

Evaluating IOs as Maritime Actors Using Organizational Sociology: A Study of EU and NATO in Reducing Somali-Based Piracy

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Issues of security in the maritime domain are much different from those on land. As per the international legal framework, states possess varying levels of sovereignty in the maritime spaces, from territorial waters to the High Seas. Does this peculiar maritime environment have an effect on the efficacy of International Organizations (IOs) in dealing with issues of maritime security? This paper seeks to answer this question by employing Organizational Sociology, that sees IOs as organizations, as living entities, interacting continuously with their environment. The study draws on the case of naval operations conducted by EU and NATO, that have resulted in the significant reduction of Somali-based piracy, once rampant in 2008. It is shown, how the external maritime environment provides inter-organizational networks and a stock of technology, that produces favourable outcomes for IO performance.

Introduction

Maritime Piracy defined generally means armed robbery at sea. Although it has existed as a crime since ancient times of Greek city-states and the Roman Republic, the modern-day legal basis for sovereign states to fight against Piracy came to be codified in the 1982 United Nations Law of the Sea Convention (UNCLOS). Article 101 of this Convention defines piracy:

Piracy consists of any of the following acts:

- (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) (United Nations Convention on the Law of the Sea 1982, 57).

Piracy is a maritime security threat for the states as it disrupts the flow of seaborne trade and commerce. The most famous case of contemporary piracy in the 21st century has been in the Gulf of Aden region. In 2008, pirate attacks in the Gulf of Aden region reached

unprecedented proportions reaching 111 incidents out of a total of 293 piratical attacks worldwide (International Maritime Bureau 2008, 40).

Somali-based piracy attracted urgent attention from different International Organizations (IOs). As the Somali pirates started attacking humanitarian aid-carrying vessels, particularly those of the World Food Programme (WFP), the International Maritime Organization (IMO) approached the United Nations Security Council (UNSC) which then helped in elevating the crime of piracy from an ordinary threat to maritime traffic to one that should be addressed as a breach of international peace and security. Reframing piracy in this way allowed international actions under Chapter VII of the UN Charter and UNSC mandated naval operations against the pirates, to actions by countries and regional organizations like the European Union (EU) and the North Atlantic Treaty Organization (NATO).

By 2012, Piracy reduced considerably, with attacks on ships falling from 439 in 2011 to 297 in 2012, primarily due to reduction in Somali Piracy (International Maritime Bureau 2012, 24). Since then, a decreasing trend in piracy incidents has continued, particularly Somali Piracy. In the year 2018, only 2 incidents of piracy and armed robbery have been reported in the region off the coast of Somalia (International Maritime Bureau 2018, 18).

How did the counter-piracy initiatives taken by these IOs help reduce these levels of Somali-based piracy? Furthermore, as per the international legal framework enshrined in the United Nations Convention on the Law of the Sea 1982, states possess varying levels of sovereignty in maritime spaces, from complete sovereignty in the Territorial Waters to no sovereignty in the High Seas. According to UNCLOS Article 3, a state's sovereignty extends to its adjacent territorial sea (12 Nautical miles from the baseline) but this decreases as one moves towards other maritime zones like the Contiguous Zone, the Exclusive Economic Zone and the High Seas. Does this peculiar maritime environment have an effect on the efficacy of International Organizations (IOs) in dealing with piracy, a crime of High Seas? This study seeks to answer these questions by evaluating the role of two organizations, the EU and the NATO in reducing Somali-based piracy.

The study employs the theoretical framework of Organizational Sociology, as developed by Ness and Brechin, that sees IOs as organizations, living entities that interact continuously with their environment. After testing this theoretical framework on the specific case of Somali-based piracy, it shows how the external maritime environment provides inter-organizational networks and a stock of technology, that in turn produce favourable outcomes for IO performance. The EU and NATO have attempted to counter piracy primarily by launching their individual naval operations. In addition to studying these naval missions, the judicial capacity building efforts of the United Nations Office on Drugs and Crime (UNODC) to support the naval mission of the EU will be looked into briefly. The overall purpose is to examine, through the organizational-sociological prism, the combined outcome of these organizations in bringing down piracy levels off the coast of Somalia.

One of the three factors responsible for a sharp reduction in piracy by 2012, as reported by the International Maritime Bureau (IMB), was the role played by navies in deterring the pirates. The International Maritime Bureau (IMB) highlighted three reasons for this decrease in hijacking of ships; (i) deterrence activities of navies involving pre-emptive strikes and targeting mother ships used by pirates, (ii) adherence to Best Management Practices by the ship's crew and (iii) use of privately contracted armed personnel (International Maritime Bureau 2012). Apart from the EU and NATO, several other actors have been involved in naval operations. These include the United States led Combined Maritime Forces (CMF) and the

navies of other countries, most prominently China, India and Russia. Although the IMB takes into account the cumulative effort of all the naval actors present to combat Somali-based piracy, analyzing the performance of each of these other state actors is beyond the scope of this work. Moreover, the only regional organizations conducting naval operations in this region are the EU and NATO. Consequently, this study is limited to analyzing the counter-piracy initiatives of only the EU and NATO.

Finally, the rationale for the study is linked to the issue that maritime security as a topic, of which maritime piracy is a substantial part, has been under-studied as compared to issues of land security within the discipline of International Relations (IR). IR has rather remained a "land-locked discipline" (Ryan 2017).

