NATO's Anti-piracy Operations

Strategic and Political Implications

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As the world's premier collective defence organisation, the North Atlantic Treaty Organisation (NATO) continues to face new threats and challenges. On 25 September 2008 United Nations Secretary-General Ban Ki-moon called for NATO's assistance to combat the growing threat of piracy in the Indian Ocean. NATO then agreed on 9 October 2008 to play a role in anti-pirate policing. This mission has since been renewed on two occasions, most recently on 18 August 2009. This newly mandated mission provides yet another opportunity for NATO to function collectively to respond to this novel yet significant threat to the Allies, and more broadly, to protect all shipping interests in the region.

At the same time, a growing number of scholars maintain that NATO is again facing a legitimacy crisis as Alliance leaders indicate that the operation in Afghanistan faces ongoing and formidable obstacles. While NATO has a history of surviving previous political crises, its efforts to succeed in Afghanistan seem to be years in the making, and by a number of accounts reflect poorly on members' views of ostensibly "common" security threats. As the Alliance takes on a new maritime mission in the Indian Ocean, new questions surface over how this operation impacts NATO's ability to cooperate and the Allies' willingness to provide the necessary military resources to succeed. Our findings suggest, unfortunately, that the anti-piracy operation highlights ongoing intra-Alliance differences over seemingly common strategic interests in the Indian Ocean, and points to an Alliance that continues to debate over what constitutes a real security threat.

NATO's Response to Piracy in the Indian Ocean

Until 2008, piracy was largely seen as an irritation – not a major strategic problem. But on 25 September 2008 a Ukrainian-flagged vessel transporting 33 Russian tanks with depleted uranium ammunition was seized by Somali pirates. Along with the brazen seizure of the *Faina*, pirates also seized a 1,000 foot Saudi supertanker, which was carrying more than $ 100 million in oil headed to the United States. Since the onset of this upsurge in Somali piracy, the shipping industry has lost $ 13-15 billion annually. Moreover, by some estimates, in the last 18 months these acts of piracy have garnered as much as $ 100 million in ransom.[1] The Gulf of Aden accounts for the highest concentration of piracy, which is responsible for roughly 37 per cent of all attacks reported in 2008.[2] This area, consisting of 2.5 million square miles, is a critical sea lane that over 20,000 ships navigate through each year, which includes 12 per cent of the world's oil traffic.

In response to this piracy, there have been several military operations conducted by individual states to forcefully take back their vessels. Using the U.S. Navy Seals, the United States successfully rescued Captain Richard Phillips of the *Maersk-Alabama* in a daring night raid that led to the death of three pirates.[3] France has also conducted anti-piracy missions that entailed the use of its military forces. One of these incidents took place on 10 April 2009, when French forces were able to free four hostages while killing two pirates and taking one captive.[4]

> *Where do European states place their primary strategic loyalty?*

Prior to both of these events, NATO Defence Ministers met on 9 October 2008 where they agreed to initiate their first anti-pirate operation. Since the initial approval of this mission NATO has authorised two additional operations. Under the auspices of these operations, NATO officials have heralded these missions as highly successful. During Operation Allied Provider, NATO's first anti-piracy mission, the Alliance provided an escort to the World Food Program on eight separate occasions and was able to provide security and ensure the safe delivery of over 30,000 metric tons of humanitarian aid to Somalia. NATO officials point to the speed in which NATO responded to the threat, the amount of humanitarian supplies that were safely delivered, and noted their ability to keep NATO forces present in the area. General John Craddock, the then Supreme Allied Commander Europe, stated:

> The decision to run this mission has set a valuable precedent for our Alliance. With little time to plan, NATO has completed a very successful mission. We have demonstrated that we can react, and quickly, in times of crisis. We need no better example of NATO's value in our changing global security environment.[5]

In its second mission, by NATO's own account, Operation Allied Protector thwarted 16 of 37 attacks and more than 150 suspected pirate personnel were questioned along with numerous weapons and pirate paraphernalia being confiscated. Operation Allied Protector's role ended on 18 August 2009.

Operation Ocean Shield is NATO's current mission.[6] Under the new mandate NATO will build upon its efforts achieved in previous missions while adopting a regional state, counter-piracy capacity building program. NATO will aim to assist countries in the region, and upon a country's request, the Alliance will foster new capabilities in the region to combat piracy. In short, by NATO's account the Alliance has been quite successful in achieving its objectives. Other evidence, however, suggests serious intra-Alliance strategic and military differences on the anti-pirate operations, which parallels many of the problems witnessed in NATO's role in Afghanistan.

