovernmental relations and executive dominance characterise the governance of CSDP. The result is a depoliticised, 'post-political' space that facilitates a different conceptual approach to the study of EU security, namely the idea of 'managing globalisation'.

Chapter 5 introduces the notion of 'managing globalisation', which forms the central conceptual framework for this study. Although initially derived from EU external trade policy, the concept has considerable theoretical and analytical import for the study of EU security at large, and EU counter-piracy in particular. Based on five mechanisms whereby globalisation is managed (i.e. expanding policy scope; exercising regulatory influence; empowering international institutions; enlarging the territorial sphere of the EU; and redistributing the costs of globalisation), we can construct the

conceptual parameters that help us understand the EU move towards becoming a global security-provider.

Chapter 6 is the first empirical chapter and it focuses on how the EU has constructed the Somali pirate into a threat to global order. A Schmittian logic of identity construction – rendering the pirate as the enemy of all – frames the EU's reductionist view of the political economy of piracy and its maximalist view of piracy as an instance of organised crime. This rationalises the EU's global role as a manager of the adverse effects of globalisation.

Chapter 7, the second empirical section, analyses the EU's policy approach to Somali piracy: comprehensive security. Both the military and the civilian dimension of the comprehensive approach are structured by the imperatives of externalisation and 'effective multilateralism', which relocate responsibility for action while globalising the security issue, respectively. In turn, the EU's comprehensive approach matches the notion of it being a manager of globalisation.

1.4 A note on method

The study will be conducted as a detailed within-case study, which provides for a high degree of conceptual validity.[20] Due to its epistemological foundations it eschews the language of variables, hypotheses and even causality. Instead, it relies on the co-constitutive and performative relationship between identity and politics. The phenomenon to be explained is the formation of piracy as an EU security threat and the subsequent policy response following from this. Intensive text analysis is carried along the lines of discourse analysis out by drawing on two major types of sources, that is official documents and speeches, and semi-structured elite interviews. The time dimension of the empirical observations covers the period from 2008 until 2013.

Most of the core official documents come in the form of EU Council decisions, such as the European Security Strategy and the Strategic Framework on the Horn of Africa. Official statements by the High Representative, the EU Special Representative for the Horn of Africa, as well as input by the European External Action Service, the European Parliament and high-ranking personnel within the governing bureaucratic structures of the CSDP (i.e. Political and Security Committee; EU Military Committee; EU

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[20] George, A. L. & Bennett, A. (2005). *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: MIT Press, p. 15.

Military Staff) is drawn upon where accessible and relevant. This is complemented by a number of strategic documents at the national level that make direct reference to EU security cooperation and particularly counter-piracy.

To substantiate my argument (and provide a measure of data triangulation) I draw upon semi-structured elite interviews with a number of officials involved in the EU security policy process, both from the European and national levels, and located at the strategic, operational and tactical levels of counter-piracy (for a list consult the annex). Interviewees from the national Permanent Representations to the European Union all asked to remain anonymous. Further, newspaper sources are used to provide contextual depth in the analysis of Somali piracy. The main body of secondary sources is constituted by academic literature located in various peer-reviewed journals and policy papers by security policy think-tanks.

The particular difficulty with gaining access to high-level documents in the realm of security policy is well-known. The EU as an entity is arguably more and less transparent in this regard at the same time. On the one hand, it does not have the same culturally and institutionally embedded secretiveness of national security apparatuses, whose long and proud traditions have made them fairly resistant to public scrutiny let alone self-motivated transparency.[21] On the other hand, the EU at large – and its security policy nexus in particular – possesses certain design features that are geared at maximising executive control over the policy process. The long lamented 'democratic deficit' is nowhere as pronounced as it is in CSDP. Thus, there is hardly any access to official documents at the operational and tactical levels. For instance, access to a copy of the manual outlining the Rules of Engagement for CSDP military missions – certainly a less contentious document – was eventually denied.

There is however, a broad range of soft sources available. For example, operation Atalanta has its own website, which is constantly being updated with news about the mission, covering changes in the operational environment or turnover in mission deployment (see http://eunavfor.eu/). The website's 'Media Room' provides links to the mission's Facebook, Twitter, Flickr, and Vimeo pages as well as containing images and additional information for the interested visitor. Add to this national militaries' public relations efforts – a particular gem: their respective *Youtube* channels,

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[21] Transparency International (2013). *Defence and Security Policy.* http://www.ti-defence.org/our-work/defence-corruption-risks-typology/political/defence-security-policy; see also Transparency International's 'Government Defence Anti-Corruption Index, http://government.defenceindex.org/

such as the one of Germany's Bundeswehr, which has a neat video about its engagement in *Atalanta* (see http://www.youtube.com/watch?v=eVWFcdEIiio), and there is a broad range of sources available from which to draw inferences about how the EU views piracy and its own role in tackling it. While many of these soft sources are often dismissed in terms of the authority they command in academic research, they should not be discarded outright. Instead we should look at the expanded virtual presence of EU institutions via social media as an opportunity to compensate for the general lack of transparency, which has only become aggravated since a sizable portion of diplomatic cables found their way onto Wikileaks. Also, since we are interested in the discursive construction of piracy as a security issue, and the resulting policy choices, this material in many instances is even better suited for our purpose than undisclosed Council minutes, because it is produced and enacted with a sense of audience in mind.

Chapter 2

Reading EU security: contending power narratives of the EU's international identity

2.1 Many labels, fewer narratives

The sheer volume of labels that have been used to describe the EU's international actorness or identity indicates how little agreement there is to this question. Recent (and not so recent) characterisations of the EU include the following: 'civilian power'[22], 'normative power'[23], 'ethical power'[24], 'post-modern power'[25], 'superpower'[26], 'quiet superpower'[27], 'global power'[28], and even 'metrosexual power'[29]. The latest addition to

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[22] Duchêne, F. (1973). The European Community and the Uncertainties of Interdependence, in: M. Kohnstamm & W. Hager (Eds.), *A Nation Writ Large? Foreign-Policy Problems before the European Community*. London: Macmillan; Telo, M. (2006). *Europe: a Civilian Power? European Union, Global Governance, World Order.* Basingstoke: Palgrave Macmillan.

[23] Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies, 40* (2): 235-258; Bicchi, F. (2006). 'Our Size Fits All': Normative Power Europe and the Mediterranean. *Journal of European Public Policy, 13* (2): 286-303; Forsberg, T. (2011). Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type. *Journal of Common Market Studies, 49* (6): 1183-1204.

[24] Aggestam, L. (2008). Introduction: ethical power Europe? International Affairs, 84 (1): 1-11.

[25] Smith, M. (2003). The framing of European foreign and security policy: towards a post-modern policy framework? *Journal of European Public Policy, 10* (4): 556-575.

[26] Schnabel, R. A. (2005). *The Next Superpower? The Rise of Europe and its Challenge to the United States*. Lanham: Rowman & Littlefield; McCormick, J. (2007). *The European Superpower*. Basingstoke: Palgrave Macmillan.

[27] Moravcsik, A. (2009). Europe: The quiet superpower. *French Politics, 7* (3/4): 403-422.

[28] Rogers, J. (2009). From 'Civilian Power' to 'Global Power': Explicating the European Union's 'Grand Strategy' Through the Articulation of Discourse Theory. *Journal of Common Market Studies, 47* (4): 831-862; Howorth, J. (2010). The EU as a Global Power: Grand Strategy for a Global Grand Bargain? Journal of Common Market Studies, 48 (3): 455-474.

[29] Khanna, P. (2004). *The Metrosexual Superpower*. Foreign Policy, 1 July 2004, http://www.foreignpolicy.com/articles/2004/07/01/the_metrosexual_superpower, last accessed 17 April 2013.

the list is 'market power Europe'.[30] Nor is this an entirely new debate initiated by major institutional deepening in the form of CFSP and CSDP.

The multiplicity and complexity of EU identities leads some sceptics to conclude that trying to resolve the issue is a fool's errand. And while it is reasonable to argue that "rather than concentrating on what the EU *is* (…), we should concentrate on what the EU *does*"[31], the simultaneous fascination and disillusionment with the EU's international identity reflects a certain promise that this line of inquiry holds.

For one thing, the EU continues to be a rather stand-alone experiment in international politics, which hints at new forms of governance as well as a fundamental reshaping of notions of sovereignty and legitimacy. Arguably, this becomes even more true towards the background of what increasingly looks not only like a functional crisis at EU level – be it economics, democracy, security or else – but an existential one. Again, while the cynics may already herald the end of the European project, it is more rewarding to scrutinise how change in the material and ideational conditions that shape the EU brings about change in the EU's perception of itself as an international actor as well as others' perceptions of the EU in turn, since "the international role and development of an international actor […] depends on the way it conceptualizes itself and its means".[32] As such, the idea of the EU as a *sui generis* actor, one that is predicated on a more variegated conception of actorness and legitimacy, continues to challenge us to question core concepts of the IR discipline. The continuing relevance of the 'what kind of an actor' debate rests with the idea that in order for the EU to be able to 'know' what to 'do' in international politics, it must 'know' what its own role in this realm is.

Furthermore, this multiplicity and complexity demonstrates that there are inconsistencies and contradictions at the heart of EU foreign policy. While all too often debate remains overly descriptive and unimaginative – see buzzwords such as the *militarisation* of the EU - we may inquire as to whether and how the EU attempts and manages to resolve these contradictions. It may seem rather conventional when Henrik Larsen states that the EU seeks to portray itself "as a political unit with a role to play in world politics with its own interests. *Europe* is *constructed* as an international unit or

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[30] Jurje, F. & Lavenex, S. (2013, forthcoming). Trade Agreements as Venues for ´Market Power Europe´? The Case of Immigration Policy. *Journal of Common Market Studies*.
[31] Smith, K. E. (2005). Beyond the civilian power EU debate. *Politique europeenne, 2005/3*, No. 17: 63.
[32] Larsen, H. (2002). A Global Military Actor? *Cooperation and Conflict, 37* (3): 286.

identity".[33] However, the narratives that are forwarded to conceptualise and contextualise EU foreign policy are not merely objective labels that describe foreign policy activity and behaviour but are also framing devices that legitimise EU actorness and power on the global stage. By tracing these contending EU power narratives we can make intelligible this "process of continuous framing and reframing of the policy space".[34] In a highly illustrative exposé of this line of thinking, where identity is constantly constructed and reconstructed, Ian Manners provides a historical-contextual overview of EU power narratives, in which he outlines six 'myths of global Europa': the bull myth; the third force myth; the civilian power myth; the normative power myth; the gender myth; and the multipolar myth.[35]

I will broadly maintain the categorisation forwarded by Karen E. Smith, as it provides for analytical distinctiveness.[36] Thus, we may reduce the multitude of EU international identity or actorness into two 'ideal' types: civilian/normative power; and global power.[37] We also allow for the possibility of an additional null-case scenario where the EU would be characterised as a non-power (the following chapter touches upon this with regard to the debate on the EU's strategic deficit).

The distinguishing features of these two major narratives are the following: The civilian/normative narrative aims at milieu goals, formulated in the form of (universal) norms productive of a cosmopolitan international order. It operates by means of persuasion, formulated in the diplomatic, economic and cultural spheres. The global power narrative, on the other hand, is self-referential in that it pursues possession goals constitutive of a European interest (however loosely defined), arguably (strategic) equivalence in a multipolar world. The means employed can be of a diplomatic, economic and military nature, and they may be applied coercively and preventively.

The next two sections of this chapter discuss in turns the two major EU power narratives employed here: civilian/normative power, and global power.

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[33] Larsen, H. (2000). The Concept of Security in the EU/CFSP. *Australian Journal of International Affairs, 54* (3): 352, emphasis added.
[34] Smith, M. (2003). The framing of European foreign and security policy: towards a post-modern policy framework? *Journal of European Public Policy, 10* (4): 557.
[35] Manners, I. (2010). Global Europa: Mythology of the European Union in World Politics. *Journal of Common Market Studies: 48* (1): 67-87.
[36] Smith, K. E. (2008). *European Union foreign policy in a changing world*. Cambridge: Polity Press.
[37] In Smith's terms, respectively: civilian power; power bloc; and flop.

2.2 Values, cooperation, persuasion: Civilian power EU/normative power EU

In its earliest elaborations such as that forwarded by Duchêne, the 'civilian' or 'civilising' essence of the EU is directed mostly inwards. European integration serves as a cooperative endeavour to stabilise, or *domesticate*, interstate relations. Civilian power aims "to bring to international problems the sense of common responsibility and structures of contractual politics which have in the past been associated almost exclusively with "home" and not foreign, that is *alien*, affairs".[38] As such, the notion of civilian power represents "a new stage in political civilisation".[39] This idea of European integration as a peace project continues to demonstrate its relevance today, however it has little bearing on the construction of the EU as an *international* actor itself. European foreign policy as foreign policy between EU member states has in many ways become Europe's domestic politics. To gauge whether the notion of civilian power maintains its relevance we must turn to the external dimension of the EU.

Here the four core elements of civilian power are: civilian means; civilian ends; the use of persuasion; and civilian control over foreign and defence policy-making. The civilian means identified by Karen E. Smith are by definition non-military and include economic, diplomatic and cultural policy instruments.[40] Civilian ends are commonly held to be the civilising of interstate relations as expressed in the increasing size and importance of the body of international law, international cooperation and solidarity, commitment to environmental sustainability, and the diffusion of values of equality, justice and tolerance.[41] What sets this notion of international actorness apart from traditional conceptions is found in Wolfers' distinction between possession and milieu goals.[42] Whereas possession goals are derived from and advance the 'national interest', milieu goals are aimed at environmental stabilisation.

Here we need to address the tensions that frequently come to the fore amongst proponents of civilian power. While for some observers the creation of military

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[38] Duchêne, F. (1973). The European Community and the Uncertainties of Interdependence, in: M. Kohnstamm & W. Hager (Eds.), *A Nation Writ Large? Foreign-Policy Problems before the European Community, p. 20.* London: Macmillan.

[39] Ibid, p. 19.

[40] Smith, K. E. (2005). Beyond the civilian power EU debate. *Politique europeenne, 2005/3*, No. 17: 63.

[41] see Duchêne, F. (1973). The European Community and the Uncertainties of Interdependence, in: M. Kohnstamm & W. Hager (Eds.), *A Nation Writ Large? Foreign-Policy Problems before the European Community.* London: Macmillan; Maull, H. W. (1990). Germany and Japan: The New Civilian Powers. *Foreign Affairs, 69* (5), Winter 1990/91.

[42] Wolfers, A. (1962). *Discord and Collaboration: Essays on International Politics.* Baltimore: Johns Hopkins Press.

structures at EU level – most notably the Battlegroups under the CSDP –dealt a death blow to the civilian power notion, others maintain its relevance by submitting that ultimately it is civilian ends that matter, even if the means may not be.[43] In fact, some would argue that it is precisely coercive means that make civilian ends and the actor that pursues them credible. This line of reasoning is well represented in debates about humanitarian intervention – with the emphasis on *humanitarian*.[44] However, Smith maintains that in order for civilian power to be conceptually meaningful, it should demarcate soft power (i.e. persuasion and attraction).[45]

It is the economic field that arguably best demonstrates the internal contradictions of the civilian power narrative. Early conceptualisations of civilian power relied on the centrality of economic power as a means to pursue the national interest.[46] Economic power is here generally regarded as a soft form of power. Because it is bound up in structures of interdependence it supposedly operates in a more conciliatory fashion than the direct, coercive power of military might. According to Rosecrance the EU is a prime example of the trading state.[47] Due to the EU's deep embeddedness in global economic interdependence it has a principal interest in the stability of its environment – both peripheral and global – thus facilitating reciprocity and negotiation rather than coercion towards its counterparts. Here civilian power is functionally derived from the EU's strength as an economic entity and its weakness as a military one. Michael Smith points at this fact when he contends that

> "the framing of EU foreign policy has created a policy space in which there is no effective opportunity to move beyond the role and preferences of 'trading statehood', and in which member state foreign policies predominate as soon as the stakes are raised in terms of 'high politics'".[48]

[43] Stavridis, S. (2001). "Militarising" the EU: The concept of civilian power Europe revisited. *The International Spectator: Italian Journal of International Affairs, 36* (4): 43-50.

[44] Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies, 40* (2): 235-258.

[45] Smith, K. E. (2005). Beyond the civilian power EU debate. *Politique europeenne, 2005/3*, No. 17: 68; Soft power does not imply 'weakness', which is precisely what Robert Kagan asserts in his gendering of European and US approaches to power: "Americans are from Mars and Europeans are from Venus" (see Kagan, R. (2003). *Of Paradise and Power: America and Europe in the New World Order*. New York: Knopf.).

[46] Twitchett,, K. J. (1976). External Relations or Foreign Policy? In: K. J. Twitchett (Ed.), *Europe and the World: The External Relations of the Common Market.* London: Europa Publications, pp. 1-2.

[47] Rosecrance, R. (1986). The rise of the trading state: Commerce and conquest in the modern world. New York: Basic Books.

[48] Smith, M. (2003). The framing of European foreign and security policy: towards a post-modern policy framework? *Journal of European Public Policy, 10* (4): 568.

However, the EU's trade power assumes a more reflexive, self-interested image when we consider its modes of operation. On the one hand, the EU is an established 'power *in* trade' because it is the single largest international trading bloc. On the other hand, the EU is increasingly a 'power *through* trade' because it uses market access to exert pressure and bring about change in the domestic sphere of its trading partners.[49] The idea of 'power through trade' points to the fact that the EU uses trade to achieve non-trade objectives, such as preferential bilateral agreements or regional initiatives like the economic partnership agreements (EPAs) with groups of African states. Here EU foreign policy action appears decidedly self-interested, and trade power operates according to the logic of direct power, its relational quality being closer to coercion than sometimes admitted by proponents of the civilian power narrative. Meunier and Nicolaïdis' assertion that the EU is a 'conflicted trade power' thus is not only derived from differences in member states' preferences but also from the tensions that exist between the priorities this external governance approach advocates and the norms it promotes towards the EU's trading partners.[50] We can thus detect a fraying of the civilian power ideal-type with respect to external economic policy.

The previous example provides a telling illustration of the conceptual inconsistencies of civilian power. The fluidity of the civilian power narrative – especially with regard to its soft power predisposition and emphasis of universal values – comes into view when we approach the more recent discourse on EU 'normative power'.

The normative power narrative hinges on the EU's norms, rules and values, and their export and promotion abroad. EU value-projection seeks to construct its target in the image of the EU itself. Ian Manners forwards the notion of normative power with reference to Carr's distinction between economic power, military power and power over opinion. It is this latter 'ideational' orientation of power that seeks to separate the concept from previous debates that seemed preoccupied with capabilities and move towards an understanding of how the EU shapes conceptions of 'normal'.[51] This approach is necessarily directly derived from the history of the EU itself, and its 'special' standing in international relations, constructing itself as a post-Westphalian and anti-

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[49] Meunier, S. & Nicolaïdis, K. (2005). The European Union as a Trade Power, in: C. Hill & M. Smith (Eds.) *The International Relations of the European Union.* Oxford University Press, pp. 265-6, emphasis in original.

[50] Meunier, S. & Nicolaïdis, K. (2006). The European Union as a Conflicted Trade Power. *Journal of European Public Policy, 13* (6): 906-925.

[51] Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies, 40* (2): 239.

Realpolitik alternative to great power rivalry. Normative power seeks to 'overcome' power politics through the strengthening of cosmopolitan law.[52] Manners outlines five core norms, which are deeply ingrained in the constitutive documents of the European Union: peace, liberty, democracy, the rule of law, and human rights. To these he adds four minor norms, which he admits are more circumstantial and contested: social solidarity, anti-discrimination, sustainable development, and good governance. Therefore, while normative power is exemplary power and thus has its source in the being of the EU itself, its ends are also declared universally applicable. It is the normativity of European *Union* that sets it apart as an international actor.

This is simultaneously where the concept runs into trouble since such a self-understanding risks being highly particularistic.[53] Normative power in the previous elaboration translates into 'a force for good'. However, some have posed the question whether the EU projects its own, internally derived norms on the outside world – as suits the civilising power – or whether it promotes a set of 'universally' acclaimed norms in its external relations.[54] And even a claim to universality is not unproblematic as put succinctly by Thomas Diez:

> "The standards of the self are not simply seen as superior but of universal validity, with the consequence that the other should be convinced or otherwise brought to accept the principles of the self".[55]

If we consider how the EU's external trade policy is implemented, it becomes clear that "its external efforts are about *replication* more than *domination*".[56] This 'external governance' operates through the export of the EU's internal rules and procedures to other countries and regions.[57] The EU's support for regionalism and subsequent inter-regionalism is a clear manifestation of its preference for re-constructing its international

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[52] Sjursen, H. (2006). The EU as a 'normative power': how can this be? *Journal of European Public Policy, 13* (2): 236.

[53] Sjursen, H. (2006). The EU as a 'normative power': how can this be? *Journal of European Public Policy, 13* (2): 248.

[54] Bicchi, F. (2006). 'Our Size Fits All': Normative Power Europe and the Mediterranean. *Journal of European Public Policy, 13* (2): 287.

[55] Diez, T. (2004) Constructing the Self and Changing Others: Problematising the Concept of "Normative Power Europe". Paper presented at the Millennium Conference 'Facets of Power in International Relations'. LSE, London, 30-31 October 2004.

[56] Meunier, S. & Nicolaïdis, K. (2006). The European Union as a Conflicted Trade Power. *Journal of European Public Policy, 13* (6): 912, emphasis in original.

[57] Lavenex, S. (2004). EU external governance in 'wider Europe'. *Journal of European Public Policy, 11* (4): 680-700.

partners in its own image.[58] This clearly sheds doubt on the universality of EU normative power.

Another point of contention for normative power has been the interest-value dialectic. While normative power is conceptually wedded to the latter, the idea has been raised that normative arguments may be forwarded for a strategic purpose.[59] In this vein, Adrian Hyde-Price calls into question the so-called transformative power of the EU. Its constitutive elements – i.e. the EU's economic preponderance, its ability to withhold market access, and the promise of membership – are all sources of 'hard power', by which he seems to say 'means of coercion'.[60]

In a conceptually more dense elaboration and hence more explicit stylisation as another ideal-type of EU power, Tuomas Forsberg identifies a number of criteria for and mechanism of normative power to make the concept more meaningful. These are: 1) normative identity, i.e. the EU is a normative entity; 2) normative interests; 3) norm-based behaviour; 4) normative means of influence; and 5) ability to achieve normative ends.[61] The mechanisms through which normative power functions are: by persuasion, by invoking norms, by shaping discourse, or by leading by example.

While this conceptualisation provides for more analytical rigour than earlier approaches, its similarity to Karen E. Smith's fashioning of civilian power is readily apparent. It is at this point where we suggest collapsing these two narratives into each other to produce observable implications for them. The civilian/normative power complex shares a focus on milieu goals, which are usually formulated in the form of (universal) norms productive of a cosmopolitan international order. Power transmission operates by means of persuasion and exemplification, formulated in the diplomatic, economic and cultural spheres.

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[58] Bicchi, F. (2006). 'Our Size Fits All': Normative Power Europe and the Mediterranean. *Journal of European Public Policy, 13* (2): 286-303.

[59] Youngs, R. (2004). Normative Dynamics and strategic Interests in the EU's External Identity. *Journal of Common Market Studies, 42* (2): 415-435.

[60] Hyde-Price, A. (2008). A 'tragic actor'? A realist perspective on 'ethical power Europe'. *International Affairs, 84* (1): 31.

[61] Forsberg, T. (2011). Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type. *Journal of Common Market Studies, 49* (6): 1191-5.

2.3 Interests, security, strategy: Global power EU

This most recent narrative is closely predicated on the emergence of the EU's military dimension – starting with the inception of the Common Security and Defence Policy in 1999 – and finds its most prominent elaboration in EU discourses on strategy (and particularly grand strategy). It pertains to a more global, interventionist and preventative agenda for EU foreign policy, which seeks to defend and promote EU interests abroad, and advances the EU as a geopolitical actor.

This global power narrative follows both the temporal and functional logic of classical realism, which holds that political entities seek to convert their resources into power. Krotz locates this functionality of 'more capacity for action leads to more action' with reference to:

> "Europe's quest for greater security autonomy, the long-term tenacity of the European actorhood project, the piecemeal expansion of European foreign political involvement and perhaps especially the EU elites' aspirations to fabricate an increasingly robust European security and defence actor".[62]

This latter point is also at the core of Rogers' argument of the EU as a 'discursive polity', where a group of euro-strategists elaborated and facilitated a paradigm shift from civilian power to global power.[63] In fact, there is a multitude of studies that assert the prominent role of an 'epistemic community' of EU security in shaping the rapid institutionalisation of the Common Security and Defence Policy.[64]

It is not a far stretch to assert that the CSDP has been one of the most dynamic policy areas of the EU since its inception. France and the UK – in the midst of the unravelling Kosovo crisis – agreed on a critical turn in EU 'defence' at St. Malo in 1998:

> "the Union must have the capacity for autonomous action, backed by credible military forces, the means to decide to use them, and the readiness to do so, in order to respond to international crises".

To this end member states created a new institutional apparatus for CSDP almost from scratch. Rather than putting the supranational EU bureaucracy in charge – i.e. the

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[62] Krotz, U. (2009). Momentum and Impediments: Why Europe Won't Emerge as a Full Political Actor on the World Stage Soon. *Journal of Common Market Studies, 47* (3): 570.

[63] Rogers, J. (2009). From 'Civilian Power' to 'Global Power': Explicating the European Union's 'Grand Strategy' Through the Articulation of Discourse Theory. *Journal of Common Market Studies, 47* (4): 831-862.

[64] Merand, F. (2008). *European Defence Policy: Beyond the Nation State.* Oxford: Oxford University Press; Merand, F., Hofmann, S. C. & Irondelle, B. (2011). Governance and State Power: A Network Analysis of European Security. *Journal of Common Market Studies, 49* (1): 121-147; Howorth, J. (2004). Discourse, Ideas and Epistemic Communities in European Security and Defence Policy. *West European Politics,* 27 (2): 211– 234.

Commission – member states chose to create a support structure around the rather intergovernmental Council Secretariat and the member states' Permanent Representations.[65] This includes a multiplicity of bureaucratic bodies, such as the Political and Security Committee (PSC), the EU Military Committee (EUMC), the EU Military Staff (EUMS), the European Defence Agency (EDA), and various more. The Petersberg Tasks – updated under the Headline Goal 2010 – specify the types of engagements the EU would aim to undertake: "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces undertaken for crisis management, including peace-making and post-conflict stabilisation".[66] Operationally, the original aspiration was to be able to field a European Rapid Reaction Force (ERRF), as laid out in the Helsinki Headline Goal (HHG).[67] However, it quickly became clear that capability development would not be forthcoming as quickly as hoped. Eventually, the ERRF was substituted with the smaller, more flexible Battlegroups concept to allow for frequent, parallel missions in distant theatres. The early culmination of this institutional progress, however, came with the delivery of the EU's first operations in 2003 and the issuance of the European Security Strategy (ESS) in December that year.

The European Security Strategy drafted by then High Representative Javier Solana was widely hailed as the most significant development in European security policy since the setting up of the CFSP some ten years prior. Entitled ' A Secure Europe in a Better World', the document provides the outlines for a more 'active, capable, and coherent' EU on the international stage.[68] The strategy represents a combination of familiar truths – such as regarding the pre-eminence of the transatlantic link, the importance of international institutions and order, and the EU's preoccupation with its immediate neighbourhood – with a crucial new positioning of the EU. With respect to the latter, what is arguably most remarkable about the document is the explicitly global

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[65] Vanhoonacker, S., Dijkstra, H. & Maurer, H. (2010). Understanding the Role of Bureaucracy in the European Security and Defence Policy: The State of the Art, *European Integration online Papers,* Special Issue 1, Vol. 14: 1-33.

[66] European Union (2007). *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*. Lisbon, 13 December 2007, Article 28b. Official Journal of the EU, C 306, Volume 50, 17 December 2007.

[67] "Co-operating voluntarily in EU-led operations, Member States must be able, by 2003, to deploy within 60 days and sustain for at least one year military forces of up to 50,000-60,000 persons capable of the full range of Petersberg tasks" [stated in Article 17 of the Treaty on European Union].

[68] European Council (2003). *A Secure Europe in a Better World – European Security Strategy*. Brussels, 12 December 2003. http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf, last accessed 7 June 2013.

orientation of the strategy. The EU is held to be "inevitably a global player" that is compelled to "share in the responsibility for global security and in building a better world". The key threats identified are terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure, and organised crime. Most of these so-called 'new' threats are transnational, indiscrete and dynamic in nature. Overall, the European security landscape has become decidedly more complex with the end of the Cold War, and so have the challenges facing European nations. According to the strategy, "the European Union is particularly well-equipped to respond to such multi-faceted situations", propagating a vision of security that is defined by a comprehensive approach and works through 'effective multilateralism' and 'preventive engagement'. As we will come to see, the ESS is a very broad document whose 'strategic' purview is limited. Its more imminent – and contentious – contribution to EU foreign policy was the introduction and dispersion of strategy in the first place. Subsequently, we can observe the blossoming of a variety of 'strategic' documents (both geographically and issue-based) as well as 'strategic' partnerships (these will be critically evaluated in the following chapter).