Theoretical Framework: The Organizational-Sociological Prism of Ness and Brechin

In 1988, Ness and Brechin spearheaded the study of International Organizations as Organizations concentrating on their sociology. Their aim was to bridge the gap between the fields of organizational sociology and international relations. They argued that, far from being mechanical tools obediently doing the work of their creators, IOs have a life of their own apart from states, and their particular environments, technology, structure and goals impact their character and performance (Ness and Brechin 1988: 246-48). The sociology of International organizations can be comprehended if the following three factors are taken into account:

1. *Organizational Environment*: This includes the 'general environment' affecting all IOs or a 'specific environment' affecting only particular IOs, and stable or turbulent environments in which the particular organization is situated. It can also be seen as similar to international regimes.
2. *Organizational Goals and Structure*: This deals with goals that an IO pursues apart from its main goal of survival. Structure refers to whether the IO is hierarchical or flat.
3. *Technology in International Organizations*: This includes the stock of 'input technology' available in the environment for the IO, the 'core technology' closely associated with the IO's character, its tools and procedures, and a 'monitoring technology' that monitors the international environment having the capacity to generate both conflict and/or cooperation (Ness and Brechin 1988).

Further, Ness and Brechin do not see these factors as variables but as sensitizing concepts that interact with each other to impact the character and performance of IOs (ibid.). Adhering to this theoretical framework, this study attempts to examine the environment, goals and technology of the EU and NATO to gain insights into their contribution to reduce Somali-based piracy.

Looking back at this identified gap between the organizational sociologists and IR scholars twenty five years later, in 2013, in a special issue of the Journal of International Organization Studies, Brechin and Ness opined that the gap has reduced considerably, especially with respect to studies exploring the inter-organization networks that, for instance, showed that organizations were becoming fluid and porous and were working together embedded in the same organizational field (Brechin and Ness 2013). Although it was highlighted in this paper that there were studies undertaken to examine the policies of the World Bank, the World Trade Organization and also the environmental policy of the UN, none of the studies focused on issues of maritime security.

This paper, thus, seeks to explore how international organizations respond to maritime security issues, specifically piracy. However, while using this organizational-sociological lens, the focus of the work is on the output of these naval operations, and not on the internal structure of the respective organizations. Therefore, the internal tools and procedures of the EU and NATO shall not be examined here.

Counter-Piracy Initiatives of EU and NATO in the Case of Somalia

The “Environment” of EU and NATO

Both the EU and NATO launched their anti-piracy missions in the same context: the rise in piracy levels off the coast of Somali, especially in the Gulf of Aden in 2008, and the UNSC subsequently declaring the problem to be an international security threat. The environment became turbulent; the sharp rise in piracy levels in the strategically important Gulf of Aden and the Horn of Africa region were detrimental to the humanitarian aid-carrying WFP vessels as well as the free movement of maritime commerce and trade. This turbulent environment is complex. As Rear Admiral Hudson explained the situation to the House of Lords:

“...about 25,000 ships transited the area every year, principally through the Gulf of Aden, representing around 25 per cent of global trade. It was a “vital strategic artery”. An important energy supply route led from the Gulf of Aden into Europe and across to America. Container ships bound for the far east also regularly used that route.” (House of Lords 2010:10).

For both the EU and NATO, the legal normative framework that provided the basis for them to act was the UNSC resolutions. In response to the UNSC call for countering the Somali pirates, EU Council decided to launch the European Naval Force Somalia - Operation Atalanta (EU NAVFOR - ATALANTA) in December 2008, its first-ever naval mission under its European Common Security and Defence Policy (CSDP) which is still in operation (European Union Naval Force Somalia Operation Atalanta 2014). The EU clearly specified the legal normative framework justifying its actions. The mission's website highlights that, “the EU launched the European Union Naval Force Atalanta (EU NAVFOR) in December 2008 within the framework of the European Common Security and Defence Policy (CSDP) and in accordance with relevant UN Security Council Resolutions (UNSCR) and International Law” (EU Naval Force Somalia 2018a). The relevant UNSCR resolutions are 1814, 1816, 1838, 1846 (see Table 1), all passed in 2008.

Table 1: Relevant United Nations Security Council Resolutions for Anti-Piracy Missions of EU and NATO

UNSC Resolution Number (Year)	Relevance
Resolution 1814 (2008)	UNSC called on the international community to take action to protect the shipping delivering humanitarian aid to Somalia.
Resolution 1816 (2008)	UNSC expressed its concern at the threat of piracy and armed robbery occurring in high seas and territorial waters off the coast of Somalia. It authorized states to cooperate with the Somali Transitional Federal Government (TFG), to even enter the territorial waters of Somalia and to use all necessary means, in accordance with prevailing international law, for repressing acts of piracy and armed robbery at sea.
Resolution 1838 (2008)	UNSC commended the ongoing planning process towards a possible EU naval operation.
Resolution 1846 (2008)	UNSC welcomed the initiative of the decisions of EU and of NATO to launch, naval operations to protect WFP maritime convoys and to repress acts of piracy and armed robbery at sea off the coast of Somalia, pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008).

(Source: UN Security Council 2008a; 2008b; 2008c; 2008d; 2008e)

NATO launched two operations with respect to countering the Somali pirates. First, the Operation Allied Protector (Oct-Dec 2008 and from Mar-Aug 2009) was launched mainly to protect the slow-moving, humanitarian aid-carrying, World Food Programme vessels that were susceptible to pirate attacks in the Gulf of Aden and the Horn of Africa region (North Atlantic Treaty Organization 2018a). Operation Allied Protector was then followed by the Operation Ocean Shield mission which was larger in terms of its geographical reach, covering even the Indian Ocean region, and longer in duration, running from August 2009 until December 2016 when it was terminated due to a consistent drop in the piracy levels. NATO's Mission website, similar to the EU mission website, emphasizes that Operation Ocean Shield was conducted “in full complementarity with the relevant UN Security Council Resolutions” (North Atlantic Treaty Organization 2018a).

