

ISSUE 4

THE TRANSATLANTIC RELATIONSHIP AND  
EU-U.S. COOPERATION IN SECURITY





## INTRODUCTION

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It was clear from examining each of these cases that transatlantic cooperation in the security sphere needs to take into account broad changes in the international environment.

In the second decade of the 21<sup>st</sup> century signs of a turning point in international relations are noticeable, such as the emblematic shift of power in favour of China. The rise of Asia is creating a radically new situation and the international scene is entering into a radically different geopolitical period that should persist for several decades ahead. The emergence of new great powers, the likelihood of growing difficulties to access scarce resources such as energy, the existence of an increased number of failed states, the regional instabilities deriving from the spread of terrorism and the unrest that climate changes or demographic imbalance with mass migration might induce, are among the diverse factors that will bear upon interstate relation and above all on international stability. Political leaders have already touched upon the meanings such transformations are producing in international relations. The international scene will be characterised by the coexistence of various major powers, but none of them may be dominant enough to be able to impose its vision and choices on the world scene when at the same time non-governmental actors will bear upon world issues such as climate changes, the rule of law, etc. This form of “relativism” in international relations—i.e., all major powers are becoming more equal in their capacity to shape world events—may lead to blurring boundaries and interest among nations.

As far as NATO is concerned in this changing environment, any earlier notions of transforming the Alliance into the protector of western interest everywhere and on everything, from defence to energy has lost any practicability. The recent Strategic Concept of the Atlantic Alliance mostly reflects this realistic conclusion. The Concept narrows down the tasks which NATO can be assigned. Although, it does not give up the idea that the alliance’s mission is to tackle any significant security threat. That point goes directly to the present state of the U.S.-European relationship. While U.S.-EU relations have been improving after the strains of recent years and probably will continue to do so, the vision of the transatlantic community as a single entity on the world scene is over—except, of course, in terms of defence if and when Article 5 of the Washington treaty is at stake. The Atlantic community does continue to subsist as far as shared values and common interests are at stake; it is fading away as far as political norms are concerned. Such evolution gives de facto limits to the

perimeter of potential cooperation between the EU and the U.S., noticeably after the semi-failure of the West in stabilizing Afghanistan. That said, allies agreed in the new Strategic Concept adopted in Lisbon that the global nature of the security environment requires NATO to deal with diverse threats and challenges at strategic distances to effectively protect the territory and interests of its members.

Given the disappearance of an existential threat, as well as the transformation of the West with the development of the EU, political consensus between the two sides of the Atlantic can no longer be guaranteed when confronting new international challenges. A different dynamic has started particularly in the transatlantic space, where societal and homeland security are of greater concern than classic hard security issues. Military balance no longer dominates world equilibrium and leads most European nations to plan for reductions in their defense budgets. Environmental issues, long terms effects of biotechnologies, societal issues such as the place and role of religion in public policy, organized crime with globalized networks of corruption, monetary issues with the need to find a substitute to the role played by the U.S. dollar, the impact of globalization on democracy and the nation-state, and the growing role of trans-national corporations are all issues that now give rise to new stakes on the international stage and redistribute cards among nations. Indeed, one of the crucial difficulties that have to be transcended between America and the EU is closely related to diverse if not divergent cultural influences that now shape their respective vision of the world. Common points of reference are sometimes missing in analyzing increasingly rapid and complex international transformations, either to understand their origin or to envisage their potential political and strategic consequences.

Globalization has brought the biggest challenge to the perpetuation of transatlantic security cooperation. Frictions resulting from political, economic, trade or monetary divergences are indeed more frequent than ever between Washington and European capitals. These differences of opinion now extend to a wide array of topics ranging from the application of extraterritoriality laws to disputes on environmental issues, as recently witnessed at the world conferences on climate change in Copenhagen and Cancun. Indeed, at a time when U.S. and others envision using NATO as an instrument of stability outside the North Atlantic region, an instrument to tackle many security challenges existing on the world scene, one runs the risk of overloading the boat because political differences over such missions could undermine the strength of the Alliance. At a time when there is a growing need for the Europeans to assert their role on the international stage, a genuine partnership among equal partners offers a long term prospect to sustain the Alliance in the emerging world order.

In this new complex world, Europe has a major role to play. How should it be implemented? One option to consider would be to relegate the EU to being a soft power with hard military operations remaining the province of NATO under U.S. leadership. As a result, Europe's military ambition should be kept limited within narrow boundaries. Such a perspective does not, however, meet the realities of the geopolitical environment which oblige Europeans to envisage an uncertain future with growing rivalries among states or among a large number of actors. In this context, Europe cannot afford to limit its ambition to a narrow concept of security and continue to rely on the U.S. for guaranteeing its military security, as has been largely the case in the last decades of the 20th century.

According to the Maastricht and Lisbon treaties, CSDP (Common Security and Defense Policy) is to be the armed branch of the EU as a political entity on the international scene. Despite such commitment, this vision has not yet been realized but is still high on the agenda as recalled by the

President of the EU Commission M. Barroso in his State of the Union 2010 speech, “let’s be under no illusions: we will not have the weight we need in the world without a common defence policy.” Six EU member states account for 82 percent of all defense expenditure by the EU-27. As a result there is a growing heterogeneity of knowhow and capabilities within the EU that make any positive move on CSDP more than difficult and will probably take a long time to materialize.

Will this situation last for long? It is difficult to predict but at least three observations can be made. First, the EU—despite the reluctance of most of its members—will face situations where it will have to assert, if not defend, its interest at a time where the U.S. will not be concerned or is preoccupied with engagements elsewhere. Then CSDP will become a necessity out of virtue. Secondly, a long period of growth has permitted strong defense spending in the U.S. with positive “collateral” benefits for Europeans. The new economic era combining enormous public debt with slow growth in most western countries will impact U.S. defense spending and priorities and should compel Europeans to rationalize their own defense efforts. If European leaders draw that lesson and take the necessary steps that would undoubtedly favor CSDP. Third, new types of threats combining unrest with instabilities and greater assertiveness in new centers of power may impact Europe in different ways than North America, forcing Europeans to invent their own mode of regulation of this new disequilibrium including in defense.

Such developments will soon raise the question of how best to adapt the security relationship between the EU and the U.S. NATO will remain the essential military alliance for ensuring that Americans, Europeans, and others can work together militarily in Europe and beyond. However, it is the nature of contemporary “grand strategy” that responding to threats and instability require application of all instruments of state power. Such engagements can only be afforded in the EU by aggregating national capabilities.

For the foreseeable future, influencing the United States will remain essential to European Foreign and Security Policy. However, the limits and unintended consequences of U.S. strategy in Iraq have also profoundly shaken American confidence, leading to a profound rethinking of the nature of American strategic leadership. Indeed, the very damage to American power and prestige that occurred has reaffirmed the conviction that allies and partners are important in a complex world in which one cannot be effective without being seen as legitimate. As power moves inexorably to the East, transatlantic solidarity will be vital if emerging state power is to be embedded in functioning institutions, such as the United Nations, that are so central to European “grand strategy.” After all, this is the essence of effective multilateralism, and only Americans and Europeans in harness can achieve such a goal. There is thus every reason to believe that the transatlantic relationship could be rearranged as a meaningful politico-security idea and a fuller partnership.

There will be problems on one hand in the U.S. where politics inside the Washington Beltway still makes it difficult for American leaders to accept the constraints imposed by partnership. On the other hand, the lack of a strategic tradition in many European countries means that the relationship between membership in a strategic community and the responsibilities it imposes are little understood. In order to create common ground and to better share responsibilities with the U.S., Europeans must develop their strategic credibility as actors. That means a better organization both within the EU and a stronger, direct EU-U.S. relationship. Above all, it demands increased European investment in strategic civil and military capabilities and capacity. Such a pragmatic approach to the

transatlantic relationship would also have a profound effect on Europe's profile in the world and the ability of the EU to share with the U.S. a positive role in contributing to the maintenance of international stability.

The four case studies examined in the framework of cluster 4 highlight the limitations when Europe does not deliver and the potential of such EU-U.S. cooperation—provided it is developed in a spirit of partnership.



## THE NUCLEAR STANDOFF WITH IRAN AND THE FUTURE OF TRANSATLANTIC SECURITY RESPONSIBILITY-SHARING

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### Introduction

The dispute over Iran's nuclear program, widely suspected of having a secret and illegal military purpose, is a major flashpoint. A nuclear Iran would revolutionise the power balance in the strategic Gulf area and jeopardise the Nuclear Non-Proliferation Treaty (NPT), to which Iran is a party as a non-nuclear state. The magnitude of the issue has prompted a number of countries to step in to curb Iran's nuclear plans. The European Union and the United States have been at the forefront of this effort. However, it has been only at the end of a gradual, irregular, and difficult process that the two sides have been able to reach convergence.

When the controversy emerged, the two had for years followed radically different approaches. Whereas the United States refused to recognise the clerical regime and championed Iran's isolation, the European Union established promising trade relations with it, complemented with a political dialogue. These broad policy orientations contributed to shaping the U.S. and EU's initial response to the nuclear challenge. Over time, however, the dispute led to a policy re-appraisal on both shores of the Atlantic.

Faced with Iran's rejection of their offer of dialogue and cooperation, the Europeans have agreed to incrementally ratchet up pressure on Iran by way of UN condemnation and UN and EU sanctions. The U.S.'s change of tack has been significantly more pronounced. At the end of a painfully slow process, marked during the Bush administration by a degree of indecision and ambivalence, the U.S. reached the conclusion during the Obama administration that it had a pragmatic interest in engaging the Islamic Republic over its nuclear program.

Transatlantic convergence has had important positive effects on the crisis management exercise. However, it is uncertain whether it can actually lead to an end result mutually satisfying for both the West and Iran, not least because it might have come too late. Nonetheless, analysis of the process that has led the EU and the U.S. to join forces illuminates the evolution of transatlantic security cooperation in the emerging multipolar world.

## EU and U.S. Iran Policies Prior to the Nuclear Crisis

Prior to the nuclear crisis, the European Union and the United States pursued quite different approaches towards the Islamic Republic of Iran. After the electoral landslide of the reform-oriented Mohammed Khatami in Iran's 1997 presidential elections, the European Union attempted an upgrade of its relations with Iran by establishing a broad platform for dialogue on issues ranging from trade and energy to political dialogue and human rights issues. This process came to an end in June 2003, when the European Commission was instructed to put talks over an EU-Iran Trade and Cooperation Agreement (TCA) on hold due to mounting worries about Iran's nuclear activities.<sup>3</sup>

In contrast to its European partners, the United States pursued a policy of isolation of Iran for over twenty years. In 1996 Congress passed the Iran-Libya Sanctions Act (later simply Iran Sanctions Act, ISA), providing the president with the authority to impose restrictions on the U.S.-based activities of foreign companies doing business in Iran's energy resources sector. The ISA created a spat with the European Union, whose engagement strategy also aimed at safeguarding the interests of a number of big European energy companies involved in the development of Iran's lucrative hydrocarbon resources. The two sides were eventually able to find a compromise, as President Clinton agreed to a de facto exemption of EU companies from the ISA in exchange for the EU's commitment to support U.S. efforts to contain Iran's proliferation and terrorism-sponsoring activities.

These diverging policy orientations contributed substantially to determining EU and U.S. initial response to the challenge represented by Iran's nuclear plans. The latter emerged in full scale in early 2003, when the International Atomic Energy Agency (IAEA) confirmed that Iran's nuclear programme was much more advanced than previously known.

### The E3/EU Action

The Bush administration was uninterested in engaging a clerical regime it openly despised. The U.S. would hardly have been in the position to initiate a dialogue anyway, as decades of isolation policy towards Iran had deprived it of tested channels of communication with Tehran. Consequently, it wanted the issue to be referred to the Security Council, but opposition on the part of veto-wielding permanent members Russia and China made this position a non-starter.