What exactly the CSDP and the ESS imply for the orientation of the EU on the international stage has been the subject of heated debate. For instance, while especially in American foreign policy circles and academia we find the assertion that the CSDP and ESS channel the EU's global ambition to a degree that represents a soft balancing effort against the United States[69], this claim has been rather convincingly refuted.[70] A more contentious issue has been whether this development heralds the militarisation of the EU[71], and if so what precisely we should understand by that. The small scale of the few military missions the EU has undertaken throws that claim into doubt. However, in the new discourse on the EU's global role and responsibilities we can increasingly find the terminology of geopolitics. The most explicit and ambitious thinking along these lines advocates the establishment of a 'forward presence' for the EU through the use of member states' overseas military installations.[72]

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[69] See Art, R. J. (2005). Striking the balance. *International Security, 30* (3): 177-185.
Posen, B. (2006). European Union Security and Defense Policy: Response to Unipolarity? *Security Studies, 15* (2), pp. 149-86.
[70] Howorth, J. & Menon, A. (2009). Still Not Pushing Back: Why the European Union Is Not Balancing the United States. *Journal of Conflict Resolution, 53* (5): 727-744.
[71] Manners, I. (2006). European Union 'Normative Power' and the Security Challenge. *European Security, 15*: 405-421.
[72] Rogers, J. (2011). *A New Geography of European Power?* EGMONT paper 42. EGMONT Royal Institute for International Relations, Brussels, p. 4.

The qualitative shift of the ESS towards a more self-interested, interest-based, assertive notion of actorness is obvious. It reflects a growing conviction that in order for the EU to be a credible actor it must possess the full range of foreign policy instruments, that is including military power. Consequently, the global power narrative is marked by a focus on possession goals, which are formulated in a wide, global context. Policy prescriptions are multisectoral (military, economic, diplomatic) and may be exercised coercively.

The following table summarises the previous discussion by outlining a rough typology of EU power:

Table 1: Typology of EU power

Civilian/normative power	Global power
Milieu goals	Possession goals
(Universal) Values, norms	(European) Interest
Cosmopolitan int'l order	'Effective multilateralism'
Diplomatic; economic; cultural; legalistic	Military; economic; diplomatic
Persuasion; exemplification; transformation	Coercion; prevention; pre-emption;

It is important to acknowledge that these ideal types are stylisations that may be difficult to maintain when contrasted with empirical reality. Furthermore, the above typology neglects a crucial dimension of EU security policy in terms of its relation to the outside world. In the words of Barbé & Kienzle, a distinction can be drawn with regard to whether the EU functions as a security provider or a security consumer.[73] Whereas the former reflects an integrated view of security – the security of others is connected to one's own security – the latter's view of security is mostly self-referential. Therefore, a security provider cares about systemic stability, while a security consumer is primarily motivated by his own parochial security concerns. The distinction is interesting because it provides us with a way to situate the EU's security policy – here specifically counter-piracy – in the wider context of international security. It also sheds light on the fluidity of EU power narratives. Whereas global power EU seems more representative of a security

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[73] Barbé, E. & Kienzle, B. (2007). Security Provider or Security Consumer? The European Union and Conflict Management. *European Foreign Affairs Review, 12*: 521.

consumer approach, civilian power/normative power appears reflective of a security provider approach.

We should also note that all of the narratives that are forwarded make a claim to being relevant at the global level. While the 'global power' narrative seems to imply that it may be more 'global' than the others, this is not necessarily so. The civilian and normative power objective of a cosmopolitan international order operates at the same level as the global power idea of effective multilateralism.

2.4 EU 'multiple personality disorder'?

That the characterisation of the EU as an international actor continues to be a messy affair should seem obvious by now:

> "Pinning a single international identity on the EU is […] not easy: sometimes it appears to be a civilian power, using persuasion to pursue milieu goals; at others it looks like a power bloc, seeking to protect and promote its geopolitical and economic interests; occasionally the hybrid of civilian power and power bloc may also fit. But the EU also seems to be flirting rather dangerously with failure and irrelevance".[74]

Possibly due to this, much recent scholarship has chosen to focus on other questions of European foreign policy, for instance the issue of effectiveness.[75] While this research is very valuable in gaining deeper empirical knowledge of EU external action, it usually fails to contribute to a better conceptual understanding of the EU itself. The idea that the EU may be a *sui generis* actor remains and in this context we need to re-assess notions of EU power and actorness in the world, because it appreciates the notion of the EU as a political entity still in the making, or, as it is sometimes put, "always becoming, never being".

The types of (grand) narratives displayed by 'civilian power EU' or 'global power EU' do not merely reflect the nature of EU foreign policy outcomes but in the first place signal a specific self-understanding and -location in international relations. To criticise

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[74] Smith, K. E. (2008). *European Union foreign policy in a changing world*. Cambridge: Polity Press, p. 240.
[75] Bickerton, C. (2011). European Union Foreign Policy: From Effectiveness to Functionality. Basingstoke: Palgrave Macmillan; Thomas, D. C. (2012). Still Punching below Its Weight? Coherence and Effectiveness in European Union Foreign Policy. Journal of Common Market Studies, 50 (3): 457-474; Asseburg, M & Kempin, R. (2009). *The EU as a Strategic Actor in the Realm of Security and Defence?*
A Systematic Assessment of ESDP Missions and Operations. SWP Research Paper, 2009/RP 14, December 2009. German Institute for International and Security Affairs, Berlin.

such ideal-types for not corresponding with empirical reality is a valid undertaking, however, here it would miss the point of tracing and explicating such contradictions between identity and behaviour. As actors disown or rationalise these contradictions in an effort to maintain cognitive integrity – that is logical and normative continuity in the constitutive narrative of their identity – or acknowledge and integrate such contradictions into a newly emerging discourse of self-identification, we come to understand the utility of employing these power narratives as heuristic devices that provide us with a grid onto which we can map the EU's international action.

Tracing the evolution of EU power narratives it should seem clear that their emergence is strongly contingent on the history of European integration itself, as well as the wider changes in the socioscape of European security. In this vein, the civilian power narrative is as much to do with the EU's particular institutional development as it is with its struggle to define for itself a place in a Cold War world of great power rivalry. The same applies to the emergence of 'normative power' in the context of the transformation of Central and Eastern Europe in the 1990s, as well as 'global power' towards the backdrop of conflict in the Balkans. While their emergence is highly contingent, their endurance is persistent. Each of these 'stories' of the EU's power and role continue to shape the expectations and objectives of policy-makers. They all suggest a type of linearity and purposefulness that guides EU action in the world. This study seeks to disentangle how these different narratives achieve this guidance and how they relate to each other. What is crucial to understand is that while a specific power narrative may be dominant over others at any given point, this does not mean that different narratives are necessarily mutually exclusive in so far as their practical representation in official discourse is concerned. Larsen makes this point when he argues that "whether the EU is a civilian power is a question of how it is conceptualized in the dominant discourse".[76] While this analytical feat may prove difficult when it comes to ascribing the empirical observations that follow from that, it again focuses our attention on the fluidity of narratives.

The central EU power narratives that have been introduced here provide the backdrop to my conceptual framework based on the idea of the 'management of globalisation' and the subsequent empirical investigation of how Somali piracy has emerged as an EU 'security issue', what material and ideational factors drive EU counter-piracy efforts, and how these reflect the EU's international identity. Further,

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[76] Larsen, H. (2002). A Global Military Actor? *Cooperation and Conflict, 37* (3): 289.

while the current debate on EU security oscillates between the geopolitical, global power narrative and the 'EU in crisis' narrative (in short, CSDP is meaningless and the EU is doomed to irrelevance in international security), we will come to see that there is substantial continuity in the framing of EU external action. However, this is illustrated not by a dogmatic attachment to the grand narratives of EU power, but rather by explicating the important relationship between structure and practice of EU security.

2.5 Narratives, discourses and identities of security

According to one prolific observer, EU security amounts to little more than "cheap talk and empty slogans".[77] And while it may be true that EU security activity does not measure up to the grand designs and expectations that are frequently invoked to this end, it is precisely in the semiotic structures of EU security that we can find revealing answers to questions and contradictions. After all, any specific foreign and security policy depends upon the representations of the objects it pertains to, such as the specific threat, security crisis, or country. It follows that:

> "foreign policies need to ascribe meaning to the situation and to construct the objects within it, and in doing so they articulate and draw upon specific identities of other states, regions, peoples, and institutions as well as on the identity of a national, regional, or institutional Self".[78]

Although this study does not present a fully-fledged discourse analysis but rather aims at a pragmatic yet critical analysis of EU security as reflected in the material and ideational dimensions of EU counter-piracy, it still seeks to demonstrate its validity as a further theoretical and analytical step towards a better understanding of the *practice* of EU security. The underlying rationale here is to gain a clearer view of what constitutes the *self* for the EU in the international context. Implicit in this endeavour is the goal to render more explicit the perceived *others* of EU security. By clearly demarcating the opposition of the self and the other can we appreciate the relational quality of identity. For example, to call something 'modern' simultaneously means calling something else 'backwards'. There is a broad set of such geographical,

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[77] Menon, A. (2012). *Cheap Talk and Empty Slogans*. E!Sharp, March 2012. http://esharp.eu/oped/anand-menon/22-cheap-talk-and-empty-slogans/, last accessed 10 May 2013.
[78] Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge, p. 5.

chronological and political juxtapositions that construct identities for various objects of international life.[79]

While officials engaged in foreign policy-making derive their formal authority from their privileged institutional position, their ability to create authority for themselves also rests in their particular expertise, that is their ability to demonstrate knowledge on a specific foreign policy matter. Accordingly, knowledge is an important source of authority. It does not rest exclusively in the domain of policy speech, as other genres – foremost academic analysis and journalistic reporting – also lay claim to authority.[80] Which genre produces acceptable knowledge remains a question for empirical investigation. Suffice it to say that speech when grounded in authority creates meaning. This meaning becomes most intelligible when framed in the form of narrative.

The previous discussion of the various EU power narratives should give the reader an impression of the link between EU interests/values and the behavioural traits of actorness as well as how this is situated both spatially and temporally within the context of international relations. Narrative is concerned with the *framing* of action and power rather than action or power as substantive categories. Therefore, it does not claim to specify that EU security and identity is one thing or another. Quite to the contrary,

> "narrative allows us to understand how 'this' or 'that' formulation of European security and identity coexist; how categories of meaning and principles of action such as security, strategy or identity are transformed; how practices move between contradictory logics of action, and how contradictory discourses formulated by security actors are reconciled".[81]

The notion of narratives directs our attention to the internal features of the stories the EU tells about itself as an international actor.

In order to unpack this story-telling, we should turn to the analytical insights of discourse theory. Discourse analysis is now a well-established method in the fields of International Relations and European Studies.[82] This also extends to the study of EU

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[79] Ibid, p. 6.

[80] Ibid, p. 7.

[81] Ciută, F. (2007). Narratives of Security: Strategy and Identity in the European Context, in: R. C. M. Mole (Ed.), *Discursive Constructions of Identity in European Politics* (pp. 190-207). Basingstoke: Palgrave Macmillan, p. 193.

[82] See Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge; Howarth, D. & Torfing, J. (2005). *Discourse Theory in European Politics: Identity, Policy and Governance.* New York: Palgrave; Milliken, J. (1999). The Study of Discourse in International Relations: A Critique of Research and Methods. *European Journal of International Relations, 5* (2): 225-254; Mole, R. (2007). *Discursive Constructions of Identity in European Politics.* Basingstoke: Palgrave; Wæver, O. (2002). Identity, Communities and Foreign Policy: Discourse Analysis as

foreign policy. For instance, Larsen provides an instructive overview of how the EU as an international actor is constructed through discursive practices.[83] While there are significant differences within the field of discourse theory, there exists a centre ground which most approaches share, captured by the widespread agreement that discourse represents a "form of social practice" that operates in a co-constitutive fashion as it is not only produced by social structures but at the same time reproduces these same structures.[84] In the broadest sense then, discourses are framings of meaning and lenses of interpretation.

Discourse theory proposes that social phenomena are never complete, finished. Instead, identities are always open to contestation and reformulation as the social struggle over 'meaning' rages on. However, it is precisely those attempts at fixing meaning through the formulation and imposition of hegemony (i.e. by excluding all other possible meanings) where discourse theory finds its point of departure. Some practical considerations arise out of this discussion of discourse. First, discourse analysis aims at uncovering how texts imbue the author with authority and construct subjects and objects through representations. Second, the discourse analyst's task is to unpack the organisation of objects into narratives to illuminate the power relations that give the text structure. In the study of EU security this means conceiving of power as something in language rather than behind language.

There remains much disagreement as to what constitutes discourse, specifically regarding the boundaries of language and material 'reality'. The standard Foucaultian conceptualisation of discourse seeks to make intelligible the "practices that form the objects of which they speak"[85], however, this "understanding of discourse remains "conceptually vague regarding extra-linguistic practice".[86] Laclau and Mouffe try to provide a more meaningful conceptualisation of discourse by accounting for both "the linguistic and the behavioral aspects of social practice".[87] Their understanding of discourse is thus much broader, encompassing the entirety of social space.

Foreign Policy Theory, in: L. Hansen & O. Wæver (Eds.), *European Integration and National Identity: The Challenge of the Nordic States.* London: Routledge.

[83] Larsen, H. (2004). Discourse analysis in the study of European foreign policy, in: Tonra, B. & Christiansen, T. (Eds.) (2004). *Rethinking European Foreign Policy* (pp. 62-80). Manchester: Manchester University Press.

[84] Fairclough, N. (1989). *Language and Power.* New York: Pearson Longman, p. 34.

[85] Foucault, M. (1972). *The Archaeology of Knowledge.* London: Routledge, p. 54.

[86] Müller, M. (2008). Reconsidering the concept of discourse for the field of critical geopolitics: Towards discourse as language and practice. *Political Geography, 27*: 322-338.

[87] Laclau, E. & Mouffe, C. (1985). *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics*. London: Verso, p. 107.

Further, discourse should not be confused with other concepts of linguistics, such as 'text', 'language' or 'ideology'. The difference exists in that a text is a central part of any discourse, but it needs to be complemented by its two other operative parts, namely interaction and social context. For instance, a single text cannot constitute a discourse as it merely represents a unit of analysis through which discursive structures become intelligible – but not the overall discourse itself. Instead, the text must be linked to other texts – this intertextuality locates the meaning of texts between them.[88] This is usually done in the form of direct quotes or by co-opting key concepts and catchphrases.[89]

A brief look at some of the accounts employing discourse analysis in European foreign policy shows that the approach's input has been rather half-hearted and insufficient. For instance, Stuart Croft's account of how different discourses regarding the organisation of the European security architecture in the early 1990s vied for hegemony demonstrates the central role of discourses in producing the social structures that constitute the space of European security.[90] However, due to the 'shallow' constructivism that Croft employs, it remains dubious whether it was indeed 'ideas' rather than 'interests' that were at the bottom of the process that established NATO as the pre-eminent security organisation in Europe. This also points to a problem previously mentioned regarding constructivism, namely the dissociation of ideas from interests. Whereas one may argue that they should be treated analytically discrete in order to be able to produce clear observable implications, more often than not the division is taken to mean that they must be competing explanatory factors. We can observe a similar shortcoming in Jolyon Howorth's analysis of the role of epistemic communities in CSDP.[91] He argues that policy elites constructed a new discourse on European security, thereby facilitating the CSDP. He maintains that initial differences in interests could be smoothed over by constructive ambiguity as long as there was a common commitment to the actual paradigm shift towards CSDP. Although Howorth claims that ideas play a central role, he subordinates them to interests in saying that the former must be reflective of the latter. Again, what we often find applied to European foreign policy is a 'shallow' constructivism that does not take its own supposed

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[88] Fairclough, N. (1989). *Language and Power.* New York: Pearson Longman, p. 21.
[89] Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge, p. 7.
[90] Croft, S. (2000). The EU, NATO and Europeanisation: The Return of Architectural Debate. *European Security, 9* (3): 1-20.
[91] Howorth, J. (2004). Discourse, Ideas, and Epistemic Communities in European Security and Defence Policy. *West European Politics, 27* (2): 211-234.

explanatory power of ideas seriously, or due to methodological reasons sees the need to juxtapose ideas and interests (see 'conventional constructivism').

Arguably, the most consequential application of discourse analysis in EU foreign policy can be found in Lene Hansen's work on the Bosnian War. It departs from more shallow approaches in that it rejects the positivistic causal theorising found therein, instead emphasising the central role of the co-constitutive construction of meaning in the formation and reformulation of identity. She puts the issue thus:

> "representations of identity and policy are linked through discourse, but […] they do not stand in a causal relationship with one another as representations of identity are simultaneously the precondition for and (re)produced through articulations of policy".[92]

While it is beyond the remit of this study to conduct a thorough post-structural discourse analysis in the spirit of Hansen's work, it is the stated intention to provide a critical vantage point unto the self/other dichotomy of EU counter-piracy, and how this informs our understanding of the EU's identity as an international actor.

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[92] Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge, p. 9.

Chapter 3

EU strategy and its discontents

As we have seen in the previous chapter, the essential dividing line between the two major competing grand strategic narratives – civilian/normative power vs. global power – can be concisely summarised in terms of ends and means: are the values/interests that motivate EU security policy other- or self-regarding (milieu vs. possession goals), and are these pursued by means of persuasion or coercion? However, while it seems that these narratives do provide useful frames that allow us to situate and assess what the EU does on the international scene, there has emerged a consensus in the academy that EU foreign policy suffers from a structural malaise at its very heart, the so-called 'strategic deficit'. As previously explored in the evolution of EU power, the rise of 'strategy' seems intimately tied up with the newly emergent narrative of EU global power, and it has become a pervasive term in EU foreign policy. However, as much as the term has been used, it has also been abused.

The issuance of the European Security Strategy in December 2003 was widely hailed as a milestone in EU foreign policy, a modest but crucial element in galvanising the EU's external dimension and its recognition in the world. Ten years on, commentary on the state of affairs of the EU as an international actor has become overwhelmingly bleak. By some accounts the EU is doomed to irrelevance[93], and the presumed workhorse of its twenty-first century identity as a global player – the CSDP – is said to be "dead in the water"[94], or, at the very least, in a state of disarray.[95] There exists a myriad

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[93] Rachman, G. (2008). *Irrelevance, Europe's logical choice*. Financial Times Online, 19 May 2008. http://www.ft.com/cms/s/0/ae49f83a-25a3-11dd-b510-000077b07658.html, last accessed 19 July 2013.

[94] Rogers, J. & Simon, L. (2011). After Libya: Consequences, futures and options. *European Geostrategy*, 19 September 2011. http://europeangeostrategy.ideasoneurope.eu/2011/09/19/after-libya-consequences-futures-and-options/, last accessed 14 June 2013.

[95] Menon, A. (2011). Power, Institutions and the CSDP: The Promise of Institutionalist Theory. *Journal of Common Market Studies, 49* (1): 83-100; interview with N. Witney (2011).

of studies that identify a lack of strategy – usually referred to as the strategic 'deficit' or 'void' – as the core impediment to the effective delivery of EU crisis management policy.[96] While these accounts differ in the focus of their critiques, they all share the underlying theme that in EU security policy there persists an inflationary use of the term 'strategy', and little specification as to what it actually signifies. Arguably the excessive invocation of 'strategy' is a malaise that troubles the entire international relations discipline.[97] It seems policy-makers and commentators of CSDP are set to make their contribution in this regard. If we conceive of strategy as connecting long-term priority goals with adequate instruments and resources to achieve these,[98] it is hardly surprising that the strategic deficit is regularly invoked as a fundamental critique of EU security policy.

What are the reasons for the widespread disaffection with EU foreign policy? In the following the chapter with outline the constitutive features of the so-called strategic deficit. First, CSDP suffers from a lack and clarity of priorities. It remains dubious for what reasons and where the EU sees it most prescient to act. This arbitrariness of action is reflective of the weakness of a shared strategic culture at EU level, as member states often continue to view EU security through national lenses. Second, the CSDP lacks resources and employs mismatched instruments, to the effect that action is stifled before it can be embarked upon. Third, CSDP produces disjointed outputs. Missions may selectively fulfil certain security goals, however, there is usually no elaboration of how a given mission responds to a particular 'European' security interest.

Through a detailed discussion of the EU's strategic deficit, I will attempt to delineate and illustrate some of the specific contradictions at the heart of (the study of) EU security policy. While the offered critiques are generally valid in their line of argumentation they are also somewhat misleading in so far as they imply that an international actor that is structurally highly different from nation-states should have a developed strategic rationale at its disposal. This "crypto-normative attachment to the state" is the source of much conceptual and analytical confusion in the study of

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[96] Biscop, S. (2002). In Search of a Strategic Concept for the ESDP. *European Foreign Affairs Review, 7*: 473-490; Shepherd, A. (2003). The European Union's Security and Defence Policy: a policy without substance? *European Security, 12* (1): 39-63; Biscop, S. & Coelmont, J. (2010). A Strategy for CSDP: Europe's Ambitions as a Global Security Provider. *Egmont paper, no. 37*, October 2010; Gourlay, C. (2011). *The Politics of EU Civilian Interventions and the Strategic Deficit of CSDP.* DCAF, EU Crisis Management Papers Series, Brussels, September 2011.
[97] Toje, A. (2010). The EU Security Strategy Revised: Europe Hedging its Bets. *European Foreign Affairs Review, 15*: 176.
[98] Biscop, S. (2012). *Raiders of the Lost Art: Strategy-Making in Europe*. EGMONT Royal Institute for International Relations, Security Policy Brief No. 40, November 2012, p. 1.

European security in general.[99] Further, the quantitative, economic language of deficit that is often invoked in this context is descriptive of a shortage of political will and material resources, however, it ignores the structural inhibitions of CSDP that are rooted in the integration process itself.

3.1 Unclear priorities and a weak strategic culture

At its core, the strategic deficit hints at a lack of purpose, as the question 'to do what in the world' remains unanswered. What are the EU's (security) interests in the world? Which interest has priority over the other? To answer these questions the EU's core strategic document, the European Security Strategy (ESS), provides some useful clues, yet ultimately comes up short, as it "tells us how to do things, but not what to do".[100] While it was widely welcomed as an important step to rationalise EU foreign policy action, calls for a new strategic document followed quickly and have only become louder.[101]

  A look at the 2008 Report on the Implementation of the European Security Strategy (RI-ESS), which was meant to make the objectives and promises of the 2003 document operative, illustrates the failure in strategic clarification.[102] Although the RI-ESS' original purpose was the crucial and previously sidelined issue of implementation, it complicated the issue of prioritisation by adding cyber security, energy security and climate change to the list of threats, while seemingly taking failed states and regional conflict off it. This in itself is confusing and it aggravates the persistent problem evident in the absence of matching capabilities and instruments of intervention to specific crisis scenarios, and the ordering of these in terms of importance, both functionally and geographically. Strategic prioritisation requires the EU to state clearly for what, where,

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[99] Bickerton, C. (2011). Towards a Social Theory of EU Foreign and Security Policy. *Journal of Common Market Studies, 49* (1): 172.

[100] Biscop, S. (2012). *Raiders of the Lost Art: Strategy-Making in Europe*. EGMONT Royal Institute for International Relations, Security Policy Brief No. 40, November 2012, p. 2.

[101] Biscop, S. (2002). In Search of a Strategic Concept for the ESDP. *European Foreign Affairs Review, 7*: 473-490; Biscop, S. (2012). *Raiders of the Lost Art: Strategy-Making in Europe*. EGMONT Royal Institute for International Relations, Security Policy Brief No. 40, November 2012; Kempin, R., von Ondarza, N. & Overhaus, M. (2012). *Tackling the big questions in little steps: A process towards a comprehensive EU strategy*. German Institute for International and Security Affairs, Working Paper, October 2012.

[102] European Council (2008). *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*, S407/08. Brussels, 11 December 2008.

and how it would put to use the various foreign policy instruments at its disposal.[103] While the EU does have relevant policy prescriptions as to making strategy operative – see especially the Helsinki Headline Goal and the 2010 Headline Goal with regard to capability development – we will come to see that these are defunct as well. Overall, the EU's security strategy does not amount to a strategic concept of the sort that its member states or NATO possess.[104]

A similar shortcoming in depth can be observed in the EU's strategic partnerships, which cuts directly into the idea of effective multilateralism advocated by the ESS. Reflective of its political ambition to become a global actor, the EU has negotiated so-called strategic partnerships with a multitude of international actors. Apart from Europe's traditional partners such as the US, Canada and NATO, the EU has signed agreements with Brazil, China, India, Japan, Mexico, Russia and South Africa, as well as the African Union. The major problem with the EU's strategic partnerships is the fact that they are undeserving in name.[105] For example, with regard to Russia and China, two increasingly assertive international powers, the partnerships are undermined by widespread member state disagreement regarding the scope and nature of cooperation, as well as a disconnect between EU bilateralism and member state bilateral relationships.[106] Further, in order to render the idea of effective multilateralism meaningful the strategic partnerships need to be functionalised in line with foreign policy priorities.[107] Since these remain rather blurry it is no wonder that the ESS does not provide for a more detailed plan regarding how to organise these relationships with the partners it identifies.

The lack of clearly elaborated strategic priorities reflects the weakness of a common strategic culture at EU level. Numerous studies have occupied themselves with the question whether and to what extent the EU possesses or is in the process of constructing a strategic culture, and the tacit consensus is that it is too early to tell. According to Christoph Meyer, European strategic culture denotes the "ideas, norms

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[103] Kempin, R., von Ondarza, N. & Overhaus, M. (2012). *Tackling the big questions in little steps: A process towards a comprehensive EU strategy*. German Institute for International and Security Affairs, Working Paper, October 2012, p. 6.

[104] Mawdsley, J. & Quille, G. (2003). The EU Security Strategy: A new framework for ESDP and equipping the EU Rapid Reaction Force. *ISIS report no. 4*, December 2003, p. 16.

[105] Bendiek, A. & Kramer, H. (2010). The EU as a 'Strategic' International Actor: Substantial and Analytical Ambiguities. *European Foreign Affairs Review, 15*: 453-474.

[106] Whitman, R. (2010). The EU: Standing Aside from the Changing Global Balance of Power? *Politics, 30* (S1): 29.

[107] Biscop, S. (2012). *Raiders of the Lost Art: Strategy-Making in Europe*. EGMONT Royal Institute for International Relations, Security Policy Brief No. 40, November 2012, p. 6.

and patterns of behaviour that are shared across the actors and publics involved in the processes of pursuing European security and defence policies".[108] The breadth of the definition is telling as it indicates that in order for it to be workable it must be inclusive. Contrast this later definition with an earlier one – more substantive and narrow – provided by Cornish and Edwards at the time when CSDP's institutionalisation was still in its infancy, and the question of the role of military force in Europe was the crucial topic.

> "The institutional confidence and processes to manage and deploy military force as part of the accepted range of legitimate and effective policy instruments, together with general recognition of the EU's legitimacy as an international actor with military capabilities." [109]

The more inclusive definition has meant that agreement is possible on the notion that a degree of convergence between the strategic attitudes and behaviours of European states is taking place; however, the reality of which is limited and incoherent. For instance, Meyer observes that normative convergence towards a shared European strategic culture can be observed in so far as territorial defence is decreasing in importance across European states, intervention for humanitarian reasons is becoming the benchmark for European action, UN authorisation is considered crucial, and the EU is increasingly identified as the appropriate forum for cooperation. Differences remain, however, in terms of the use of force abroad (especially with reference to dealing with threats pre-emptively), the ambiguous future of NATO and attachment to the US, and the critical issue of the acceptability of casualties as a result of European intervention.[110] Bastian Giegerich arrives at the same conclusion when pointing to three major cleavages among CSDP members.[111] The first exists between so-called Europeanists and Atlanticists, rooted in member states' respective preference to conduct collective security via different institutional venues, i.e. NATO or CSDP. The second divide centres on the preferred type of intervention, separating those countries that more willingly advocate military solutions and those that prefer civilian means. The third cleavage

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[108] Meyer, C. (2004). *Theorising European Strategic Culture: Between Convergence and the Persistence of National Diversity.* CEPS Working Document No. 204, June 2004. Centre for European Policy Studies, Brussels, p. 4.

[109] Cornish, P. & Geoffrey, E. (2001). Beyond the EU/NATO Dichotomy: The Beginnings of a European Strategic Culture. International Affairs, 77 (3): 587.

[110] Meyer, C. (2005). Convergence towards a European Strategic Culture? A Constructivist Framework for Explaining Changing Norms. *European Journal of International Relations, 11* (4): 545.

[111] Giegerich, B. (2006). *European Security and Strategic Culture: National Responses to the EU's Security and Defence Policy.* Baden-Baden: Nomos, p. 46.

concerns the underlying conception of the role of the military, that is whether the CSDP should serve the ends of territorial defence or force projection. As there is no overarching agreement as to shared European security interests and member states are expectedly unwilling to integrate military forces under a supranational authority, policy follows a pattern of ad hoc, selective engagements that strains member state cohesion.