The international community recognized maritime piracy, not as a mere threat to international maritime traffic, but as a threat to international peace and security itself. All UNSC resolutions in relation to Somali piracy urge “all necessary means” (including military measures) to be taken against pirates, under Chapter VII of the UN charter. Furthermore, as per the strict legal definition of UNCLOS piracy is a crime of the High Seas, the UNSC resolutions made it possible to enter Somali territorial waters to apprehend the pirates was also made possible. Although the Somali government wanted international support to counter piracy, countries like Singapore objected fearing it would justify future sovereignty breaches. Consequently, the 2008 UNSC resolution clearly explained that although states, in cooperation with the TFG, are authorised to use all necessary means (including military means as the resolution is under Chapter VII of the UN Charter) to counter acts of piracy and armed

robbery, even in Somali territorial waters, this applies to only the Somalian case of piracy (United Nations Security Council Resolution 2008a).

Finally, the specific environment for these EU and NATO missions is the maritime domain, especially of the High Seas where states lack sovereignty. The geographical area of operations of both naval military missions has been similar. The area is vast, extending into the Indian Ocean as it became necessary to counter the Somali pirates who were launching long-range attacks by using mother ships as floating bases.

The EU NAVFOR operates in a vast area including:

1. the Southern Red Sea,
2. the Gulf of Aden,
3. the Somali Territorial Waters and;
4. large parts of the Indian Ocean, close to Seychelles, Mauritius and Comoros (European Union Naval Force Somalia Operation Atalanta 2014)

Such a vast area of operation also applied to the NATO anti-piracy mission, Operation shield (see Map 1).

Map 1: NATO Operation Ocean Shield Area of Operations



(Source: North Atlantic Treaty Organization 2018b)

Consequently, both the EU and NATO have launched naval operations in the same maritime theatre. However, they have not launched it as a joint operation nor do they have a formal cooperation agreement. This is surprising as the EU and NATO usually have not worked in silos; EU and NATO have forged a strategic partnership. The legal basis for this strategic relationship is encoded in the "Berlin- Plus Agreements" adopted in 2003, allowing an EU led operation use NATO's assets and capabilities in crisis management and peacebuilding operations (European Union 2016). These agreements were based on the rationale that, because EU and NATO have similar memberships, their working relationship must be close-knit so that their synergies are released by avoiding unnecessary duplicity of work (ibid.).

However, EU and NATO, despite working in the same issue area (maritime piracy) and the same operational field (maritime region off the Somali coast), have not cooperated in a manner to make use of the legal framework already in place. Nevertheless, the EU and NATO have forged informal networks for increased coordination of their naval operations. A factor that has led to informalized coordination and not formalized cooperation between the two organizations has been the different goals they sought to pursue.

The “Goals” of EU and NATO in launching Counter-Piracy Operations

The central goal by which all International Organizations is guided is “one real goal of survival” (Ness and Brechin 1988: 264). Fulfilling this principal goal of survival, and to remain relevant in global governance, could be seen as one of the factors explaining why the EU and NATO have launched their counter-piracy operations separately despite sharing a similar membership. As a matter of fact, countries like the United Kingdom, Denmark, Spain, The Netherlands, Italy, Portugal and Greece that contributed to NATO’s Operation Ocean Shield were also member states of the EU. Although the aims of both organizations are common, to combat the pirates by the use of naval assets (often accompanied by airborne assets like helicopters), the objectives and the approaches that EU and NATO have pursued differed.

Objectives of EU NAVFOR Atalanta

The EU foresaw the operations against piracy in its EU Security Strategy of 2003, albeit with a one-liner that "a new dimension to organised crime which will merit further attention is the growth in maritime piracy." (European Union 2003: 5). But a perusal of this strategy paper reveals that maritime security concerns were not a priority for the EU because the key threats identified were those of terrorism, weapons of mass destruction, state failure, regional conflict and organised crime.

Maritime Security concerns came to the forefront with the onset of Somali piracy in the strategically important Gulf of Aden that challenged the smooth flow of international trade important for the European Union. As the EU’s Maritime Security Strategy 2014, released after the Atalanta mission (already 6 years old), confirms, the sea is important for the European Union and its member states because a large part of EU’s external trade is transported by sea, thus its strategic interests include securing the seaborne trade by addressing potential threats from unlawful human activities at sea (Council of the European Union 2014:2). Maritime Piracy has been identified by the EU as one of the maritime security risks falling under the category of cross-border and organized crime that must be tackled to promote a rules-based order at sea (ibid.). One of the EU Maritime interests relevant for this study is "ensuring global supply chains and freedom of navigation as 30% of world vessels and 42% of value of seaborne trade is managed by EU ship-owners and also there are more than 80,000 EU fishing vessels worldwide" (European Commission 2014:2).

The EU aspires to the role of “a global actor and security provider, taking on its responsibilities in conflict prevention and crisis response and management in the areas of interest, at sea and from the sea, and achieving stability and peace through comprehensive and long-term EU action” (Council of the European Union 2014: 6). EU’s launch of its first autonomous naval operation under CSDP, to combat piracy, can be seen to reflect this ambition.