The Europeans, for their part, were of the opinion that Iran's nuclear activities presented a serious challenge to both regional stability and the non-proliferation regime. Like the Chinese and the Russians, however, they worried that the U.S. could be tempted to act unilaterally and strike Iran's nuclear facilities, as some Washington pundits had hinted.

Unlike the U.S., European countries had not cut off ties with Iran. The three largest member states of the EU—Britain, France, and Germany (the E3)—calculated that this had lent them the necessary credibility to sound out Iran's interest in a negotiation over its nuclear programme. The E3 counted on the fact that a European-brokered mediation could be appealing for the Iranians because it would have moved away from the spectre of a U.S. military strike. Their calculation proved accurate, as in October 2003 a negotiation process officially started. In late 2004 the E3 won open support by their fellow EU partners and were joined by the EU High Representative for the Common Foreign and Security Policy, and from then on acted under this peculiar E3/EU format.



The E3/EU approach revolved around a bargaining process. European negotiators assured Iran that it would have access to the international nuclear fuel market and that they would provide technical assistance in the nuclear field. They backed up the offer with the promise to resume talks over the EU-Iran TCA and to support Iran's application for membership in the World Trade Organisation (WTO). Crucially, the E3/EU pledged that it would oppose Iran's referral to the Security Council as long as negotiations were ongoing. In return, the Europeans wanted the Iranians to freeze uranium enrichment, a legal but highly sensitive process that can serve both civilian and military purposes, and intensify cooperation with the IAEA.

Incentives as well as demands were worked out incrementally throughout the negotiation period. The Europeans and the Iranians reached a first arrangement in October 2003 (the Tehran 'Agreed Framework'), which they upgraded the following year in Paris. Under the Paris Agreement of November 15, 2004, Iran agreed to suspend all uranium-enrichment activities and confirmed it would implement the IAEA Additional Protocol, the 1997 text expanding the agency's inspection and verification powers, pending ratification by the Majlis, the Iranian Parliament (which has never followed). However, the negotiation over a final, mutually acceptable solution soon ran into trouble, as the two sides were unable to come to an agreement on the extent and duration of the enrichment freeze. The Iranians viewed it as a gesture of goodwill and took every chance to recall its "temporary" and "voluntary" character. The Europeans, on their part, pushed for a halt until confidence in Iran's intentions was restored.

The gap between the two positions proved insurmountable. After Iran's new, more hard-line administration of Mahmud Ahmadinejad restarted enriching uranium in early 2006, the Europeans opted to support Iran's referral to the UN Security Council for the imposition of sanctions. However, they did not give up on the diplomatic track, insisting instead that the offer of incentives could co-exist with the adoption of punitive measures.

The E3/EU's failure to eliminate the proliferation threat emanating from Iran's nuclear programme has been thoroughly scrutinised by security experts. The E3/EU was criticised for applying too strict a form of conditionality, while offering in return inadequate incentives. One of the E3/EU's main assets, the Trade and Cooperation Agreement, was a rather basic text. Moreover, the E3/EU opted for retaining the actual delivery of any incentive until the nuclear dispute was settled. This resulted in a situation in which the Iranians saw no rewards other than pledges for having frozen enrichment and signed the IAEA Additional Protocol.<sup>4</sup>

The weakest strand of the E3/EU strategy, however, was its inability to address the reasons why Iran could have felt the need to go nuclear or, at the very least, to acquire nuclear capability: a sense of insecurity and vulnerability (augmented by the U.S. invasions of Afghanistan and Iraq, its eastern and western neighbours, respectively) combined with a desire to play a role commensurate with its history and ambitions. The E3/EU was ready and willing to meet Iran halfway in this regard. Over the course of almost thirty years since the 1979 anti-Shah revolution, the Europeans had learned to appreciate the Iranian leadership's combination of realism and sense of national pride. They saw a hazy ambition to foment an Islam-rooted revolutionary wave in the Gulf turn into a pragmatic search for national security, regional influence, and consolidation of the clerical regime.<sup>5</sup> In the opinion of the Europeans, the Islamic Republic presented no real ideological challenge. On the contrary, intensified cooperation with an Islamic country would have helped to fight back the perception that after 9/11

western powers were pursuing an anti-Islam agenda. More importantly, the Europeans maintained that Iran could have an important, if not fundamental, role to play in stabilising Afghanistan and Iraq.

However, giving Iran a role in the re-making of the Gulf was, and still is, beyond Europe's power. The last word on this should necessarily come from Washington, whose political clout and military strength is felt all across the region. For the Iranians, therefore, the European strategic assessment that cooperation with the Islamic Republic was possible and indeed desirable was much less important for its own merit than for its potential to influence the United States. From this perspective, one important reason why the Iranians accepted the European proposal for nuclear talks was the hope that the U.S. would be brought onboard. As this did not take place, the Iranians calculated that they would be better off re-activating frozen nuclear activities, and lost interest in the negotiation with the Europeans.<sup>6,7</sup>

This is not to say that the E3/EU action achieved nothing.<sup>8</sup> The E3/EU action raised international awareness of the dangers related to Iran's nuclear ambitions, while strengthening the case for Iran to remain within the treaty and subject to IAEA inspections.<sup>9</sup> Following the deals reached in Tehran and Paris in 2003 and 2004, Iran ended up under intense international scrutiny. The Iranian government felt compelled to take the costly decision to open the nuclear program to more intrusive inspections than required under the IAEA-Iran standard safeguard agreement. Although Iran's level of transparency was far from ideal, and glaring holes remained on the actual extension of its activities, the agency was able to give a more detailed account of the state of advancement of the nuclear programme at least until February 2006, when Iran stopped implementing the Additional Protocol. A more important consequence of the deals with the E3/EU is that Iran kept sensitive parts of its nuclear programme frozen for around two years.<sup>10</sup>

Another achievement of the E3/EU is that it has set the course of action to deal with the nuclear standoff. In all probability, the IAEA could not have referred Iran to the UN Security Council without the E3/EU action.<sup>11</sup> During the 2003-2005 negotiation period, the E3/EU walked a tightrope in engaging the Iranians while trying to invigorate consensus for their action within the EU and avoid fatal clashes with the U.S. (for being too soft) and with Russia and China (for being too tough). The culmination of this delicate process was the association in January 2006 of the U.S., Russia, and China to the E3/EU negotiating group, which has convened since under an E3/EU+3 format (the group is more commonly but less accurately known as the 'P5+1' or 'Iran six'). European insistence on gradualism proved to be a sensible choice, as consensus on sanctions within the Security Council was reached only after Iran persistently failed to comply with a series of increasingly firmer demands by the UN.<sup>12</sup>

Finally, and perhaps more importantly, the E3/EU provided the U.S. with a way out of its Iran 'non'-policy, which oscillated between vague dreams of forced or induced regime change and the sterile continuation of the unilateral containment strategy it had pursued with no results for over twenty-five years.

### **The Bush Administration: Strategic Ambivalence**

The Iranians' hopes that assistance to anti-Taliban operations in Afghanistan in late 2001 and early 2002 could bring about a policy reappraisal in the U.S. were brutally dashed when President George W. Bush declared Iran part of an "axis of evil" that also comprised North Korea and Iraq. In May 2003

the Iranian administration made a second attempt, signalling its readiness to address all controversial issues on which Iran and the U.S. were at loggerheads, including the nuclear programme, in exchange for the normalisation of relations. The White House, apparently upon insistence by Vice President Dick Cheney, spurned the Iranian overture. Instead, it toughened its rhetoric in a way consistent with a regime change policy, leading the Iranians to accept the E3 offer of dialogue as a way to soften U.S. pressure and gain negotiating strength. At this point in time, U.S.-Iran reciprocal mistrust was probably at its peak.

The Bush administration's ostracism of Iran weighed heavily on the European-Iranian talks. Administration officials undermined the E3 initiative with statements expressing strong scepticism and describing Iran as a rogue state not worth talking with. And yet, the E3 initiative was not an entirely unwelcome development in Washington. As a matter of fact, having ruled out dialogue with Iran, in 2003 the U.S. was short of options to deal with the nuclear issue. The intervention in Iraq and Afghanistan had raised the stakes of a strike against Iran's nuclear facilities, both politically and militarily. Moreover, the toppling of Saddam Hussein and the Taliban, two of Iran's main foes, had undermined the U.S.'s own containment policy. Like the Iranians, the Americans also seemed to view the E3 initiative as a "convenient buffer", a time-buying expedient that would defer confrontation until they felt ready for it.

In March 2005, the Bush administration suddenly decided to give indirect support to the E3/EU endeavour; although it made it clear it had no intention to join the talks.<sup>13</sup> In return, it extracted from the Europeans the promise that, if their attempt at engagement were to fail, they would support Iran's referral to the Security Council.

U.S. backing did not result in increased leverage for the E3/EU. To the contrary, the Europeans saw their room for manoeuvre constrained. At the time they were debating an Iranian offer for a comprehensive settlement, which was centred on the acceptance of an enrichment capacity. The Europeans had their own reasons to doubt Iran's sincerity and were inclined to uphold the enrichment freeze redline anyway, but U.S. intransigence led them to put aside any discussion about the possibility to detail, together with the Iranians, a roadmap at the end of which Iran would be allowed to enrich. The U.S. also refrained from backing the E3/EU's idea of including the supply of a light water reactor (LWR) in a proposal presented to the Iranian administration in August 2005. The French firms expected to provide LWR-related technologies backtracked in the absence of an explicit guarantee that they would not incur U.S. sanctions, leading the E3/EU to drop the idea.<sup>14</sup>

Against this backdrop, it is hard to describe the U.S. attitude in 2005 as truly supportive of the E3/EU. The Bush administration, then in its second term, was interested in reviving a transatlantic relationship still convalescent from the Iraq wound, but was not ready to renounce its policy of antagonism towards the Iranians. Its involvement contributed to making the European negotiating platform more rigid.

It was only after the E3/EU group expanded into the E3/EU+3 in early 2006 that the U.S.'s change of tack gained substance. Facing an ever more ferocious insurgency in Iraq, the Bush administration calculated that making some concessions to the E3/EU would best serve its interest in UN sanctions as it was the only option on hand to keep Iran under pressure. The Bush administration opted then to support the diplomatic track of the E3/EU approach, although it remained adamant on its refusal to

engage with Iran as long as it continued to enrich uranium. In June 2006 the U.S. agreed to a new offer of cooperation and dialogue that the E3/EU handed the Iranians with Russian and Chinese backing. This time the Americans did not object to making an explicit pledge to support construction of an LWR in Iran with state-of-the-art technologies. In June 2008 U.S. Secretary of State Condoleezza Rice even put her signature on a letter accompanying a renewed E3/EU+3 offer to the Iranians.

In the meantime, however, the Bush administration persisted in treating Iran as a foe. In the 2006 U.S. National Security Strategy the Islamic Republic was described as “an enemy of freedom, justice, and peace” and singled out as the greatest challenge to the United States. More broadly, a sub-text of regime change policy was almost always discernible in the administration’s public statements. The U.S. kept on pressing its partners in Europe and elsewhere hard for the adoption of tough sanctions against Iran, if not at the UN level (where Russia and China’s resistance had only allowed for the adoption of targeted measures), then unilaterally. An informal campaign led by the U.S. Department of the Treasury partially succeeded in persuading ever more European governments and companies to rein in their businesses with Iran. However, the department’s bullying attitude and its tendency to get past governments and directly address banks and companies ruffled many feathers in Europe. Despite the fact that it could count on the support of Britain, France (which had become more hawkish under President Nicolas Sarkozy) and, to a lesser extent, Germany, the Bush administration was unable to generate enough consensus within the EU for the adoption of unilateral measures against Iran.

The Iran policy that President Bush bequeathed to his successor, Barack Obama, was therefore characterised by a good deal of strategic ambivalence which had multiple, negative net effects. Keeping the portrayal of Iran as evil while at the same time reformulating ever less stringent redlines convinced the Iranians of both the U.S.’s insincerity and its weakness. Furthermore, the limited nature of his concessions was seized not only by Russia and China but also by EU member states as a legitimate reason to resist tougher action.