Uneven Strategic Interests and Contributions

When analysing NATO's anti-piracy operations, some evidence suggests that this operation lacks a uniform commitment from the Allies. When NATO agreed to assist in its first anti-piracy missions it called upon its Standing Naval Maritime Group 2 to take the helm. Maritime Group 2 was comprised of seven ships from a number of the Allies, including Germany, Greece, Italy, Turkey, the United Kingdom, and the United States. When this operation was put into action, however, only three ships were selected to carry out the mission. The ships that contributed to this mission were from Greece, Italy, and the United Kingdom.[7]

At the conclusion of Operation Allied Provider in December 2008, NATO then extended its anti-piracy mission and called on its Standing Naval Maritime Group 1 (SNMG1) to assist under the new Operation Allied Protector. Under the auspices of this mission, NATO was able to place five navy vessels for use in this operation. The contributing countries included Canada, the Netherlands, Portugal, Spain, and the United States. Other NATO Allies, such as France, Germany, and Italy, however, have contributed to the European Union's anti-piracy operation, Operation Atalanta. Arguably, a case can be made that while a number of states are willing to contribute to the anti-pirate operations, the simultaneous EU and NATO operations highlight some differences in how the NATO Allies choose to address this common challenge.

In addition to the different strategic focal points for Alliance members, it is noteworthy that before NATO's anti-pirate operations began the Alliance had scheduled SNMG2 to conduct a series of Gulf port visits under the framework of the Istanbul Cooperation Initiative (ICI). When the UN requested NATO assistance, SNMG2 was already scheduled to be moving through this area. Under NATO's original ICI mission, all seven naval vessels were assigned to make port visits. When anti-piracy became an operational mandate for the Alliance, however, NATO was only able to provide three naval vessels. In this respect, a case can be made that the anti-pirate operations occurred in a somewhat piecemeal fashion, and certainly with a limited naval presence and commitment from the Allies.

Operation Allied Protector also had an original mission of making port visits to South-East Asia. The anti-piracy operation was to be conducted while it was in transit to these ports. The port visits were to be conducted from 24 March to 29 June 2009. Anti-piracy did not become the first directive of the

The anti-piracy operation highlights serious intra-Alliance differences

mission until a marked increase in piracy was seen. On 24 April the piracy threat was moved to the forefront of the mission objective. This policy change marked the first time that NATO ships were called into the area for the specific purpose of anti-piracy. Since Operation Allied Protector became exclusively about anti-piracy missions, SNMG2 has taken over responsibility in the Gulf of Aden.[8]

Despite NATO's efforts, the Alliance's presence is still quite limited. The actual policing area is 2.5 million square miles. According to the International Chamber of Commerce Commercial Crime Services, the number of piracy attacks in 2009 is considerably higher than 2008.[9]

Although NATO continues to maintain its presence in the region, the piracy problem is growing, yet NATO continues with its limited response.

Another strategic element of this mission is the simultaneous operations being conducted by the European Union. As noted before, some European countries have decided to use the European Union as the main organisation to combat this growing problem. Most notably is the absence of German involvement within NATO's anti-piracy operations. Beginning in December 2008 the EU has been actively conducting anti-piracy operations in the Gulf of Aden under operation Atalanta. Although NATO has called for closer cooperation with other regional organisations, and while it is not clear that these simultaneous operations have damaged the larger mission to police against pirates, the existence of two operations raises age-old questions of where some European states place their primary strategic loyalty and affiliation.

Another aspect of these missions that invites additional strategic ambiguity is the different legal approaches employed to deal with piracy. Since there are no uniform international laws on how to prosecute these pirates, each state uses its own national law. This practice means that even when working under the NATO-led operations, it is left up to each state to decide the fate of apprehended pirates. If a state does not have any legal recourse, captured pirates are set free.

The European Allies also do not transfer these pirates to any country that still possesses the death penalty as a legal recourse. Moreover, Germany has called for the creation of an international court for the purposes of prosecuting these pirates upon capture.[10] The United States has usually allowed other countries, primarily Kenya, to prosecute pirates.[11] The lone survivor from the *Maersk-Alabama* is the first person to be charged in the United States with piracy in more than a century. The fact that this pirate attacked an American ship was the reason for indicting him under the United States law. If the United States follows this precedent it has the chance for yet another cleavage between itself and the European Allies. Thus, the absence of a uniform legal framework can place the Allies at odds. Even while working under the same operation, states, rather than the Alliance, are ultimately relying on national laws and national preferences to punish these pirates.