All the above goals and interests as outlined in the EU Maritime Security Strategy match with the individual interests of key EU member states that helped to propel the Atalanta into action. France, when holding the EU presidency, pushed for EU's greater role as a security provider outside the NATO framework (Riddervold 2011: 554). As Dr Lee Willett, Head of the Maritime Studies Programme of the Royal United Services Institute for Defence and Security Studies (RUSI), admitted in the House of Lords: "there is always global tension between the French and the US about who is doing what and why, so you have a grand strategic power play out there between the French, the Americans and others as to having to be there, having to be seen to be there." (House of Lords 2010:40). Also, though France's counter-piracy operations were showing results even before the launch of an EU mission, the incident that triggered a "hawkish approach" from France was the hijacking of the French luxury yacht, *Le Ponant*, thus attacking French citizens (Nováky 2015: 501). As France lobbied for support, Spain's fishing interests in the region made it an ally (Riddervold 2011: 554).

The mandate of EU Mission Atalanta (operating until December 2018) consists of four broad activities:

1. "Protect vessels of the World Food Programme (WFP), African Union Mission in Somalia (AMISOM) and other vulnerable shipping;
2. Deter and disrupt piracy and armed robbery at sea;
3. Monitor fishing activities off the coast of Somalia and;
4. Supports other EU missions and international organizations working to strengthen maritime security and capacity in the region" (European Union Naval Force Somalia Operation Atalanta 2014:5).

EU made the protection of humanitarian aid WFP and AMISOM vessels, that are slow-moving and hence vulnerable to piracy, a top priority. In fact, the EU Operation Commander Rear Admiral Peter Hudson RN remarked in the House of Lords that "one of the strengths of Operation Atalanta was the clarity of its mandate: to support the World Food Programme (WFP) in its efforts to transport humanitarian aid into Somalia—a top priority" (House of Lords 2010: 8). The issue of maritime piracy became a threat to international peace and security primarily because Somali lives were at stake due to the threats to their humanitarian aid. Launching a naval operation, in response to the series of UNSC resolutions, and specifying it clearly, meant that the operation would have the required legitimacy.

Another reason why the EU has placed the protection of humanitarian aid-carrying vessels as its topmost priority could be because of the values it seeks to promote. EU wants to be seen as a distinct foreign policy actor projecting its "normative power" of values (Manners 2002). The normative power of EU comes from its base values: peace, democracy, liberty, rule of law and human rights (Manners 2002: 242). By launching an anti-piracy operation, the EU wants to project its values in the seas. The EU operation commander Rear Admiral Jones revealed that the "protection of World Food Program shipping ...is the number one thing that I must do" (Riddervold 2011: 397). EU officials have also stressed that when it comes to making the choice as to which ships to protect, the aid-carrying ships or the merchant ships, the former wins which makes the EU operation very different from NATO (ibid.).

Although the EU has coordinated with NATO, its anti-piracy approach differs from NATO. As Alderwick, an analyst from the International Institute for Strategic Studies (IISS),

explained, the EU's character was that of a soft political organization vis a vis the hard-militaristic NATO,

"the advantage of the EU was that it had a variety of political instruments; it could enter into political agreements with states in the region, both as a collective entity and through its Member States. By contrast, NATO was seen as a military organization. The EU has put in place the status of forces agreements with states in the region. These acted as a "force multiplier", as Atalanta could operate out of Djibouti and Oman." (House of Lords 2010:15).

The main achievement since the launch of the EU NAVFOR Operation in 2008 has been in "providing protection to WFP vessels delivering food / aid to the Somali people and to AMISOM shipments critical to the success of the African Union operation in Somalia" (European Union Naval Force Somalia Operation Atalanta 2018). With the promising results shown by the interdiction of pirates, the EU planned for additional measures to counter piracy by addressing its root causes. In a letter dated 28 May 2009, sent by the EU Council High Representative, Javier Solana, to the EU Foreign and Defense Ministers, it was urged that EU Navfor is an 'impressive mission' and that its 'success' must be enhanced by looking at the "longer term durable solutions for stability in Somalia and the region -- both at sea and on land." (Wikileaks 2009).

What resulted was EU's choice to follow what it calls a "comprehensive approach" with a two-pronged strategy. While the naval operation, EU Navfor, tackles the short-term deterrence and combat actions against the Somali pirates, there is also a long-term commitment on part of EU to contain the origin of piracy by addressing its root causes related to political instability.

The long-term commitment of the EU includes the EU Capacity Building Mission (EUCAP) Nestor Project, launched in 2012, to complement its naval mission, that sought to strengthen the regional maritime capacities of Djibouti, Kenya, Tanzania, and the Seychelles (European Union External Action 2013). It also focused on developing the rule of law in Somalia's regions of Puntland and Somaliland through a Coastal Police Force (ibid.). The project's geographical scope was later reduced to Somalia, becoming the EU Capacity Building Mission in Somalia (EUCAP Somalia) with a mandate "to assist Somalia in strengthening its maritime security capacity in order to enable it to enforce the maritime law more effectively" (European Union External Action 2018a). In addition to EUCAP Somalia, EU Training Mission -Somalia engages with the Security Sector institutions by training the Somali National Armed Forces (European Union External Action 2018b). The political character of EU is also highlighted by the way in which it engages with the Horn of Africa region. Since 2012, the EU has appointed a Special Representatives (SR) to serve as the face of the EU. The EU SR for the Horn of Africa is given the mandate to "contribute to developing and implementing a coherent, effective and balanced EU approach to piracy, encompassing all strands of EU action" (Council of the European Union 2011:2).