### **The Obama Administration: Tactical Prudence**

While committing to both components of the ‘double track’ approach (sanctions included), the Obama administration has worked on reducing the disconnect between policy and rhetoric. President Obama has put an end to talks of regime change, agreed to join the E3/EU+3-Iran talks without pre-conditions, sought greater cooperation from Russia by launching its ‘reset’ policy, and shown a willingness to engage the Iranians beyond the nuclear issue, with the aim of laying the foundations of a sustainable *modus vivendi*. He seems unconvinced that a strategic about-face similar in magnitude to the Nixon administration’s decision to engage China in the early 1970s is attainable in the current predicament. Instead, he has opted for a more prudent approach, whose credibility relies on the consistency of the message: the U.S. is serious about the negotiations (as it is about sanctions) rather than on the offer of more lucrative incentives than hitherto promised.

Indeed, the Obama administration has shown a remarkable ability to stay the course, not least because Obama’s advent to the White House overlapped with the authoritarian turn in Iran that followed the controversial re-election of the hard-line Mahmoud Ahmadinejad as president in June 2009. In October 2009, at a meeting in Geneva, the E3/EU+3 and Iran reached an agreement, largely devised by U.S. officials, on what could be described as the closest thing to a breakthrough since the November 2004 Paris Agreement. Iran gave its consent to send up to three quarters of its low

enriched uranium to Russia and France, where it was to be further enriched and turned into nuclear fuel for a Tehran research reactor producing medical isotopes. This would have deprived Iran of the necessary nuclear material to potentially build a bomb for a year, thus giving more leeway to launch a broader negotiation on Iran's enrichment capacity.<sup>15</sup> In late 2009 it became clear however that Iran had back-pedalled on the Geneva deal. U.S. officials seized on this to overcome resistance from Russia and China over a round of UN sanctions significantly tougher than previous ones, and intensified talks with the E3/EU over potential follow-up measures on the part of the EU.

The process was neither smooth nor risk-free. The Obama administration managed to persuade an increasingly impatient Congress, where strong anti-Iranian sentiments cross party lines, to delay enactment of a much-awaited U.S. law expanding and toughening the 1996 Iran Sanctions Act. The White House feared that the new law could alienate its partners within the E3/EU+3 and derail talks over the new UNSC resolution, since the amended ISA explicitly targets foreign companies doing business with Iran with fines on their U.S. activities and denials of government contracts. The EU resented the extraterritorial application of the new law and lobbied U.S. authorities as hard as possible to get special exemptions.<sup>16</sup> The Obama administration was eventually able to safeguard the president's power to suspend sanctions against companies from countries that cooperate with the U.S. on Iran, even if this waiver authority is subject to more constraints than the EU hoped for. More important however was that the White House succeeded in postponing the law's passing until after the vote in the Security Council, as this made it possible for the EU to follow up with additional measures. UNSC resolution 1929, adopted in mid-June 2010, provided the legal and moral basis for those EU member states doubtful of measures not specifically targeted on Iran's nuclear and ballistic activities to give the green light to a broader set of sanctions.<sup>17</sup> This is a crucial achievement, as the EU is, along with China, Iran's main trade partner, and sanctions from its side have could have a significant impact.

The Obama administration was also able to fend off an eleventh-hour attempt by Iran to derail the sanctions train. In May 2010, Iran agreed to a fuel swap proposal put forward by Turkey and Brazil that, while closely resembling the Geneva agreement, was nonetheless short of confidence building measures. The biggest loophole was that it revolved exclusively around the fuel swap as if this were an end in itself, whereas the West had seen it as just a means to create a mutually trustful environment for a negotiation on Iran's enrichment activities.

At the end of a months-long period during which it had to work hard on multiple fronts, the Obama administration met some important results. First, it ensured the unity of the E3/EU+3 by resisting pressure from Congress for immediate action. Second, it succeeded in cajoling its E3/EU+3 partners into its sanctions plan, so that between June and July 2010 the UN, the U.S., and the EU slapped punitive measures on Iran in rapid-fire succession.<sup>18</sup> Third, by avoiding chastising Brazil and Turkey for their untimely deal with Iran, Obama was able to give Iran a way back to talks without giving the impression of bowing to western pressure. In sum, by adopting the E3/EU-devised double track approach with more consistency than its predecessor,<sup>19</sup> the Obama administration has managed to preserve the diplomatic framework for a compromise with Iran while at the same time building a far greater sanctions coalition than had been possible in previous years.<sup>20</sup>

## Some Lessons for Transatlantic Security Cooperation

The process leading the European Union and the United States to join forces in the attempt to curb Iran's nuclear programme offers some important lessons to better understand how transatlantic security cooperation is evolving and how it can be made best use of.

The first lesson is that transatlantic divergence does matter. When the United States and the European Union followed a radically different approach to the nuclear issue, Iran was able to exploit that difference to its advantage. By agreeing to enter talks with the Europeans, Iran managed to ease the pressure from the United States. The initial fractiousness of the transatlantic front also made it easier for it to advance its nuclear expertise. Thus, it was allowed to create facts on the ground that have become very difficult, if not impossible, to reverse. Today the overwhelming majority of experts recognise that no compromise seems conceivable if it does not include an Iranian enrichment capacity, albeit under strict IAEA supervision. This could have been different if the U.S. had agreed to join the Europeans during their 2003-2005 nuclear talks with Iran, during which the Islamic Republic had agreed to suspend work on enrichment.

The second lesson is that, even when the United States and the European Union are able to agree upon a common line—in this case, the 'double track' approach—this is of little help if their strategic objectives remain distant. The Bush administration's half-hearted support for the diplomatic track—resulting from its refusal to accept Iran as an interlocutor—narrowed the E3/EU's room for manoeuvre, thus diminishing the chance of a breakthrough. It also complicated cooperation with EU member states and between the EU and the U.S. on the one hand and other key actors, notably Russia and China, on the other. The validity of this argument is attested to by the fact that the Obama administration's more consistent embracement of the double track approach has allowed for the creation of a larger and more cohesive front against Iran's nuclear ambitions. Not only have Russia and China agreed to a tougher set of UN sanctions than the previous ones, but the European Union itself has finally bowed to long-standing U.S. requests for additional restrictions.

A third lesson is that EU/European political and economic assets represent a critical, if not fundamental, crisis management resource, in particular when the United States is short of options. When the nuclear dispute broke out, the Bush administration had basically no room for manoeuvre. The continuation of the unilateral policy of containment promised to be as sterile as it had been in the previous twenty-five years. Engagement was out of the question for ideological and geopolitical reasons. With containment being ineffective, engagement unconceivable, and a military attack too risky a gamble, the U.S. had placed itself into a corner. It has been the Europeans that have taken Washington out of it. Not only have they given it a policy it could align with, they have been instrumental in ratcheting up the pressure on Iran through the imposition of unilateral EU sanctions and expanding the international front opposing Iran's nuclear plans.

An extremely important corollary can be drawn from the above. The Iran case provides ample evidence of the fact that even joint EU-U.S. action can be insufficient to address a highly complex issue of international concern like the proliferation crisis with Iran in a long-term fashion. Broader participation is needed, in particular by rising or resurgent powers like China and Russia, increasingly active players such as Turkey, and other countries key to the successful implementation of sanctions (most notably the Gulf states and the U.S.'s Asian and Pacific partners). The Iran case shows that, in



today's emerging multipolar world, the ability to shape a narrative and to persuade through diplomacy, bargaining, and compromise has become as important as power and influence to form coalitions of like-minded states. In this context, the transatlantic ability to caucus assumes a new, fundamental importance.

Also related to the previous argument is the conclusion that, in the nuclear standoff between the international community and Iran, a significant precedent for the future of crisis management has been set. The E3/EU+3 represents an interesting evolution of the 'contact group' phenomenon, according to which a given international issue is dealt with by a select group of countries on an informal basis. With respect to past experiences, however, the E3/EU+3 stands out for the significantly wider range of its action. Whereas other similar groupings, for instance the Contact Group for the Balkans, have usually acted as guarantors of the correct implementation of an already arranged settlement, the E3/EU+3 performs crisis response, management, and settlement tasks. In other words, it is more an actor than an arbiter, more a lead group than a contact group.

A similar reasoning can be made with regard to the European Union. The Union has been able to occupy one of the front burner seats in the nuclear dispute with Iran because of the unorthodox format—the E3 plus the High Representative—under which it has been working. Without the E3 taking the lead, it would hardly be conceivable how the EU HR could end up acting as the main interlocutor with the Iranians for the whole E3/EU+3, as has been the case since spring 2006. It is unlikely that the United States—not to mention Russia and China—could have consulted on such a delicate issue with the European Union without the mediation of its three largest and most influential member states.<sup>21</sup> From this perspective, the E3/EU sets an important precedent for EU foreign policy-making as the E3/EU+3 does for the future of cooperative crisis management.

## Conclusion

The United States and the European Union have not eliminated the threat emanating from Iran's nuclear plans. On the contrary, Iran has acquired the expertise to enrich uranium, the most sensitive part of a nuclear programme, and is getting closer to cross the nuclear weapon threshold. In this regard, the EU-U.S. performance cannot but be judged negatively.

However, a number of elements concur in qualifying this severe judgment. Thanks to U.S. and EU efforts, there is now an international consensus that the scarce transparency of Iran's nuclear policy poses a challenge to both regional stability and the nuclear non-proliferation regime. The transatlantic partners have been able to turn such concerns into a demand for action by the Security Council and the IAEA, whose role has been growing over the years. This has both increased pressure on Iran and restored centrality to the multilateral institutions that were marginalised during the Iraq crisis.

The adoption by the Security Council of a double track approach combining the offer of dialogue and incentives with sanctions is the result of a process leading the U.S. and the E3/EU from policy divergence to almost full convergence. Although it has taken years to get to this point, Americans and Europeans are now rowing in the same direction.

The picture would change if the U.S. were to opt for a military strike—alone or along with Israel—to slow down Iran’s nuclear progress. Perhaps some EU member states, including France and Britain, would refrain from openly opposing any U.S. action. However, several EU member states are unlikely to buy the argument that the failure of the European years-long effort to persuade Iran to come clean on its nuclear ambitions has rendered an attack unavoidable. EU-U.S. cooperation on Iran would diminish considerably because intra-EU cohesion would dissolve. This would greatly reduce the appeal of an intra-EU ‘lead group’ acting on behalf of the Union in highly sensitive security issues, along the pattern of the E3/EU, and this could well result in the U.S. further ‘bilateralising’ its relations with EU member states. So, an attack against Iran is likely to undo, or at least jeopardise, whatever benefit may have accrued to the transatlantic partnership from the E3/EU+3 process.

Circumstances resembling the Iran case could arise in the future. The emerging multipolarity in political and security matters may still have a long way to go before matching the interdependence much of the world has attained in economic terms. But it has developed enough to compel the U.S. to thoroughly ponder the consequences of using its still superior military against a regional power the size of Iran without sufficient international support. In fact, the E3/EU+3 offers the highest-level example so far of an ad hoc crisis management mechanism, the lead group, which fits in an international multipolar system where competition and cooperation among states, and between states and international organisations, coexist. As the EU-U.S. ability to caucus becomes ever more important in such a context, strategic planners on both shores of the Atlantic should devote much greater attention to the fact that, in cases like Iran’s nuclear issue, transatlantic convergence can turn out to be not an accessory, but a necessary component of an effective policy.





## AFGHANISTAN: A STRESS TEST FOR TRANSATLANTIC SECURITY COOPERATION

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### Introduction

Afghanistan has become a stress test for transatlantic cooperation in maintaining global stability. European solidarity with the United States in the aftermath of the attacks of September 11, 2001 was strong. However, differences between Washington and most European governments on the nature of the threat, strategy, and the goals of Western engagement have emerged. The mission in Afghanistan has become more demanding and complex than envisioned at the outset. After nine years of engagement, with limited gains in Afghan security and development, growing human and financial costs, and enduring doubts about the capacity of the Karzai government, commitment on both sides of the Atlantic is waning. NATO has pursued a more effective and better resourced strategy since early 2009 and the Alliance and its partners in the International Security Assistance Force (ISAF) have declared an “Enduring Partnership” with Afghanistan stretching to 2015 and beyond. All these factors and the success of the current strategy will influence the durability of this pledge and future transatlantic engagement in stabilization and reconstruction operations.