Therefore, the fact that member states continue to widely disagree on priorities let alone an overarching teleology of CSDP is hardly surprising if we consider the extent to which they differ in their security interests, preferences and identities, the most significant and lasting distinction constituted by their different views towards the concept of defence itself.[112] On the one hand, the creation of credible if modest military structures and resources at EU level indicates a convergence of member states around the notion of crisis management. On the other hand, however, as national military institutions remain highly distinct, what exactly crisis management entails continues to be interpreted through national security lenses, supporting the notion that "there is no single 'European' way of war".[113] It follows that "if the EU cannot have an open discussion about areas of interest and the implications for the use of force it is difficult to see how the EU can achieve an adequate calculus of military needs.[114] Consequently, conceptually speaking, "culture can be the predominant source of strategic incoherence".[115]

3.2 Lacking resources and mismatched instruments

Rather than focusing on the institutional politics, a look at the 'means' of CSDP in the forms of resources – particularly military assets – and operational instruments is necessary. The readiness of European armed forces for EU crisis management operations may be called into question from the outset, especially if seen towards the background of persistently low levels of defence spending and thinly-stretched troops already engaged in other multilateral missions. This picture is further compounded by

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[112] Menon, A. (2004). From Crisis to Catharsis: ESDP after Iraq. *International Affairs, 80* (4): 636.

[113] Vennesson, P. Breuer, F., de Franco, C. & Schroeder, U. C. (2008). Is There a European Way of War?: Role Conceptions, Organizational Frames, and the Utility of Force. *Armed Forces & Society, 35* (4): 640.

[114] Quille, G. (2007). The European Security Strategy: a framework for EU security interests? *International Peacekeeping, 11* (3): 432.

[115] Rynning, S. (2003). The European Union: Towards a Strategic Culture? *Security Dialogue, 34* (4): 481.

current fiscal austerity measures that have led to severe cuts in European militaries across the board. All this combines to "the EU's failure to live up to its defence ambitions and commitments on capabilities".[116]

EU shortcomings in capability development are particularly pronounced in the realm of so-called strategic enablers, such as airlift, air-to-air re-fuelling, and C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance). The dismal story of the Airbus A400M military transport aircraft is certainly the most intensively media-covered disappointment of EU capability development, but it reflects a wider trend of shortfalls that has been identified in the 2010 Headline Goal. Even as limited operational capability was starting to become a reality in 2007, the EU remained unable to address the crucial strategic question: "how many concurrent operations, at which scale and at which level of intensity does the EU want to be able to implement [...]?".[117]

Tracing the evolution of the CSDP's primary crisis management mechanisms provides a telling illustration of the disconnect between ends and means. In order to equip the CSDP with the necessary punch to respond to crisis situations, member states agreed under the Helsinki Headline Goal (HHG) in December 1999 to create the European Rapid Reaction Force (ERRF), allowing for the deployment of up to 60,000 troops within sixty days and for a period of up to one year. In many respects this idea resembled NATO's Implementation Force (IFOR), both in terms of operational mandate and force size/composition. The Balkan wars of the 1990s are often cited as the foundational crisis of CSDP, and thus a crisis management delivery mechanism to respond to such a scenario was considered necessary.[118]

However, as political progress on establishing such a large force was not forthcoming, the ERRF made way for the new Battlegroups concept, which has since become the CSDP's intended core instrument of intervention. It dates back to the Franco-British summit at Le Touquet in February 2003, was further formalised in November 2003 with the participation of Germany, and formally adopted by the member states in June 2004 as part of the 2010 Headline Goal.[119] The Battlegroups were

[116] Witney, N. (2008). *Re-energising Europe's Security and Defence Policy*. Policy Paper. London: European Council on Foreign Relations, p. 5.

[117] Biscop, S. (2004). Able and Willing? Assessing the EU's Capacity for Military Action. *European Foreign Affairs Review, 9*: 520.

[118] Howorth, J. (2007). *Security and Defence Policy in the European Union*. Basingstoke: Palgrave Macmillan.

[119] Granholm, 2006: 63 Granholm, N. (2006). EU Battlegroups: Some New Capabilities, Actually. *The RUSI Journal, 151* (6): 62-66.

established with a close eye towards NATO's Response Force (NRF), which was endorsed in November 2002. The Battlegroups make use of NATO certification requirements to ensure interoperability and military effectiveness, and mirror the NRF in terms of the overarching objective of the transformation of armed forces as well as pertaining to a similar spectrum of tasks in crisis management.[120] However, the NRF was originally designed for considerably more extensive operations than the Battlegroups. In terms of the specific operational profile – size, capabilities, timeframe and requirements – the Battlegroups reflect the mission parameters of the CSDP operation Artemis in the DRC in 2003.[121] Artemis itself was largely modelled on the UN Protection Force (UNPROFOR) in the former Yugoslavia in 1992 regarding the elements of its rapid response mechanism.[122]

Instead of the ERRF's 60,000-troop composition, the Battlegroups concept uses battalion size, that is 1,500 soldiers. Two country groups are meant to operate at any one time, rotating every six months. However, even though the Battlegroups were declared operational in 2007 they have not been used in a single operation. Accordingly, member state support for the concept has been faltering, to the point that in the first half of 2013 only the Weimar Battlegroup is operational, with no contributions envisioned for the second half of the year. It seems that "the EU's capacity for foreign policy and military power is less than the sum of its Member State parts".[123]

3.3 Disjointed outputs

We gain a deeper understanding of these conceptual confusions operating within CSDP by assessing its policy outputs. By a simple quantitative measure CSDP seems very productive. Since 2003 the EU has fielded almost 30 independent missions. These missions are of a very diverse nature, covering a broad spectrum of both military and civilian engagements. Also, what we can observe since is the globalisation of the

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[120] Major, C. & Mölling, C. (2011). *EU Battlegroups: What Contribution to European Defence? Progress and Prospects of European Rapid Response Forces.* Research Paper no. 8, June 2011. Berlin: Stiftung Wissenschaft und Politik, pp. 11, 13.
[121] Quille, G. (2004). 'Battle Groups' to Strengthen EU Military Crisis Management? *European Security Review, 22*: 1-2.
[122] Lindstrom, G. (2007). *Enter the EU Battlegroups.* Chaillot Paper no. 97. Paris: EU Institute for Security Studies, p. 10.
[123] Whitman, R. (2010). The EU: Standing Aside from the Changing Global Balance of Power? *Politics, 30* (S1): 27.

operational area – with missions located in the Balkans, central Africa, at the Horn of Africa, the Middle East, Central Asia and even Indonesia.

While it is true that policy output has markedly slowed down since 2009 operations are still being planned and fielded. The EU still has many missions in the field – 17 in total [124] – so a point has to be made with regard to limited resources and general caution as to policy overstretch. However, the fact that numerous of these missions go back as far as 2004 and 2005 and whose mandates have been extended repeatedly demonstrates a degree of continuity and commitment. What is more interesting, though, is an apparent concentration of regional focus. The last seven missions, starting in 2008, were all located in Africa. EUNAVFOR Somalia (originally EUNAVCO), EUTM Somali and EUCAP Nestor contribute to regional security at the Horn of Africa. Other missions include EUCAP Sahel, EUAVSEC South Sudan, EUTM Mali, and EUBAM Libya.

Nonetheless, overall these missions demonstrate clear limits to EU strategy as they generally suffer from limited mandates (for instance, they prioritise risk minimisation over impact) and they do not tie into a greater strategic vision for CSDP.[125] Missions reflect a reactive approach to crises as they manifest themselves, rather than emanating from the joint formulation of European geostrategic interests and a proactive concern for advancing these. The overwhelming majority of operations lack clearly identifiable European security interests in the first place (e.g. the civilian monitoring mission of the peace agreement in Aceh, Indonesia), they are usually of very limited scale in ambition and impact, and operate mostly as civilian missions.[126] Even the few military missions the CSDP fielded were mostly of the static peacekeeping type involving ground forces with highly constrained rules of engagement and therefore consolidate at the lower end of the operational spectrum that is constituted by the Petersberg Tasks.[127] Further, the EU's earliest interventions were in fact operational takeovers from previous NATO deployments (i.e. military peacekeeping missions Concordia and Althea in the Balkans), later military engagements in central Africa could be construed as poorly disguised French 'laundering' attempts to use the cover of the EU to further its national

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[124] CSDPMap (2013). Mission Chart. *ISIS*. http://www.csdpmap.eu/mission-chart, last accessed 12 May 2013.

[125] Tardy, T. (2009). The European Union, a regional security actor with global aspirations, in: T. Tardy (Ed.) *European Security in a Global Context* (pp. 17-36). London: Routledge, p. 24.

[126] Germond, B. & Smith, M. E. (2009). Re-Thinking European Security Interests and the ESDP: Explaining the EU's Anti-Piracy Operation. Contemporary Security Policy, 30 (3): 573-593.

[127] Pirozzi, N. & Sandawi, S. (2009). *Military and Civilian ESDP Missions: Ever Growing and Effective?* Istituto Affari Internazionali, Working Paper no. 29, November 2009, p. 9.

strategic interests in that region.[128] Additionally, CSDP missions are generally undertaken by few member states cooperating and regularly it is a single nation that provides the bulk of the forces, putting into question how 'common' a policy CSDP really is. None of this is to say that CSDP missions are useless and generally ill-conceived, however, the image of EU crisis management that emerges brings to mind well-known (yet overdrawn) stereotypes of the EU as a political dwarf and military worm,[129] or an actor from Venus that is unwilling or unable to accept the harsh realities and necessities of international relations.[130]

Beyond the obvious critique of what the EU does and the way it does it, it is also rewarding to consider those instances where the EU failed or chose not to act. The most relevant, recent example is represented by the EU's inability to become engaged in the Libyan conflict, regarded by various commentators as a remarkable failure, akin to an 'April fool's joke'.[131] It is remarkable as the challenge seemed tailor-fitted to the EU's aspirations as an actor in crisis management. The geographical vicinity of the crisis, the clear identifiability of not just EU regional strategic interests but also of aggressor and victim, the expected limited scale of intervention necessary for military victory, and even a marked willingness on the part of key member states to commit themselves (notably France and the UK) cumulatively present a crisis scenario not much unlike Kosovo in 1998, generally considered the constitutive crisis of EU military crisis management. In fact, the Council gave its final approval for a military mission tasked with supporting UN-led relief efforts, *EUFOR Libya*.[132] Yet it was never put into place, due to the failure of generating a UN mandate, in turn, incurred upon the EU mostly by itself. More importantly, the mission's mandate was of such limited scope and ambition that it was a far cry from doing justice to the challenge that the situation in Libya presented at the time. In any case, it is telling that once again the actual combat undertaken by Western forces in Libya was carried out through NATO, notably with

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[128] Menon, A. (2009). Empowering Paradise? The ESDP at ten. *International Affairs, 85* (2): 227-246.

[129] Eyskens, M. (1991). *WAR IN THE GULF: EUROPE; Gulf Fighting Shatters Europeans' Fragile Unity.* The New York Times, 25 January 1991. http://www.nytimes.com/1991/01/25/world/war-in-the-gulf-europe-gulf-fighting-shatters-europeans-fragile-unity.html?pagewanted=1, last accessed 17 September 2013.

[130] Kagan, R. (2003). *Of Paradise and Power: America and Europe in the New World Order*. New York: Knopf.

[131] Gomes, A. (2011). *Was Eufor Libya an April fool's joke?* EUObserver, 13 July 2011. http://euobserver.com/opinion/32624, last accessed 14 August 2013.

[132] Council of the EU (2011). *Council Decision 2011/210/CFSP of 1 April 2011on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya).* Official Journal of the EU, L 89/17. 5.4.2011.

France and the UK in the driver's seat and the US adopting a rather passive role. It is a legitimate question to ask whether 15 years and twice as many missions later the EU has yet to make considerable headway in establishing itself as a veritable security actor with the ability to tackle dangerous crises decisively. Yet, perhaps, this is asking the wrong question.

As we will come to see EU counter-piracy marks a strategic turn for CSDP – not so much in the sense that now the EU does strategy ' properly', or 'better', but rather by detaching it from the often prescriptive power narratives that we have previously discussed and that serve poorly to situate the EU as a multifaceted actor in the global arena. While for many observers frustrated with the field of CSDP the strategic deficit has become its cul-de-sac or the annunciation of a death foretold, I instead regard it as a welcome troublemaker that can reinvigorate the field of EU security. It does so by redirecting our attention to the idiosyncrasies of the policy space of EU security, particularly with regard to its institutional evolution – put differently, we need to reframe the strategic deficit in such a way that it illustrate the historicity and contextuality of EU security. The next chapter demonstrates this point by critically assessing those features that provide the foundation to the institutional *sui generis* nature of EU security: the legacy of 'constructive ambiguity' and the pervasiveness of a bureaucratic transgovernmentalism operative at the heart of EU security that produces highly consensual and technocratic outcomes. These two dynamics combine to produce the advent of the 'post-political' state of EU security, which in turn supports a specific outlook on global affairs that views (in-)security as something to be managed, rather than resolved.

The 'post-political' state of EU security

While the various EU power narratives have provided relevant conceptual lenses to the study of EU foreign policy in the past, they now become increasingly difficult to differentiate analytically and often blend into each other when applied to case studies. This study is no exemption in this regard. The empirical story told in chapters 6 and 7 would confirm a blurring of power narratives if indeed they employed such a conceptual approach. Similarly, the fundamental critique of EU foreign policy – i.e. its strategic deficit – points our attention to important shortcomings in the conception and delivery of EU foreign policy. However, it also misunderstands the way the EU functions as an international actor. In the following I will try to shed some light on this confusion by outlining two crucial and defining contingencies of the institutionalisation of EU security: 1) the constructive ambiguity inherent in the formulation of EU security as represented by the institutional imitation of crisis management structures, and 2) the dense transgovernmental interactions under executive dominance that now govern CSDP. These two stories combine to paint a picture of a policy space that is inherently depoliticised, or even 'post-political'. When assessing EU security policy we must take its post-political reality into account. This realisation provides the ground for a different conceptual approach to the study of EU security, one based on the idea of the 'management of globalisation'.[133]

4.1 From constructive ambiguity to institutional imitation

We may choose to make an argument in the course of discussing the strategic deficit as to the cumbersome institutional processes that govern CSDP – such an the unanimity

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Meunier, S. & Jacoby, W. (2010). Europe and the management of globalization. *Journal of European Public Policy, 17* (3): 299–317.

rule, the 'costs-lie-where-they-fall' funding mechanism of operations, or the fragmentation of foreign policy activities between CFSP and CSDP and between 'pillars' more generally – such that these appear as endemic features of EU intergovernmentalism in the high politics of security. It is accurate to locate the dynamics underlying the strategic deficit in the institutional structure of EU security policy. However, such institutional inertia is not so much a by-product of the cooperative logic at play but rather deeply ingrained in the very fabric of the institution.

In order to fully understand the evolution of EU strategy and the present disillusionment with it, we need to go back to the debate on and resulting process of institutionalisation of the CSDP, which came under way in the mid-1990s and took organisational shape in the early 2000s. Many of the misconceptions regarding EU strategy are grounded in the ambiguities of the architectural design of European security. To a large extent the weakness of strategy can be attributed to member state divergences on security policy. However, rather than merely being a coordination problem in specific instances of policy-making, strategic ambiguity is reflected in the process of institutionalisation itself and therefore even precedes the recent debate on EU strategy. As such, ambiguity assumes a structural quality that continues to constrain the elaboration of strategy in terms of the EU's international actorness and identity. In reconstructing the institutionalisation of CSDP we come across one of the most peculiar features of the 'institution', namely that its component parts largely represent copies of NATO and WEU structures. With recourse to the causal arguments of structuration and institutional isomorphism we can comprehend this structural imitation as a result of the strategic and architectural ambiguity inherent in the space of European security, that is uncertainty regarding the CSDP's purpose and its relationship with NATO.

A striking feature of the institution CSDP is the similarity of its bureaucratic organisation to that of NATO. This similarity has been repeatedly pointed out. According to Howorth, the PSC, EUMC and EUMS are "all roughly modelled on their NATO equivalents".[134] The move from an ad hoc to a permanent committee was largely induced by the experience of the North Atlantic Council (NAC). While the NAC may be considered to possess more authority over decisions, the tasks and functions with which the PSC is endowed follow closely the NAC template. The PSC did not initially have a permanent chair – as it was left at the discretion of the High Representative to assume this function or not – but the reforms of the Lisbon Treaty now provide for such a

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[134] Howorth, J. (2010b). The Political and Security Committee: a Case Study in 'Supranational Intergovernmentalism'. *Les Cahiers Européenns, no. 1*, 2010, p. 5

permanent chairman.[135] With regard to the EU Military Committee, the composition of its responsibilities and functions closely reflects that of NATO's Military Committee.[136] Further, its members are double-hatted and thus represent their country in both NATO and CSDP, with the exception of France and Belgium.[137] An issue of contention between France and the UK was the level of seniority of diplomats within the PSC, and it was left to each country to decide what level diplomats to have them represent in the body.[138] Yet overall, the CSDP's bureaucratic organisation largely resembles that of NATO.

The logic behind this process of imitation is that of institutional isomorphism.[139] It describes the homogenisation of institutional structures across organisations that inhabit the same policy field. To put it simply, organisations that face the same environmental conditions imitate each other. These new structures allow imitating institutions to conform better to the normative demands posed by that environment. The essential condition for isomorphism to occur is that the respective organisations sustain relations and depend on each other,[140] in other words, that the organisational field exhibits a considerable degree of 'structuration':

> "an increase in the extent of interaction among organizations in the field; the emergence of sharply defined interorganizational structures of domination and patterns of coalition; an increase in the information load with which organizations in a field must contend; and the development of a mutual awareness among participants in a set of organizations that they are involved in a common enterprise".[141]

We may describe the European security space as an instance of international regime complexity, which refers to "the presence of nested, partially overlapping, and parallel international regimes that are not hierarchically ordered".[142] NATO and the EU can be

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[135] Vogel, T. (2010). Swede to chair EU security body. *European Voice*, 16 November 2010. http://www.europeanvoice.com/CWS/Index.aspx?PageID=216&articleID=69424, last accessed 16 July 2013.

[136] Howorth, J. (2007). *Security and Defence Policy in the European Union*. Basingstoke: Palgrave Macmillan, p. 74

[137] Davis Cross, M. K. (2010). *Cooperation by Committee: The EU Military Committee and the Committee for Civilian Crisis Management.* Occasional Paper no. 82. Paris: EU Institute for Security Studies, p. 12.

[138] Juncos, A. E. & Reynolds, C. (2007). The Political and Security Committee: Governing in the Shadow. *European Foreign Affairs Review, 12*: 134.

[139] DiMaggio, P. J. & Powell, W. W. (1983). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review, 48* (2): 147-160.

[140] Kourtikakis, 2010: 31-2 Kourtikakis, K. (2010). Imitation and supranational politics: some lessons from the European Ombudsman and the European Court of Auditors. *European Political Science Review, 2* (1): 27-48.

[141] DiMaggio, P. J. & Powell, W. W. (1983). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review, 48* (2): 148.

[142] Alter, K. J. & Meunier, S. (2009). The Politics of International Regime Complexity. *Perspectives on Politics, 7* (1): 13.

portrayed to be in such an interdependent relationship, which involves "reciprocal costly effects of transaction".[143] Both organisations depend on each other in terms of their functionality (the problem to be solved) as well as their means to act. This also explains the substantial degree of institutional overlap, as expressed in terms of membership, mandate, and resources.[144] The relationship does not imply symmetrical dependence (in fact, it is rather asymmetrical), nor does it presuppose complementarity or conflict between the respective organisations.

I am not so much concerned here with laying out the causal logic of institutional isomorphism, which has in fact been done elsewhere.[145] What I do contend here, however, is that the idea of isomorphic change – particularly as reflected in its *mimetic* version – supports the idea of imitation rather than mere similarity precisely because of the strategic ambiguity present in EU security. Mimetic isomorphism occurs as a response to uncertainty and results in imitative modelling. As DiMaggio and Powell state, "when goals are ambiguous, or when the environment creates symbolic uncertainty, organizations may model themselves on other organizations".[146] If rationally derived templates for optimal institutional design are unavailable, policy-makers turn to related institutions that are seen as more successful or legitimate.[147] Here it is the political actors that operate within the 'receiving' system that identify desirable structures from other systems and push for their imitation.

Uncertainty in CSDP comes in two guises[148]. On the one hand, uncertainty derives from the strategic ambiguity of CSDP. What are its objectives in terms of the nature and location of crises it seeks to address? In other words, what is its functional and geographical purpose and its priorities? On the other hand, uncertainty is inherent in the contested, unresolved nature of the relationship with NATO and the hierarchy in

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[143] Keohane, R. O. & Nye, J. S. (1977). *Power and Interdependence. World Politics in Transition*. Boston: Little Brown and Company, p. 9.

[144] Hofmann, S. C. (2010). Why Institutional Overlap Matters: CSDP in the European Security Architecture. *Journal of Common Market Studies, 49* (1): 103; Hofmann, S. C. (2009). Overlapping Institutions in the Realm of International Security: The Case of NATO and ESDP. *Perspectives on Politics, 7* (1): 45-52.

[145] See Reynolds, C. (2010). *Understanding the Emergence of the European Security and Defence Policy*. Baden-Baden: Nomos.

[146] DiMaggio, P. J. & Powell, W. W. (1983). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review, 48* (2): 151.

[147] Beckert, J. (2010). Institutional Isomorphism Revisited: Convergence and Divergence in Institutional Change? *Sociological Theory, 28* (2): 158.

[148] Uncertainty here refers to the indeterminacy that springs from a lack of common norms and identity (see Rathbun, B. C. (2007). Uncertain about Uncertainty: Understanding the Multiple Meanings of a Crucial Concept in International Relations Theory. *International Studies Quarterly, 51*: 549-52.

the European security architecture, a debate that goes back at least to the early 1990s.[149] Is this relationship one of competition or complementarity?[150] A 'grand bargain' between the two organisations remains elusive.[151]

It is important to bear in mind that "from the first, CSDP was characterized by marked disagreements among its creators as to its ultimate nature and purpose".[152] The policy area's birth certificate – the St. Malo declaration – reflected a Franco-British agreement to disagree over the interpretation of the very essence of the new project, i.e. the meaning of the term 'autonomy' and the underlying rationale of cooperation. While France took the former to mean autonomy *from* NATO (i.e. from the US), the UK perceived it as autonomy *within* NATO (i.e. a stronger European capability within NATO). Viewed through French eyes the CSDP was a critical step towards political integration, whereas for the British it was a necessary evil to upgrade European military capabilities in order to maintain the Atlantic Alliance. This 'constructive ambiguity' [153] or 'studied ambiguity' [154] allowed member states to move forward with the project while diverging on its purpose.

Both these interrelated types of uncertainty are clearly reflected in the recent debates on the EU's strategic deficit. What is important to note here is the fact that uncertainty – i.e. strategic ambiguity – not only exists as a functional and coordinative condition of European security but also as an institutional one that continues to exert constraining pressure on the elaboration of EU strategy and EU strategic culture. Therefore, what is now more often than not lamented as the 'deficit' of EU security policy, has in fact been an important institutional driver that has shaped the very structures and cooperative logic at the heart of the CSDP.

What this story illuminates is the idea that we need to approach the notion of strategy with more conceptual and contextual awareness than is often the case. It also points our attention to a more historically contingent reading of EU power or EU grand

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[149] See Croft, S. (2000). The EU, NATO and Europeanisation: The Return of Architectural Debate. *European Security, 9* (3): 1-20.
[150] Ojanen, H. (2006). The EU and NATO: Two Competing Models for a Common Defence Policy. *Journal of Common Market Studies, 44* (1): 57-76.
[151] Cornish, P. (2006). *EU and NATO: Cooperation or Competition*? Briefing Paper, European Parliament, October 2006, p. 4.
[152] Bickerton, C. J., Irondelle, B. & Menon, A. (2011). Security Co-operation Beyond the Nation-State: The EU's Common Security and Defence Policy. *Journal of Common Market Studies, 49* (1): 3.
[153] Heisbourg, F. (2000). Europe's Strategic Ambitions: The Limits of Ambiguity. *Survival, 42* (2): 5.
[154] Howorth, J. (2000). *European Integration and Defence: the Ultimate Challenge?* Chaillot Paper No. 43. Paris: WEU Institute for Security Studies, p. 77.

strategy narratives such as the ones explored in the previous chapters. We need to locate the practice of EU security within its institutional and discursive contexts.

4.2 Transgovernmentalism and post-politics in European security

The institutional reality of EU security policy as constituted by the structures and processes of CSDP remains a peculiarity. Viewed through the major lenses of European integration theory, most observers would place CSDP in the camp of intergovernmental politics. The modest role accorded to the Commission, the marginal role accorded to the Parliament, and the missing role accorded to the Court, work to demonstrate this point. CSDP is a creature of the member states and for the member states. And yet the gradual integration in defence matters relocates a measure of decision-making (if not decision-taking) in the hallways of Brussels, as indicated by the swift and pervasive accumulation of bureaucratic organisation under the CSDP and the closely structured interactions within the policy space that produce commonly shared norms.[155] It may not comply with the expectations of the unitary decision-making systems found at national levels, however, it does bring to light the existence of a certain 'supranationality' in EU security that is difficult to ignore. In order to ameliorate this confusing picture of integration we must look towards the notion of transgovernmentalism.

According to Helen Wallace, transgovernmentalism comprises the following features: 1) the central role of the European Council in determining the direction of policy; 2) the predominance of the Council of Ministers (in its various ministerial formations) in steering cooperation; 3) the marginalisation of the Commission; 4) the exclusion of EP and Court; 5) the involvement of a core group of national policy-makers; 6) the adoption of special modes of cooperation, most noticeable in the role of the Council Secretariat; 7) the isolation of the policy-process from national parliaments and electorates; and 8) the capacity to occasionally deliver meaningful collective policy outputs.[156] Clearly, the notion of transgovernmentalism intends to transcend the overly simplifying dichotomy of intergovernmentalism vs. supranationalism that has traditionally been invoked to describe the institutional balance of EU politics. Howorth

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[155] Jørgensen, K.-E. (1997). PoCo: The Diplomatic Republic of Europe, in: K.-E. Jørgensen (Ed.), *Reflective Approaches to European Governance*. Basingstoke: Macmillan.
[156] Wallace, H. (2005). An Institutional Anatomy and Five Policy Modes, in: H. Wallace, W. Wallace & M. A. Pollock (Eds.), *Policy-Making in the European Union* (pp. 49-90). Oxford: Oxford University Press, pp. 87-88.

makes a very similar attempt in this direction but couches his terminology in the pre-existing frames of reference. His idea of 'supranational inter-governmentalism' (alternatively called 'coordigration') accounts for the same line of reasoning that seeks to reduce the institutional complexity of the CSDP.[157] The similarity is obvious in his definition of supranational inter-governmentalism, which he takes to mean:

> "the phenomenon whereby a profusion of agencies of inter-governmentalism take root in Brussels and, through dialogue and socialization processes, reaction to 'events' and a host of other dynamics, gradually create a tendency for policy to be influenced, formulated and even driven, from within that city".[158]

While Howorth's definition is very much in line with that of Wallace, the term 'transgovernmentalism' should be preferred as it hints at the existence of a system of governance that incorporates its own unique way of doing politics, rather than being a mere mélange of two ideal types.

Most of the core features of transgovernmentalism are reflected in the formal relationship between EU institutions as well as national actors. The abridged story goes like this: The European Council and the Council of Ministers steer and conduct policy-making, relying on the input from the specially created bureaucracy that is now located largely within the European External Action Service. While the role of the Commission has been traditionally marginal it has received a slight boost with the inauguration of the Lisbon Treaty by giving it a hand in the EEAS, a closer association with the High Representative, and a role in civilian crisis management. Nonetheless, The European Parliament fares even worse as apart from some formalistic oversight and confirmation powers its sole instrument to exert influence is via the budgetary process, and even here effective control is absent regarding military CSDP missions.[159] Similarly, national parliaments have found it difficult to exercise control powers over multinational military deployments agreed upon at the EU level.[160] The European Court of Justice is missing altogether from the policy area. The overall picture is one where policy input is highly constrained outside of the realm of governments and judicial review of acts passed absent.[161]

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[157] Howorth, J. (2000). *European Integration and Defence: the Ultimate Challenge?* Chaillot Paper No. 43. Paris: WEU Institute for Security Studies, p. 36.
[158] Howorth, J. (2007). *Security and Defence Policy in the European Union*. Basingstoke: Palgrave Macmillan, p. 30.
[159] Von Ondarza, N. (2008). *Die EU-Sicherheits- und Verteidigungspolitik im Schatten der Ungewissheit.* SWP-Study S27, Oktober 2008, Berlin.
[160] Born, H., Anghel, S., Dowling, A. & Fuior, T. (2008). *Parliamentary Oversight of ESDP Missions.* DCAF Policy Papers, 28. Geneva: Geneva Centre for the Democratic Control of Armed Forces.
[161] Jørgensen, K. E. (2002). Making the CFSP Work, in: J. Peterson & M. Shackleton (Eds.) *The*

Consequently, there is a high level of executive dominance in EU security policy. With the creation of the EEAS and elevation of the Commission in the Lisbon Treaty this image has been propounded even further. This is especially so since national parliaments continue to be held at arm's length. As Stetter points out, "the main institutional dividing line in EU foreign politics is […] not located on the supranational-intergovernmental dimension but rather between the EU executive […] and those actors controlling the executive".[162] Especially the marginalisation of parliaments – both European and national – has given rise to the claim that CSDP is accompanied by an erosion of democratic standards in terms of checks and balances and the presence of organised opposition.[163] To speak of 'collusive delegation' – as invoked by Matthias Koenig-Archibugi[164] – may be a conceptual bridge too far as the empirical reality of CSDP outputs does not paint the conspiratorial picture implied by the notion, as reflected in the low intensity of CSDP missions, and their non-contestation in domestic political arenas. However, the idea that European politics – and including European security policy – is conducted at two levels simultaneously is difficult to deny.[165]

What the consolidation of executive control over CSDP also means is that while functional unity of EU foreign policy is largely preserved, the political separation of the CSDP from other EU and EC external activities – as maintained by the Lisbon Treaty – demonstrates a considerable degree of institutional fragmentation in European foreign policy. This development follows a trend described by Giandomenico Majone with regard to approaches of 'new governance' (i.e. institutional innovation) aimed at achieving progress in politically sensitive areas, even at the risk of sacrificing overall coherence of the system.[166] With the creation of a separate bureaucratic structure – and one whose 'design' bears no direct relationship to the functional demands of *EU* security

Institutions of the European Union (pp. 210-233). Oxford: Oxford UP.