The EU, however, has drawn criticism in relation to some of its mission's objectives. For instance, the Council of Somali Organizations based in London admitted to the House of Lords that, the Somali population was unhappy with EU NAVFOR as the operation neglected its commitment to monitoring fishing off the Somalian Coast (House of Lords 2010). It is true that Somali fishermen have reportedly suffered due to the problem of Illegal, unreported, and unregulated (IUU) fishing in Somali waters and this has been one of the reasons for the origin of piracy. But the EU has recognized this problem and is making efforts to address this. For

example, EU NAVFOR sailors have interacted with fisherman in their boats at sea to raise awareness about suspicious activities at sea and the role of its naval mission in the region (EU Naval Force Somalia 2010). In addition, EU NAVFOR has been supporting the initiative of UN Food and Agriculture Organization launched in 2015 that deploys Fish Aggregating Devices (FAD) to attract high value pelagic fish closer to the Somali shores to boost coastal livelihoods and alleviate poverty (EU Naval Force Somalia 2020). EU NAVFOR has been providing security and logistical support for these FADs. To deter IUU fishing, the naval operation of the EU also gathers information and shares it with monitoring and conservation organizations such as the Indian Ocean Tuna Commission (IOTC) (European Union External Action 2018c).

Objectives of NATO's Operation Ocean Shield

It is NATO's character as a maritime organization that has helped it to quickly respond to the crisis situation and transport of humanitarian aid for the Somalis, resulting from maritime piracy (Bueger 2017). That NATO could launch its Operation Allied Protector swiftly, even before its full-fledged Operation Ocean Shield, was largely a result of its standing immediate reaction naval forces, known as the Standing Maritime Groups (SMGs). These SMG are composed of vessels provided by NATO's member states and are permanently available to it for performing naval tasks and operational missions (North Atlantic Treaty Organization 2018c). Although NATO launched its Allied Protector in 2008 to counter piracy and protect maritime convoys of WFP, it replaced it with another mission called Operation Ocean Shield in 2009. This new mission was launched with an enhanced mandate to assist states in the Horn of Africa, upon their request, and to help them develop their native counter-piracy capacities.

The mandate of NATO's Operation Shield, however, has been narrower than that of the EU. Unlike the EU's comprehensive approach, NATO has followed a restrictive approach in countering the Somali pirates. NATO clearly specified that operations on Somali land were not part of the mandate of Operation Shield. This is in contrast to EU's counter-piracy approach that has involved the use of helicopters to target pirates' bases, attacking their skiffs, as well as efforts on the Somali mainland (British Broadcasting Corporation News 2012). Moreover, though NATO claims to have capacity building goals under its Operation Ocean Shield, they have not been that comprehensive and long-term compared to EU. While the EU has dedicated websites for its EUCAP Nestor and EU Training Mission projects, NATO's capacity building initiatives have been sparsely reported. This archived mission is not included on any of NATO's websites and there are press reports of NATO's of capacity building efforts. The most notable report is of NATO's efforts conducting training of the Somali port police in Boosaaso and Galmudug region (Allied Maritime Command 2014). Other innovative initiatives, although not capacity building, include providing floating health clinics to Somali villagers just offshore (North Atlantic Treaty Organization 2012). But these have been additional activities undertaken once the main tasks of deterring the pirates have been completed.

The mission's main purpose has been to provide naval escorts and deterrence against pirate attacks and in an optimum manner by increasing cooperation with other counter-piracy actors in the area (North Atlantic Treaty Organization 2018a). In fact, as the international naval presence led to a significant drop in pirate attacks in 2012, NATO made plans to exit by 2016, only maintaining a "focused presence" of patrols during the inter-monsoon season, a period more prone to piracy (North Atlantic Treaty Organization 2014). NATO's mission was

responsible for conducting 116 interdictions of piracy that involved 672 suspected pirates (Allied Maritime Command 2016).

The goals NATO seeks to pursue through its maritime capabilities can be found in its Alliance Maritime Strategy of 2011. Though the strategy was released after NATO's involvement in counter-piracy activities, NATO felt the need for a maritime strategy because of the non-traditional maritime security challenges that came with the onset of piracy. During the Cold War era, NATO was engaged with coercive naval diplomacy against the Soviet Union. In the post-cold war period, NATO turned to law enforcement activities that involved maintaining 'good order at sea' (Gade and Hilde 2016:133).

According to NATO's Alliance Maritime Strategy of 2011, the key security concerns of the member states include "the maintenance of the freedom of navigation, sea-based trade routes, critical infrastructure, energy flows, protection of marine resources and environmental safety" (North Atlantic Treaty Organization 2011:2). To fulfil these concerns, NATO's naval forces will undertake activities in Deterrence and Collective Defence (includes nuclear deterrence, maintaining control of sea-lines of communication and sea-based ballistic missile defence capability), Crisis management (includes securing sea control and denial, providing a base of operations at sea, and exercising coherent Alliance command and control while operating with non-NATO navies and organizations, providing humanitarian assistance and disaster relief, and countering terrorism), Cooperative security (includes mainly outreach activities through port visits, capacity building initiatives and joint training, seminars, and exercises with partners) and Maritime Security (includes blue water activities to create a safe maritime environment such as conducting surveillance, patrolling interdiction, and sharing information for the purpose of law enforcement) (North Atlantic Treaty Organization 2011: 3-5). Countering maritime piracy can, thus, be seen to fall within the ambit of maritime security of maintaining law and order at sea, to ensure smooth movement of maritime trade and commerce which is important for globalization.

Structure: The Interorganizational System in Countering Piracy

While analyzing the performance of IOs, it is useful to see how IOs enhance their performance by forming links and networks with organizations working in the same issue area. Rather than focusing on the specific internal structure of a single IO, or studying the quantity or quality of networks created, it is more relevant to see the internal differentiation of the entire inter-organizational system in a specific field of action (Ness and Brechin 1988). EU and NATO, by launching their own naval operations as a response to the normative framework laid down in UNSC resolutions, have led to a system of organizations in the field of counter-piracy.