This paper examines U.S. and European strategic assessments and commitment, the convergence of their efforts, variables that will influence outcomes in Afghanistan, and the impact that possible denouements will have on the broader U.S-EU security relationship. While this case-study focuses on lessons of the Afghanistan mission for relations between the United States and the European Union and its member states, given that the preponderance of transatlantic engagement in the country is through NATO ISAF, this paper also examines relevant elements of European-American relations within NATO and NATO-EU relations.

### Evolution of Transatlantic Engagement in Afghanistan

About a month after the attacks of September 11, 2001, the United States launched Operation Enduring Freedom (OEF). Working with the Northern Alliance and other anti-Taliban groups, this ad hoc coalition, comprised of several European states, Canada, Australia, and New Zealand, easily

routed the Taliban and following intense fighting in December, a majority of al Qaeda and many Taliban leaders fled into neighboring Pakistan. The United States and European governments supported United Nations-hosted talks on the country's future leading to the Bonn Agreement, which established a provisional government in Kabul backed by a UN-mandated security force. In August 2003, with encouragement from the United States and other European governments, NATO agreed to assume command, coordination, and planning of ISAF. Transatlantic engagement has deepened since.

## **Current State/Strategic Approach**

Over the past nine years, U.S. and European engagement have helped the Afghan government enhance security, governance, and economic development in several sectors.

The Afghan security forces, particularly the Army, have grown in numbers and effectiveness. In August, the Afghan National Army (ANA) fielded 138,200 soldiers—exceeding its 2010 headline goal of 134,000 troops three months ahead of schedule—and aims for a force of 171,000 by October 2011. Afghan forces have assumed lead responsibility for security in Kabul province since August 2008, and have become involved in combined operations with ISAF around the country. The Afghan National Police (ANP) has also exceeded its 2010 goal, reaching 120,500 personnel in September 2010. The ANP hopes to grow to a force of 134,000 by October 2011, but continues to suffer for shortages of qualified personnel and corruption. The ANP's paramilitary civil-order forces (ANCOP) have recounted themselves well in preserving order in major cities and assisting local police in high-threat areas during emergencies.

ISAF and Afghan government planners have focused counterinsurgency and development efforts on 80 key districts where the majority of Afghans live and that include centers of economic productivity and key infrastructure and commercial links to the wider world. The 27 Provincial Reconstruction Teams (PRTs) and about 40 of their subordinate District Support Teams (DSTs) are focused on these key districts and 41 other areas of interest.<sup>23</sup>

The pace of improvements in Afghan governance, rule of law, and development has been very slow. In addition to the security problem, rampant corruption has limited the central government's effectiveness and credibility in many provinces and districts. With encouragement from Washington and EU governments, the Karzai government has formed a Peace Council in an effort to begin a dialogue with the elements of the Taliban and other insurgents who renounce violence and are willing to abide by the Afghan constitution. However, the effectiveness of the leaders of the Afghan government's Peace Consultative Jirga to engage with the insurgency has been questioned and finding credible interlocutors among the fighters has proven difficult. Planning for reconciliation and reintegration of fighters as part of a peace settlement has not matured.

The Afghan economy has rebounded somewhat since 2001, but is heavily dependent on foreign assistance. There have been gains in the agriculture sector, due to enhanced access to internal and international markets via new roads, as well as a revival of the service sector. The importance of private sector growth for Afghan development was underscored at the London Conference in January 2010 where the international community endorsed the Integrated Plan for Economic Development proposed by the Afghan Government. Opium remains the largest cash crop in Afghanistan and production, focused in the south and southeast, has increased since 2001. About 12 percent of the

population is involved in opium poppy cultivation, and the UN estimates that the total value of the opium harvest to farmers, laboratory owners, and traffickers was about \$4 billion in 2007, equivalent to 44 percent of the licit GDP.<sup>24</sup>

Before the late 2009 surge in military and civilian personnel, Afghanistan was slowly deteriorating in nearly every available metric. The trends in violence were up sharply in 2009 from 2007 levels, and civilian casualties were the highest on record since 2001. Ninety-five percent of Afghans said corruption was a problem in their area (up 23 points since 2007), and about 80 percent of Afghans live in rural areas and in poor conditions.<sup>25</sup> Winning government support among the population remains a major challenge. Still, the fragile gains from the campaigns in the Taliban strongholds of Marja and Kandahar as part of the implementation of the new strategy have led to mounting doubts about both the strategy and goals of international engagement in Afghanistan.

## Comparison of U.S. and European Commitments

### United States

#### *Threat assessment*

After the 9/11 attacks, American leaders saw al-Qa'ida, given its global reach, messianic ideology, and interest in acquiring weapons of mass destruction (WMD), as an overarching, existential threat to the United States, its democratic allies, and many partners around the world. President George W. Bush declared a “War on Terror,” with the Afghanistan campaign as a central element of that war.

#### *Strategy*

U.S. strategy was widely perceived in Europe as overly militarized with little regard to international law and norms. The Bush administration’s decision to conduct the initial stages of the Afghanistan campaign as a “coalition of the willing” left many European governments doubting Washington’s commitment to NATO. After achieving a rapid defeat of the Taliban, U.S. strategy was to continue to pursue al-Qa'ida and other extremists in the region, and to work with the international community to provide humanitarian and other assistance necessary to rebuild Afghanistan and prevent it from serving again as a safe haven for terrorists. However, the Iraq War soon dominated political attention and drained military and development assistance resources. In 2006 the administration affirmed that Afghanistan and Iraq were the front lines of the “War on Terrorism,” but it was then looking to NATO allies, the European Union, and other international partners to take on a larger role.

President Obama came to office in 2009 arguing that the Iraq War was a diversion and that Afghanistan is the “central front” in the struggle against violent extremism. Obama committed 17,000 additional troops to Afghanistan within a month of taking office, and articulated a comprehensive new strategy for Afghanistan and Pakistan on March 27. This new strategy narrowed the mission to focus on efforts, “to disrupt, dismantle, and defeat al Qaeda” through increased aid to Pakistan, establishing a better way to measure progress in combating terrorists, and ramping up efforts to train the Afghan army and police force with the deployment of an additional 4,000 trainers.<sup>26</sup> The Obama strategy also placed a new emphasis on civilian capacity-building, which European governments

found appealing. Obama named General Stanley McChrystal, known for pioneering the U.S. Army's counterinsurgency concepts in Iraq, as commander of the ISAF mission.

As security continued to deteriorate over the course of 2009 and General McChrystal submitted his assessment of the conditions on the ground, the Obama administration again raised the stakes. After a lengthy policy review, President Obama refined his strategy in December and decided to send 30,000 additional troops to the region. Obama also announced that the transfer of American forces out of Afghanistan would begin in July 2011—the first American withdrawal timeline of the war. This new strategy includes three main elements designed to turn the tide: 1) U.S. and ISAF partners working to target the insurgency where it is concentrated, secure key population centers, and enhance capabilities of Afghan security forces; 2) Work with partners to improve accountable and effective Afghan governance at the national, regional, and local level, and focus assistance on areas that can have an immediate and enduring impact; 3) Forge a strategic partnership with Pakistan. This plan called for more robust counterinsurgency efforts to protect Afghans living in Taliban strongholds in the south and east of the country, as well as an escalation of targeted military strikes against al Qaeda, Taliban, and other insurgent leaders in both Afghanistan and Pakistan.<sup>27</sup>

U.S. relations with the Karzai government have become strained due to its general lack of capacity, continued allegations of corruption, and questions about the fairness of the August 2009 presidential elections. These doubts about the Karzai government have complicated execution of the Obama administration's strategy and efforts to maintain Congressional and public support.

The most vexing element of the strategy remains relations with Pakistan. Despite good relations and expanded assistance to the Zardari government, cooperation between elements of the Pakistani Inter Services Intelligence agency (ISI) and radical extremists, including al Qaeda appears to persist. This relationship, coupled with Pakistan's reluctance to commit sufficient resources to gain control of its frontier regions along the Afghan border, provide Afghan insurgents with valuable safe havens.

### *Resource Commitments*

The United States is shouldering the bulk of the burdens for maintaining security in Afghanistan and training of their security forces. As of November 2010, the United States fielded about 90,000 troops as part of ISAF and an additional 10,000 operating independently of the NATO mission. Total U.S. force levels in Afghanistan are expected to remain constant at the 100,000 level through mid-2011. Washington provides 76 of the 150 OMLTs (Operational Mentoring and Liaison Teams) for training the ANA and 279 Police Operational Mentor and Liaison Teams (POMLTs) for the ANP; NATO as a whole currently only fields 38 POMLTs.

The United States has provided approximately \$13.4 billion between 2002 and 2010 in non-military assistance to Afghanistan.<sup>28</sup> These resources have supported programs to strengthen Afghan governance, infrastructure, economic development, education, rule of law, and counter-narcotics programs. The Obama administration has increased U.S. civilian assistance to Afghanistan and Pakistan over the past two years, with a focus on new alternative development programs, strengthening the rule of law, and short-term job creation programs, in the south and east of Afghanistan and the frontier regions of Pakistan. The United States has also initiated an "uplift" of civilian personnel in Afghanistan to help stabilize key regions and manage expanded assistance

programs. The U.S. civilian presence in Afghanistan has grown from about 360 to 1,100 personnel between January 2009 and the end of 2010, but given security and other operational limitations, only about 400 of those personnel are working with PRTs and DSTs in regions outside Kabul. The civilian uplift goal is to place 1,500 personnel in country by January 2012.<sup>29</sup>

### *Political Support*

After nine years of engagement, with an expanding presence and mounting casualties, American legislators and citizens increasingly want assurance that their investments are producing tangible results. A Bloomberg poll in October 2010 revealed that only 40 percent of respondents believed that it was worth it to keep fighting, and an earlier Newsweek poll found that only 26 percent of Americans believe the U.S. is winning the war. Only 33 percent believe that it is even possible to achieve stability in the region. Nonetheless, sizable majorities of Americans remain convinced that stabilization of Afghanistan will improve U.S. security and that eliminating the terrorists' bases there is worth the commitment of U.S. military forces.<sup>30</sup>

## **European and EU Commitments**

### *Threat assessment*

Most EU governments accept that the 9/11 attacks demonstrated the potential for catastrophic terrorism and that extremist safe havens in Afghanistan and Pakistan threaten regional and transatlantic security. Many European leaders don't, however, subscribe to President Obama's contention that Afghanistan is "the central front" in the struggle against terrorism and have had strong reservations about U.S. strategy and calls for greater resource commitments. European governments opposed Taliban rule and agree that its return to power would be damaging to Afghan civil liberties and regional stability. Without a sense of global commitment and existential urgency, European involvement in Afghanistan has been more fragmented and hesitant than that of the United States.