Another interesting facet of the anti-pirate mission is the relationship between NATO and Russia. Because piracy has affected all states with shipping interests, Russia has sent naval vessels to protect its interests in the region. By this measure, the anti-piracy mission has given NATO and Russia a shared strategic interest, which certainly builds upon the Obama Administration's interest in improving U.S. and NATO relations with Russia, and to some extent, Russia has responded positively. Dmitry Rogozin, Russia's Ambassador to NATO, has called for more cooperation between the two sides on this issue.[12]

Simultaneously to the NATO mission the EU is actively conducting anti-piracy operations in the Gulf of Aden. The Dutch frigate HNLMS Evertsen (in front) taking over command from its Spanish counterpart SPS Numancia (Photo: Council of the European Union)

Yet even with this relationship having a common threat, this should not be overstated as a catalyst for cooperation. Even though there are calls from both sides for more cooperation, Russia has been equally explicit in resisting closer ties with the Alliance. Rogozin stated: "We will not operate under the Command of the European Union, we will not take part in NATO operations."[13] Thus, despite the ostensibly common interests, a clear strategic divide remains between Russia and NATO, which potentially creates another source for potential diplomatic tension.

China also views piracy in the Gulf of Aden as a persistent threat. Since China receives nearly 60 per cent of its crude oil supply from the Middle East, the main mission that the Chinese navy assumes is to provide protection for the Chinese merchant ships in the area. According to Huang Xieping, a spokesman for the Ministry of Defence, "China is ready to exchange information and cooperate with warships of other countries in performing humanitarian rescue tasks."[14]

Since deploying in the area in December 2008, the Chinese navy has remained present and now has sent a total of three naval flotillas to the region. Anti-piracy is China's first out-of-area mission of naval warships. The Chinese military sees the anti-piracy operation as an opportunity to develop a blue-water navy – one capable of operating in the open seas far off its shore. Admiral Wu Shengli, the commander-in-chief of the People's Liberation Army Navy, states: "This mission would accelerate efforts to develop a new generation of warships, submarines, fighter aircraft and high-precision long-range missiles to counter the rise in non-conventional threats."[15]

The expansion of the Chinese navy into a force that has the ability to deploy for missions out-of-area is another factor that NATO will have to confront in the future. Thus far the Chinese military effort in the Gulf of Aden has not made NATO uneasy. A recent incident in which a U.S. surveillance ship was followed by Chinese naval vessels in the South China Sea provoked a response from the United States to call for more transparency from the Chinese about their naval intentions. Yet, overall, the relationship between China, Europe, and the United States has been positive and welcomed by the Allies. The need to expand the traditional role of the Chinese military can be seen as a means to define and protect a broader view of its national interest. NATO has the opportunity to openly work with the Chinese in the Gulf of Aden and will have to adapt to the growing Chinese naval role. In the event that China's naval cooperation with Russia accelerates, such a development would invite potential tensions with NATO, but thus far, relations remain positive.

Conclusion

NATO's anti-piracy missions provide the Alliance with another opportunity to demonstrate that its members are equipped to meet evolving

By NATO's account the Alliance has been quite successful in achieving its counter-piracy objectives. NATO Secretary-General Rasmussen aboard Italian frigate ITS Libeccio, serving with Standing NATO Maritime Group 2, October 2009 (Photo: NATO)

security challenges, and highlight the shared strategic interests among the Allies. Clearly, NATO regards these operations as a symbol of its continued relevance and its ability to achieve its mission. At the same time, these operations have several points of weakness that hamper its ability to truly combat the piracy problem, which also raise larger strategic questions about the Alliance.

Unfortunately, our findings suggest that the Alliance suffers from considerable strategic internal differences that may generate larger problems for the Alliance. First, the mission seems doomed to fail, given the limited naval response from the Allies. Much like NATO's mission in Afghanistan, the anti-piracy operation seems to be under-resourced, especially given the large area that demands policing and the growth in pirate attacks in 2009. In addition, the different national laws used to punish pirates run parallel to the national caveats employed by NATO's contributors in Afghanistan; while all NATO members contribute to the mission in Afghanistan, in many ways the states operate under their own set of rules, much like in the Gulf of Aden. NATO's anti-piracy operations also provide a new opportunity to develop improved ties with Russia and China, but this has yet to occur, and invite additional possibilities for conflict. Finally, while cooperation between the European Union and NATO is in both organisations' interests, the presence of two operations also invites age-old debates over where Europe's strategic center is.

Thus, what was intended to be a small operation in the Gulf of Aden potentially represents a serious and meaningful challenge to NATO, and invites new strategic divides among the Allies, just when the Alliance is facing even more profound challenges for its mission in Afghanistan.

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