Although EU and NATO have not cooperated under the Berlin -Plus framework, they have, nevertheless, maintained its essence through "unity of effort" if not "unity of command" (Smith 2014: 246). EU and NATO have coordinated their separate missions at operational and tactical levels without cooperating through a joint mission. Firstly, both organizations have benefited from having their operational Head Quarters in the same location: Northwood, UK. Northwood played an important role as it enabled joint briefings of liaison officers from both EU and NATO which fostered information sharing (Gebhard and Smith 2015). It thus has helped to increase interoperability between the forces of NATO and EU (Muratore 2010).

The Shared Awareness and Deconfliction (SHADE) Group, formed in 2008, provided for tactical coordination between NATO and EU. SHADE offers a means to share best practices and organise informal discussions so as to deconflict the activities of militaries engaged in

countering piracy in the same theatre. Although the group has gradually included counter piracy actors from the shipping industry as well as the navies of individual countries (like Russia, China, Japan and India to name a few) in discussions, EU and NATO have been the central participants in all of its meetings. All SHADE conferences are held in Bahrain, and have been chaired on a rotational basis by only the “big three navies” in the region: EU, NATO and the US-led Combined Maritime Forces. As an international forum, SHADE facilitates the exchange of “frank and open discussions” between actors on a regular basis which would not otherwise occur (Combined Maritime Forces 2014). Also, to avoid the possibility of political confrontations and enhance operational coordination of the navies, the chair of SHADE is restricted to the level of Colonel or Commander (Gebhard and Smith 2015). One of the notable achievements of SHADE is facilitating the introduction of the Internationally Recommended Transit Corridor (IRTC) for shipping in the Gulf of Aden.

Another way an inter-organizational system in the field of counter-piracy has been generated is through the cooperation between EU and UNODC in prosecuting suspected pirates. After the suspected pirates have been apprehended, they must be subjected to a fair trial. Piracy is a unique crime with universal jurisdiction, and there is no ‘international piracy court’ designed specifically to try the suspected pirates. They must be tried in domestic courts of apprehending states.

The EU has forged transfer agreements and mutual understanding agreements with the states of Kenya (2009), Mauritius (2011) and Seychelles (2009) for the purpose of trial and detention of apprehended pirates as well as confiscation of associated property. Conscious of the need for prosecuting states to follow international human rights obligations, the EU funded and assisted the United Nations Office for Drugs and Crime’s (UNODC) Counter-Piracy Programme (CPP) launched in 2009. UNODC CPP aims to establish suitable conditions in prosecuting countries to allow fair and efficient piracy trials of the Somali pirates. UNODC’s engagement is comprehensive by nature, addressing the entire criminal justice system (United Nations Office on Drugs and Crime 2018a). UNODC has engaged in key activities like improving prisons, courts and police stations; providing interpretation services to piracy suspects; providing training for lawyers, judges, coast guards and prison officials; and, supporting legislative implementation and reform to meet international standards for human rights protections (United Nations Office on Drugs and Crime 2018b). These have helped UNODC to develop a regional piracy prosecution model whereby pirates are not taken to Europe but are tried in Africa itself. Table 2 below shows the number of suspected pirates that were detained by EU NAVFOR Contributing Ships and were then prosecuted in Kenya, Mauritius and Seychelles. Thus, prosecution happened in a country closer to the commission of the piratical act.

Table 2: Details of Suspected Somali Pirates Detained by EU NAVFOR Ships as of 2014

Prosecuting State	EU NAVFOR Contributing State	Number of Prisoners	Status
Kenya	Spain	18	Convicted
Kenya	Germany	23	Convicted
Kenya	France	22	Convicted
Kenya	Sweden	7	Convicted
Kenya	Italy	9	Convicted
Mauritius	France	12	On Remand
Seychelles	France	5	On Remand
Seychelles	Netherlands	2	Acquitted
Seychelles	France	11	Convicted
Seychelles	Spain	11	Convicted
Seychelles	Netherlands	9	Convicted

(Source: United Nations Office on Drugs and Crime 2018b)

Similarly, the EU, under its Programme to Promote Regional Maritime Security (MASE), has funded UNODC in its efforts to strengthen the national justice institutions in Kenya, Seychelles, Mauritius and Tanzania to ensure the human rights of persons suspected or convicted of piracy and other maritime crimes are protected through fair and efficient trials and humane detention facilities. Over the project’s duration of about five years (October 2013 - June 2018), the European Commission has contributed €5,000,000 (United Nations Office on Drugs and Crime 2018c).

Some of the notable initiatives of UNODC using EU funds have been the improvement of trial efficiency in Kenya and Seychelles through the introduction of customized electronic case management systems and video-link facilities to hear remote witnesses; the provision of items for personal hygiene, education and sports equipment for piracy prisoners in Kenya, Seychelles, and Mauritius; and facilitation of communication through English language lessons for detainees by Somali-English interpreters (United Nations Office on Drugs and Crime 2016). In fact, UNODC claims that all piracy trials supported by EU MASE in prosecution centres of Kenya, Mauritius and Seychelles () have never failed due to a lack of due process or witnesses (United Nations Office for Drugs and Crime 2016).