### *Strategy*

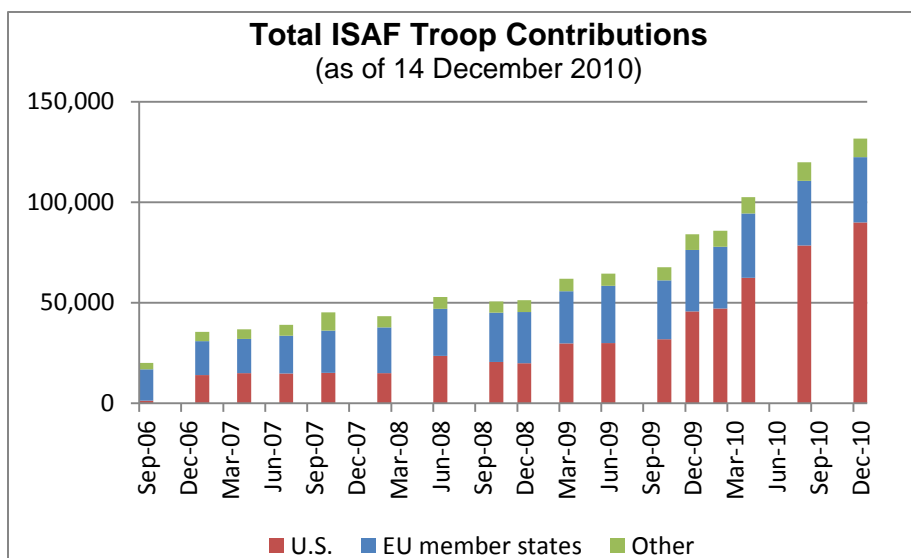
The initial intervention in Afghanistan came after the first-ever invocation of Article 5 of the North Atlantic Treaty, and was strongly supported by individual European states. However, Europeans objected to what they saw as the overly militarized nature of U.S. strategy in OEF. Europeans have felt that the threat is better addressed by the security services and law enforcement authorities, coupled with enhanced development assistance and other support to the Afghan government. Differences with the Bush administration over the initiation and conduct of the Iraq War further strained relations. Washington convinced hesitant European governments to agree to a NATO takeover of ISAF and expansion of the mission with assurances that the insurgency was largely defeated and that this would be a challenging peacekeeping mission. As the Taliban regained strength and mounted widespread attacks after 2006, many European governments and publics grew uncomfortable with the mission and mounting pressures from the U.S. and other allies to adopt more aggressive rules of engagement

and counterinsurgency tactics. Few accepted that Europe’s security needed to be defended at the Hindu Kush.

Most European governments are reticent to employ their military forces overseas other than in UN-mandated peacekeeping or humanitarian operations. U.S. Defense Secretary Gates has publicly lamented the “demilitarization of Europe.”<sup>31</sup> In many EU countries the debate over whether or not to label the Afghan conflict a “war” still rages. President Sarkozy and others heralded the NATO strategy embraced in April 2009 as a triumph of the European vision with more focus on “building Afghan capabilities than on killing the Taliban.” Most European leaders still do not share the depth of the U.S. conviction that the ongoing counterinsurgency and counterterrorism operations in Afghanistan are essential to preventing future terrorist strikes on the West.

*Resource commitments: Contributions to NATO operations*

The differences in threat perceptions and thin public support have resulted in European human and financial commitments in Afghanistan considerably smaller than those of the United States. With the exception of Cyprus and Malta, all EU member states have contributed troops to ISAF, with the UK, Germany, France, and Italy providing the largest European contributions. EU member states have slowly, but consistently, increased their troop contributions to ISAF since 2006. Securing the deployment of these forces, however, required major internal battles and concerted transatlantic diplomacy. Following President Obama’s December 2009 announcement that the U.S. would deploy 30,000 more troops to Afghanistan, several EU member states pledged about 7,000 additional troops. As of December 2010, EU member states’ troop contributions to ISAF totaled 32,481 and represented 25 percent of the total ISAF troop count. These totals include about 1,200 trainers and responsibility for 48 OMLTs out of a total of 150. Not all European countries have committed personnel to NTM-A, and many have provided fewer troops than promised, leading to significant gaps in trainers and mentors that have been or will be filled by U.S. and Canadian forces.



Source: ISAF Placemat, 14 December 2010.<sup>32</sup>



EU member states have also contributed to civilian security efforts through NATO. In March 2009, the member nations of the European Gendarmerie Force (EUROGENDFOR)—France, Italy, the Netherlands, Portugal, Romania, and Spain—agreed to a French proposal to conduct police training in Afghanistan. EUROGENDFOR personnel have partnered with NTM-A (NATO Training Mission Afghanistan) to fill about 200 of the mission’s 609 positions for gendarmerie trainers, including contributions to POMLTs and have the lead for training and mentoring ANCOF forces at Regional Training Center-North. Poland, Spain, the UK, and Denmark also contribute to POMLTs.

### *Resource commitments under CSDP*

The EU has also undertaken communitarian efforts in Afghanistan as part of CSDP. In 2005, the EU and Afghanistan issued a joint declaration on an EU-Afghanistan partnership based on shared priorities such as the establishment of strong and accountable institutions, security and justice sector reform, counter-narcotics, and development and reconstruction. The EU has since made strengthening the rule of law in Afghanistan through the development of a strong police force and justice system its key priority. The Country Strategy Paper outlines the EU’s commitment to Afghanistan until 2013, citing rural development, governance, and health as its three focal areas. The EU has posted a Special Representative in Kabul since early 2002 to liaise with the Afghan government and the international community, and the incumbent, Vygaudas Ušackas, has authority to advise on EU Afghanistan policy, coordinate its implementation, and negotiate on behalf of the Union.<sup>33</sup>

Germany agreed to take on the task of police training in Afghanistan, but after the project suffered from poor recruitment and performance, NATO asked the EU to take control and EUPOL was established in June 2007. EUPOL works to develop and execute training techniques for the Afghan Police, as well as other civilian officials in the Afghan government. EUPOL comprises the bulk of the EU civilian presence in country. EUPOL was authorized to deploy 400 police officers, but had 301 international staff and about 172 local employees as of November 2010.<sup>34</sup> EU governments have had difficulty recruiting for the Afghan mission, in part because sizable numbers of active duty and retired European police officers are currently serving in the missions in Bosnia and Kosovo. The lack of an EU agreement with NATO on sharing classified information has somewhat restricted EUPOL’s situational awareness and operations in dangerous operating environments. In terms of effect, experts on security sector reform have questioned whether the European “community policing” model can be successfully applied in Afghanistan.

The EU (European Community and member states combined) have committed some €8 billion in assistance to Afghanistan for the period 2002-2010. Of this amount, over €1.3 billion has been contributed through the EC budget covering a range of activities, including governance, support to the ANP and justice sector reform, alternative livelihoods, health, and border management. EU budget assistance is slated to rise to €200 million a year for the period 2011-13, with focus on the priority programs identified by the Afghan government at the Kabul Conference.

### *Political support*

Political leaders and citizens in most European countries have been largely unenthusiastic about the international engagement in Afghanistan. While public support for the Afghan war in Europe has

recovered slightly from the all-time lows of fall 2009, anti-terror efforts and the war in general have received much less public support in Europe than in the United States.<sup>35</sup> In France 70 percent of adults polled are either completely or mostly opposed to the mission. In Germany 35 percent of the public want their troops removed immediately, and 44 percent want them to return by the end of 2011, conditions permitting.<sup>36,37</sup> As the number of British soldiers killed in Afghanistan approached (and has since surpassed) 300 in April 2010, public support for the war was at an all-time low, with only 32 percent of those polled in favor of the military operation and 55 percent opposed, a number that has since increased to 60 percent.<sup>38</sup> European leaders who do support continuation of the international presence often cite that it prevents a return of Taliban rule, which would have abhorrent consequences for human rights.

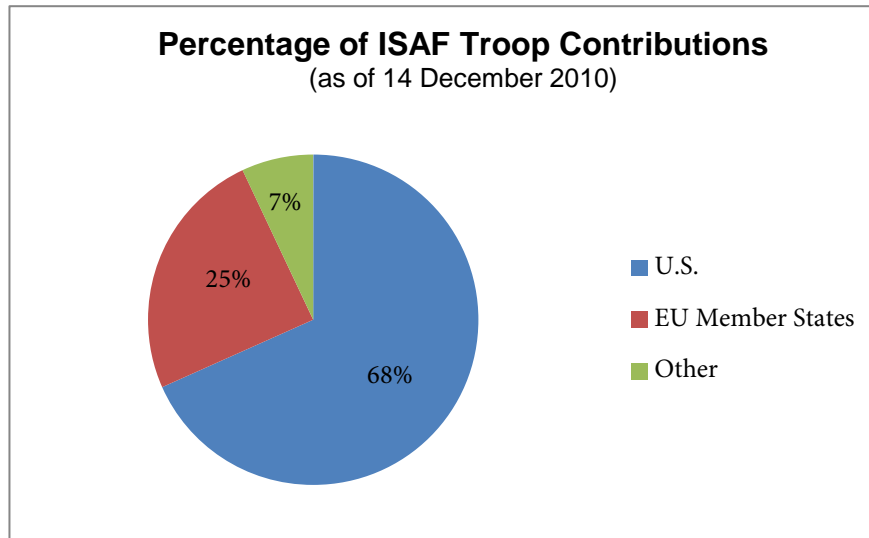
Increased casualties since 2009 have re-energized public opposition to the war in most European countries. Prime Minister Balkenende's effort to extend the deployment of 1,950 Dutch troops to the end of 2010 led to the collapse of his government, and Dutch forces began withdrawing in August 2010. A number of other European governments have begun discussing withdrawal dates including Germany, Italy, Poland, Denmark, and even the UK.

### **Convergence of Effort?**

Despite the many setbacks and disagreements between Washington and various European capitals over strategy, military operations, and resource commitments, there has been considerable convergence in political engagement with the Afghan government and civilian assistance efforts. Overall convergence of effort has grown during the Obama administration. European governments and publics have generally welcomed Obama's decisions to narrow the objectives, increase the civilian role in stabilization programs, and set July 2011 as a target date for military disengagement. While these developments have led to improvements in transatlantic security cooperation concerning Afghanistan, the U.S. and Europe still disagree on important policy and operational matters. There are also shortcomings in the overall coordination and integration of military and civilian stabilization and reconstruction efforts.

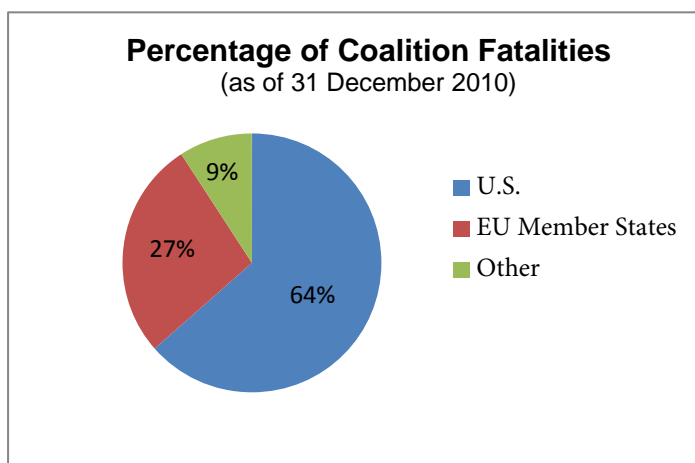
Washington has expressed frustration for several years with imbalances in both the level of U.S. and European military contributions and the risks to which they have been exposed. Europe was slow to provide forces for the initial rounds of ISAF. However, European governments were also dismayed by Washington's decision to opt out of that mission, preferring to focus its efforts on OEF. U.S. contributions to ISAF began to grow after 2006, but at the time President Obama came to office, European and partner governments were still providing 43 percent of total ISAF forces and had incurred about 35 percent of the casualties. The Obama administration has used subsequent U.S. troop 'surges' to pressure European allies to also increase their contributions, but with limited success. President Obama called the modest allied pledges following the Strasbourg/Kehl Summit a "down payment." Obama's inability to secure more substantial allied commitments, at a time when he enjoyed enormous popularity in Europe, led critics in Congress and the media to contend that his new strategy and style of leadership were no more effective than those of President Bush and reinforced the sense in U.S. political circles that Europe is unwilling to pull its weight in safeguarding transatlantic security from global threats.





Source: ISAF Placemat, 14 December 2010.<sup>39</sup>

Differences in doctrine, capabilities, and national “caveats”—which restrict the operational or geographic activities of most European military forces in Afghanistan—have long perturbed U.S. and NATO military commanders. Several NATO allies did relax their national caveats somewhat following the 2006 Riga Summit to allow deployment in “emergency” situations, and France dropped nearly all operational restrictions on its troops. However, the refusal of about half of European governments and parliaments to modify these restrictions has exacerbated divisions both across the Atlantic and among European NATO members over the increasingly evident inequities in risk-sharing, as well as burden-sharing, in Afghanistan. Public complaints by U.S. officials and commanders about the caveats and other shortcomings of European forces have sometimes been counterproductive with European politicians already bucking domestic opposition. In addition, incidents of unintended Afghan civilian casualties, as happened when German forces called in a U.S. airstrike on a tanker convoy near Kunduz in September 2009, have reinforced European concerns about less restrictive rules of engagement.