[162] Stetter, S. (2004). Cross-pillar Politics: Functional Unity and Institutional Fragmentation of EU Foreign Policies. *Journal of European Public Policy, 11* (4): 721-2.

[163] Koenig-Archibugi, M. (2002). The Democratic Deficit of EU Foreign and Security Policy. *The International Spectator, 37* (4): 61-73; Wagner, W. (2006). The democratic control of military power Europe. *Journal of European Public Policy, 13* (2): 200-216.

[164] Koenig-Archibugi, M. (2004). International Governance as New Raison d'État? The Case of the EU Common Foreign and Security Policy. *European Journal of International Relations, 10* (2): 147-188.

[165] See Matlary, J. H. (2009). *European Union Security Dynamics: In the New National Interest*. Basingstoke: Palgrave Macmillan.

[166] Majone, G. (2009). *Dilemmas of European Integration: the Ambiguities & Pitfalls of Integration by Stealth.* Oxford: Oxford UP, p. 15.

– it seems adequate to characterise the CSDP essentially as a distinct political sphere with its own rules and norms of governance.[167]

However, transgovernmentalism should not only be understood as a description of the formal institutional balance between actors but we should also take into account the internal dynamics within this executive-led domain. A number of studies have assessed the role of transgovernmental networks in EU foreign policy, which from an institutional process-oriented perspective presents the most elaborate research avenue to fill popular (but often under-specified) concepts such as 'strategic culture' with empirical meaning.[168] A number of case studies illustrate the applicability of transgovernmentalism to the policy space of EU security.

Frédéric Mérand points our attention to the role of transgovernmental networks in the CSDP. He argues that "European defence has created a historically unprecedented political space for bureaucratic elites to experiment and enact new forms of transnational governance".[169] Howorth's case study of the internal dynamics of the Political and Security Committee shows the gradual emergence of consensual relations that produce shared expectations and understandings of the purpose of EU security cooperation.[170] Davis Cross confirms such shared professional norms in the case of EUMC representatives, which facilitate concurrence between NATO and CSDP.[171] We thus find in Brussels a network of national actors and those based European External Action Service (and previously in the Council Secretariat), which sits at the heart of the CSDP, and where policy is not just done collectively but with an increasingly collective

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[167] Britz, M. & Eriksson, A. (2005). The European Security and Defence Policy: a Fourth System of European Foreign Policy? *Politique Européenne 2005/3*, No. 17: 35-62.

[168] Bickerton, C. J., Irondelle, B. & Menon, A. (2011). Security Co-operation Beyond the Nation-State: The EU's Common Security and Defence Policy. *Journal of Common Market Studies, 49* (1): 1-21;

Mérand, F., Hofmann, S. C. & Irondelle, B. (2011). Governance and State Power: A Network Analysis of European Security. *Journal of Common Market Studies, 49* (1), pp. 121-147; Howorth, J. & Menon, A. (2009). Still Not Pushing Back: Why the European Union is Not Balancing the United States. *Journal of Conflict Resolution, 53* (3): 727–744; Howorth, J. (2001). European Defence and the Changing Politics of the European Union: Hanging Together or Hanging Separately? *Journal of Common Market Studies*, *39* (4): 765–789.

[169] Mérand, F. (2008). *European Defence Policy: Beyond the Nation State*. Oxford: Oxford University Press, p. 3.

[170] Howorth, J. (2010b). The Political and Security Committee: A Case Study in "Supranational Intergovernmentalism". *Les cahiers européens,* No. 1, March 2010.

[171] Davis Cross, M. K. (2010). *Cooperation by Committee: The EU Military Committee and the Committee for Civilian Crisis Management*. Occasional Paper No. 82. Paris: EU Institute for Security Studies, pp. 19-20.

vision and purpose in mind, and according to a shared understanding of the appropriate conduct in this regard.[172]

In this vein, Daniel Thomas demonstrates how the EU's normative and policy commitments significantly impact on member states' behaviour in CFSP.[173] His analysis refers to two 'meta-norms' (joint action as an intrinsic value; and consistency and coherence across time and policy-areas) and a number of substantive and procedural norms (examples of the former are democracy promotion, rule of law, human rights, conflict prevention or multilateralism, whereas examples of the latter are the coordination reflex, confidentiality and consensus-seeking). His line of argumentation maintains that the common institution (i.e. CFSP) prescribes appropriate behaviour to its members, which empowers certain negotiation practices and outcomes while de-legitimising others. The outcome of this is that participation in the common policy-making process may lead actors to depart from their initial, divergent preferences due to the value attached to norm-consistent behaviour (entrapment), and that iterated cooperation facilitates a problem-solving approach aimed at producing acceptance among participants (cooperative bargaining).[174]

Sustained, iterated cooperation thus compels us to consider the role of socialisation dynamics to which actors within the network find themselves exposed. Socialisation and learning mechanisms play an important role in structuring actors' expectations, behaviour and even identities within the space of European foreign policy. Complex social learning occurs in circumstances where: (a) individuals share common professional backgrounds; (b) the group feels in crisis or faced by policy failure; (c) there is a high density of interactions; and (d) the group is insulated from direct political pressure.[175] The incremental but nevertheless tangible effect of socialisation has been confirmed in various studies.

For instance, Christoph Meyer points to the convergence of national strategic cultures due to cross-socialisation among policy-makers in the PSC and the EU Military Committee (EUMC), which is reinforced by post-crisis learning.[176] This is confirmed in a

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[172] Mérand, F., Hofmann, S. C. & Irondelle, B. (2011). Governance and State Power: A Network Analysis of European Security. *Journal of Common Market Studies, 49* (1): 121-147.

[173] Thomas, D. C. (2009). Explaining the Negotiation of EU Foreign Policy: Normative Institutionalism and Alternative Approaches. *International Politics, 46* (4): 344.

[174] Ibid, pp. 345-9.

[175] Checkel, J. T. (2001). Constructing European Institutions, in: G. Schneider & M. Aspinwall (eds.), *The Rules of Integration: Institutionalist Approaches to the Study of Europe* (pp. 19-39). Manchester: Manchester UP, p. 26.

[176] Meyer, C. (2006). *The Quest for a European Strategic Culture: A Comparative Study of Strategic Norms and Ideas in the European Union*. Basingstoke: Palgrave Macmillan

number of other studies investigating the inner workings of CSDP bureaucratic bodies, such as the PSC, EUMC or CFSP working groups.[177] While there is also evidence that socialisation may be strategic rather than internalised[178], the impression remains that actors conform to the demands of the policy space. Similarly, Michael E. Smith argues that common policy goals and cooperative behaviours have gradually developed in an endogenous process of incremental institutionalisation.[179] Institutional development and changes in state behaviour are caught in a two-way relationship, which strongly impacts on European foreign policy cooperation.[180] Thus, with the formalisation of the policy-area comes an increase in states' cooperative attitudes. His conceptualisation of institutionalisation hints at a quasi-evolutionary process whereby an initial intergovernmental bargain becomes subsumed by the endogenous dynamics of cooperation. Over time, supranational actors exert their influence at the centre of decision-making and participants in the policy-area become socialised so as to adopt a shared understanding of their joint goals and interests. Such a change is illustrated by a shift from a bargaining approach to a more problem-solving oriented style of cooperation. While the deterministic conception of institutionalisation – comparable to a ratchet – may overstate the supranational case, it nonetheless highlights the crucial role of endogenous dynamics in EU security.

Europeanisation also contributes interesting insights in this regard by providing a more structured approach to the issue of policy convergence (also known as 'national adaptation' and 'downloading').[181] The focus on policy convergence stems from the fact that it denotes the only strand of Europeanisation theory that is analytically distinct; the

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[177] Duke, S. (2005). *The Linchpin COPS: Assessing the Workings and Institutional Relations of the Political and Security Committee.* Working Paper 2005/W/05. Maastricht: European Institute of Public Administration; Juncos, A. E. & Reynolds, C. (2007). The Political and Security Committee: Governing in the Shadow. *European Foreign Affairs Review, 12*: 127-148; Davis Cross, M. K. (2010). *Cooperation by Committee: The EU Military Committee and the Committee for Civilian Crisis Management*. Occasional Paper No. 82. Paris: EU Institute for Security Studies.

[178] Juncos, A. E. & Pomorska, K. (2006). Playing the Brussels Game: Strategic Socialisation in the CFSP Council Working Groups. *European Integration online Papers, 10*, http://eiop.or.at/eiop/texte/2006-011a.htm.

[179] Smith, M. E. (2004b). Institutionalization, Policy Adaptation and European Foreign Policy Cooperation. *European Journal of International Relations, 10* (1): 100.

[180] Smith, M. E. (2004a). *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*. Cambridge: Cambridge University Press, p. 11.

[181] Europeanisation – as pertaining to the policy convergence perspective – is defined by Radaelli as: "processes of (a) construction, (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures, and public policies" (Radaelli, C. M. (2004). Europeanisation: Solution or Problem? *European Integration online Papers, 8*, No. 16, http:eiop.or.at/eiop/texte/2004-016a.htm, p. 3.).

other major strands – national projection and socialisation are captured by rational-choice institutionalism and sociological institutionalism/constructivism, respectively. Policy convergence means the top-down reception of stimuli and incentives generated at the EU level and the adaptation of national policy through their incorporation into the domestic polity, thus creating policy convergence. The 'goodness of fit' between domestic institutions and adaptation pressures is central here. This vertical process of causality entails that "where states have an opportunity, they will seek to create international rules and institutions that are consistent with domestic principles of political order".[182] For instance, Eva Gross demonstrates an unexpected degree of adaptation in national security and defence policies.[183] Other studies make similar arguments with regard to a (tacitly) emerging European strategic culture.[184] Europeanisation compounds the view that elite socialisation pervades the CSDP's bureaucratic structures and leads to convergence in attitudes and behaviours.[185] It is important to refrain from any deterministic claims as to the inevitability of defence integration and political union deriving from these dynamics, though. Convergence remains constrained as member states continue to attach great value to the preservation of sovereignty in the realm of defence.[186]

Consequently, the question remains whether convergence is largely procedural or whether it actually impacts on actors' self-understanding (i.e. their identities), but the fact that a considerable level of convergence is taking place is largely accepted in the field. Its significance becomes apparent when we consider that transgovernmental dynamics and associated processes of socialisation feed back into the overall process of institutionalisation, as illustrated by Michael E. Smith in his book *Europe's Foreign and*

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[182] Ikenberry, J. (1998). Constitutional Politics in International Relations. *European Journal of International Relations, 4* (2): 163.

[183] Gross, E. (2007). Germany and European Security and Defence Cooperation: The Europeanization of National Crisis Management Policies? *Security Dialogue, 38* (4): 501-520; Rieker, P. (2006). From Common Defence to Comprehensive Security: Towards the Europeanization of French Foreign and Security Policy? *Security Dialogue, 37* (4): 509- 528; Lee-Ohlsson, F. (2009). Sweden and Development of the European Security and Defence Policy: A Bi-Directional Process of Europeanization. *Cooperation and Conflict, 44* (2): 123-142.

[184] Giegerich, B. (2006). *European Security and Strategic Culture: National Responses to the EU's Security and Defence Policy*. Baden-Baden: Nomos; Meyer, C. (2006). *The Quest for a European Strategic Culture: A Comparative Study of Strategic Norms and Ideas in the European Union*. Basingstoke: Palgrave Macmillan.

[185] Smith, M. E. (2004a). *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*. Cambridge: Cambridge University Press, p. 59.

[186] Gross, E. (2009). *The Europeanization of National Foreign Policy: Continuity and Change in European Crisis Management*. Basingstoke: Palgrave Macmillan.

Security Policy: The Institutionalization of Cooperation.[187] That there is a broader cultural context to the embeddedness of institutions is a point that was made clear in the previous discussion on the structuration of the European security policy space and its concurrent dynamics of institutional imitation as exemplified by the overlapping of security organisations[188] and the "unreflexive transfer of knowledge and of patterned practices" between them.[189] If we acknowledge that the functionality of institutions is at least partially subsumed by a broader cultural context of meaning in which they are embedded, we also immediately grasp the distinguishing feature of the socioscape of European security at large: that is its density of institutionalisation (including the EU, NATO, the OSCE, and the Council of Europe).

An important concept that ties into the debate on transgovernmentalism is that of epistemic communities because it directs out attention to the critical issue of authority derived from knowledge rather than institutional location. A number of authors have highlighted the idea that it is in fact a diverse mix of actors engaged in these networks that drive the institutionalisation of EU security forwards, as illustrated by Howorth in his account of how a new communicative discourse took hold in the epistemic community.[190] James Rogers' explication of how a group of euro-strategists elaborated and facilitated a paradigm shift from civilian power to global power around the turn of the millennium sheds light on the critical role of small elite networks that employ their institutional and knowledge authority. Similar arguments have been forwarded by Mérand, Mérand et al. and Davis Cross.[191]

We should note, though, that while most studies employing the concept of 'epistemic communities' primarily occupy themselves with shared discourse and the role of knowledge in the form of expertise in structuring policy choices, they mostly abstain

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[187] Smith, M. E. (2004a). *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*. Cambridge: Cambridge University Press.

[188] See Hofmann, S. C. (2009). Overlapping Institutions in the Realm of International Security: The Case of NATO and ESDP. *Perspectives on Politics, 7* (1): 45-52; Reynolds, C. (2010). *Understanding the Emergence of the European Security and Defence Policy*. Baden-Baden: Nomos;

[189] Bicchi, F. (2006). 'Our Size Fits All': Normative Power Europe and the Mediterranean. *Journal of European Public Policy, 13* (2): 292.

[190] Howorth, J. (2004). Discourse, Ideas, and Epistemic Communities in European Security and Defence Policy. *West European Politics, 27* (2): 211-234.

[191] Mérand, F. (2008). *European Defence Policy: Beyond the Nation State*. Oxford: Oxford University Press; Mérand, F., Hofmann, S. C. & Irondelle, B. (2011). Governance and State Power: A Network Analysis of European Security. *Journal of Common Market Studies, 49* (1): 121-147; Davis Cross, M. K. (2013). The Military Dimension of European Security: An Epistemic Community Approach. *Millennium - Journal of International Studies, 42:* 45-64.

from making inferences at the level of decision-taking and thus disregard a conception of security that is practice-oriented.

The picture of the space of EU security that emerges shows a political sphere, which is in many respects de-politicised. The rationale of transgovernmentalism produces and reinforces a strongly consensus-oriented dynamic that steers policy-making in EU foreign policy, to the point that oppositional forces are excluded by default. Translated into a policy formula we may surmise the following: in a system of executive dominance, voting rules that require unanimity but allow abstention, significant socialisation towards consensus-oriented norms, the outcome is one where political contestation is minimal. Either the policy process leads to unified action, no action or core group action (e.g. variable geometry, multiple speeds, etc.). Consequently, the democratic deficit that is generally invoked to criticise the opacity of EU politics is undeniably more grave in the realm of security if we consider its sensitive nature but overwhelming lack of checks and balances within CSDP. The 'democratic deficit' critique points at a critical structural inhibition to democratic politics at the European level and it is reflective of a wider trend in European politics, namely the transitioning into what Chantal Mouffe criticises as 'post-politics'.[192]

Post-politics describes the denial of agony in politics, as the unreflexive pluralist bias inherent in much of contemporary liberalism aims to externalise conflict from politics.[193] The result, however is not an amelioration of the democratic process but rather its hollowing out through the imperative of consensus. It is the great paradox of the European debt crisis – which by extension has become a constitutive crisis of the European project itself – that it has made apparent the lack of political alternatives to the dominance of neoliberal capitalism. The centre-ground of national electoral competition has become vanishingly small with regards to economic governance as centre-left parties do not offer alternative visions to neoliberal capitalism.[194] According to Hay, widespread internalisation of the demands and effects of deregulation has led European citizens to 'hate politics' that cannot offer them any protection. [195]

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[192] Mouffe, C. (2005). *On the Political*. London: Routledge.
[193] Ibid, p. 10.
[194] Mouffe, C. (2013). Five Minutes with Chantal Mouffe: "Most countries in Europe are in a post-political situation", *European Politics and Policy Blog*, LSE, 16 September 2013. http://blogs.lse.ac.uk/europpblog/2013/09/16/five-minutes-with-chantal-mouffe-most-countries-in-europe-are-in-a-post-political-situation/
[195] Hay, C. (2007). *Why We Hate Politics*. Cambridge: Polity Press.

While a state of post-politics is increasingly felt as a political and social reality since the onset of the crisis, its beginnings go back to the end of the Cold War and the consolidation of late-twentieth century globalisation (recall 'The End of History'[196] as an early manifestation of the idea of the post-political). At the international level the post-political is expressed in an aspiration towards universal human values and human rights, and an overarching liberal consensus.

We can relate the previous discussion of EU security transgovernmentalism to the idea of the post-political in so far as the former, representative of a supranationality without supranational institutions, sees EU security cooperation not so much as a collective state response to the obstinacy or obsolescence of the nation-state but rather as its transformation.[197] This transformation is intimately motivated by the structural, external forces of globalisation that have become unmanageable within the context of national politics. In the context of EU foreign policy post-politics translates into a demand for an amelioration of the adverse effects of globalisation. The next chapter specifies how this informs not only EU external activity at large but also the realm of EU security and counter-piracy in particular.

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[196] Fukuyama, F. (1992). *The End of History and the Last Man.* New York: Free Press
[197] Bickerton, C. (2011). Towards a Social Theory of EU Foreign and Security Policy. *Journal of Common Market Studies, 49* (1): 171-190.

Chapter 5

Managing Globalisation

At this point I would like to weave together a few conceptual and substantive threads that have outlined the frame of the analysis so far, by relating them to a particular rationale of EU external action: 'managing globalisation'. Regarding our discussion of the various narrative strands of EU power, when viewed through the lens of the post-political, it becomes clear that what is missing in the international identity of the EU is a conception of the 'other', which in turn gives rise to an incomplete understanding of the self. The problem is that so far discussions about the nature of or rationale for EU power remain mired in inconclusiveness as they do not accomplish to construct the constitutive arc between structure and practice of EU security. The recent emergence of the notion of a strategic deficit at the heart of EU security is not so much an analytical reflection of a new mismatch between capabilities and expectations to fulfil a global power aspiration as it is the belayed empirical rejection of the inherently misguided evolutionary logic pervasive in the epistemic community of EU security. The problem is that the idea that there exists a 'natural' progression from civilian power towards global power has contributed to a view of the so-called strategic deficit as something to be overcome, instead of something to be understood.[198]

The historicity of EU security compels us to locate apparent contradictions such as the strategic deficit within the contingent institutionalisation of EU security, a defining yet largely overlooked feature of which is its post-political nature. What this

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[198] I reject such an abstraction of EU security that is based on a misguided attachment to state-centric notions of the national interest or military power (and unified command thereof) and consequentially only finds disappointment in the state of the EU as an aspiring global power. In the move towards global power, 'power' becomes a quality to be achieved, a resource to be possessed. Even previous civilian and normative accounts of EU power were primarily interested in the nature of power, instead of its effects. But it is precisely when looking towards the effects of EU power – which we can only gauge by analysing its practice – that we gain a more thorough understanding of the meaning of EU international actorhood.

allows us to do is not only to have a more precise understanding of the institutional constraints on the delivery of EU crisis management operations, but, more importantly, to point our attention to the overarching structuring device of EU external action, both in terms of material reality as well as ideational frame of reference: globalisation.

Globalisation is a notion that is often invoked when it comes to explaining EU action on the global scene. At the same time globalisation remains a hotly contested term in IR. While for some it simply means the integration of the world economy [199], for most globalisation represents a complex phenomenon, characterised by multiple simultaneous processes. Accordingly, David Held et al. contend that globalisation can be thought of as:

> "a process (or set of processes) which embodies a transformation in the spatial organization of social relations and transactions – assessed in terms of their extensity, intensity, velocity and impact – generating transcontinental or interregional flows and networks of activity, interaction, and the exercise of power".[200]

Its crucial component of interconnectedness is spelled out by Anthony Giddens:

> "Globalization can thus be defined as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa".[201]

On the one hand, the EU – when considering its institutional evolution up to its present state – is as much an outcome of (processes of) globalisation, as it is a driver of the latter itself. Because of this, it is often treated as the archetypal institutional template for a globalised order. More specifically to our case at hand, what EU counter-piracy intriguingly illustrates is not simply this dialectic of cause and effect, but how it leads to an elaboration of self/other within the space of EU security, and consequentially reveals the self-referential positioning of the EU against global disorder and chaos as an overarching problematique. Concurrently, the issue of piracy reflects a preoccupation with the disparate challenges that globalisation poses.

The conceptual framework that can shed light on this problematisation is therefore logically grounded in the notion of 'the management of globalisation', which I contend to be a fundamental organising principle of EU external action. The notion goes back to 1999 and was introduced by Pascal Lamy in his role as Commissioner of Trade in the wider context of the completion of the Single Market and the concurrent push of

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[199] Gilpin, R. (2001). *Global Political Economy*. Princeton: Princeton UP, p. 364.
[200] Held, D., McGrew, A., Goldblatt, D. & Perraton, J. (2003). Rethinking Globalisation, in: D. Held & A. McGrew (Eds.), *The Global Transformations Reader: An Introduction to the Globalization Debate,* (pp.67-74)*. Cambridge: Polity Press, p. 68.
[201] Giddens, A. (1990). *The Consequences of Modernity*. Cambridge: Polity Press, p. 64.

the EU towards assuming the stature of a trade bloc.[202] Rather unsurprisingly, the idea of 'managing globalisation' emerged as an economic rationale, a feature of the predominantly economically oriented 'power' of the EU as a trade actor. It also represents the typically continental European perspective on political economy – as reflected in the nature of coordinated market economies under the research agenda of 'varieties of capitalism' [203] – and arguably includes a measure of French *dirigisme*.[204] Jacoby and Meunier define 'managed globalisation' as:

> "the attempt by public or private actors to ensure that the liberalization of rules about international flows of goods and services, capital, and labor go hand in hand with formal practices to bind market players and their governments".[205]

As I will demonstrate the idea of managing globalisation has implications that reach far beyond its economic rationale. In fact, its conceptual import can be creatively applied to the realm of EU security, which becomes apparent when we consider its five core mechanisms that describe the management of globalisation:

> "expanding policy scope, exercising regulatory influence, empowering international institutions, enlarging the territorial sphere of EU influence, and redistributing the costs of globalization".[206]

Again, while this conceptualisation of Jacoby and Meunier was developed more specifically with EU trade policy in mind [207], the following explication makes intelligible how the concept travels to the realm of security and counter-piracy:

1) Expanding policy scope: As a response to the various pressures emanating from globalisation, which undermine the capacity of individual nation-states to effectively pursue their interests on the global stage, EU member states formulate and execute joint policy initiatives. A prominent example of this is the Euro, where the introduction of the common currency was at the same time geared at providing EU member states with a monetary and fiscal stability mechanism – we shall ignore the actual consequences of this harmonising move on many Euro countries' fiscal situation

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[202] Abdelal, R. & Meunier, S. (2007). *The French Mark on Globalization*. Telos, 13 October 2007, http://www.telos-eu.com/en/global-finance/the-french-mark-on-globalization.html, last accessed 12 May 2014.

[203] Hall, P. A. & Soskice, D. (2001). *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage.* Oxford: Oxford UP.

[204] Jacoby, W. & Meunier, S. (2010). Europe and the management of globalization. *Journal of European Public Policy, 17* (3): 312.

[205] Ibid, pp. 299-300.

[206] Jacoby, W. & Meunier, S. (2010). Europe and the management of globalization. *Journal of European Public Policy, 17* (3): 302.

[207] See also: Meunier, S. (2007). Managing Globalization? The EU in International Trade Negotiations. *Journal of Common Market Studies, 45* (4): 905-926

for now – as well as giving the collective more weight on the international financial and trade stage.

It is a minor leap to consider EU counter-piracy efforts as such an instance of expanding policy scope. On the macro-level, the creation and development of CSDP itself has been a major step towards expanding policy scope. Within the realm of EU foreign policy counter-piracy is a particularly interesting instance as it brings together the otherwise somewhat disparate realms of trade policy and security policy. Combined with the targeting of private actors as security threat this implies a more variegated view of security. What is of crucial significance in this respect is the discursive construction of the pirate as universal enemy whereby EU action is legitimised. In substantive terms, the primary composition of EU counter-piracy as a naval security operation represents a genuine novelty in EU security policy. This is further compounded by the duration of the mission and resources committed.

2) Exercising regulatory influence: As Jacoby and Meunier make clear, the EU is the world's leading regulatory actor, setting standards in anything from food, to chemicals, medicines and telecommunications, and regulatory influence is operationalised via mechanisms such as mutual recognition, the open method of coordination and variable geometry schemes.[208]

Transferring this idea to counter-piracy highlights the relevance of EU efforts to shape the institutionalisation of local security regime, specifically regarding its institutional support for the creation and reform of local security services and penal systems. In this vein, the EU does not only fight piracy at the Horn of Africa, but at the same time establishes the conditions under which its partnered local countries will assert their own control over the issue.

3) Empowering international institutions: International institutions are both a conduit for the management of globalisation as well as an incident thereof at the same time. The EU has actively supported the expansion and strengthening of organisations such as the WTO, OECD and IMF.[209] The underlying rationale for the EU is to be able to write the rules of the game, that is stipulating the conditions according to which states compete and cooperate under globalisation.[210]

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[208] Jacoby, W. & Meunier, S. (2010). Europe and the management of globalization. *Journal of European Public Policy, 17* (3): 306-7.
[209] Ibid, pp. 307-8.
[210] Notably, there is an inherent tension at work within this strategy: while the EU seeks to augment its international position by writing the rules for these institutions to which new

In the case of counter-piracy, the EU empowers international institutions in the form of various coordinating mechanisms and forums that bring together a variety of international actors, including a broad array of states, international organisations (such as the UN and NATO), merchant and shipping companies, insurance companies, and private security companies.

4) Enlarging the territorial sphere of EU influence: When it comes to the expansion of EU territorial influence, the prominent example remains the EU enlargement policy.[211] Through the process of enlargement new member states become effectively subsumed by the EU polity and its *acquis communautaire*. Other efforts in this regard are regional trade agreements, such as the Economic Partnership Agreements with blocs of African countries, which rest to a considerable extent on the EU power as a model for regional integration.

While the geographical distance to the Horn of Africa is undeniable, there is some relevance to the idea of 'model power' in so far as it informs the EU approach to supporting the creation of collective security schemes among stakeholder states in the region – particularly with regard to integrated coast guard forces.

5) Redistributing the costs of globalisation: The fact that globalisation involves winners and losers is all too apparent at this point. Generally, EU aid and development assistance policies are meant to address this issue by providing financial support to least developed countries, for instance, through the 'Aid for Trade' scheme under the umbrella of the WTO.[212]

Notably in the case of piracy, positions are reversed, as it is the EU that is straightforwardly suffering the negative consequences of globalisation in the form of piracy, whereas the picture is considerably murkier for the countries of the HoA. The EU assumes a large share of the direct costs of piracy mitigation – that is in the form of naval deployments or financial support for the reform of local security services. However, the EU approach to the management of piracy as a security concern also involves an effort of externalising responsibility to HoA states to deal with unwanted ancillary issues of piracy, such as the detention and prosecution of arrested pirates. Consequently, in the case of counter-piracy redistribution works in the opposite direction than in trade policy.

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members will have to submit, the very admission of such new members will unavoidably diminish EU influence within these institutions.
[211] Jacoby, W. & Meunier, S. (2010). Europe and the management of globalization. *Journal of European Public Policy, 17* (3): 308.
[212] Ibid, pp. 309.

It should be noted that these 'disparate' five mechanisms are often intertwined at many points, that is to say they may work in conjunction or sequence with one another. This will become clearer in the analysis to come.