An inter-organizational system of EU and UNODC has thus been generated in the area of the judicial capacity building for prosecuting pirates. One such effort are the EU and UNODC workshops for Indian Ocean countries an example of which is the March 2018 “Justice Pathway” that provided training to law enforcement agencies in Seychelles in areas of media handling, evidence collection and crime scene management (EU Naval Force Somalia 2018c). To some extent, these efforts have helped solve the problem of “catch and release” associated with the maritime crime of piracy. In the case of Somali-piracy, often international naval forces have caught alleged pirates, but most did not face prosecution and were often released. Countries that caught pirates feared that if they brought pirates back to their own state it could lead to uncomfortable asylum requests (Voice Of America News 2010). For instance, Malloch-Brown, a member of the House of Lords of United Kingdom(UK), gave evidence in 2010 to the House of Lords that there was extreme reluctance on part of the UK to bring suspect pirates back for trial “for fear that they would then try to claim refugee status” (House of Lords 2010:14). Another reason is that most states have domestic piracy laws out of sync

with the requirements of UNCLOS, a problem revealed by a review done by the IMO in 2009 (International Maritime Organization 2009). In these cases, the efforts of UNODC in providing a legal wrap up to EU NAVFOR operations through judicial capacity building efforts in countries in the same region as the pirate activity have been promising. The regional piracy prosecution model so forged has helped to solve the problem of “catch and release” by providing countries in the regions where the piracy offenses occurred training to successfully prosecute the perpetrators.

The “Technology” of EU and NATO in Countering Piracy

If the regular meetings of SHADE provided opportunities for NATO and EU to come closer to an offline mode, the use of internet-based sharing platform “Mercury” brought them closer in the online mode. The Mercury system that functions like the Facebook of counter-piracy has allowed the quick exchange of information such as the position of assets and the incident reports (Bueger 2016). Although not all classified intelligence is shared, the system, as developed by EU, has allowed for a “fairly low level but widespread dissemination of intelligence” (House of Lords 2010: 76).

Information Communication Technology has also helped IOs to cooperate with the shipping industry by developing “Maritime Domain Awareness” which basically implies knowing the existing and possible future security threats in the shipping channel to safeguard freedom of navigation. A notable example of this is that Ships transiting through IRTC can report to the Maritime Security Centre – Horn of Africa (MSCHOA), a joint initiative of EU NAVFOR and the shipping industry (Maritime Security Centre- Horn of Africa 2018). The MSCHOA monitors the vessels transiting through the Gulf of Aden, an area designated as a ‘High-Risk Area’ (HRA) due to activities of the Somali pirates. MSCHOA provides an interactive website that has a dual purpose: (i) the shipping companies and operators can register the movements of their vessels while transiting through the HRA so as to reduce the risk of a pirate attack and (ii) MSCHOA can disseminate the latest anti-piracy guidance, the “Best Management Practices for Protection against Somalia Based Piracy” to the Mariners.

Another initiative of MSCHOA has been the initiation of ‘Group Transits’ wherein the vessels passing through the Gulf of Aden are synchronised to pass together so that they can be closely monitored and EU NAVFOR forces can quickly respond in case of an emergency by being constantly aware of the whereabouts of the merchant vessels. Such a harmonized fleet of ships helps the military forces of EU NAVFOR to “sanitise” the field. Through group transit in a dedicated maritime corridor (IRTC in this case), ships travel and arrive together making it possible to protect many ships with fewer military assets. Similar to MSCHOA, the NATO Shipping Centre provides guidance and proactively advises merchant ships of future risks. In fact, even though NATO ended its operations in December 2016, its shipping centre continues to actively monitor the developments with respect to Somali-based piracy.

The MERCURY platform and MSCHOA initiatives can be seen as the ‘monitoring technology’ of the EU and NATO that helped in closer cooperation between the IOs.

The ‘core’ technology or the hardware of EU and NATO in countering piracy refers to the naval and air assets as deployed by their respective member states. The deployed assets of EU NAVFOR have included surface vessels, like Italian frigate ITS Carlo Margottini and the Spanish frigate ESPS Meteoro (P41), and anti-submarine and maritime surveillance aircraft, like the German P-3C Orion and the Spanish P-3M Orion (EU Naval Force Somalia 2018b). These assets would form part of this core technology of the EU. Similarly, when the NATO

operation was in full force, member states provided the hardware in the form of ships and maritime patrol aircraft to the NATO Standing Maritime Groups. On average, three to five NATO ships had been involved in Ocean Shield at a given point of time (North Atlantic Treaty Organization 2014). These were part of the core technology of NATO.

Another unique way in which EU member states have contributed to EU NAVFOR is by providing military personnel to be deployed on ships as a self-defence measure against piracy. These teams of military personnel are called Vessel Protection Detachments (VPDs). They are defined as a form of contracted maritime security different from “uniformed military personnel embarked on a vessel with the explicit approval of the Flag State.” (Oceans Beyond Piracy 2017: 1). They can also be regulated through a mutual understanding and agreement between the home state of the VPD and the Flag State of the Vessel (e.g. World Food Program Vessels in this case) (Oceans Beyond Piracy 2017).

Countries, like Lithuania, Croatia, Estonia and Finland, have provided Vessel Protection Detachments to support EUNAVFOR Operation Atalanta’s aim of protecting World Food Program humanitarian aid deliveries to Somalia. Using VPDs has been seen to be more efficient as they reduce the burden of escorting slow-moving WFP vessels by warships (ibid.). VPDs, thus, can be considered part of floating armoury technology, similar to the privately contracted armed guards that ship owners can contract from private military companies. As identified before, no internationally codified framework exists to regulate VPDs thus the concerns of possible misuse of firearms by targeting innocent fishermen remain.