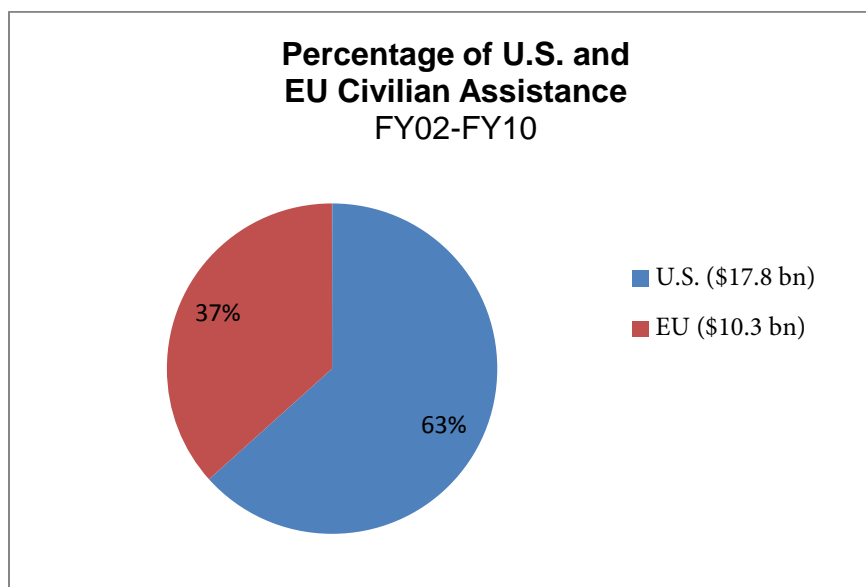
Source: iCasualties.org.<sup>40</sup>

The lack of a common NATO counterinsurgency (COIN) doctrine and failure of most European militaries to embrace COIN tactics has also constrained integration of European and American military operations and cultural differences may well make it hard to achieve. The Alliance has made progress in doctrinal, training, and operational issues, particularly with the development of the NATO Special Operations Headquarters (NSHQ). However, many European governments remain wary about the conduct of counterinsurgency operations and some are subject to legal and/or parliamentary restrictions due to lingering negative political connotations associated with the strategy.

Most European governments are reluctant to undertake or lack a mandate for military counterterrorist operations, including the targeted killing of key al Qaeda and Taliban insurgents. Operational reports disclosed by Wikileaks in July 2010 strengthened parliamentary objections. The expanded U.S. use of drones in Afghanistan and Pakistan for these operations has also become controversial in some European countries.

Washington has lamented the failure of several EU member states and the EU to meet commitments to support police training, rule of law, and judicial reform programs in Afghanistan. The modest size of EUPOL, coupled with logistical and other complications, have limited the EU contribution in this area. Harmonization of U.S. and European efforts in security assistance and training programs has also been problematic. Multiple and sometimes conflicting inputs from different contributors and stakeholders (NATO, EU, UN, and national governments) have often led to a disjointed and confusing approach to police training. This led to the creation of the International Police Coordination Board and various subgroups, which are designed to ensure more effective integration of various police training activities and provide policing advice to military leaders and the Afghan government. NATO has had a Senior Civilian Representative in Afghanistan since 2003 to liaise with the Afghan government and international organizations. In January 2010, former UK Ambassador to Afghanistan Mark Sedwill was appointed to the post, with a mandate to assume a greater role in coordinating the delivery of international civil support to the ISAF campaign.

While U.S. officials have been disappointed with the scope of engagement by the EU and its member states in civilian assistance, there appears to be considerable complementarity in transatlantic efforts. This has been achieved through coordination with respect to the planning for and implementation of plans flowing from various assistance conferences, beginning with the Bonn Conference in 2001 and up through the 2010 London and Kabul conferences. U.S. civilian assistance has focused heavily on infrastructure projects (roads and power), economic development, education, and alternative (agricultural) development/counter narcotics programs. The European assistance priorities of governance, justice/rule of law, and health seem largely complementary. Nonetheless, there is still not an effective executive-level mechanism in Kabul for coordination of the civilian assistance of the international community—both official and non-governmental—with the priorities of the Afghan government.



Sources: EU Engagement in Afghanistan Factsheet<sup>41</sup> and U.S. Foreign Operations Congressional Budget Justifications, 2002-2011.<sup>42</sup>

## Factors/Variables Influencing the Outcome

Several major factors will influence the outcome of U.S. and European engagement and 2011 will be a decisive year. Rising casualties and the limited success of the campaigns in Marja and Kandahar, coupled with the need to reduce governmental spending in the midst of the enduring financial crisis, have increased pressures on both sides of the Atlantic to meet the targets for transition to an Afghan lead in security between 2011 and 2014. A number of European governments are right on the edge of acceptable levels of casualties and many have seen the fall of the Dutch government in 2010 as a cautionary note.

The strength of the insurgency and the ability of the Afghan government to take on increased responsibility for security are also key variables impacting U.S. and European commitment. There are signs that U.S. counterterrorism operations against key al Qaeda and Taliban fighters are increasingly eroding insurgent morale and recruitment. The Afghan government has launched its reintegration campaign to convince mid- and lower-level Taliban fighters to lay down their arms. If these efforts, coupled with the development of a political dialogue with Taliban leaders, are successful, the strength of the insurgency could begin to wane. The progress of efforts by the Pakistani government to cut its ties with the Taliban and gain control over its frontier areas will be another major factor in diminishing the strength of the insurgency. The capacity of the Afghan government to enhance governance, deliver essential services, combat corruption, and implement effective justice and rule of law will also be decisive.

Dramatic developments in the region, such as further political instability in Pakistan, or the emergence of another major international crisis (Iran or North Korea), could also have an impact on political attention and commitment to the mission.

## Scenarios

There are a number of scenarios that one can envision for Afghanistan. Three seem most plausible:

1. A continuation of current trends through 2011, with limited success against the insurgents, modest gains in Afghan governance, and mounting public disaffection with the mission in Europe and the United States.
2. Dramatic breakthroughs in the security situation in Afghanistan or Pakistan, including a collapse of the insurgency and some form of reconciliation with elements of the Taliban and reintegration of some insurgents.
3. A major setback such as the collapse of the Karzai government or of the counterinsurgency campaign in the south and east, perhaps as a result of a catastrophic attack on ISAF forces or a base (something akin to the 1993 ambush of U.S. forces in Mogadishu or the 1983 bombing of the U.S. Embassy in Beirut).

Pressures for withdrawal would build under the first and the third scenarios, with many objectives of transatlantic engagement incomplete or even undone. Transatlantic engagement through 2014 and beyond can probably be sustained under scenario one, but would be far more likely under scenario two.

U.S. and European leaders have found it difficult to articulate what would comprise success of transatlantic engagement in Afghanistan. The 2001 Bonn agreement and the 2004 Afghan constitution envisioned a highly-centralized democracy. President Karzai's government has tried to make this model work, with some devolution of authority to local officials. However, it is unlikely it can be sustained given the limited legitimacy and capacity of the central government, as well as Afghanistan's political culture and history. Much less ambitious end states could safeguard transatlantic strategic interests. A decentralized model, which retained national control over foreign policy, the armed forces, customs, and counter-narcotics operations, but granted provincial and local

governments considerable latitude in economic, social, and law enforcement policies, would be more likely to engender the support of the country's various ethnic and sectarian groups, as well as reformed elements of the insurgency.<sup>43</sup> Most European governments appear comfortable with this end state.

Mixed-sovereignty would be a more radical move away from the post-2001 governance model, but Afghanistan functioned under this model in relative stability for much of the 20<sup>th</sup> century. It would acknowledge the de facto arrangements that have seen several provincial governors leverage their own security forces and power bases to reach *modi vivendi* with the central government. It could preserve transatlantic strategic interests if the United States and other members of the international community were willing to support the central government in enforcing this power sharing arrangement with regional warlords through the threat of punitive military actions and allocation of foreign assistance. This outcome would require more substantial U.S. and possibly European engagement in Afghanistan and neighboring countries to ensure regional stability.

A number of other outcomes for Afghanistan are possible that would threaten transatlantic security interests. De facto partition between the Pashtun-dominated south under Taliban control and the largely Tajik, Uzbek, and Hazara areas in the north and west of the country, or into a number of mini states, is one scenario that some experts on the region envision. This outcome could result from a political settlement or a reconciliation deal wherein the central government gave the Taliban too much autonomy in the south. It could lead to further internal conflict in Afghanistan and provide the Taliban with safe havens for cross-border operations designed to destabilize Pakistan with much larger strategic consequences—including the emergence of a “Talibanistan” armed with nuclear weapons.

If the Karzai government collapses, Afghanistan could revert to the kind of anarchy and civil strife of the 1990s that set the stage for the Taliban’s rise to power. Afghanistan would likely reemerge as a lawless and ungoverned space and an ideal base for extremist groups to plan terrorist strikes and destabilize Pakistan and other neighbors. It would be seen as a complete failure of engagement by the United States, NATO, the United Nations, the European Union, and other elements of the international community, with global repercussions.

## Impact of the Afghan Engagement on the EU/U.S. Security Relationship

The Afghanistan case illustrates a number of difficulties in transatlantic security cooperation on emerging global challenges. Differences in conceptual understanding of the conflict and the nature of the mission have led to asymmetrical and incompatible human and financial contributions, threatening not only the goal of stabilizing Afghanistan, but also the future of EU-U.S. security cooperation.

The envisioned NATO-EU division of labor in which NATO does the fighting and establishes a secure environment and the EU then takes responsibility for reconstruction is not working. The Afghan engagement has highlighted the limits of the EU as an actor in semi-permissive environments and exposed its lack of doctrine and capacity in security sector reform. At the same time, NATO has

consistently underperformed in this field as well, and the lack of civilian capacity in NATO is well known. As both institutions now consider how best to develop these capabilities, this opens new opportunities for cooperation, particularly in light of enduring fiscal constraints.

It is hard to envision another transatlantic undertaking in the security area on the scale and scope of the current engagement in Afghanistan in the near future. However, irregular warfare and regional instability are likely to remain among the leading threats to transatlantic security in the coming decade. The new NATO Strategic Concept and Lisbon Summit Declaration reaffirm that enhanced cooperation with the EU and other partners is essential to successful implementation of the comprehensive political, civilian, and military approach to crisis management and response. NATO leaders have also agreed to develop a modest civilian capability to interface more effectively with partners in stabilization and reconstruction missions. The revised ISAF strategy may provide guidelines for ensuring better integration of NATO and EU efforts at the outset of future interventions in weak and post-conflict states.

While NATO-EU cooperation in Afghanistan has not provided a template for future engagements, it has advanced the transformation of European armed forces. European governments have been required to restructure their forces to meet expeditionary requirements. Even though they still lag behind U.S. forces in such missions, Europe has the most combat-experienced and capable forces they have fielded in a long time.

Several policy recommendations emerge from this case:

- The EU countries need to expand their commitment to training the Afghan national security forces, particularly the police, and support to the development of the rule of law, in order to ensure the success of the transition plans agreed to at the Lisbon ISAF-Afghanistan Summit.
- Concerted efforts should be undertaken to augment funding and staffing for the EU's crisis response capabilities, including the Civilian Planning and Conduct Capability, and that those capabilities be better integrated with the development of NATO's comprehensive approach and new civilian planning capability to ensure more effective and efficient transatlantic civil-military management of future complex contingencies.
- An EU-NATO security agreement should be concluded to allow for easy exchange of classified information and overcome other operational limitations in the field that are diminishing the security and effectiveness of EU personnel in the field and the success of combined EU-NATO missions. Ad hoc arrangements are no longer adequate.