The notion of the 'management of globalisation' is well reflected in public discourse by central EU officials, such as former Commission President Prodi and former Commissioner for External Relations Ferrero-Waldner.[213] According to Ferrero-Waldner "the EU is uniquely placed to deal with new trans-national challenges. In the 21st century, managing globalization is its new raison d'être".[214] Mario Monti cautioned against the perils of "ungoverned globalization"[215] and Ferrero-Waldner alluded to the "dark side" of globalisation, which, for example, comes in the guise of technological change that enables the enemies of globalisation (although she does not specify who that might be).[216] What these statements indicate is that inherent in the notion of global interconnectedness is also a volatility that needs to be mitigated and managed.

The discourse of 'managing globalisation' captures the liberal, post-political approach to world politics. It constructs an image of the EU that is truly global in remit, both affected by global processes and simultaneously intending to affect these same processes. The issue is at core a strategic one as it asks what the EU can and should do in the world. This study will demonstrate its applicability to EU security, particularly its resonance with the EU's objective of 'effective multilateralism'. As will be demonstrated by the empirical part of this investigation, Somali piracy can be (and indeed is) framed as a quasi by-product of globalisation by the EU, at the same time borne out of the dynamics of globalisation while unsettling this global order. The EU's response is built around the notion of effective multilateralism in that it espouses an explicitly global view of the security problem of piracy and forwards an explicitly global response to it as well. The EU's move towards the role of a security provider in counter-piracy spells out its self-perception as a manager of globalisation.

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[213] Prodi, R. (2003). Speech: *Signing the Treaty of Accession*. Athens, 16 April 2003, www.europa.eu/rapid/press-release_SPEECH-03-203_en.pdf, last accessed 17 September 2013.

[214] Ferrero-Waldner, B. (2007). *The Future of the European Union: Managing Globalization* (speech). Hamburg, 31 August 2007, http://www.eu-un.europa.eu/articles/en/article_7282_en.htm, last accessed 3 September 2013.

[215] Monti, M. (2009). *How to save the market economy in Europe.* Financial Times Online, 5 April 2009. http://www.ft.com/cms/s/0/4e78b1f0-220d-11de-8380-00144feabdc0.html#axzz2gCUNWlr0, last accessed 17 September 2013.

[216] Ferrero-Waldner, B. (2007). *The Future of the European Union: Managing Globalization* (speech). Hamburg, 31 August 2007. http://www.eu-un.europa.eu/articles/en/article_7282_en.htm, last accessed 3 September 2013.

Chapter 6

Globalising EU security: The Somali pirate as the 'enemy of all'

One of the major difficulties in the study of EU security – evident in the discussion on the strategic deficit – is the fact that security mostly exists as an abstract that is inferred from loose references to 'weapons of mass destruction', 'regional stability', or 'failed states'. The absence of agency – i.e. not simply *what* is a threat but *who* is a threat? – is striking. This is where piracy represents a departure. The elaboration of the pirate as the relevant 'other', the enemy, allows the EU to define itself on the international stage. In fact, the pirate as a phenomenon of international relations is distinguished by his unpolitical nature. Driven by profit and operating on the high seas outside of the formal jurisdiction of states, the pirate represents a rather peculiar security threat. As an inherently unpolitical creature, the pirate is transformed into the enemy of all, an 'enemy of mankind'. By relating the material and ideational dimensions of Somali piracy as expressed in the practice of EU counter-piracy, we can appreciate how the EU constructs a security profile for itself that aims at a more global role, which, however, is inherently unpolitical itself, as it expresses a predominantly technical approach of managing globalisation.

This chapter argues that the EU elevates piracy to the level of existential threat, not to the EU itself but to global order and stability. The enacted juxtaposition of the EU as champion of globalisation and pirate as menace of and to globalisation facilitates a new understanding of the EU a global security-provider, a manager of globalisation and its adverse effects.

The structure of the chapter proceeds as follows. First, I outline the relevant legal definitions of piracy as forwarded by international organisations. Second, I outline the mission parameters of EU naval force Atalanta and then go on to discuss the material factors that are most commonly invoked to explain the EU's engagement, namely the costs associated with Somali piracy, and the wider geostrategic significance

of the Horn of Africa. Third, I move to the ideational side of Somali piracy, specifically how the EU frames the issue with recourse to a Schmittian logic of identity construction that views piracy as an 'enemy of all', the personification of the 'dark side' of globalisation. This provides the conceptual frame for understanding the EU's reductionist view of the political economy of piracy and its maximalist view of piracy as an instance of organised crime. The conclusion ties these lines of argumentation together in as far as piracy represents a distinctly global – and globalised – security issue for the EU. The EU's framing of Somali piracy not only confirms the idea that the EU claims for itself a more global role as a security actor but also specifically a role that implies globalisation must be managed and the EU is particularly well-placed to do this.

6.1 What is piracy?

The mission mandate of operation *Atalanta* makes specific reference to 'piracy' and 'armed robbery' at sea, both of which are well defined in international law. According to Article 101 of 1982 UN Convention on the Law of the Sea, acts of piracy include any of the following:

> "(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
> (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
> (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
> (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
> (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)." [217]

Article 2.2 of Resolution A.1025(26), adopted by the 26th Assembly Session of the International Maritime Organisation on 2 December 2009 defines 'armed robbery' against ships as including any of the following acts:

> ".1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;
> .2 any act of inciting or of intentionally facilitating an act described above." [218]

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[217] United Nations (1982). *United Nations Convention on the Law of the Sea*, 10 December 1982, http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf, last accessed 16 June 2013. This definition is directly derived from 1958 Convention on the High Seas.

Both definitions are identical safe for the differentiation into 'high seas' and 'state's territorial sea', relevant mostly in terms of international law and procedures for arrest and prosecution. The second definition is important since especially in the case of piracy incidents occurring at the Horn of Africa, some of these are in fact committed either in port or in territorial waters.

For the sake of convenience, the less legalistic and more inclusive definition forwarded by the International Maritime Bureau seems most appropriate for our purpose:

> "An act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act." [219]

While these definitions give us a good idea of the act of piracy, they tell us little about the phenomenon of piracy itself. In the same way that the notion of 'Islamic terrorism' does not simply make a statement about the religion that its perpetrators happen to share but extends to the social, cultural, ideological and political struggles involved, piracy is a complex phenomenon that operates at various conceptual lines of international relations.

6.2 Somali piracy and the EU: a material perspective

To gauge why and how Somali piracy represents a security issue for the EU the first step is to look at the mandate of operation *Atalanta*. The mission's general objective is the "deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast".[220] The mandate is provided by Council Joint Action 2008/851/CFSP of 10

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[218] International Maritime Organization (2009). Resolution A.1025(26), *Code of Practice for the Investigation of Crimes and Piracy and Armed Robbery against Ships*. 2 December 2009. http://www.imo.org/OurWork/Security/PiracyArmedRobbery/Guidance/Documents/A.1025.pdf, last accessed 7 July 2013.

[219] International Maritime Bureau (2003). *Piracy and Armed Robbery against Ships: Annual Report 2002*. London: International Chamber of Commerce, Commercial Crime Services. See http://www.icc-ccs.org/piracy-reporting-centre

[220] Council of the EU (2008). *COUNCIL JOINT ACTION 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast*. Official Journal of the EU, L 301/33, 12 November 2008.

November 2008 (in turn based on UNSC resolutions 1814 (2008), 1816 (2008) and 1838 (2008)) and includes the following parameters:

   a) "provide protection to vessels chartered by the WFP, including by means of the presence on board those vessels of armed units of Atalanta, in particular when cruising in Somali territorial waters";
   b) "provide protection, based on a case-by-case evaluation of needs, to merchant vessels cruising in the areas where it is deployed";
   c) "keep watch over areas off the Somali coast, including Somalia's territorial waters, in which there are dangers to maritime activities, in particular to maritime traffic";
   d) "take the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where it is present";
   e) "in view of prosecutions potentially being brought by the relevant States under the conditions in Article 12, arrest, detain and transfer persons who have committed, or are suspected of having committed, acts of piracy or armed robbery in the areas where it is present and seize the vessels of the pirates or armed robbers or the vessels caught following an act of piracy or an armed robbery and which are in the hands of the pirates, as well as the goods on board";
   f) "liaise with organisations and entities, as well as States, working in the region to combat acts of piracy and armed robbery off the Somali coast, in particular the 'Combined Task Force 150' maritime force which operates within the framework of 'Operation Enduring Freedom'".

The 2012 amendment of the Council Joint Action extended the mandate in geographical scope, explicitly included the monitoring of fishing activities off the coast of Somalia, and included African Union Mission in Somalia (AMISOM) vessels to protected status.[221]

   The mission mandate shows that piracy poses a maritime security threat, however it remains unclear what specifically is being threatened and how so. In terms of its operational profile *Atalanta* represents an effort at containment, with European navies patrolling the seas off the coast of Somalia to contract the pirates' space of manoeuvre. The military presence serves as a shield for any international ships passing through the area. This should not lead us to construe the issue of piracy as a military problem. Although the EU response is fashioned in military terms, the problem of piracy itself is much more variegated. In fact, it would be outlandish to suggest that Somali piracy could present a military threat to European countries, i.e. to put their military and/or political survival in question. Instead of a military problem, Somali piracy is framed as a threat to specific trade interests as well as presenting a challenge to the global economic and legal order at large. Other secondary concerns may relate to the

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[221] Council of the EU (2012). *COUNCIL DECISION 2012/174/CFSP of 23 March 2012 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.* Official Journal of the EU, L 89/69, 27 March 2012.

threat to life of European and Somali citizens, and negative externalities to political stability in Somalia.

6.2.1 The costs of piracy

Chalk and Hansen list four reasons why states should be concerned about piracy: 1) it represents a direct threat to the lives and well-being of citizens of flag states; 2) it has direct economic costs in various forms; 3) it poses a potential cause for major environmental disaster; and 4) it can erode political stability and legitimacy by encouraging corruption.[222] It is especially in the first two points that we find strong material factors that underpin the EU engagement.

A study calculating the global costs of modern maritime piracy covering the period of 1999 until 2008 – which is the decade preceding the intervention of the European Union in Somalia – found it to be around $24.5 billion worth of international trade.[223] Another study estimated the costs of international piracy in 2010 to be $4.9-$8.3 billion, and projected it to double over the course of the next three years.[224] The 'Oceans Beyond Piracy' project by the NGO One Earth Future forwards the most comprehensive survey. It estimates that the global cost emanating from Somali piracy in 2012 was between $5.7 and $6.1 billion (down from $6.9 in 2011, and thus reflecting the overall impression that counter-piracy operations are successful in apprehending and deterring pirates).[225] Increased costs emanate from a number of factors: installation of onboard security measures, i.e. equipment and guards (29%); increased steaming speeds (27%); military operations (19%); higher insurance premiums (10%); hazard pay to seafarers (8%); re-routing of vessels (5%); and ransom payments, maintenance of international counter-piracy organisations, and prosecution and imprisonment of apprehended pirates (3% combined). This means costs are divided between the public and the private sector at a ratio of 1:4.

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[222] Chalk, P. & Hansen, S. J. (2012). Present Day Piracy: Scope, Dimensions, Dangers, and Causes. *Studies in Conflict & Terrorism, 35*: 500-501.
[223] Bensassi, S. & Martinez-Zarzoso, I. (2012). How Costly is Modern Maritime Piracy to the International Community? *Review of International Economics, 20* (5): 870.
[224] Geopolicity (2011). *The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia.* May 2011. http://www.geopolicity.com/upload/content/pub_1305229189_regular.pdf, last accessed 11 August 2013.
[225] One Earth Future (2012). *The Economic Cost of Somali Piracy 2012*. Oceans Beyond Piracy, Working Paper. http://oceansbeyondpiracy.org/sites/default/files/ecop2012final_2.pdf, last accessed 8 September 2013; One Earth Future (2011). *The Economic Cost of Somali Piracy 2011*. Oceans Beyond Piracy, Working Paper. http://oceansbeyondpiracy.org/sites/default/files/economic_cost_of_piracy_2011.pdf, last accessed 8 September 2013.

However, the Oceans Beyond Piracy survey only occupies itself with direct costs from piracy and does not account for knock-on effects, such as potential trade diversions. Thus, other authors paint a rather different picture. According to Benassi & Martinez-Zarzoso, "piracy may have a significant impact on the gross domestic product (GDP) of the trading countries through a drop in trade, but its impact through asset destruction or enhanced security measures is minimal".[226] Whether most costs are located in drops in trade or in piracy mitigation measures, it is safe to say that there exists overall agreement on the fact that piracy *does* create costs. What is more difficult to establish from the aggregate numbers is how the EU and individual member states are affected by Somali piracy specifically.

According to Mejia et al., pirates do not choose a specific ship for hijacking based on its origin.[227] Thus, we may assume that countries are adversely affected in proportionality to the extent that they rely on maritime trade passing through the region, and are host to merchant fleets that conduct the shipping. According to statistics compiled by the International Maritime Bureau, between 2008 and 2012 there were a global total of 1,884 pirate attacks (see Table 2, annex).[228] In that time a total of 860 successful or attempted pirate attacks occurred at the Horn of Africa. For the purposes of looking at piracy the HoA here includes Somali waters, the Gulf of Aden, the Red Sea, the Arabian Sea, the Indian Ocean and the territorial waters of Oman as all attacks that occurred in these regions are generally attributed to Somali pirates.[229] Out of the 860 incidents, 356 were targeted at European ships (see table 3, annex). This number may well be much higher as many attempted attacks go unreported because doing so exposes shipping companies to potentially higher insurance premiums. Over 95% of global long-distance trade is transported via sea.[230] The EU's dependence on maritime trade is equally dramatic. According to a report by NATO's Parliamentary Assembly "90%

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[226] Bensassi & Martinez-Zarzoso, 871.

[227] Mejia, M., Cariou, P. & Wolff, F.-C. (2009). Is Maritime Piracy Random? *Applied Economics Letters, 16*: 891–895.

[228] International Maritime Bureau (2013). *Piracy and Armed Robbery Against Ships*, Annual Report 2012. London: International Chamber of Commerce, Commercial Crime Services.

[229] The overwhelming majority of Somali pirate attacks occurred either directly within Somali territorial waters (447) or in the Gulf of Aden (312). The rest were located in the Red Sea, the Arabian Sea, the Indian Ocean or the territorial waters of Oman.

[230] Marine, Flottenkommando (2011). *Jahresbericht 2011: Fakten und Zahlen zur Maritimen Abhängigkeit der Bundesrepublik Deutschland*. http://www.marine.de/contentDownload/download/1320831828538S6GSVfxGvYHPHSfcUQugqa95SnzngPFstsm4xIBLTf79cAGRb9u/FaZa2011_web.pdf, last accessed 3 April 2013.

of the EU's external trade is being transported by sea.[231] Additionally, member states such as Greece and Germany run the largest and third-largest controlled fleets, respectively.[232]

There have been a number of publicised incidents involving the abduction and ransoming of European freighters and their crews as well as private vessels and civilians aboard these. As Somali piracy skyrocketed in the course of 2008 numerous European vessels of different kinds were attacked. In April the French yacht *MY Le Ponant* and the Spanish fishing vessel *FV Playa de Bakio* were captured, in May the Dutch vessel *MV Amiya Scan*, and the German cargo ship *MV Lehmann Timber*.[233] In the remaining months leading up to the EU naval mission another German vessel, a French yacht, a Danish tanker, a Greek bulk carrier, a Greek freighter and two Greek chemical tankers, two Danish cargo ships, and a German cruise ship carrying 492 passengers onboard were attacked.[234] In some of these cases the attacks were unsuccessful, in other cases the vessels were released after capture, often after a ransom had been paid by the company owning the ship. The two French yachts were freed by French commando forces. In the case of the Greek chemical tanker *MV Action*, three of its crew died in unknown circumstances.[235] Other high profile cases since 2009 include the *MV Hansa Stavanger* (Germany) incident and the French commando raid on the captured yacht

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[231] NATO Parliamentary Assembly (2010). *207 CDS 10 E bis – Maritime Security: NATO and EU Roles and Co-ordination*. NATO. http://www.nato-pa.int/Default.asp?SHORTCUT=2087, last accessed 14 May 2013.

[232] United Nations Conference on Trade and Development (2011). Review of Maritime Transport 2011. United Nations, http://unctad.org/en/docs/rmt2011_en.pdf, last accessed 16 May 2013.

[233] BBC News (2008a). *France is tracking hijacked yacht*. 5 April 2008. http://news.bbc.co.uk/2/hi/africa/7332003.stm, last accessed 7 July 2013; BBC News (2008b). *Spain in hostage hunt off Somalia*. 21 April 2008. http://news.bbc.co.uk/2/hi/africa/7357831.stm, last accessed 13 August 2013; CNN (2008). *Somali pirates hold Dutch firm's crew hostage*. 27 May 2008. http://edition.cnn.com/2008/WORLD/africa/05/27/dutch.pirates/, last accessed 4 July 2013; Kommersant (2008). *Hostages of Pirates at Lehmann Timber Are OK*. 1 July 2008. http://www.kommersant.com/p-12748/r_500/Hostage_Lehmann_Timber/, last accessed 1 July 2013.

[234] International Maritime Bureau (2009). *Piracy and Armed Robbery against Ships: Annual Report 2008,* International Chamber of Commerce, Commercial Crime Services. See http://www.icc-ccs.org/piracy-reporting-centre

[235] Independent Online South Africa (2008). *Pirates release tanker, officials fear deaths*. 13 December 2008. http://www.iol.co.za/news/africa/pirates-release-tanker-officials-fear-deaths-1.428887, last accessed 12 August 2013.

Tanit, which resulted in the death of one French national.[236] The list goes on and affects many EU member states, however, as a rule of thumb, Central and Eastern European member states, as well as landlocked countries such as Austria, are less impacted.

6.2.2 Piracy as geostrategic concern

While the case for the economic and human costs of piracy is straightforward, it is at the strategic level that the EU argues for action most forcefully. The EU's Strategic Framework on the Horn of Africa is the 'strategic' document that guides EU policy in the region and it creates the basis for understanding why and in what way Somali piracy presents a security problem for a EU with a global outlook. The Strategic Framework, adopted by the Foreign Affairs Council on 14 November 2011, is a broad document that seeks to outline a comprehensive strategy for the EU to tackle the deep-seated political, economic and security problems facing the region. It combines a multitude of instruments, such as political dialogue, trade, humanitarian assistance and crisis management. While the first three have been present on the bilateral agenda for a long time through the Cotonou Agreement (2000) and its various predecessors, it is the realm of crisis response and management that has been "the fastest growing area of EU engagement". The Framework explains EU action thus:

> "the EU's long-term commitment to the Horn of Africa is rooted in the region's geo-strategic importance, the EU's desire to support the welfare of the people of the Horn and to help lift them from poverty into self-sustaining economic growth. Instability in the region poses a growing challenge not only to the security of its peoples but also to the rest of the world".[237]

A similar and equally sweeping statement so characteristic of the European perspective was delivered by German Foreign Minister Westerwelle:

> "The freedom of the seas and security of sea routes are of particular importance strategically. (…) Europe profits more than any other continent from the free flow of global trade: the most important trading route between Europe, the Arabian peninsula,

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[236] CNN (2009). *Hostage, 2 pirates killed in French rescue operation*. 10 April 1009. http://edition.cnn.com/2009/WORLD/africa/04/10/somalia.france/, last accessed 18 August 2013; Spiegel Online International (2009). *At the Mercy of Somali Pirates: Hansa Stavanger Crew Describe Hostage Ordeal*. 11 August 2009. http://www.spiegel.de/international/world/at-the-mercy-of-somali-pirates-hansa-stavanger-crew-describe-hostage-ordeal-a-641752.html, last accessed 17 August 2013.
[237] Council of the EU (2011). *Council conclusions on the Horn of Africa*. 3124th Foreign Affairs Council meeting, Brussels, 14 November 2011. http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf, last accessed, 17 August 2013.

and Asia runs through the area off Somalia, above all through the Gulf of Aden. Keeping this route open is an important international security task".[238]

These statements make it clear that for the EU the issue of piracy presents a security problem at multiple levels: Locally, it directly impacts on sea trade, that is it endangers ships, their cargos and crews. Regionally, it undermines overall stability by further weakening political reconstruction in Somalia, thus proliferating its 'failed state' status. Most importantly, however, Somali piracy threatens the entire global trade system.

The European Security Strategy was the first document that made a claim to a global outlook for EU security policy, stating that "in an era of globalisation, distant threats may be as much a concern as those that are near at hand" and "with the new threats, the first line of defence will often be abroad".[239] The Horn of Africa is home to the world's most frequented shipping route – one which the EU is particularly dependent on for its external trade as it represents the largest trading bloc in the world – and cast in this light, operation *Atalanta* represents a forward deployment aimed at environmental stabilisation. While the geopolitics of this line of thought are self-evident, at the same time it reflects an inherently liberal conception of global order. It is essentially the liberal peace argument of interdependence whereby trade becomes co-constitutive with peace, which seems to be widely shared throughout EU member states and institutions. What is crucial about this reasoning is less its argumentation than its implications. The liberal peace argument can be critiqued on various grounds, be it its Eurocentric bias that is predisposed to Westphalian notions of sovereignty, the reductive automaticity of the 'trade-peace' formula at the heart of free trade programmes, or its Western ethnocentric attachment to individual liberties.[240] More importantly for our discussion, however, is the inherent globalising logic of security that it proposes, a logic which is self-reinforcing and circular.

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[238] Westerwelle, G. (2011). *Speech before the Bundestag*, 23 November 2011. http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/111123-BM_BT_Atalanta.html, last accessed 13 September 2013.

[239] European Council (2003). *A Secure Europe in a Better World – European Security Strategy*. Brussels, 12 December 2003. http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf, last accessed 7 June 2013.

[240] Chandler, D. (2010). The uncritical critique of 'liberal peace'. *Review of International Studies, 36* (S1): 137-155.

As a side effect of the liberal peace logic comes a constant affirmation of the humanitarian motivations behind intervention, which are accorded precedence over any 'selfish' concerns such as national interest.[241]

What this picture combines to is a view of security where a small number of pirates operating in a geographically confined space that often lies outside of the authority of affected states and employing miniscule means and effects of violence, represent a fundamental threat to the global order. That this could be so becomes clear when we look beyond the material dimension of piracy and consider how the EU perceives the pirate as an agent of international relations.

6.3 Somali piracy and the EU: an ideational perspective

As piracy has re-entered the international security agenda with furore in the mid-2000s so has the traditional image of the pirate itself. Leaving the romantic, or comedic, depictions of pirates so pervasive in popular culture these days to the side, the commonplace image of the pirate as a savvy, greedy and maverick agent of crime on the high seas remains solidly intact. However, the 'nature' of the pirate is rather more than a criminal meme that combines a wide repertoire of forms of violence and illegality. The pirate continues to be rendered in the terms of a universal enemy, an 'enemy of all'. Carl Schmitt at the 1937 Nyon antipiracy conference observed this universally proposed and accepted labelling of the pirate as an enemy of mankind.[242] As will become clear, this image is reaffirmed in the case of the contemporary Somali pirate, "an enemy the whole world could agree on".[243]

Piracy as a concept is derived from a state-free context, as the state – and its legal pre-eminence via territorial sovereignty – does not exist in the space of the *inter*national seas (as in *between* states, but not *of* them). The pirate who operates this

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[241] Kouchner, B. & Miliband, D. (2008). *Saint-Malo ten years after*. Le Monde, 6 December 2008. http://www.ambafrance-uk.org/spip.php?page=mobile_art&art=14121, last accessed 5 May 2013; Westerwelle, G. (2010). *Speech before the Bundestag*, 24 November 2010. http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2010/101124-BM-Atalanta-Rede.html?nn=555658), last accessed 13 June 2013.
[242] While the Nyon conference was preoccupied with 'piracy 'in terms of the sinking of commercial shipping vessels by submarines in international waters, the line of reasoning forwarded by Schmitt applies perfectly to the present example of Somali piracy.
[243] Bahadur, J. (2011). *Deadly Waters*. London: Profile Books, p. 138.

space becomes logically denationalised.[244] This line of reasoning applies even more forcefully in the context of Somalia, the failed state, the non-state. Hypothetically then, the pirate does not aim his actions against any specific state but rather against all states. If we consider the breadth of the international community's response to Somali piracy – Europe, the US, Russia, China, India, Japan, South Korea, and arguably even Iran all cooperate (not just take individual action) in counter-piracy off the Horn of Africa – it is easy to see how the world stands united against pirates.[245] In fact, it is difficult to find any other international security issue that draws such a unified international response.

Furthermore, the pirate is seen as motivated solely by profit, a bandit of the seas in search of treasure, who therefore operates at the critical nodal points of international trade, such as the Horn of Africa or the Malacca Strait. Traditional concepts of International Relations such as national interest or ideology do not apply in this context. If we combine these two elements of piracy – its non-territoriality and the profit-motive, the phenomenon assumes a convincingly unpolitical stance.

At the same time, globalisation has compressed space and global lines of communication have been transformed into global public goods. And yet, it is difficult in this context to classify piracy as a problem of international relations. The body of international law was created by states for states, and the pirate is not accorded the status of legal subject in this regard. As with other non-state agents – most notably terrorists but also transnational drug syndicates or arms traffickers – the pirate is subject to the extended competence of the state. What follows from this characterisation is neatly summed up by Schmitt:

> "because this enemy of humanity is only an unpolitical entity, and because one classifies oneself in some sense on the basis of whom one recognizes as an enemy, a humanity that no longer has any other enemy but this unpolitical ''outlaw'' is itself also a mere unpolitical entity" [246]

If we substitute 'humanity' with 'the EU' we create an interesting premise on which to survey how the EU understands its role in international affairs. While the pirate represents the enemy of all, and thus must be similarly perceived by other entities, his singularity as a threat agent on the EU security agenda poses a puzzle. However, before we can assess whether the EU maintains an idiosyncratic stance towards piracy, we need to unpack the EU's discursive framing of piracy into a security issue. There are a

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[244] Schmitt, C. (2011 [1937]). The Concept of Piracy. *Humanity, 2* (1): 27-29.

[245] Interview with M. Harder (2013); interview with French official, anonymous 4 (2013); see the following chapter for a more detailed account of international counter-piracy cooperation.

[246] Ibid.

number of discursive markers and tropes that create a linearity to support the argument of the pirate as the enemy of all, most notably the notion of the professional pirate (as opposed to the subsistence pirate) and piracy as an instance of transnational organised crime (often accompanied by speculation about a synergetic 'piracy-terrorism nexus'). These interrelated stories of 'lawlessness' situate Somali piracy as an existential threat to global order and peace. Through this discursive construction piracy assumes a potential 'other' to the EU's self in international affairs.

6.3.1 On the political economy of piracy

Current explanations as to the causes of piracy are mostly concurrent in that they point to the same set of factors. De Wijk summarises the main drivers of pirate activity as opportunity, capability and targets.[247] According to him, opportunity is created by the weakness of local government control, favourable geographical conditions, a lack of economic development, and deficiencies in the implementation of international maritime regimes and norms. Capability is determined by the technology, weapons and logistical means pirates have access to. The choice of targets is a function of the combination of opportunity and capability. While all the outlined factors play a role in explaining why pirate attacks happen, the dominant view of why piracy occurs has been largely reduced to a simplistic description of Somali piracy as a business model: "profit rather than poverty is the driver of piracy".[248] In line with this, EU counter-piracy efforts are not only aimed at deterring piratical acts but at the business model as such.[249] This line of reasoning characterises pirates as rational economic agents whose choice to engage in piracy is determined by its utility function, i.e. its expected pay-off.

To an extent this rationality seems evident. Regular Somalis' lifetime income can only measure up to a fraction of the income a pirate may earn over the course of a five-year career, and consequently piracy may seem an attractive alternative to earn a living.[250] However, in many cases piracy is not as much a matter of choice of profession

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[247] De Wijk, R. (2010). The New Piracy: The Global Context, in: Forum: The New Piracy: Three Contexts. *Survival, 52* (1): 39-54.

[248] Ibid, p. 42.

[249] De Rosiers, P. (2013). *Looking Ahead: Longer-Term Goals in European Defence*. Speech delivered at The Institute of International and European Affairs, 30 April 2013. http://www.youtube.com/watch?v=ePTRqMWUliw, last accessed 7 August 2013.