Both EU and NATO have coordinated not only with each other, but have also collaborated with other countries engaged in counter-piracy operations in the same maritime theatre. The SHADE platform has helped the EU and NATO in coordination and deconflict and has also given opportunities to both these organizations to conduct counter-piracy exercises and joint drills with the navies of the Combined Defence Forces, China, India, Russia, Japan and South Korea. This has helped the EU and NATO to utilize the stock of technology already existing in their environment, the ‘input’ technology. This level of military coordination amongst several states also shows that the threat of maritime piracy has brought states together as the non-state actors, the pirates, impinge on the sovereign interests of all states alike.

Conclusion

Both EU and NATO have contributed immensely in reducing piracy levels off the coast of Somalia. The main achievement since the launch of the EU NAVFOR Operation in 2008 has been in “providing protection to WFP vessels delivering food / aid to the Somali people and to AMISOM shipments critical to the success of the African Union operation in Somalia” (European Union Naval Force Somalia Operation Atalanta 2018). In the period from 2009 to 2019, EU NAVFOR has protected 1501 WFP vessels, 704 AMISOM vessels and has disrupted 137 possible piratical attacks (European Union Naval Force Somalia Operation Atalanta 2020a). Other achievements include protecting vessels in the High-Risk Area by deterring maritime piracy and transferring suspected pirates to the regional governments of Seychelles, Mauritius, and Kenya. Between 2009 and 2019, 145 pirates have been convicted by the EU (ibid.).

Seeing the piracy levels reduced and no reported incidents of hijacking after the year 2012, NATO’s Operation Shield exited in 2016. NATO’s mission was responsible for conducting 116 interdictions of piracy that involved 672 suspected pirates (Allied Maritime

Command 2016). In addition, NATO continues to engage in repressing piracy through its Shipping Centre that provides guidance, proactively advises merchant ships of future risks, and actively monitors the developments with respect to Somali-based piracy.

There has been a continual decline in the level of Somali piracy ever since the intervention of IOs. According to the latest report of International Maritime Bureau, no incident of piracy has been reported in the region since 2018 off the coast of Somalia (International Maritime Bureau 2020: 22). The positive effects of the presence of EU NAVFOR can be seen even under the COVID-19 pandemic. For example, in August 2020, EU NAVFOR with the support of a Japanese aircraft and local authorities in Somalia was able to avert a possible act of piracy off the Coast of Somalia (European Union Naval Force Somalia Operation Atalanta 2020b).

To analyze this performance of the EU and NATO in reducing Somali-based piracy, the organizational-sociology framework of Ness and Brechin was used and the following observations are made:

- 1) The Organizational Environment was the maritime domain, the specific environment, in which the IOs (EU and NATO) operated. This specific environment became turbulent with the rise in levels of piracy, especially of the High Seas where states lack sovereignty. This turbulent environment provided opportunities to IOs to intervene when piracy became recognized as a threat to international peace and security.
- 2) The Organizational Goals of the EU were slightly different from that of NATO. While both the EU and NATO launched their individual naval operations to interdict pirates (linked to their individual organizational goals of survival), the EU took a long-term approach by strengthening the security sector institutions of Somalia to enforce maritime law effectively. Despite different approaches, the EU and NATO were able to cooperate and synergize their counter-piracy efforts by forming an inter-organizational structure through mechanisms such as the SHADE that enhanced the tactical coordination on field. In addition, EU cooperated with another IO, the UNODC, in judicial capacity-building efforts to ensure that apprehended pirates received a trial.
- 3) The Organizational Technology was multidimensional. The hardware or the core technology of EU and NATO comprised the deployed assets such as naval frigates, submarines, aircrafts and Vessel Protection Detachments. These were supported by the 'monitoring technology', the software initiatives like the Maritime Security Centre – Horn of Africa (MSCHOA) to enhance maritime domain awareness as well as internet-based platform, MERCURY, to help in information sharing. EU and NATO also utilized the input technology, that is the available stock of technology already existing within the maritime environment, by conducting joint naval exercises with other independent countries positioned in the same area.

The rationale for this study was to bring the sea into the 'land-locked' discipline of IR by focusing on the role of IOs as maritime actors. It drew insights from the sociological framework of Ness and Brechin that examines IOs as organisms that interact with their environment. This interaction of IOs with the environment influences their goals, technology and inter-organizational structure, impacting their overall behavior and outcomes. In this respect, this paper attempted a sociological study of IOs that are active in the field of maritime

governance. It used the case of counter piracy operations (in Somalia) to capture and appreciate the specific environment of maritime domain in which IOs (EU and NATO) operate. It evaluated how that maritime environment impacts their character and performance. Seeing IOs as maritime actors is relevant as IOs are becoming increasingly involved in addressing issues of maritime security. Future studies could be undertaken to advance our understanding of the maritime environment and its impact on the efficiency of IOs in managing issues of maritime global governance.

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ENDNOTES

- i. UK is on the road to exit from the EU. On Thursday 23 June 2016, through a referendum vote, citizens of the UK decided to leave the EU. UK will officially leave the EU by 29 March 2019 (British Broadcasting Corporation News 2019)
- ii. UNODC CPP was renamed as Global Maritime Crime Programme with the decline in levels of piracy. The new programme intends to use its experience gained in countering piracy, to other threats of other maritime crimes like drug trafficking in the Indian Ocean (United Nations Office on Drugs and Crime 2016).
- iii. Developed by the shipping industry that is led by the International Chamber of Shipping, these practices basically relate to the self- protection measures that several stakeholders – the shipowners, the crew, masters and operators - must take proactively, to prevent their ships from becoming victims of maritime piracy. These include, for example, installing physical barriers on the ship like water cannons, razor wires, securing the bridge of the ship, installing a distinct alarm for a pirate attack and increasing the vigilance by having an effective radar watch etc. (International Chamber of Shipping 2011).