Given the complexity of the global environment and diverse national interests, common European and American strategic assessments may again prove difficult to attain in various future crises. In such cases, leaders on both sides of the Atlantic should strive to bridge those differences at the outset of a mission by articulating agreed goals and clear divisions of labor.



## EU-U.S. RESPONSE TO THE HAITI EARTHQUAKE: A COMPARATIVE ANALYSIS

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### Introduction

The recorded incidence of major natural disasters has sharply risen in recent decades, and is predicted to continue to grow in both scope and scale over the years to come. A variety of factors may serve to account for this trend, ranging from the effects of global climate change to environmental degradation to increased population growth and rapid urbanization. Many weak and fragile states are particularly vulnerable to such disasters, lacking adequate emergency response capacities, infrastructure and health services. International assistance is therefore crucial to assist these countries during the immediate phase of major disasters as well as in the long-term by focusing on both building resilience and on reconstruction and development.

Europe and the United States play a critical role toward achieving these goals. The EU and its member states together with the U.S. provide almost two thirds of global humanitarian assistance<sup>44</sup> and play a leading role when it comes to disaster relief, both in terms of supporting the UN-system and in terms of providing resources and personnel at disaster sites. At the same time, transatlantic cooperation on disaster relief is haltering with different policies existing on both sides of the Atlantic as well as within the European Union. Given the significance of the EU and the U.S. within the international donor community, the transatlantic partners must seek to cooperate more effectively during major international disasters. Not only would more effective joint handling of disasters reduce the likelihood of transboundary security threats spreading to the North Atlantic basin, but it would also certainly have a positive impact on the transatlantic relationship more generally.

In order to generate recommendations for how to strengthen transatlantic cooperation in the realm of international disaster relief, this paper will study the EU and U.S. responses to the Haiti earthquake in January 2010. This assessment will allow us to identify common challenges and opportunities. The paper proceeds as follows: first we provide a brief overview of EU and U.S. capabilities in the area of international disaster relief, respectively, before discussing their strategic and operational approaches pertaining to the Haiti disaster. We then discuss the key factors deemed important in influencing the patterns of U.S. and EU responses before moving on to presenting future

scenarios for transatlantic cooperation in the area of natural disasters. Finally, we offer some key recommendations for strengthening the transatlantic partnership on disaster response.

## **Introduction to the Haiti Earthquake and the International Response**

Haiti has an extensive history of endemic violence, failed governance, poverty, and devastating natural disasters. For decades, it has ranked as one of the world's poorest countries in almost every category including governance, corruption, standard of living, and life expectancy. Because of the continuous decline in development and investment, Haiti has become highly dependent on foreign aid and security assistance. The UN maintains a peacekeeping force of 9,000 as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH). The Caribbean island state also has a long history of various natural disasters. In 2004 a hurricane struck the northwest part of the country, killing an estimated 3,000 people. And during the 2008 storms, four hurricanes resulted in almost a thousand people being killed and about a million made homeless.

No previous disasters, however, were as destructive as the one in January 2010. On January 12 a massive earthquake struck Port-au-Prince, bringing immense devastation in the already afflicted country. As a result of the first quake and the subsequent aftershocks, poorly constructed buildings in high-risk areas were demolished and critical infrastructure and public services such as electricity, telecommunications, hospitals, schools and government facilities were severely damaged, killing tens of thousands and wounding countless more. In total some 230,000 people are believed to have perished as a result of the earthquake, thus making the earthquake one of the most complex natural disasters to date, even outstripping the wide-spread havoc wreaked by the Asian tsunami in 2004.<sup>45</sup>

The Haitian government declared an emergency situation on January 13, 2010 and requested international assistance. The response to the Haiti disaster from the international community was immediate and reflected the massive scale of destruction. Already after a few days, the aggregated amount of international donations for humanitarian assistance totaled about \$160 million.<sup>46</sup> International search and rescue teams began to arrive at the scene within a few days of the earthquake. The UN played a key role, deploying some additional 3,000 peacekeepers, and in activating its humanitarian machinery.<sup>47</sup> The total donations for long and medium term provided by the international community to Haiti reached over \$9 billion by February 2010.<sup>48</sup>

## **Comparison of U.S. and European Commitments**

This section will illuminate the convergence and divergence of the U.S. and the EU in terms of the nature and importance of their stakes, interests, strategic goals and operational approaches pertaining to the Haiti disaster; what the U.S. and the EU strategic and operational responsibilities were; and how the “burden/responsibilities sharing” between the two evolved. However, as an important backdrop to these discussions, it serves us well to first briefly account for the EU and U.S. capabilities in the area of international disaster relief.



## United States

### *Organizing for disaster relief*

Within the U.S. Agency for International Development (USAID), the chief U.S. agency in charge of international development, the Bureau for Humanitarian Response coordinates the agency's response to overseas emergencies. Additionally, USAID also comprises the Office of U.S. Foreign Disaster Assistance (OFDA) which facilitates and coordinates U.S. emergency response abroad. Besides USAID, the Department of Defense (DoD) also maintains certain responsibilities in foreign disaster relief and response. Its Office of Peacekeeping and Humanitarian Affairs directs DoD's military response to disasters overseas. To improve civil-military cooperation in humanitarian assistance, the Office of Military Affairs (OMA) is located within USAID. Furthermore, each U.S. regional command harbors USAID staff on secondment.<sup>49</sup> Providing response to disasters overseas is becoming a top priority of the U.S. military, documented for instance, in the 2010 Quadrennial Defense Review (QDR 2010).

### *Stakes and interests in Haiti*

The U.S. has traditionally retained certain responsibilities for assisting its trust and commonwealth territories in the Caribbean and the Pacific Ocean with disaster management. This type of bilateral engagement is considered important to the U.S.'s image in the region, both as a sign of commitment to the Western hemisphere and as a signal to the large Haitian community in the U.S. Furthermore, the earthquake also presented the possibility of massive refugee flows to the U.S. mainland—something the U.S. has already experienced in the past. A considerable Haitian population resides in the U.S. with some 420,000 Haitians living there legally and some additional 30,000 to 125,000 illegally.<sup>50</sup> Finally, the U.S. has commercial stakes in the country. It is both the largest exporter of products to Haiti and the major importing country of Haitian products. About 4,500 U.S. citizens were evacuated from Haiti.<sup>51</sup>

### *Strategy*

It was a strategic objective of President Obama to demonstrate U.S. goodwill to the rest of the world.. A swift and forceful U.S. response would transmit a positive image of solidarity by the U.S. and of the Obama administration to the developing world. Furthermore, Obama clearly had domestic gains to make by responding swiftly and effectively to the disaster. His predecessor George W. Bush was widely criticized for his administration's response in the aftermath of Hurricane Katrina and Obama certainly wanted to avoid repeating the same mistake. Furthermore, the fact that China was the first country to land a search-and-rescue team on Haiti may have also served as a catalyst for the U.S. to quickly demonstrate its commitment.

### *Resource commitments*

In the immediate aftermath of the disaster, on January 13, the U.S. Ambassador to Haiti Kenneth H. Merten declared a disaster due to the effects of the earthquake. The same day President Barack Obama pledged to provide assistance to Haiti, saying that "the people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble and to

deliver the humanitarian relief of food, water and medicine that Haitians will need in the coming days.”<sup>52</sup> Secretary of State Hillary Clinton reported that the U.S. would provide military and civilian disaster assistance to affected families.<sup>53</sup> As a result, the United States launched a major civilian and military response to the massive earthquake in Haiti.

The U.S. response to the Haiti disaster was orchestrated by USAID. The U.S. government immediately set up an interagency task force to coordinate and facilitate humanitarian response through the Response Management Team (RMT), headed by USAID and carried out by OFDA.<sup>54</sup> But the military also played a critical role in responding to the disaster, especially in the immediate aftermath of the earthquake, providing security and supplying essentials like medical services and food. In carrying out its humanitarian assistance, the U.S. Southern Command (SOUTHCOM) coordinated its efforts with the State Department and USAID.<sup>55</sup> As of May 2010, the total combined USAID and DoD humanitarian assistance to Haiti amounted to over \$1 billion.<sup>56</sup> However, it has been reported that a large amount of this money has yet to be expended.<sup>57</sup> USAID/OFDA provided an initial \$50,000 through the U.S. Embassy in Port-au-Prince for the implementation of an instant emergency response program.<sup>58</sup> Within twenty-four hours of the earthquake, the U.S. also began deploying SAR teams to Haiti. On January 14, President Obama announced an additional \$100 million in humanitarian assistance to help meet the immediate needs on the ground. Furthermore, USAID declared that it would provide some 14,550 tons of food aid (valued at approximately \$18 million) to assist disaster victims.<sup>59</sup>

The U.S. military, under the Joint Task Force Haiti and commanded by SOUTHCOM, responded quickly to the disaster by launching Operation Unified Response. The first U.S. forces arrived at the scene within 24 hours of the earthquake. At the early stage in the relief efforts, the U.S. military helped to provide security for UN personnel in Haiti, supplied medical services and food to the Haitian people, took over certain critical government functions such as controlling the Port-au-Prince airport, clearing the port, maintaining law and order, and worked to promote a workable environment for the international humanitarian community.

Operation Unified Response included personnel from all the military branches. In the first days after the disaster, the U.S. deployed around 13,000 troops. These troops included some 2,200 Marines. On January 21, 2010, additional troops set out for Haiti to take part in the relief efforts, bringing the total number of U.S. personnel involved to more than 16,000. At one point, the total deployment reached as high as 22,268.<sup>60</sup> By May 8, 2010, only some 1,300 U.S. troops remained in Haiti. SOUTHCOM announced that it had drawn back for the most part by the beginning of June 2010, leaving only some 500 National Guard and Reserve in Haiti to serve as aid workers.<sup>61</sup> Besides the Army, the Air Mobility Command (AMC) provided a range of transport aircraft. In total, 264 military aircrafts were sent to Haiti.<sup>62</sup> The Navy was also heavily involved in Operation Unified Response, deploying 23 ships to assist relief efforts. Additionally, the U.S. Coast Guard provided 10 ships to assist with air-life evacuation of U.S. civilian personnel.<sup>63</sup>

## Europe and the EU

### *Organizing for disaster relief*

During a crisis occurring outside of the EU, the Community Civil Protection Mechanism may be activated to facilitate cooperation in national civil protection assistance interventions in the event of major emergencies, requiring urgent response actions. The Mechanism has a number of tools intended to facilitate both adequate preparedness as well as effective response to disasters.<sup>64</sup> The operational heart of the Mechanism is the Monitoring and Information Centre (MIC), which monitors all disasters worldwide, activates for emergency assistance and coordinates participating states' assistance. Civil protection now falls under DG ECHO's mandate, which is intended to further strengthen the Union's ability to respond immediately to disasters. In October 2010, Kristalina Georgieva, the ECHO Commissioner announced plans to merge the ECHO and the MIC crisis rooms into a 'European Emergency Response Centre' located inside the Commission.<sup>65</sup> A further envisioned change would be that the Center be given access to pre-committed member state capacities on stand-by for EU operations and pre-committed contingency plans. To date, contributions to the Mechanism from the member states are still voluntary.

Following the so-called Petersberg Tasks, European military units have the authority to engage in "humanitarian and rescue tasks", but have not yet been deployed on strictly humanitarian missions, although military personnel and assets of EU member states are increasingly being used in emergency situations.<sup>66</sup> Given the breadth of experience it has in managing relief and post-conflict stabilization measures, the Commission has appointed two representatives to the Civil-Military Cell in order to promote coherence between the planning assumptions of the EC and the CFSP measures.<sup>67</sup>

Finally, the main EU instruments for funding disaster preparedness and response, the Instrument for Stability (IfS) and the Development Cooperation Instrument (DCI), also deserve mentioning. Currently, the overall budget of the IfS amounts to €2.06 billion. The IfS consists of two components. The first is a short-term 'crisis response and preparedness' component, providing rapid and flexible funding to prevent conflict, to support post-conflict political stabilisation and to carry out early recovery after natural disasters whereas the second component is more long-term-oriented and is intended for use in more stable contexts.<sup>68</sup> DCI was initiated in 2007 with a budget allocation of about €2.2 billion. The instrument is divided into three components, all with the aim of providing aid to developing countries in post-crisis situations.<sup>69</sup>

### *Interests and stakes in Haiti*

While Europe's economic ties with Haiti are quite limited, some European countries, particularly France, have historically been heavily involved in the country's affairs. The country became independent from France after an uprising in 1804 and French remains the official language of this Caribbean nation. Furthermore, there were roughly 2,700 EU citizens present in Haiti at the time of the earthquake (including Haitians with dual citizenship). Around 1,600 of those were French citizens. The EU also has interests and stakes in the wider region including preventing narcotics trade.