[250] Geopolicity (2011). The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia. May 2011. http://www.geopolicity.com/upload/content/pub_1305229189_regular.pdf, last accessed 26 July 2013.

as European official discourse would suggest because the latter ignores the crucial difference between subsistence and professional piracy.[251]

Numerous accounts of the causes of Somali piracy cite international illegal fishing and the dumping of toxic waste as its initial drivers.[252] When Somalia plunged into civil war in 1991 this was accompanied by the disintegration of the country's armed forces, including the national coast guard. Pirates that have been interviewed often make reference to the activities of foreign fishing trawlers in Somali waters, destroying the base of subsistence for local fishermen, which they themselves have allegedly been in many cases. In this vein, the picture they draw of themselves is not one of pirates. Instead, they portray themselves as Somalia's new coast guard – one grouping calling itself the National Volunteer Coast Guard – thus filling the vacuum left by the implosion of the central government's authority over the use of force.[253] The above storyline finds it difficult to account for the sudden explosion in piracy in 2008/9 and it is accurate that piracy has become increasingly professionalised since and now effectively operates as a business venture in most parts of Somalia. However, the claim that the story of fishermen-turned-pirates is a myth that needs to be debunked is problematic because it fails to understand how pirates legitimate their activities in the local context.[254]

The Forum for African Investigative Reporters (FAIR) describes the activities of Somali pirates as a form of 'extralegal entrepreneurship', which is rooted in the weakness of local institutions and their perceived illegitimacy.[255] The characterisation of piracy as extralegal entrepreneurship implicitly acknowledges the fact that Somalia's economy effectively functions as a 'war economy'.[256] Carvalho Oliveira makes a compelling case that Somalia indeed represents the characteristics of a war economy:

> "Somali piracy clearly represents the emergence of this kind of radical economy, producing 'real development' in its local context, but at the same time threatening the

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[251] Chalk, P. & Hansen, S. J. (2012). Present Day Piracy: Scope, Dimensions, Dangers, and Causes. *Studies in Conflict & Terrorism, 35*: 498; Klein, A. (2013). The Moral Economy of Somali Piracy – Organised Criminal Business or Subsistence Activity? *Global Policy, 4* (1): 94-100.

[252] The Economist (2008). *The Indian Ocean: The Most Dangerous Seas in the World*. 17 July 2008. http://www.economist.com/node/11751360, last accessed 22 June 2013.

[253] Time (2009). *How Somalia's Fishermen Became Pirates.* 18 April 2009. http://content.time.com/time/world/article/0,8599,1892376,00.html, last accessed 7 July 2013.

[254] Hansen, S. J. (2012). Debunking the Piracy Myth: How Illegal Fishing Really Interacts with Piracy in East Africa. *RUSI Journal, 156* (6): 26-30.

[255] Forum for African Investigative Reporters (2011). *Pirates, Smugglers and Corrupt Tycoons: Social Bandits in Africa.* FAIR Transnational Investigation 2011. http://fairreporters.files.wordpress.com/2011/11/fair_2010_nov_rev_final-1.pdf, last accessed 2 August 2013.

[256] Pugh, M. & Cooper, N. (2004). *War Economies in a Regional Context: Challenges of Transformation.* London: Lynne Rienner.

liberal order by 'taxing' (via hijacking and ransom) one of the most strategic world maritime trade routes". [257]

According to Carvalho Oliveira, the political economy of piracy demonstrates the reality of a war economy in three respects. It operates as a 'shadow economy' in so far as it gives rise to highly profitable relationships between pirates and local businessmen, corrupt government officials and police personnel, and khat vendors.[258] It also operates as a 'coping economy' that provides alternative employment opportunities for unemployed youths and it creates and maintains a value chain of pirate goods (e.g. anything from boats and fuel to food and water for abducted crews). Furthermore, there exists an important knock-on effect whereby the economy of piracy spurs economic activity in the legitimate sector and may even produce social benefits within these coastal communities. Finally, and to a lesser extent, piracy functions as a 'combat economy' in so far as it circumvents the international arms embargo against Somalia and where pirates transfer payments to the Al-Shabaab militia in order to freely operate within its territory.

Perhaps the most instructive example of how much the Somali piracy economy is tied into the wider economies of coastal communities is the creation of a quasi stock exchange for piracy operations in Haradheere in late 2009. According to one of the local pirates they turned piracy into a 'community activity' and according to the town deputy security officer, "The district gets a percentage of every ransom from ships that have been released, and that goes on public infrastructure, including our hospital and our public schools".[259] Similarly, FAIR alleges that the government in the Puntland region is drawing considerable income from piracy, with the 2010 report of the UN Monitoring Group on Somalia and Eritrea stating that some 30% of ransom payments end up in the hands of Puntland government officials.[260]

The idea that EU action must be aimed at creating "sustainable alternative livelihoods for coastal communities in Somalia" draws the right conclusion in so far as it acknowledges the reality on the ground in many coastal communities that have come to

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[257] Carvalho Oliveira, G. (2013). 'New wars' at sea: A critical transformative approach to the political economy of Somali piracy. *Security Dialogue,* 44 (1): 5.
[258] Khat is a mild drug, a shrub native to the Horn of Africa, the chewing of which is pervasive throughout Somali society and particularly popular with pirates.
[259] Reuters (2009). *Somali sea gangs lure investors at pirate lair*. 1 December 2009. http://www.reuters.com/article/2009/12/01/us-somalia-piracy-investors-idUSTRE5B01Z920091201, last accessed 10 July 2013.
[260] United Nations Security Council (2010). *Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1853 (2008)*, S/2010/91, 10 March 2010. http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/91, last accessed 19 May 2013.

rely on piracy as it is responsible for a significant share in economic activity.[261] However, the EU perspective does not take the distinction between subsistence and professional piracy seriously as it focuses exclusively on the latter. This view not only presupposes the criminality of piracy but also enables its elevation to the global level, where Somali piracy becomes an instance of transnational organised crime.

6.3.2 Transnational organised crime, terrorism and lawlessness

It is a small step from the image of the pirate as a profit-seeker to an assertion of organised crime. According to the EU, Somali piracy "bears all features of organised crime".[262] In fact, already the European Security Strategy in 2003 referred to maritime piracy – then still a *potential* future security challenge - as an instance of organised crime.[263] Both personnel from within the CSDP bureaucracy, military personnel in operational command, and member state officials all confirm this view of organised crime.[264]

To a certain extent the label may be seen as a simple acknowledgment of the level of sophistication with which Somali piracy operates at this point. It reflects the gradual process of professionalisation that has seen pirates adapt to diverse changes in their environment, most notably the arrival of various foreign navies. Pirate tactics have been flexible, their operations now extending far into the Indian Ocean and targeting ships of vast sizes. There is indeed a high level of organisation that has meant the prolonged existence of Somali piracy even in the face of external intervention. The sophistication of organisational procedures is most evident in the extensive value chain of piracy, especially regarding the complexity associated with the extortion of ransom payments for abducted vessels and crews. Negotiating ransom payments has become a delicate affair with pirate groups now effectively hiring external consultants (though

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[261] Hague, W. (2012a). *Foreign Secretary William Hague Statement on the Foreign Affairs Committee Report 'Piracy off the Coast of Somalia'*. MaritimeSecurity.Asia, 6 January 2012. http://maritimesecurity.asia/free-2/piracy-2/foreign-secretary-william-hague-statement-on-the-foreign-affairs-committee-report-%E2%80%98piracy-off-the-coast-of-somalia%E2%80%99/, last accessed 8 August 2013,

[262] EUNAVFOR (2013a). *Mission*. http://eunavfor.eu/mission/, last accessed 24 September 2013.

[263] European Council (2003). *A Secure Europe in a Better World – European Security Strategy*. Brussels, 12 December 2003. http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf, last accessed 7 June 2013.

[264] European External Action Service (2013a). *The EU fight against piracy in the Horn of Africa*. http://www.eeas.europa.eu/piracy/, last accessed 14 September 2013;
Interview with Swedish official, anonymous 2 (2013); The Hindu (2012). *EU battles pirates off Somalia coast, Indian Ocean*. 24 April 2012. http://www.thehindu.com/todays-paper/tp-national/eu-battles-pirates-off-somalia-coast-indian-ocean/article3343627.ece, last accessed 24 September 2013.

often they are associated on clan lines) to conduct these negotiations.[265] There is ample reference to the shadowy world behind piracy itself, that is those providing the funding and logistics necessary to launch pirate attacks. This is where supposedly both the organisational direction emanates and the lion's share of the proceeds ends up.

In line with our previous discussion, the implication of 'organised crime' is that this is crime not borne out of necessity, the necessity to subsist. Instead organised crime is professionalised and thus opportunist, and therefore something "we should not trivialize".[266] This classification as organised crime is made with reference to the United Nations Convention against Transnational Organised Crime (UNTOC).[267] While it is easy to make the case for some elements of the compound definition – such as 'organised criminal group', 'serious crime', or 'structured group' – this cannot be said for the operative term 'transnational'.[268] According to UNTOC, an offence is deemed transnational in nature if any of the following conditions are met:

> "(a) It is committed in more than one State; (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) It is committed in one State but has substantial effects in another State."

What complicates the view of piracy as an instance of transnational organised crime is the fact that often – and especially regarding its core business of hijacking ships – it does not occur in any state at all. While many pirate attacks in the years before 2010 occurred in Somalia's territorial waters, much activity has rapidly shifted to the high seas. However, even if a case of 'state effect' is made, it is difficult to establish that

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[265] United Nations Security Council (2011). *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010),* S/2011/433, 18 July 2011, p 35-36. http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433, last accessed 29 August 2013.
[266] Westerwelle, G. (2011). *Speech before the Bundestag,* 23 November 2011. http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/111123-BM_BT_Atalanta.html, last accessed 13 September 2013.
[267] United Nations Office on Drugs and Crime (2004). *United Nations Convention against Transnational Organised Crime and the Protocols thereto.* New York, 2004. http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf, last accessed 28 July 2013.
[268] UNTOC uses the following definitions: ""Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit"; ""Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty"; ""Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure".

multiple states are affected. Unsurprisingly, whereas the legal statutes on which procedures for prosecution of pirates rest make ample reference to organised crime, it has been rather difficult to make such allegations stick during court trials, at least in European courts.[269] There is some evidence indicating that up to half of the proceeds from ransoms is transferred out of Somalia by informal money wire systems.[270] However, there is no proof to suggest that this money is channelled back into piracy operations or other criminal undertakings. In fact, the financing processes that precede most pirate operations are highly localised and directly depend on the standing of pirate leaders in their local communities.[271] Further, there is also no hard evidence to substantiate speculations about ransom proceeds financing the purchase of real estate property in Kenya. This is not to say that assumptions about transnational links are generally wrong, however, claims to the transnational character are often exaggerated and lack hard evidence. Consequently, Somali piracy should not implicitly be compared to well-established organised crime syndicates whose illicit business activities operate globally.

The invocation of 'organised crime' does not primarily serve a legalistic or jurisprudential end. Instead, it is a shorthand to locate piracy in a sphere of international relations that is reserved for those that do not play by its rules, that is international law written by states for states. This theme is closely related to literature on the 'privatisation' of violence. Piracy is similarly situated as terrorism in so far as the agents involved are clearly not of the 'state'.[272] Organised crime presents a challenge to the authority of states as the primary actors in international affairs by exploiting the speed and limited oversight of the transnational flows of globalisation that states cannot police effectively. More dramatically, they are agents of change that influence processes of globalisation to the effect that globalisation itself becomes even more difficult to manage for states. The EU's Special Representative to the Horn of Africa Alexander Rondos outlined this concern when he stated that Somali piracy is "part of a much

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[269] BBC (2011). *Spain sentences Somali pirates to 439 years' jail each*. 3 May 2011.
 http://www.bbc.co.uk/news/world-europe-13272669, last accessed 17 September 2013.
[270] Geopolicity (2011). *The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia.* May 2011, p.IV.
http://www.geopolicity.com/upload/content/pub_1305229189_regular.pdf, last accessed 28 July 2013.
[271] Hansen, S. J. (2009). *Piracy in the greater Gulf of Aden. Myths, Misconception and Remedies.* Norwegian Institute for Urban and Regional Research, NIBR Report 2009.
[272] See Avant, D. (2005). *The Market for Force: The Consequences of Privatizing Security*. Cambridge: Cambridge University Press; Krahmann, E. (2010). *States, Citizens and the Privatization of Security*. Cambridge: Cambridge University Press; Singer, P. W. (2007). *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press.

bigger problem we face in the Indian Ocean - the globalisation of organised crime".[273]

Thus, trying to subject these non-state agents to the legal authority of states is part of a wider effort to reassert state control over the forces of globalisation. Interestingly, in this context globalisation is not only that which needs to be protected (the referent object) but it assumes the position of threat itself.

It is thus unsurprising that the characterisation of piracy as transnational organised crime is often extended to an association with international Islamic terrorism. The language of terror – pirates are frequently charged with 'terrorising' the high seas – is not only applied to piracy, but many accounts profess a structural link between piracy and terrorism, held to be operating within a shared nexus of violence. There is a considerable amount of such scholarship in American academia and policy discourse.[274] However, in the European epistemic community of counter-piracy we have similar tropes that connect piracy and terrorism.[275] According to Shortland and Vothknecht, "counter-piracy measures deterred pirates from forming alliances with Islamist movements and may therefore make a major contribution to international security".[276]

However, the presumed organisational overlap or cooperation between Somali pirates and the terrorist movement of the Al-Shabaab militia remains "highly questionable" and to date there is no credible evidence to support the idea that they constitute a common nexus.[277] According to the International Expert Group on Piracy off the Somali Coast, there are a few isolated incidents of operational synergy, which are localised arrangements that can be traced back to those pirates and Al-Shabaab

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[273] EU Special Representative Alexander Rondos, in EU Observer (2012). *EU studying links between Italian mafia and Somalian pirates*. 20 June 2012. http://euobserver.com/foreign/116692, last accessed 13 August 2013.

[274] Cawthorne, N. (2010). *Pirates of the 21st Century: How Modern-day Buccaneers Are Terrorising the World's Oceans*. London: John Blake Publishing; Eichstaedt, P. (2010). *Pirate State: Inside Somalia's Terrorism at Sea*. Chicago: Lawrence Hill; Daniels, C. (2012). *Somali Piracy and Terrorism in the Horn of Africa*. Lanham: Scarecrow Press; Alexander, Y. & Richardson, T. B. (2009). *Terror on the High Seas: From Piracy to Strategic Challenge*. Denver: ABC-CLIO; The Economist (2008). The Indian Ocean: The Most Dangerous Seas in the World. *The Economist*, 17 July 2008. http://www.economist.com/node/11751360, last accessed 20 May 2013.

[275] Hague, W. (2012b). *Hague: 'There is an opportunity' to end piracy and terrorism in Somalia.* The Telegraph, 3 February 2012. http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/9059913/Hague-There-is-an-opportunity-to-end-piracy-and-terrorism-in-Somalia.html, last accessed 22 August 2013.

[276] Shortland, A. & Vothknecht, M. (2011). Combating "maritime terrorism" off the coast of Somalia. *European Journal of Political Economy, 27* (S1): 133-151.

[277] Chalk, P. (2008). *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. RAND, p. 31. http://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG697.pdf, last accessed 22 September 2013.

members belonging to the same clan.[278] The UN Monitoring Group on Somalia makes a similar assessment and confirms that there are no grounds for generalisation, even though Al-Shabaab relaxed its position on piracy over time and moved to extract payment for allowing pirates to operate within its controlled areas.[279] The alleged 'nexus' seems to be largely representative of a charge 'guilty by association' as both groups of actors operate within the same unstable legal and institutional space of Somalia.[280] The fact that the link between piracy and terrorism does not hold up to scrutiny can also be seen in the context of Al-Shabaab's removal from power, which has remained without consequence for piracy operations.

What the unsubstantiated association of piracy as organised crime and terrorism contributes to is a picture of Somalia which is not merely afflicted by lawlessness but rather governed by it. Lawlessness is thus not contingent on the asymmetric distribution of political power or its outright disintegration. According to European policy-makers "crimes of all degrees of severity, including piracy, are accepted by large parts of the population as a way of earning a living"[281], and a 'culture of impunity' fuels insecurity.[282] It is one thing to remark the overall weakness of Somalia's political institutions, first and foremost the quasi non-existent monopoly over the use of force exercised by the central government. It is however quite another thing to suggest that a general criminal mentality is responsible for piracy and thus threatens international peace.[283] It crucially removes piracy from the extant interdependence between local coastal economies and global trade by asserting the 'plague' of piracy with a mystical, structural quality that at the same time superimposes itself on the

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[278] International Expert Group on Piracy off The Somali Coast (2008). *Piracy off the Somali Coast*. Nairobi, 21 November 2008. http://www.asil.org/files/somaliapiracyintlexpertsreportconsolidated1.pdf, last accessed 21 September 2013

[279] United Nations Security Council (2011). *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010), S/2011/433, 18 July 2011, p.39.* http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433, last accessed 15 June 2013.

[280] Anderson, D., de Wijk, R., Haines, S. & Stevenson, J. (2009). *Somalia and the Pirates. European Security Forum, Working Paper No. 33, 18 December 2009.* http://aei.pitt.edu/14447/, last accessed 6 June 2013.

[281] Federal Foreign Office of Germany (2010). *Atalanta: Successful operation against pirates off the Somali coast*. 27 December 2010. http://www.auswaertiges-amt.de/EN/Europa/Aussenpolitik/GSVP/ATALANTA-Uebersicht_node.html, last accessed 30 April 2013.

[282] Council of the EU (2011). *Council conclusions on the Horn of Africa*. 3124th Foreign Affairs Council meeting, Brussels, 14 November 2011, p. 9.

[283] European Commission (2012). *Piracy and armed robbery at sea*. Presentation, 3rd EU seminar: Combatting piracy. Brussels, 28 March 2012. http://ec.europa.eu/transport/modes/maritime/events/doc/2012-03-28-piracy/2-0-session2-mare-fachada.pdf, last accessed 20 May 2013.

global order.[284] Piracy forms a threat complex in which local lawlessness is constantly reproduced and translated into systemic instability through a parasitic relationship with international trade. The result is a conversion of Somali piracy as a security issue traditionally wedded to the context of maritime commerce, and thus commonly approached as a mater of legal and criminal contestation, into an existential threat to international peace and security.[285]

6.4 Somali piracy as a global security threat

As with so many other CSDP missions, its name is derived from Greek mythology. Atalanta, a Greek goddess, is a virgin huntress.[286] Without delving too deep into the discursive implications of such a self-understanding, the contrast between the Somali pirate, malnourished yet vicious, and the EU as innocent, immaculate while stalking its prey (i.e. the pirate) is telling as the divide between self and other could hardly be more pronounced. What is more, its etymology – from Greek *atalantos*, meaning 'equal in weight' – may also shed some light on how the EU perceives its role on the international stage.

The European reading of Somali piracy constructs a conception of security that extrapolates from the local and regional context of piracy to the global level.[287] The motivation of Somalis to become engaged in piracy is not only found in the disastrous state of the local economy but also in the opportunity to exploit a weakness in the global trade system, i.e. the initial removal of the high seas from state control. The elevation of Somali pirate groups to a highly professionalised transnational organised crime network is less a matter of neutral observation than an implicit effort to assert the pirate with his role as the universal enemy. The pirate as a denationalised, profit-seeking agent of crime may operate in a geographically confined space but his very existence

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[284] For intimations of 'piracy as disease', see for instance: European Economic and Social Committee (2013). *Opinion on 'Maritime piracy: strengthening the EU response'* (own initiative opinion), Official Journal of the European Union, 2013/C 76/03, 14 March 2013, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:076:0015:0019:EN:PDF; Barroso, J. M. (2009). *Speech at the International Conference on Somalia*. Brussels, 23 April 2009. http://europa.eu/rapid/press-release_SPEECH-09-188_en.htm, last accessed 11 May 2013.
[285] Carvalho Oliveira, G. (2012). Naval Peacekeeping and Piracy: Time for a Critical Turn in the Debate. *International Peacekeeping, 19* (1): 57.
[286] THEOI (2011). *Atalanta*. THEOI Greek Mythology. http://www.theoi.com/Heroine/Atalanta.html, last accessed 11 February 2013.
[287] Interview with French official, 2013.

undermines the global order. Due to the integrated view of international security that pervades European 'strategic' thinking – each of the various narratives of EU power sees the EU as dependent on and constitutive of a multilateral economic, legal and military order to some extent – piracy is conceived of as an abstract yet existential threat to the entire world. What follows from the assertion that Somali piracy is inherently a global rather than a regional or local security challenge, is the idea that the EU, by tackling this threat, is also a global security provider.

The EU's framing of Somali piracy characterises the security phenomenon as an instance of globalisation, or, more precisely, as a negative externality of global interconnectedness. The existence of Somali piracy is as much a threat to global free trade as it is one of its by-products. In this vein, the frequent invocation of the geostrategic relevance of piracy within the purview of the liberal peace notion of free trade serves to underscore the EU move towards becoming a global security-provider. However, in the first instance, it establishes legitimacy for EU intervention and concurrently expands the policy scope for EU security. As the EU positions itself in direct contradistinction to what it holds to be a de-territorialised, dynamic, volatile security threat representing the dark side of globalisation, it consequently demarcates Somali piracy as a security threat to be managed, and one to be managed by the EU.

How exactly the EU goes about this will be scrutinised in the next chapter. It discusses the EU's comprehensive approach and its constituent part, as well as how it constructs EU counter-piracy action as part of a general call for 'effective multilateralism'. This represents the reassertion of state control – and that includes the EU – over the forces of globalisation. On the one hand, Somali piracy has allowed the EU to showcase its military credentials by fielding its first naval mission, *Atalanta*.[288] However, this goes well beyond the narrow view of military security, which suggests this may simply be an exercise in raising the EU's geopolitical stature to claim its place among the great powers of the 21st century as some have suggested.[289] More importantly, the translation of the EU's view of Somali piracy into counter-piracy action as reflected in the provision of a 'comprehensive security' approach, forwards a template of EU security that simultaneously claims a 'comparative advantage' in delivering this type of security while being decidedly self-referential as it seemingly

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[288] Haines, S. (2010). The New Piracy: The Legal Context, in Forum: The New Piracy: Three Contexts, *Survival, 52* (1): 52.
[289] Vaughan-William, N. (2009). Off-Shore Biopolitical Border Security: The EU's Global Response to Migration, Piracy, and 'Risky' Subjects, in: L. Bialasiewicz (Ed.), *Europe in the World: EU Geopolitics and the Making of European Space* (pp. 185-200). Farnham: Ashgate, p. 191.

extrapolates from the European experience of achieving peace and stability through integration and mutual constraining. While security is formulated as a collective public good, the EU makes a clear effort in demonstrating that it has moved from the role of a security consumer to that of a security provider.

Chapter 7

The EU's comprehensive approach to counter-piracy at the Horn of Africa

Even though piracy at the HoA is making all the headlines, it is political reconstruction of Somalia that remains the elephant in the room. In a CNN interview former High Representative Javier Solana stressed that "the final solution will not be found until Somalia is a more stable country".[290] But how can security be achieved? To this end the EU offers a 'comprehensive approach' to security.[291] The term draws the same type of critique as does the term 'human security' for being all too often a catch-all phrase or laundry list of security threats and responses. However, in the case of the EU 'comprehensive security' relates specifically to the attempt to integrate civilian and military approaches, while building a 'culture of coordination' in its processes.[292] This logic of security is captured in the remarks of Commission President Barroso, stating that "security is the starting point, but it cannot be the end-point".[293] Security policy – and more explicitly its military dimension – can be a necessary component towards restoring political, economic and social order, but in itself it will rarely achieve a lasting peace.

While operation *Atalanta* continues to form the heart of the EU's security efforts at the Horn of Africa, around it the EU has assembled two civilian flanking

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[290] Solana, J. (2009). *Interview on Somalia*. CNN, 23 April 2009. http://www.consilium.europa.eu/javier-solana-offline/articles?id=246&bid=113&page=arch&archDate=2009&archMonth=4&lang=en, last accessed 17 June 2013.

[291] [291] Council of the EU (2011). *Council conclusions on the Horn of Africa*. 3124th Foreign Affairs Council meeting, Brussels, 14 November 2011. http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf, last accessed, 17 August 2013.

[292] Drent, M. (2011). The EU's Comprehensive Approach to Security: A Culture of Co-ordination? *Studia Diplomatica*, No. 64. http://www.clingendael.nl/sites/default/files/20111000_sd_drent_approach.pdf, pp. 4-5.

[293] Barroso, J. M. (2009). *Speech at the International Conference on Somalia*. Brussels, 23 April 2009. http://europa.eu/rapid/press-release_SPEECH-09-188_en.htm, last accessed 7 August 2013.

missions – EU Training Mission Somalia and EUCAP Nestor – aimed at improving regional security capabilities both on land and on sea. Additionally, the EU has sought transfer agreements with regional states for the prosecution of pirates and the involvement of private industry through Best Management Practices. The military dimension comes back into the picture by highlighting the cooperative nature of the EU approach.

This chapter argues that the EU counter-piracy efforts can rightly be characterised as being grounded in a 'comprehensive approach' to security, yet this is accompanied by two crucial imperatives that globalise piracy as a security issue while relocating the responsibility for fighting it: the externalisation of EU security to regional partners, and the integration of international partners under the aegis of 'effective multilateralism'. In line with this I demonstrate that the EU approach of comprehensive security fits neatly with the notion of 'managing globalisation'.

The chapter proceeds as follows: First, I outline the EU naval deployment mission Atalanta and its operational parameters. Towards the background of the expanded mandate from 2012 I scrutinise the idea that the mission is a success. I then move to illustrate the comprehensive approach by presenting the civilian dimension of EU counter-piracy, discussing capability-building and pirate transfer agreements before critically dissecting what 'comprehensive security' means in the context of the dialectical relationship between pirate and 'hunter'. Finally, I return to the expanded military dimension by looking at how the EU operationalises the idea of 'effective multilateralism' via international counter-piracy coordination.

7.1 The military dimension: *Atalanta* naval deployment

To recall, *Atalanta*'s general objective is the 'deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast'. The specific goals include the protection of World Food Programme vessels and AMISOM vessels headed for Somalia, the protection of merchant vessels passing through by the Horn of Africa, the monitoring of fishing activities off the Somali coast, and the prosecution of apprehended pirates.[294]

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[294] Council of the EU (2008). *COUNCIL JOINT ACTION 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast*. Official Journal of the EU, L 301/33, 12 November 2008.

As a military mission it deploys a number of navy vessels. Up until 2011 the number used to be anywhere between five and ten vessels, but also depending on the time of year (piracy substantially decreases during monsoon season, and so does the international naval presence). Since 2011 the naval deployment seems to have been permanently reduced to between four and seven surface warships. The type of ships deployed is overwhelmingly frigates for naval patrol duties (a few corvettes had been tasked as well), supported by replenishment ships. A French helicopter carrier formed part of one rotation but was released from service as combat scenarios for *Atalanta* were put to rest (see below). Recently, more diverse types of ships have been deployed, such as those specialising in littoral (close to shore) and amphibious capabilities. The present deployment consists of the following vessels:

Table 4: Naval vessels deployed under *Atalanta*, September 2013

Country	Vessel	Type
	FGS Niedersachsen	Frigate
	ITS Zeffiro	Frigate
	HNLMS Johan de Witt	Amphibious transport ship
	ESPS Meteoro	Offshore patrol vessel

Source: EUNAVFOR[295]

Previous rotations included naval vessels from a pool of 13 contributing nations: Belgium (1), Finland (1), France (10), Germany (7), Greece (4), Italy (3), The Netherlands (4), Norway (1), Portugal (1), Romania (1), Spain (13), Sweden (4), United Kingdom (2). The naval component is supported by two to three Maritime Patrol and Reconnaissance Aircrafts (MPRAs), which have been provided by France, Germany, Spain, and Luxembourg. Further, a number of Vessel Protection Detachment (VPD) teams guard merchant ships against pirate vessels. Other states that do not wish to make military resources available for the missions contribute funds, personnel or other relevant assets. To run the operation there is a military staff for 'command and control' both at the Operational Headquarters in Northwood (UK) as well as theatre-based staff on board the mission flagship. Non-EU member states have also made contributions to the

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[295] EUNAVFOR (2013d). *Deployed Units*. http://eunavfor.eu/deployed-units/surface-vessels/#news-tabs, last accessed 22 September 2013.

mission (Croatia, Montenegro, Norway and Ukraine).[296] Overall, mission personnel numbers around 1,500. Thus, while a strong core exists in that a few participating member states provide the bulk of forces – France, Germany and Spain in particular – there is broad engagement in *Atalanta*.

One of the first measures under *Atalanta* was the creation of the Internationally Recommended Transit Corridor (IRTC) – a naval corridor stretching 650 kilometres along the coast of Yemen, which was heavily patrolled by international navies. The concentrated presence of warships in this corridor, along with the organisation of regular convoy escorts had an immediate impact in restoring safer conditions for merchant vessels.[297] Regarding shipments to Somalia, according to EUNAVFOR's internal data, the mission has protected 234 WFP vessels (accounting for 856,346 cubic tonnes of aid shipments) and 127 AMISOM vessels. During its activities it has apprehended and transferred for prosecution 149 suspected pirates (of which 100 were convicted).[298] However, to contextualise the operation it serves to remember that a small number of warships patrols a vast area (approximately 3,700,000 square kilometres, i.e. an area about roughly 1.5 times the size of mainland Europe), and therefore *Atalanta* functions as a containment measure rather than living up to its literal meaning, i.e. hunting pirates. EUNAVFOR opted for a somewhat more preventative approach over time that relied more heavily on aerial reconnaissance. MPRAs were tasked with scouting out the location of pirate motherships, which were then subsequently blockaded and skiffs departing from them would be interdicted before they could reach international shipping lanes.[299]

7.1.1 New mandate

Pirates have continually adapted to the international presence by widening their area of operations, such that it now constitutes the vast area just mentioned. *Atalanta* has followed suit by expanding its area of operation in turn. More important than the geographical adaptation into the Indian Ocean where pirates have increasingly staged attacks, however, is the broadening of the tactical mission component that was decided

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[296] MSCHOA (2013). *European Union Naval Force (EU NAVFOR) Somalia - Operation ATALANTA*. http://www.mschoa.org/on-shore/about-us/eu-operation-atalanta, last accessed 24 August 2013.
[297] Bahadur, J. (2001). *Deadly Waters*. London: Profile Books, p. 139.
[298] EUNAVFOR (2013c). *Key Facts and Figures*. http://eunavfor.eu/key-facts-and-figures/, last accessed 27 September 2013.
[299] Bahadur, p. 142.

in March 2012.[300] Thus, the updated mandate now includes explicitly "Somalia's coastal territory and internal waters". This enables the EU to conduct targeted 'disruption of pirate logistical dumps'. The underlying reasoning was that in order to effectively combat piracy the military dimension would have to have a land-based component as well in order to constrain pirates' area of retreat. While some member states – such as Spain and Germany – were initially critical of the new mandate, they eventually agreed to it as the tactical argument was difficult to dismiss.[301] The mandate specifically forbids placing ground troops on Somali soil but leaves a loophole for Search & Rescue operations. This new rationalisation of the military intervention indicated a qualitative shift in scope and intensity of operations, implying the possibility for naval and aerial bombardment of pirate bases up to two kilometres inland in an effort to pre-empt pirate deployments.[302] It only took two months for it to become operationally active.

In line with the new mandate, on 15 May 2012 EU forces carried out their first attack on pirate targets on shore. A group of helicopter gunships (rumoured to be a combined strike force of Italian and/or French special forces) pursued a pirate group to the shoreline where they destroyed five speedboats while no pirates or civilians were killed or injured.[303] The attack directly reflected the tougher operational profile of *Atalanta*, designed to disrupt pirate logistics and eradicate safe havens. Policy-makers are keen to stress the 'robust' nature of the EU approach[304], however, no additional attacks of the sort have been undertaken since. The attack of 15 May stands as an isolated incident. Some EU officials maintained that further on-shore attacks were made operationally undesirable as pirates had withdrawn farther inland, thus staying behind the 2km inland distance allowed for EU deployment.[305] It is difficult to confirm whether most pirates did indeed relocate and it is even more difficult to confirm whether this was the reason another *Atalanta* attack did not occur. If true, however, it should have

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[300] Council of the EU (2012a). *COUNCIL DECISION 2012/174/CFSP of 23 March 2012 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.* Official Journal of the EU, L 89/69, 27.3.2012.

[301] Spiegel Online (2012a). *Ausweitung der Mission "Atalanta": EU will Piraten auch am Strand beschiessen.* 22 March 2012 http://www.spiegel.de/politik/ausland/eu-will-mission-atalanta-gegen-piraten-auf-strand-ausweiten-a-823192.html, last accessed 15 May 2013.

[302] Somalia Report (2012a). *EU NAVFOR Mandate Extension Misguided.* 27 March 2012. http://www.somaliareport.com/index.php/post/3165/EU_NAVFOR_Mandate_Extension_Misguided, last accessed 30 April 2013.

[303] Reuters (2012a). *EU helicopters strike Somali pirate base on land.* 15 May 2012. http://www.reuters.com/article/2012/05/15/us-somalia-piracy-idUSBRE84E0YN20120515

[304] Ibid.

[305] Interview with EP officials, E. Bassot, U. Karock, M. Manrique Gil (2013).

seemed entirely predictable, thus rendering the new mandate and the attack of 15 May into a symbolic act at best, and a publicity stunt at worst.

Another seconded national official more closely integrated into the operational and tactical level instead remarked that sustained military attacks may de-legitimise the overarching political objective of the mission, which sees piracy as a specific source of insecurity and thus an obstacle to political reconstruction in Somalia.[306] While this also should have been entirely predictable it does point towards the EU's preoccupation with the humanitarian credentials of its undertaking. In the ordering of policy priorities, EU discourse emphasises the humanitarian character of the mission.[307] The importance of the delivery of WFP or AMISOM shipments is invoked to provide the mission with legitimacy. And while such declaratory altruism may be expected, it is indeed reflected in the unease with which the military component of *Atalanta* is pursued.

In January 2011, for instance, the naval taskforce EUNAVFOR specifically declared that it would not follow the example of Malaysian and South Korean forces, which successfully recaptured two pirated vessels, due to the potential danger that such actions posed to innocent seafarers.[308] One rescue operation that was undertaken under the aegis of the EU, however, was the recapture of the German-flagged *MV Taipan* by the Dutch frigate *Tromp*. Yet, due to the extremely constrained Rules of Engagement of *Atalanta*, which jeopardised the success of the operation in the eyes of the frigate captain, he chose to temporarily detach the vessel from EUNAVFOR and instead raise the Dutch colours.[309] This is not to say that the EU force does not use deadly force. However, it does so very reluctantly. Although the data is highly tentative, out of 64 pirates that were killed in counter-piracy actions between August 2008 and May 2010, two can be directly attributed to the EU, with the rest being attributed to other navies.[310] Furthermore, the potential of civilian casualties as 'collateral damage' from EU rescue operations remains highly contentious.[311]

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[306] Interview with M. Harder (2013).

[307] Interview with Swedish official, anonymous 2 (2013); interview with Dutch official, anonymous 1 (2013); Westerwelle, G. (2011). *Speech before the Bundestag*, 23 November 2011. http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/111123-BM_BT_Atalanta.html, last accessed 13 September 2013.

[308] Davenport, T. (2012). Legal Measures to Combat Piracy and Armed Robbery in the Horn of Africa and in Southeast Asia: A Comparison. *Studies in Conflict & Terrorism, 35*: 573.

[309] Bahadur, p. 144.

[310] Ibid, pp. 145, 281.

[311] Interview with Swedish official, anonymous 2 (2013); interview with EP officials, E. Bassot, U. Karock, M. Manrique Gil (2013).

Ultimately, the issue of the safety of seafarers is rather complicated for the EU as it is beginning to understand the dialectic of piracy and this is expressed in the rather lop-sided evaluations of *Atalanta*'s success.

7.1.2 A military success? … by what standards?

The general tone in policy circles and the media is a (self-)congratulatory one. Counter-piracy measures – and in particular operation *Atalanta* – are deemed to be 'successful' in being able to protect vessels in the area of operations while also apprehending pirates and deterring future attacks. For instance, the EU claims that *Atalanta* has had a 100% success rate in protecting WFP ships.[312] Success is also inferred from the critical drop in attempted and completed attacks on vessels traversing the region.[313] The IMB states that "the reduction in overall attacks is primarily attributed to the disruptive actions and pre-emptive strikes by the navies in the region […] This emphasizes the importance of the navies in deterring and combating Somali piracy".[314] There is also evidence to suggest that pirates will try to avoid attacking a ship sailing under the flag of a country that has a naval force present in the area.[315] Another oft-cited indicator of the success of counter-piracy is the dramatic drop in ransoms paid. While overall 31 ransoms at a value of $160 million were paid in 2011, that number fell to 8 payments totalling $32 million in 2012 – a drop of roughly 74% and 80%, respectively.[316]

However, as Somali piracy seems to have abated, the same cannot be said for the money that is being spent on it at large. Arguably, the most telling number is the one calculating the increase in per incident costs. According to the 2012 Oceans Beyond Piracy report,

> "Between 2011 and 2012, the number of attempts and hijackings fell much more drastically than the cost of combatting piracy. This led to a substantial increase in the

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[312] EUNAVFOR (2013a). *Mission*. http://eunavfor.eu/mission/, last accessed 24 September 2013.

[313] International Maritime Bureau (2012). *IMB reports drop in Somali piracy, but warns of complacency*. 22 October 2012. International Chamber of Commerce, Commercial Crime Services. http://www.icc-ccs.org/news/811-imb-reports-drop-in-somali-piracy-but-warns-against-complacency, last accessed 12 August 2013.

[314] Reuters (2012b). *Global pirate attacks down in first quarter, Nigeria risk grows*. 23 April 2012. http://mobile.reuters.com/article/worldNews/idUSBRE83M10H20120423?feedType=RSS&feedName=worldNews, last accessed 12 August 2013.

[315] Kiourktsoglou, G. & Coutroubis, A. (2010). *Somali Piracy vs. Flag of Attacked Vessel*. Working Paper, London: University of Greenwich.

[316] One Earth Future (2012). The Economic Cost of Somali Piracy 2012. Oceans Beyond Piracy Working Paper. http://oceansbeyondpiracy.org/sites/default/files/ecop2012final_2.pdf, last accessed 16 August 2013.

"per incident" cost of piracy. In 2011, $28.6 million was spent per pirate attack, and in 2012, that number rose 189.0% to $82.7 million".[317]

Another important measure that sheds doubt on the 'success' of counter-piracy is the consistent 'ratio of recurring costs vs. investment':

> "In 2011, it was estimated that approximately 99.5% of the total cost of piracy was spent on the recurring costs of vessel protection. This figure stood in stark contrast to the money invested in prosecutions and building regional and Somali capacity to reduce piracy. In spite of the success achieved at sea in reducing piracy attacks and hijackings, this ratio remains consistent with last year's figures. In 2012, 99.4% of all funds were spent on recurring suppression costs, with the remaining 0.6% invested in long-term prevention solutions".[318]

Combined, the increase in per incident costs and the staggeringly high ratio of recurring costs vs. investment indicate that counter-piracy has moved from a private security concern of merchants and insurers towards a public security concern of the state, which has overwhelmingly adopted responsibility – and the financial burden – to mitigate piracy.

The observed reduction in hijackings could be the result of a number of factors including improved international cooperation, sustained military operations, continued adherence to industry best management practices, and the presence of armed guards aboard merchant vessels. What makes this picture somewhat blurry is the uncertainty with regard to overall pirate activity. The multitude of piracy reporting centres now produces sometimes competing or misleading statistics. Additionally, fishermen continue to be frequently mistaken for pirates.[319] Lastly, there seems to exist a tendency on the part of some private security companies that place guard details on vessels to underreport pirate activity for reasons of liability, that is to say so insurance companies do not raise their premiums.[320]

In any case, success cannot be critically evaluated without taking into account the distortive effect of external intervention in the first place. The dialectic of piracy is constituted by the dynamic relationship that pirate and 'hunter' find themselves in.

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[317] One Earth Future (2012). The Economic Cost of Somali Piracy 2012. Oceans Beyond Piracy Working Paper. http://oceansbeyondpiracy.org/sites/default/files/ecop2012final_2.pdf, last accessed 16 August 2013.
[318] Ibid.
[319] The Sydney Morning Herald (2012). *Italian guards held after fishermen mistaken for pirates were killed*. 21 February 2012. http://www.smh.com.au/world/italian-guards-held-after-fishermen-mistaken-for-pirates-were-killed-20120220-1tjmg.html, last accessed 14 June 2013.
[320] Bloomberg (2012). *Ships With Armed Guards Seen Not Reporting Somali Pirate Strikes*. 23 October 2012. http://www.bloomberg.com/news/2012-10-23/ships-with-armed-guards-seen-not-reporting-somali-pirate-strikes.html, last accessed 20 June 2013.

Pirates have adapted to the international naval presence primarily in three ways: they have continuously relocated their logistics on land to stay beyond the grasp of foreign navies, they have expanded their area of operations, and they have become increasingly violent.[321] While initially pirate attacks were limited to Somali territorial waters and the Gulf of Aden, due to the increase in foreign naval patrols in those areas, over time pirates began to stage hijackings far out in the Indian Ocean (See map 1, annex). More importantly, however, pirates have reacted to the international presence by escalating their violence, primarily in a bid to increase pressure in ransom negotiations.[322] We will return to the issue of success at a later point.

7.2 The civilian dimension: towards a comprehensive approach

The familiar critique often levelled against the EU is that it is unable to marshal the vast resources it has at its disposal to advance its political and security objectives.[323] The comprehensive approach seeks to transcend this problem. With regard to piracy it draws on a wide range of activities. According to the EU:

> "Piracy is a complex issue that can only be overcome by combining political and diplomatic efforts with military and legal action, development assistance and strong international coordination. With all these tools at its disposal, the EU is in a unique position to contribute to international efforts" and the EU's comprehensive approach is targeted at "both current symptoms and root causes of the problem".[324]

All in all, it is seen as a "convincing course of action".[325]

However, for our purposes here we shall exclude those instruments that were part of the EU's toolkit before counter-piracy was initiated, i.e. especially development assistance and political dialogue. These items remain undeniably important and central to the EU's approach, however, they do not tell us anything new about how the EU is doing security in the present context. For instance, the EU's recent initiative to host the

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[321] Somalia Report (2012b). *Pirates Copy Al-Shabaab's Amputation Tactic*. 24 January 2012. http://www.somaliareport.com/index.php/post/2614, last accessed 18 May 2013.
[322] The Independent (2011). *Violence in Somali piracy rises to record levels*. 19 January 2011. http://www.independent.co.uk/news/world/africa/violence-in-somali-piracy-rises-to-record-levels-2187890.html, last accessed 17 May 2013; Reuters (2012c). S*omali piracy death toll rises as violence worsens*. 22 June 2012. http://www.reuters.com/article/2012/06/22/us-somalia-piracy-idUSBRE85L08N20120622, last accessed 23 August 2013.
[323] Germond, B. & Smith, M. E. (2009). Re-Thinking European Security Interests and the ESDP: Explaining the EU's Anti-Piracy Operation. *Contemporary Security Policy, 30* (3): 573-593.
[324] EUNAVFOR (2013a). *Mission*. http://eunavfor.eu/mission/ , last accessed 7 April 2013.
[325] Westerwelle, G. (2011). *Speech before the Bundestag*, 23 November 2011. http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/111123-BM_BT_Atalanta.html, last accessed 13 September 2013.

Conference on A New Deal for Somalia once again promises a sweeping programme of reform. Other than an impressive €1.8 billion price tag, there is little in the proposals that is genuinely new to trying to solve Somalia's problems. The focus here rests on those measures that are directly related to counter-piracy, not least because it is actually these security-oriented activities that display a level of intensity that warrants investigation. The 'comprehensive approach' is nonetheless well-represented in the case selection which spans across military and civilian approaches (the latter including a diverse range of capacity-building schemes).

As already indicated, although everything started out with the military operation *Atalanta*, it now constitutes one piece in a puzzle (albeit a big one). A number of additional measures have been employed by the EU to bolster its fight against piracy at the Horn of Africa. First, located within the realm of CSDP we have two civilian flanking missions – EU Training Mission Somalia and EUCAP Nestor – that aim to facilitate capacity-building in the realm of security sector reform. Second, the EU lends institutional support to create regional expertise and capacity in the prosecution of pirates. Third, the EU seeks to promote regional cooperation through a number of mechanisms.

7.2.1 Security sector reform

EU Training Mission Somalia is essentially a military training mission. It was launched in February 2010 and has up until now provided for the training of some 3,000 Somali troops at the Bihanga Training Camp in Uganda.[326] The mission's purpose is to equip the Somali security forces with the autonomous capability to provide for the security of their country.[327] The underlying rationale is therefore that the mission will be completed when European training personnel has transferred sufficient capacity to Somali security services to conduct their military training independently, and the mandate is scheduled to last until March 2015 at least.[328] 16 countries (15 EU member states plus Serbia) have

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[326] Relief Web. (2013). *EUTM Somalia extended and refocused*. 22 January 2013. http://reliefweb.int/report/somalia/eutm-somalia-extended-and-refocused, last accessed 2 August 2013.
[327] EUNAVFOR (2012). EUNAVFOR – Operation Atalanta: Disruption of pirates' logistics in Somalia, Press release, Brussels, 15 May 2012. http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/130250.pdf, last accessed 18 June 2013.
[328] European External Action Service (2013b). *EU military mission to contribute to the training of the Somali Security Forces (EUTM Somalia).* http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/Fact%20sheet%20EUTM%20Somalia%20EN_January%202013.pdf, last accessed 17 May 2013.

contributed training personnel to the mission, ranging from 1 up to 158 staff. The division of contributions roughly reflects that of *Atalanta* in that it is especially France, Spain, Portugal and Germany that make the major commitments.[329] The issue of training is not only a functional one targeted at transferring skills. EUTM also intends to instil certain (European) values in the Somali recruits by delivering training modules dealing with human rights, humanitarian law, gender issues and the protection of civilians. Additionally, EUTM uses a quota for female recruits.[330]

Although EUTM was devised in order to stabilise the process of political reconstruction, it has to face some of the same social problems that contribute to insecurity in Somalia. For instance, the mission faces a number of problems with regard to the high rate of illiteracy of its trainees, as well as the strictures of Somalia's clan-based social structure, which complicates the creation of mixed units, and the difficulty in navigating four different languages.[331]

Although EUTM was more directly devised with the threat of radical Islamist forces assuming control of the capital in mind – which has repeatedly happened – its rationale is intimately connected to the issue of piracy is so far as its seeks to create the conditions which will allow the Somali national forces to re-fill the institutional security void that has been exploited by pirates for their operations.

EUCAP Nestor is a civilian assistance mission under CSDP that aims to improve regional countries' maritime security capabilities, initially targeted at Somalia, Djibouti, Kenya and the Seychelles. Specifically, it sets out to 1) assist Somalia in setting up a land-based coastal police force and functioning judiciary, 2) support partner countries' sea going maritime capacities through the training of coast guard bodies, 3) strengthen the rule of law in partner countries, and 4) foster cooperation in maritime security between these countries.[332] Thus, while *Atalanta* tackles piracy on sea, EUCAP Nestor is meant to tackle the issue from land. The declared goal of the mission – i.e. the condition for its obsolescence – is when the partner countries have developed sufficient capabilities to

[329] EUTM Somalia (2012). *EUTM Somalia: A European success story....* http://www.consilium.europa.eu/media/1728530/eutm_magazine_2012_july_final2.pdf, last accessed 17 August 2013.

[330] Oksamytna, K. (2011). *The European Union Training Mission in Somalia: Lessons Learnt for EU Security Sector Reform.* IAI Working Paper, 11 (16), June 2011. Rome: Istituto Affari Internazionali.

[331] Ibid.

[332] Council of the EU (2012b). *COUNCIL DECISION 2012/389/CFSP of 16 July 2012 on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR).* Official Journal of the EU, L187/40, 17.07.2012. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:187:0040:0043:EN:PDF, last accessed 7 May 2013.

combat piracy by themselves.[333] Note that EUCAP Nestor efforts are supported by the European Commission's 'Critical Maritime Routes Programme', which has also sought to advance counter-piracy in the form of funding the upgrading of regional maritime administration and law enforcement capacities.[334] Similar to EUTM, EUCAP Nestor is still in a phase where it would be too early to assess its impact let alone success. However, we can already detect certain conceptual confusions with regard to the overarching imperative of comprehensive security.

For instance, it is not entirely clear in how far the EU is pushing a consistent agenda with regard to the establishment of local coast guard capabilities. The selection of partner countries indicates that the EU seeks to construct a broad counter-piracy front but the functionality of including Kenya and especially the Seychelles in this initiative is rather obscured as both lie at the very South-Western and Southern edges of the zone of reported piracy incidents. The coastal waters of Kenya and the Seychelles are less important for international maritime transport than they are for regional trade and AMISOM shipments.

More importantly, the idea that comprehensive security will contribute to regional stability assumes a sequencing of events (better regional coast guard capabilities → decrease in piracy → regional stability) that disregards the political realities of Somali regional politics. Put differently, in the case of Somalia is must be regarded as highly doubtful whether a stable long-term initiative can be achieved before significant progress in political reconstruction is made, especially regarding political relations among the three main regions of Somalia. A deal signed on 30 July 2013 between the Somali government and the Dutch maritime security company Atlantic Marine and Offshore Group, which tasks the latter with the creation and operation of a coast guard fleet to protect Somalia's exclusive economic zone, illustrates this reservation rather well. The fact that the governments of Puntland and Somaliland speedily rejected any such attempt by the central Somali government to reassert control over its contested northern territories and their waters casts into further doubt whether any effective organisation of coast guard forces can be achieved without a political

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[333] EUCAP Nestor (2013). Mission, general overview. http://www.eucap-nestor.eu/en/mission/general_overview/, last accessed 7 August 2013.
[334] European Commission (2011). *Long-term responses to global security threats: Contributing to security capacity building in third countries through the Instrument for Stability*. http://ec.europa.eu/europeaid/infopoint/publications/europeaid/documents/207a_en.pdf, last accessed 4 April 2013.

settlement between the various Somali regions.[335] As political relations continue to be poor and have hit a new low following this recent spat, such a political settlement appears to be a thing of the distant future.

7.2.2 Transfer and prosecution of pirates

In order to demonstrate that the EU approach to solving the problem of piracy follows through, the EU has laid great emphasis on the prosecution of pirates. In the most straightforward cases EU naval forces arrest and detain pirates caught in the act of hijacking a ship on the high seas outside of the jurisdiction of any HoA country. If sufficient grounds for prosecution exist pirates are brought before court in the country whose naval contingent picked them up. This process has led to convictions in Germany, France, and the Netherlands.[336]

However, member states quickly grew disenchanted with the design of the process for two reasons: First, the costs of transferring the pirates to Europe, for trying them in court, and for potentially incarcerating them for long sentences, stand in no relationship to the potential danger from simply releasing them. Second, the idea of incarcerating Somali pirates in a place thousands of kilometres away from where the crime was committed – and thousands of kilometres away from their relatives – though legally sound, seemed morally wrong.[337] The answer to this dilemma of 'justice' was found in striking up transfer agreements with countries in the region, as outlined in the Strategic Framework for the HoA:

> "To complement and support counter-piracy operations, the EU agreed the transfer of suspected pirates captured by operation *Atalanta* with third states (Kenya, Seychelles and, since 16 July 2011, Mauritius). The EU provides support through its IfS [Instrument for Stability] to prosecution, court, police and prison services in the three countries."[338]

[335] Seatrade Global (2013). *Somalia private coast guard spat and the fight against piracy*. 7 August 2013. http://www.seatrade-global.com/news/europe/somali-private-coastguard-spat-and-the-fight-against-piracy.html, last accessed 8 August 2013.
[336] BBC (2011b). *Somali pirates jailed in France for kidnapping couple*. 30 November 2011. http://www.bbc.co.uk/news/world-africa-15976883, last accessed 24 May 2013; Spiegel Online International (2012). V*erdict in Somali Hijacking Case: Court Rules in Germany's First Modern-Day Piracy Trial*. 19 October 2012. http://www.spiegel.de/international/germany/hamburg-court-hands-down-somali-pirate-sentences-a-862350.html, last accessed 11 June 2013; The Washington Times (2010). *Dutch court sentences 5 Somali pirates to 5 years*. 17 June 2010. http://www.washingtontimes.com/news/2010/jun/17/dutch-court-sentences-5-somali-pirates-5-years/, last accessed 12 September 2013.
[337] Interview with M. Harder (2013).
[338] Council of the EU (2011). *Council conclusions on the Horn of Africa*. 3124th Foreign Affairs Council meeting, Brussels, 14 November 2011. http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf, last accessed, 17 August 2013.

Whereas the transfer agreements with the Seychelles and Mauritius are in effect, Kenya cancelled the agreement in late 2010 but transfers are possible on a case-by-case basis.[339] The EU is also in the process of negotiating another agreement with Tanzania.[340] The agreements contain human rights clauses such that the legal and prison systems of the prosecuting countries must conform with certain (European) standards. For instance, countries that still apply the death penalty are excluded.

How exactly the EU sees the issue of prosecution and incarceration of pirates can be observed with reference to the Seychelles, Rear Admiral Garcia de Paredes (*Atalanta* mission commander from December 2012 until April 2013) claimed that "the best place to imprison [the pirates] would be Somalia. But at least they stay in countries of the region that are suffering the effects of piracy".[341] The Seychelles have been shouldering a disproportionate share of the burden of Somali piracy, or, more accurately, of the fight against Somali piracy. In fact there is no evidence to suggest that the Seychelles were strongly affected by Somali piracy. Only after having accepted the role of 'main prosecutor' bestowed upon it by the EU did piracy become a problem for the country.[342] Such notions of 'ownership' and 'fair burden-sharing within the region itself' can de directly deduced from the Strategic Framework for the HoA, and also find expression in the 'East and Southern Africa/Indian Ocean (ESA/IO) Regional Strategy' for maritime security and against piracy, which was brokered by the High Representative in 2010.[343]

The most encompassing measure regarding pirate prosecution has been the creation of the Regional Anti-Piracy Prosecutions Intelligence Coordination Centre (RAPPICC) in the Seychelles, sponsored by the UK and operational since 2013. According to Oceans Beyond Piracy, RAPPICC aims to create a "multi-disciplinary and multinational centre for law enforcement cooperation" with the participation of various countries in

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[339] BBC (2010). *Kenya ends co-operation in hosting Somali pirate trials*. 1 October 2010. http://www.bbc.co.uk/news/world-africa-11454762, last accessed 30 April 2013.
[340] European External Action Service (2013c). *Judicial international cooperation to end impunity*. http://eeas.europa.eu/piracy/judicial_cooperation_en.htm, last accessed 25 September 2013.
[341] Rear Admiral Pedro Garcia de Paredes, in: Oceanus Live (2013). *3 Out of 10 Pirates Released Due to Lack of Evidence, Says Spanish Admiral*. 13 May 2013. http://www.oceanuslive.org/main/viewnews.aspx?uid=00000708, last accessed 18 July 2013.
[342] News24 (2012). *Somali pirates: Seychelles call for help*. 3 May 2012. http://www.news24.com/Africa/News/Somali-pirates-Seychelles-call-for-help-20120305, last accessed 7 August 2013.
[343] Council of the European Union (2011). *Council conclusions on the Horn of Africa*. 3124th Foreign Affairs Council meeting, Brussels, 14 November 2011. http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf, last accessed 5 May 2013.

the region and a multitude of international bodies (e.g. EUROPOL, INTERPOL, UNODC, IMO, etc.) and national police force, and a close relationship with EU counter-piracy operations.

Although there now exists a dense institutional web of jurisprudential capacity to 'bring pirates to justice', prosecution remains problematic in many cases. This is illustrated by the high proportion of apprehended pirates who are released without trial. According to Rear Admiral Pedro Garcia de Paredes, 8 out of 29 arrested pirates were released without trial.[344] The reason, as in most cases, was that months after the alleged attack it had become prohibitively difficult to ascertain evidence of a crime. The reason for this has also been, once again, pirates' adaptability to changes in their environment. Thus, pirates have developed a number of tactics to evade detection or apprehension, which include concealing weapons aboard skiffs do avoid detection from aerial surveillance, using boarding ladders as benches, or simply throwing equipment overboard when faced with arrest by a foreign warship.[345]

The EU has also sought to provide for a more structured involvement of private industry into the fight against piracy. In order to better coordinate passage for transiting ships the EU established MSCHOA, the Maritime Security Centre - Horn of Africa. It provides round-the-clock monitoring of vessels passing through the area and allows merchant companies or their ship captains to register their vessels with the Centre to traverse through the IRTC, which provides ships with quasi-escorts by naval forces. The second measure targeted at industry has been the championing of Best Management Practices (BMPs). They provide ship masters with an overview of piracy in the region and with the protective measures to be taken by their companies, themselves and their crews in order to prevent hijackings.[346] BMPs have been lauded for contributing to the successful repulsion of multiple pirate attacks.[347]

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[344] Rear Admiral Pedro Garcia de Paredes, in: Oceanus Live (2013). *3 Out of 10 Pirates Released Due to Lack of Evidence, Says Spanish Admiral*. 13 May 2013. http://www.oceanuslive.org/main/viewnews.aspx?uid=00000708, last accessed 18 July 2013.
[345] United Nations Security Council (2011). *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010),* S/2011/433, 18 July 2011, p 34-35. http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433, last accessed 29 August 2013.
[346] MSCHOA, UKMTO et al. (2011*). BMP4: Best Management Practices for Protection against Somalia Based Piracy* (Version 4 – August 2011). http://www.gard.no/webdocs/BMP4.pdf, last accessed 4 June 2013.
[347] EUNAVFOR (2010a). *Pirates fail in pirating MV MEDI CHENNAI thanks to Best Management Practices*. http://eunavfor.eu/pirates-fail-in-pirating-mv-medi-chennai-thanks-to-best-management-practices/, last accessed 29 June 2013; EUNAVFOR (2010b). *BMP defeats pirates again*. http://eunavfor.eu/bmp-defeats-pirates-again/, last accessed 18 August 2013.

As a side note, at the start of 2012 Germany and the Netherlands began cooperation on targeting the financial and logistical flows that enable and sustain piracy.[348] However, it remains to be seen what can be achieved in this regard.

7.2.3 A comprehensive approach, but for whom?

The EU's comprehensive approach includes military naval action (oscillating between containment and pre-emption but strongly favouring the former), military training of the Somali army, civilian capability-building for Somali and regional coast guard forces, as well as for regional prosecution capacity, transfer agreements for prosecution, and the integration of private industry into coordinative schemes aimed at avoiding hijackings. It is thus safe to say that the EU approach combines an eclectic mix of instruments in its fight against Somali piracy. What is also clear, however, is the fact that these measures depend to a large degree on the cooperation of regional stakeholders and private industry. In fact, apart from operation *Atalanta*, all other measures are effectively enforced by other actors than the EU. This points to a core characteristic of the EU's comprehensive approach: its reliance on the externalisation of EU security.

The defining feature of externalisation is the relocation of responsibility (and therefore by extension costs). Arguably, externalisation is inherent to a degree in any 'comprehensive approach' as it is bound to devolve responsibility over policy and policy outcomes to some other actors. After all, the allure of comprehensive security lies in its promise of inclusivity and breadth of scope. At the same time, externalisation functions most efficiently as a security design when inserted into a discursive context of threat formation and response that alludes to collective responsibility and action. As we have already established, the image of the pirate as an enemy of all serves well in this regard. But on the implementation side of security policy it is the discursive markers of 'comprehensive security' and 'effective multilateralism' that locate the ownership of the solution with the policy entrepreneur while locating the responsibility to implement the policy with others. While the EU supplies the frame of action, the implementation thereof is largely reserved for its partners. While externalisation is less relevant in the realm of military counter-piracy efforts (where the EU does make a sizable contribution), it is certainly crucial to understand the rationalisation and implementation of the overarching policy approach, namely the comprehensive approach.

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[348] Spiegel Online (2012b). *Anti-Piraten-Einsatz: SPD und Grüne kritisieren EU-Beschluss.* 23 March 2012. http://www.spiegel.de/politik/ausland/opposition-kritisiert-ausweitung-von-atalanta-mission-gegen-piraten-a-823375.html, last accessed 17 March 2013.

7.3 International coordination in military counter-piracy

The success of redistributing responsibility and costs of a security issue through externalisation depends on the availability of cooperation. And while externalisation does not characterise the military domain of counter-piracy a similar dynamic of building cooperative schemes that redistribute the costs of a security issue manifests itself in the EU's objective of 'effective multilateralism'. In the European Security Strategy the EU outlined its goal to strive for "an international order based on effective multilateralism", because:

> "in a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective".[349]

In this totalised, interconnected and indivisible conception of the 'global', cooperation is not only a facilitator of stability but becomes constitutive of stability itself. Recalling the argument from the previous chapter that the Somali pirate has been constructed as the enemy of all, EUNAVFOR constitutes only a part of the (concerted) international fight against piracy. Other multinational contingents are NATO's Ocean Shield, and Combined Task Forces (CTF) 150 (part of counter-terrorism Operation Enduring Freedom), and CTF 151. National navies patrolling the Indian Ocean come from far and apart. China, India and Russia have permanent navy contingents on station. Australia, Iran, Japan, Malaysia, Pakistan, Saudi Arabia, South Korea and Thailand have all at some point dispatched vessels, either attaching to one of the CTFs or operating individually. What the picture of the seas at the Horn of Africa amounts to is "perhaps the most eclectic and diverse armada of naval firepower ever assembled".[350] In fact, some might consider the presence of so many navies in close proximity to each other a recipe for disaster. Of course, a number of tactical problems persist, for instance regarding the reluctance to share classified intelligence or differing Rules of Engagement, but by and large the counter-piracy effort presents a unified front.

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[349] European Council (2003). *A Secure Europe in a Better World – European Security Strategy*. Brussels, 12 December 2003. http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf, last accessed 7 June 2013.
[350] Kraska, J. (2009). Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea. *Comparative Strategy*, *28 (*3): 197.

The EU has sought for itself a coordinating, or steering role in this eclectic mix of actors. The EU's coordinating role rests in its co-chairing of the Shared Awareness and Deconfliction (SHADE) conferences in Bahrain, where participating countries discuss and agree on operational and tactical matters, for example how best to use available assets, and with which geographic distribution.[351] In this role it is perceived as a neutral arbiter. From this somewhat privileged institutional position the EU has carved out a small yet relevant self-conception of a 'leader' in counter-piracy at the HoA. This call to leadership is grounded in the perceived superiority of the EU's comprehensive approach.

First, EU member states clearly prefer the operational profile of EUNAVFOR over that of Ocean Shield. This can be deduced from the distribution of naval assets between the two. At the NATO Force Generation Conference for Ocean Shield Greece and the UK (along with the US and Turkey) pledged a single frigate, whereas Germany, Italy, Spain and Portugal – all willing contributors to *Atalanta* – promised no assets.[352] Second, *Atalanta* is generally very well-received, whereas NATO's counter-piracy effort is seen in a much more sceptical light by policy experts.[353] Third, while an operational liaison exists at OEF HQ in Bahrain, tactical cooperation with CTF-151 is resisted. This is partly due to divergent mission mandates and memberships, but there is also a concern that associating EUNAVFOR with 'The Global War on Terror' would jeopardise the integrity of the EU's comprehensive approach.[354]

While cooperation with NATO is not as intensive as observers may have expected – the vision of interlocking institutions between the EU and NATO is hardly realised at the Horn of Africa[355] and at some point former German Defence Minister Jung cautioned against the EU and NATO entering into a 'beauty contest' over who can

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[351] Homan, K., Kamerling, S. (2010). Operational Challenges to Counterpiracy Operations off the Coast of Somalia, in: B. Ginkel & F. Putten (Eds.) *The International Response to Somali Piracy: Challenges and Opportunities* (pp. 65-103). Leiden: Martinus Nijhoff Publishers, p. 85.

[352] Wiegold, S. (2009). *Ocean Shield wird nur ein Shieldchen*. Focus Online, 11 June 2009. http://wiegold.focus.de/augen_geradeaus/2009/06/ocean-shield-wird-nur-ein-shieldchen.html, last accessed 6 May 2013.

[353] Foreign Policy (2012). *The FP Survey: The Future of NATO*. 14 May 2012. http://www.foreignpolicy.com/articles/2012/05/14/expert_survey_the_future_of_nato?page=0,3, last accessed 7 July 2013.

[354] Interview with Spanish official, anonymous 3 (2013); interview with M. Harder (2013).

[355] Weber, A. (2009). EU Naval Operation in the Gulf of Aden (EU NAVFOR Atalanta): Problem Unsolved, Piracy Increasing, Causes Remain, in: M. Asseburg & R. Kempin (Eds.), *The EU as a Strategic Actor in the Realm of Security and Defence? A Systematic Assessment of ESDP Missions and Operations* (pp. 70-83). SWP Research Paper. Berlin: German Institute for International and Security Affairs, p. 75.

do the job better[356] – this differentiation should be seen in terms of the comparative advantage that the respective organisation can offer.

Generally, cooperation is also broader with little preconceived reservations as to potential partners. Accordingly, cooperation with non-EU and non-NATO countries has intensified. For instance, on 22 June 2013 the Italian frigate *ITS Zeffiro* turned over escort duties of a WFP vessel to the Chinese warship *CNS Mianyang* for the final transport stage towards Djibouti. In line with such singular cooperative endeavours, the EU and Chinese naval forces have a major counter-piracy exercise planned in the Gulf of Aden for the end of 2013.[357] Contributions from non-traditional partners are welcomed, and while EUNAVFOR, Ocean Shield and CTF-151 have started to decrease their naval deployments since 2011, other nations acting unilaterally have increased their presence, including China, India, Russia, Japan and South Korea. Thus, burden-sharing has become more equalised at this point.[358]

7.3.1 Success revisited

Returning to the issue of success we can now see that the EU naval force essentially functions as what Till has described as 'postmodern navies', which have an "internationalist, collaborative and almost collective world outlook" whose role is one of maintaining systemic stability. Maritime security here implies an operational profile defined by constabulary and low-intensity tasks.[359] This self-understanding departs significantly from the traditional image of war-fighting navies, and institutes a different one that suggests a police force of the seas. This soft approach to military security is accompanied by a wider cooperative effort to involve international partners. While the relevance of the quantitative measure of piracy – i.e. number of pirate attacks; financial costs – is obvious, there is another measure of success that is rather indirect. The importance of counter-piracy cooperation between the EU and its international partners can be gauged from the elaborate scheme of mechanisms that facilitate it. However, it is

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[356] Jung, F. J. in: Weber (2009). p. 75.
[357] EUNAVFOR (2013b). *EU Naval Force and Chinese Navy Work Together To Ensure World Food Programme Aid Ship Remains Safe From Pirates At Sea*, 27 June 2013, http://eunavfor.eu/eu-naval-force-and-chinese-navy-work-together-to-ensure-world-food-programme-aid-ship-remains-safe-from-pirates-at-sea/, last accessed 17 August 2013.
[358] We should note, however, that for a country like China the scenario of Somali piracy not only represents an opportunity to share in the responsibility of global security and thus achieve a better reputation with other states. An alternative – not mutually exclusive – idea is that Somali piracy is used as a test case to develop China's blue sea deployment capability.
[359] Till, G. (2007). Maritime Strategy in a Globalizing World. *Orbis, 51* (4): 569-575.

cooperation itself – and not just the accomplishment of a set objective – that is rated as success in itself.[360]

7.4 Counter-piracy as 'effective multilateralism' in action?

Although the EU's counter-piracy effort started out as an explicitly military intervention, it has quickly been transformed into what can justifiably be described as a comprehensive approach to piracy. On the one hand, the military component was left conflicted by the half-hearted attempt to give the mission a more robust nature, and its success is difficult to gauge from a complex picture where pirates seem to become less successful but more efficient at the same time. Further, through their interactions pirates and 'hunters' constantly change the balance of the relationship. Instead, civilian counter-piracy measures have proliferated, most notably in the realm of the training of the Somali military, institutional support to the upgrading of legal and prison systems throughout the region, and pirate transfers for prosecution. What makes these initiatives interesting is the fact that they reflect a strong tendency towards externalisation of EU security that pervades the comprehensive approach. This is further compounded by the decisive cooperative bias in the EU approach that sheds a different light on what success in the military realm might look like. In what reflects the idea of effective multilateralism, cooperation becomes a security objective in itself.

Once again we can tie this story of security as practice back into the notion of 'managing globalisation'. Externalisation and effective multilateralism are both expressions of an international security identity preoccupied with the management of globalisation. We find its component parts prominently represented in the previous analysis. First, expanding policy scope is by and large synonymous with the comprehensive approach. Second, the EU exercises regulatory influence by shaping the legal and prison systems in the region, training the Somali army, and by setting the standards for the prosecution of pirates. Third, the EU indirectly empowers international institutions by contributing to the creation of a regional counter-piracy regime. Fourth, it achieves a redistribution of the costs of piracy through an elaborate effort at externalisation.

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[360] Interview French official, anonymous 4 (2013); interview with EP officials, Bassot, Karock, Manrique Gil (2013); interview with M. Harder (2013).

Chapter 8

Conclusion: re-construction

The EU is currently in the process of formulating a Maritime Security Strategy.[361] Although another strategic document is arguably not what the EU needs, it is telling that policy-makers consider there to be enough critical mass for this step. Unsurprisingly, the EU's counter-piracy engagement at the Horn of Africa has played a big part in the rationalisation of the EU's international maritime interests and objectives.[362] It has done so primarily, as this study has hopefully clarified, by allowing the EU to step into a process of self-exploration. By engaging the security phenomenon of piracy the EU has reconstructed itself in line with a number of rationales: 1) the adversary of the 'enemy of all' and thus guardian of global order; 2) the actor with comparative advantage in comprehensive security; 3) and the driver of a new effective multilateralism that fosters cooperation and burden-sharing.

It is useful to revisit the three initial question posed at the beginning of this study to understand how the EU's framing and action – i.e. its practice – of counter-piracy at the Horn of Africa have shaped its identity as an international actor: What makes Somali piracy a *threat* for the EU? What is the *referent object* that needs to be protected? What *policies* are enacted to that end? It should be clear at this point that this study has not attempted to give singular answers to these questions. In fact, it would be rather confusing if such uni-dimensional answers were forthcoming. It is not a contradiction that piracy exists at the same time as military threat (to both civilian and military vessels traversing the Indian Ocean), economic threat (to merchant and shipping companies, to national and European economies, and to the global economy

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[361] See: European Commission & High Representative of the European Union for Foreign Affairs and Security Policy (2014). Joint Communication to the European Parliament and the Council, '*For an open and secure global maritime domain: elements for a European Union maritime security strategy*', JOIN(2014) 9 final. Brussels, 6 March 2014, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014JC0009&from=EN, last accessed 10 April 2014.

[362] Interview with M. Harder (2013).

itself), or even 'political-systemic' threat (in so far as it undermines global order). It is also not contradictory that the EU claims protection for itself (or rather disaggregated component parts of itself, e.g. economies, companies, seafarers) while also claiming protection for the global trade system. What matters is the contextualisation of these rationalisations in so far as they relate to the practice of EU security. When the EU claims protection for the global trade system it does so as 1) a practical concern of its own reliance on that system, and at the same time as a 2) construction of its present and future role as guardian of that system.

What asserts itself as the dominant theme with regard to *threat, referent object* and *policies* is the globalising discourse of EU counter-piracy as it finds representation in the idea of managing piracy as an adverse instance of globalisation. The 'management of globalisation' is operationalised in the EU's counter-piracy approach at the Horn of Africa. The framing of the pirate as universal enemy and enemy of global order serves to legitimise EU intervention. As I have shown, there exist considerable grounds on which to doubt the characterisation of Somali piracy as a sophisticated transnational organised crime network. The removal of the Somali pirate from his immediate local context is achieved by ignoring the fact that the political economy of Somali piracy effectively functions as a *war economy*. Instead the pirate is elevated to the status of universal enemy, threatening the very fabric of global order. The EU's elaboration of its own role in global affairs establishes a clear contradistinction to that of the pirate, effectively nominating itself as guardian of that same global order. Consequently, counter-piracy is not simply an expansion of the EU's policy scope in so far as it creates a novel item under the umbrella of EU crisis management, for instance, as the first naval deployment of CSDP. It reaches far beyond this as it elaborates an international identity for the EU that is oriented towards, and assumes responsibility for, global systemic stability as such, in the process redefining the EU as a global security-provider.

Whereas the framing of piracy primarily creates the rationale and justification for counter-piracy intervention, it is in its implementation in the form of 'comprehensive security' that the EU's management of globalisation becomes most visible. The notion of comprehensive security in itself implies an <u>expansion of the policy scope</u> as it broadens the security agenda.

In the case of counter-piracy at the HoA the initial and on-going naval intervention was quickly complemented by additional features, such as security sector reform (EUTM), assistance in the creation of local coast guard forces (EUCAP Nestor) and support for the reform of penal systems in partner states. These civilian measures

also indicate the extent to which the EU seeks to <u>exercise regulatory influence</u> over these states.

A defining feature of the EU's efforts at the HoA is the objective of 'effective multilateralism'. In order to create an effective counter-piracy regime, the EU has not only sought to coordinate and cooperate with a multitude of states, it has also pushed the <u>empowering of international institutions</u> to that end. Although cooperation with NATO remains limited, it is the creation of a host of regional institutions such as the Shared Awareness and Deconfliction conferences, the Maritime Security Centre - Horn of Africa and the Regional Anti-Piracy Prosecutions Intelligence Coordination Centre that create an institutional continuity to counter-piracy.

Although the issue of <u>enlarging the territorial sphere of EU influence</u> at the Horn of Africa has little significance in direct terms due to the geographical distance between the two entities, we can tentatively state that the idea of the EU's model power is at work here. Most prominently, the creation of local coast guard forces that operate in an integrated fashion and the institutionalisation of shared structures such as RAPPICC bear witness to this.

Another important instantiation of the EU managing globalisation is found in the way it seeks to <u>redistribute the costs of globalisation</u>. The EU seeks to foster cooperation with and between states that usually find it difficult to cooperate on international security issues – such as Russia, China or Iran – to the effect that a broad international counter-piracy regime now tentatively functions. Crucially, under effective multilateralism it is cooperation that becomes a security objective in itself. Additionally, the EU externalises part of the responsibility and cost of mitigating piracy to a number of HoA states, most notably in the areas of pirate detention and prosecution.

So what can we say with regard to the international identity of the EU? I hope that my findings have contributed to clarifying some of the present confusion and contradictions in the field of EU security. For instance, while the major EU power narratives outlined at the beginning of this study continue to provide some useful insights into the what, why and how of EU foreign policy, their prescriptive story-telling of what the EU is and what it should do stands in frequent contrast to the empirical reality of EU security that portrays a more multifaceted actor than captured in these grand narratives – hence the emergence of the so-called strategic deficit. At the same time, I find little cause to partake in the lamentations on the current state of EU security as I do not share the fatalism often associated with the debate on the strategic deficit and the concomitant

imperative to overcome it that are so pervasive both at the academic and policy levels of EU security. Instead of ramping up unrealistic and distracting expectations of 'grand strategy', the protracted 'shortcomings' of EU security should be a source of inspiration rather than disillusionment, as they motivate us to better understand the multifaceted and contingent nature of the institutional beast that is the EU and especially those characteristics that delineate the particularity of the EU policy space. I have argued that the *sui generis* nature of the EU as an international actor is highly conditioned by its institutional evolution, namely the pervasive uncertainty that has facilitated institutional imitation and the entrenched bureaucratic transgovernmentalism that steers EU security towards highly consensual and technocratic outcomes. This combination of drivers has created a policy space that is 'post-political' in nature and thus lends itself particularly well to a 'managerial' approach to security.

My findings support the idea that the EU is indeed vying for a more global profile in its overall foreign policy. It does so not out of an inherent lust for power or the functional imperative of 'new threats' but rather out of the realisation that its own security is tightly integrated with global security, and therefore the EU should engage insecurity at the global level. Thus, instead of trying to play the great power game, a successful strategy for the EU would require tying its relevant international counterparts into a tightly-knit web of shared vulnerabilities, responsibilities and strategies, thus managing globalisation.

One may ask whether the EU's management of globalisation has been effective or successful in the case of counter-piracy. Looking at the numbers that support the EU's claim that pirate activity has been reduced at the Horn of Africa as a result of its ongoing intervention, we may assert effectiveness and success in so far as stated mission objectives have been met. However, if we conceive of piracy as part of a wider security complex that operates at multiple levels, the picture becomes more complicated. The dominant characterisation of Somali piracy as a regional and global threat dissociates the phenomenon from its rooting in a particular local context. Specifically, it leads to a blurred image of the political economy of piracy, understood by the EU mostly as a parasitic by-product of globalisation. While such a flawed understanding can sustain the prolonged, concerted effort at the deterrence and suppression of pirate activity, it proves unable to lay the ground for a new perspective on the political and economic reconstruction of the Horn of Africa based on a lasting eradication of the underlying drivers of piracy.

The problem with the 'management' practice of security is that it implicitly forfeits claims to 'resolution'. As security cannot be achieved anymore, it can only be constantly produced and reproduced. This is reflected in the extent to which *cooperation* in counter-piracy itself has been made into a category of success. Consequently, it is the *processes* of security, rather than its *outcomes*, that provide the yardstick against which security policy is increasingly evaluated by the EU. In a similar vein as Chris Bickerton, I suggest that the debate on the effectiveness of EU foreign policy has exhausted itself and that we should rather look at the role EU foreign and security policy – and specifically its practice – plays in the future constitution of the European project.[363]

What this study has attempted to do is make a contribution to the on-going debates about EU security, the identity of the EU as an international actor, and the nature of EU power. First, in opposition to the current state of the art of the field – mainly captured by the central position of the notion of the strategic deficit – I argued that there is a need to dissociate ourselves from a misguided attachment to traditional notions of security, such as power or strategy, and instead place greater emphasis on the practice of security. Second, focusing attention on the institutional determinants of EU security requires us to acknowledge the post-political state of the policy area – and perhaps of the polity as such – and the significant implications this holds for the study of EU security. Third, by understanding EU counter-piracy as an effort aimed at the 'management of globalisation' we can uncover the intimate link between the EU's self-perception and its globalised rationalisation of security. Taking these lessons to heart will allow us to refashion theoretical and analytical bridges between the manifold activities of the European project that have been somewhat lost under the semiotic pressures of pillarisation and, recently, crisis.

8.1 A note on future research avenues

My theoretical focus has been that of discourse analysis as it is oriented towards identity and allows us to conceive of its construction as a matter of practice. However, the central concern of threat formation can also be tackled from other angles that might provide valuable insights. There are two conceptual fields related to the investigation

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[363] Bickerton, C. (2011). *European Union Foreign Policy: From Effectiveness to Functionality*. Basingstoke: Palgrave Macmillan.

undertaken here – one closely, one by degrees – that can help clarify some of the core arguments made in this thesis, as well as provide some critical questions that may guide future research on the topic: securitisation theory, and risk analysis.

Although securitisation theory is often portrayed as conducting discourse analysis as well, there is a crucial distinction to be made between discourse as conceived in this study as opposed to securitisation theory. Whereas here I explicitly integrate material and ideational factors to arrive at a discourse theory of practice, the latter combines the linguistic and social. In securitisation, security is a speech-act, a performative utterance that moves an issue – potentially any issue – from the level of 'normal' politics to the level of 'extraordinary' security:

> "'Security' is thus a self-referential practice, because it is in this practice that the issue becomes a security issue–not necessarily because a real existential threat exists but because the issue is presented as such a threat". [364]

Three components are necessary for a successful securitising move: A securitising actor that performs the securitising move; the referent object for which protection is invoked; and an audience that accepts the authority of the securitising actor and the validity of his claim. The idea forwarded in this thesis that EU security operates in an institutional space that is depoliticised to a considerable degree presents a theoretical challenge to securitisation in so far as the theory implicitly assumes that securitisation presupposes the existence of a political space in the first place. Therefore, what complicates the applicability of securitisation to EU security is the assumption that the policy space lacks an audience due to its isolated institutional gestation. If we comprehend the very existence of EU security policy as the result of a successful securitising move, what is there left to explain for securitisation theory at the EU level? The challenge for securitisation theory then is to uncover the localities of the sequential moves, i.e. to demonstrate the intent of agency. 'Who are the securitising actors', and 'Who is their audience?' are questions that are mired in conceptual confusion in the sphere of EU security.

Another concept that can bring the results of this thesis further is that of risk. As the international security agenda seems to become broader and broader, the concept of risk can provide important insight in this regard because it "permits the identification of

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[364] Buzan, B., Wæver, O., de Wilde, J. (1998). *Security: A New Framework For Analysis.* London: Lynne Rienner, p. 24.

unknown and unknown-unknown risks through interpretation and imagination".[365] It allows us to be conceptually more critical towards newly emerging forms of violence and insecurity, such as those that point at the privatisation of violence, of which piracy is also characteristic. In fact, risk analysis is closely associated with the wider literature on the privatisation of violence, and it is specifically the focus on the role of Private Military Companies that is intriguing here.[366] As part of the Best Management Practices, many shipping companies now have so-called Autonomous Vessel Protection Details present on their vessels when transiting high-risk waters. If this trend continues and national navies reduce their presence even further, Somali piracy may become an entirely 'private' security issue, at least on sea. We are already seeing some of the implications with regard to the questionable liability of private guards when engaging a pirate attack group. Furthermore, the concept of risk also strikes an interesting link to a critical understanding of 'comprehensive security' and relates well to the present utilisation of the perspective of 'managing globalisation' since the "probabilistic concept of risk suggests that insecurity can only be managed".[367]

In any case more conceptual work is needed to uncover how the EU constructs specific threats (selection; origin; characterisation), and more empirical work is needed to compare and confirm the insights that we have gained here.

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[365] Krahmann, E. (2011). Beck and Beyond: Selling Security in the World Risk Society. Review of International Studies, 37 (1): 352-3.
[366] Avant, D. (2005). *The Market for Force: The Consequences of Privatizing Security*. Cambridge: Cambridge University Press; Krahmann, E. (2010). *States, Citizens and the Privatization of Security*. Cambridge: Cambridge University Press; Singer, P. W. (2007). *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press.
[367] Ibid, p. 356.

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Table 2

Actual and attempted attacks against ships by year and location:

Country	2008	2009	2010	2011	2012
Somalia	19	80	139	160	49
Gulf of Aden	92	117	53	37	13
Red Sea		15	25	39	13
Arabian Sea		1	2		
Indian Ocean		1			
Oman		4		1	
TOTAL	**111**	**218**	**219**	**237**	**75**
World	293	410	445	439	297

Source: IMB (2013). *Piracy and Armed Robbery Against Ships*, Annual Report 2012, January 2013.

Table 3

Nationalities of ships attacked:

Flag state	2008	2009	2010	2011	2012
Austria				1	
Belgium		1		2	
Bulgaria			1		
Canary Islands	1				
Cyprus	14	13	9	8	1
Denmark	3	3	4	7	7
France	7	2	4	6	
Germany	5	5	5	5	4
Gibraltar	2	2	3	2	2
Greece	2	9	3	12	3
Isle of Man	5	2	6	3	4
Italy	3	10	8	8	5
Lithuania		1	1		
Luxemburg			2	1	2
Malta	10	21	19	25	8
Netherlands	3	9	3		1
Netherlands Antilles			1		
Portugal	1				
Spain		2	4	2	2
United Kingdom	6	5	6	6	3
EU TOTAL	**62**	**85**	**79**	**88**	**42**
Rest of world	231	325	366	351	255
World	**293**	**410**	**445**	**439**	**297**

Source: IMB (2013). *Piracy and Armed Robbery Against Ships*, Annual Report 2012, January 2013.

Map 1

Area of pirate operations:
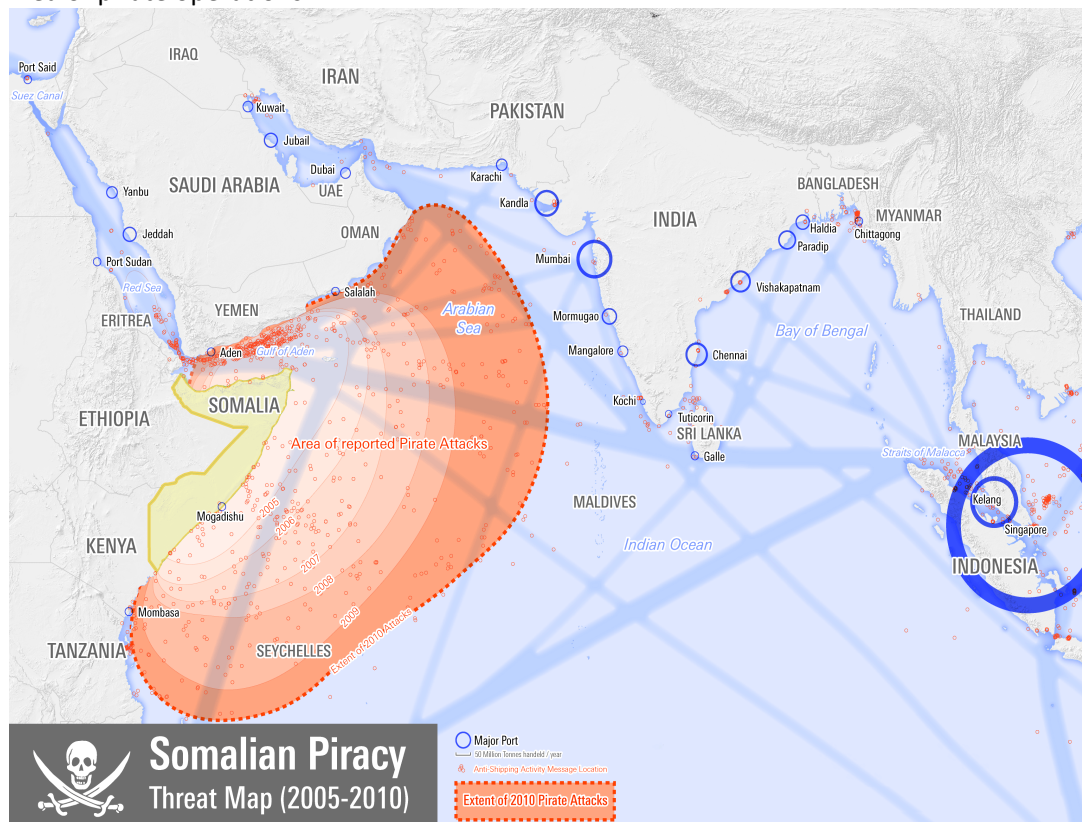
Source: Wikimedia Commons
(http://commons.wikimedia.org/wiki/File:Somalian_Piracy_Threat_Map_2010.png)

List of interviewees

Frigate Captain Markus Harder
- Research Associate, German Institute for International and Security Affairs
- 2011-2012 **Coordinator for the German contribution to the EU Naval Force ATALANTA**, the United Nations Interim Force in Lebanon (Maritime Task Force UNIFIL) and the **EU Training Mission EUCAP NESTOR**

8 May 2013

Nick Witney
- Senior Policy Fellow, European Council on Foreign Relations
- 2004-2007 Chief Executive, **European Defence Agency**

17 November 2011

Anonymous 1
Permanent Representation of the Netherlands to the European Union
28 May 2013

Anonymous 2
Permanent Representation of Sweden to the European Union
10 June 2013

Anonymous 3
Permanent Representation of Spain to the European Union
8 July 2013

Anonymous 4
Permanent Representation of France to the European Union
25 September 2013

Etienne Bassot
Ulrich Karock
Manuel Manrique Gil
European Parliament – External Policies Department
26 September 2013