## *Strategy*

Similar to the U.S., the EU also had an interest in displaying a clear presence in the aftermath of the disaster. The Haiti earthquake was the first major international disaster following the adoption of the Lisbon Treaty in December 2009. The Treaty created the new position of High Representative/Vice President for external policy, to which Baroness Catherine Ashton of the UK was appointed. As the new head of the European External Action Service (EEAS), Ashton was given prime responsibility for the Union's response to Haiti. Critical voices in Brussels and in the European capitals expressed concern over the lack of "EU-visibility" and the need for a faster and stronger "EU-response."<sup>70</sup> The new Foreign Policy High Representative was also criticized for responding too late to the disaster and for not visiting the site personally.

## *Resource commitments*

EU member states offered a range of additional assets to support the Haitian government and MINUSTAH, including a military police protection team (UK), "Siroco" and "Batral" logistic ships with amphibious landing capability (France), two military building installations with first aid medical facilities (France), 109 police officers (France), "Cavour" Aircraft Carrier with enhanced hospital on board, engineering task force, 6 helicopters, and force protection elements plus one military police team and one scuba diver team (Italy).<sup>71</sup> Additionally, some EU member states sent personnel to support the UNDAC teams on Haiti. While some member states' response teams arrived at the scene very quickly—some European teams were even amongst the first international teams to reach Haiti—other member states took several days to mobilize key resources. All in all, EU member states made available over 2,000 troops.

On top of the resources provided by many member states, the EU quickly mobilized its funding mechanisms for humanitarian assistance. On January 14, the EU Commission, through ECHO, provided €3 million in fast-track funds for immediate relief, which is the maximum amount the EU can allocate within 24 hours of an emergency. This funding was used to meet basic needs including shelter and medical assistance and was channeled through international relief organizations. Within a week, the amount of Commission funding for humanitarian assistance had climbed to €30 million, making the total EU support €122 million when factoring in member states' contributions.<sup>72</sup> The total EU financial pledge to Haiti amounted to over €1.2 billion as a part of a long-term reconstruction strategy for Haiti.<sup>73</sup>

Besides providing financial assistance, the EU also quickly activated the civil protection mechanism. Three days after the earthquake, contributions from 17 member states had been coordinated through MIC. Twenty-four European countries (including non EU-members Norway and Iceland) provided assistance through the EU Civil Protection Mechanism. All together, at least 800 EU experts were deployed to Haiti through the Mechanism. To ease coordination, member states were assisted by the set up of a Haiti coordination cell (EUCCO) in Brussels at the Joint Situation Centre (Sit Cen) and in Haiti to facilitate coordination and exchange information about the civil and military resources contributed by the member states. There were also inter-service coordination and interaction activities taking place within the Council Secretariat. Some parts of the EU's Rapid Response Capacity were also used for the first time during the emergency in Haiti.<sup>74</sup>

Three EU Civil Protection teams were sent to Haiti to coordinate European assistance, carry out needs assessments and support the international relief efforts. The third team, “Charlies,” was responsible for achieving coordination between EU military assets and civilian humanitarian efforts. The civil protection assistance provided by the member states included urban SAR teams, medical teams and supplies, shelter and water sanitation.<sup>75</sup> The EU Civil Protection operation was integrated into the overall UN structure, and the EU Civil Protection teams were based at the UN operations center in Haiti.

At the UN’s request, the EU also decided on January 25 to dispatch 260 paramilitary police forces from France, Italy and Spain, drawing mainly on the cooperation within the European Gendarmerie Force (EUROGENDFOR), to assist MINUSTAH. EU Ministers further agreed to provide engineering expertise and a maritime logistical capacity. Evacuation of EU citizens was coordinated by the Spanish Presidency. By January 19, about half of the 2,700 EU nationals in need of evacuation had been brought back to their home countries.

### **Convergence or Divergence of Efforts?**

From the information above we can infer the following. First, the U.S. and EU strategic and operational responsibilities differed widely. While the U.S. swiftly dispatched thousands of troops to assist in restoring order and logistical support, Europe’s immediate assistance sought mainly to provide humanitarian assistance using civil means. Both U.S. and EU leaders called for transatlantic cooperation in the relief efforts. According to Clinton, there needed to be a “coordinated, integrated, international response” while Ashton expressed the EU’s strong desire to “work closely” with the U.S. and UN in Haiti. Joint action on the ground in Port-au-Prince was apparently limited. In terms of long-term development assistance, Europe has played a significant role, taking the lead together with the U.S. at the international donors conference on Haiti held in New York on March 31, 2010. Furthermore, we can see some indicators of burden/responsibilities sharing between the U.S. and the EU. The U.S.’s strong and rapid military capacity allowed it to provide operational assistance in Haiti. Europe’s resources and expertise in the area of humanitarian assistance and reconstruction development made it a major player for the long haul.

### **Key Factors/Variables Influencing the Outcome**

This section analyzes the key factors which influenced the patterns of the U.S. and EU responses to the Haiti earthquake. These include both strategic and operational factors, such as positions of the local stakeholders and the key local conditions of the engagement; internal factors in the U.S. and Europe, such as internal political dynamics; as well as external factors such as the level and the nature of the implication of other global or regional powers, the potential influence of economic issues, etc.

#### **Internal Variables**

First, it is important to consider the organizational contexts at the policy levels. Whereas the U.S. approach to disaster relief can broadly be described as inter-agency, the EU’s approach is inter-institutional and multi-level. As expected, the EU is therefore more fragmented than the U.S. in this policy area. Furthermore, the prompt U.S. action can be credited to the responsiveness of its political

leaders. On the day after the earthquake, President Obama commented on the situation and pledged to provide U.S. assistance. Other top level government representatives, including Secretary of State Hillary Clinton also made commitments along the same lines.

By contrast, responsibilities for responding to international crises in the EU are dispersed among various EU institutions and the 27 member states. A major problem during the Haiti disaster was the apparent lack of political leadership. The new High Representative/Vice President Catherine Ashton did not immediately comment on the event, giving rise to confusion as to who in the EU was in charge. Moreover, tension has historically existed between the Commission's DGs ECHO/Dev and Relex over strategic or operational provisions of emergency assistance during disasters. To strengthen inter-institutional coordination during the Haiti disaster, the EU did set up some new coordination arrangements, which proved helpful.

In the EU, political considerations also include divisions between national and supranational competences. While the member states have traditionally been responsible for handling international relief operations, recent disasters such as the 2004 Indian Ocean Tsunami have highlighted the need for closer EU cooperation and coordination in this area. Recently and in line with the spirit of the Solidarity Clause of the Lisbon Treaty, common and stand-by civilian capacities are slowly being built to be able to enhance the readiness for future internal shocks or external assistance needs. Still, the divisions of judicial and political mandates across the many relevant institutions and between the sovereign member states and the supra-national level remain unresolved.

Another set of organizational considerations in both the U.S. and the EU is civil-military relations at the operational level. Clearly the massive devastation brought about by the Haiti earthquake called for large contingents of both military and civilian relief. A guiding principle when deploying these assets is civil-military coordination. In this area, the U.S. has well-established civil-military links. While the EU also has guidelines and processes for requesting and coordinating the use of military assets in international crises and disasters, some member states are reluctant to employ these assets, taking a more principled stance on humanitarian assistance that favors civil protection mechanisms. Although both the U.S. and European countries have signed the "Oslo Guidelines" for the deployment of military personnel during disasters, there are differences between the U.S. and some EU states as to the interpretation of the "last resort" principle, which states that foreign military assets should be requested only where there is no comparable civilian alternative and where only military assets can meet a crucial humanitarian need.<sup>76</sup>

## **External Variables**

Since the Monroe Doctrine of 1823, the Caribbean has historically been seen as part of a U.S. sphere of influence. In present days, the U.S. retains certain obligations to offer disaster assistance to other neighboring countries in the region. This type of bilateral engagement is considered important to the U.S.'s image in the region, both as a sign of commitment to the Western hemisphere and as a signal to the large Haitian community in the U.S. Thousands of refugees have previously left for the U.S. from Haiti. This record certainly played a role in explaining why the U.S. administration acted with unprecedented force and speed.

Another important external factor is the lack of local capacities in Haiti to respond to the disaster. Already the poorest country in the Western Hemisphere, Haiti has extremely low employment figures



and relies heavily on remittances as a primary source of foreign exchange, constituting of nearly a quarter of the country's total GDP. Haiti's infrastructure remains very weak, particularly at the local level, and it proved unable to respond adequately to the earthquake. Lacking its own army and a viable police force, Haiti is also highly reliant on external provisions of security. Finally, Haiti's dependence on the U.S. and the EU is accentuated by its relative isolation in the region. These local factors in combination with the magnitude of the devastation wrought by the earthquake made swift international assistance critical.

Lastly, we can note the importance of effective coordination with the international donor community. The massive relief efforts and the large number of humanitarian actors involved required effective coordination to the response. To promote coordination during the Haiti disaster, a cluster system, organizing the response through 12 clusters and 2 sub-clusters, was introduced. As a result, the humanitarian community was provided support from OCHA on inter-cluster coordination, information management and analysis, mapping, civil-military liaison, donor coordination, advocacy and media outreach. Efforts were also undertaken to ensure strategic coordination from the set up of the Coordination Support Committee (CSC), bringing together the government, MINUSTAH, donors and the humanitarian community, and representatives of the U.S. military.<sup>77</sup>

## Scenarios

Based on a conceptual framework of six different “security spheres”, we can derive several plausible scenarios for transatlantic cooperation in the area of natural disasters. According to this framework, there are three security domains: the *domestic sphere*, the *international sphere*, and the *intermestic sphere* located between these two. Concurrently, in each of these three spheres the U.S. and EU face three sets of objectives: “state security,” “societal security,” and “human safety.” State security refers to the upholding of critical government functions, such as providing for national security, and maintaining law and order. Societal security, which may be described as the level situated between state security and human safety, refers to efforts aimed at enhancing societal “resilience”, and could include building effective crisis management capacities and capabilities for governance. Finally, human safety has to do with satisfying the immediate needs of people, such as safeguarding and saving human lives in the event of disasters.

In *domestic* natural disasters, that is disasters occurring within the United States or in Europe, the *state security* objective has primarily to do with maintaining law and order—a task that could also include the military. Governments also have to ensure *societal security* through ensuring robust crisis management capacity and the functionality of critical infrastructures. When a disaster strikes in the country, a central *human safety* objective is to quickly activate first responders, such as rescue services and public health services. National capacities in the U.S. and the EU for these three objectives are generally quite adequate, although far from perfect as illustrated by Hurricane Katrina. Demand for transatlantic cooperation during domestic disasters is likely to be less intense than in the international sphere, albeit still potentially relevant. One example of a domestic disaster triggering transatlantic assistance is Hurricane Katrina during which several European countries offered various forms of in-kind assistance to U.S. authorities.<sup>78</sup> A possible scenario could include a severe natural disaster

occurring in Europe or in North America, exhausting domestic capacities and requiring additional resources from the Atlantic partners.

An additional domain is the *intermestic sphere*, located between and spanning across the international and domestic spheres. The convergence of the international and domestic spheres is especially prevalent in Europe, where, as a result of a process of European integration, individual member states today are highly interdependent. While this high level of mutual interdependence brings many obvious advantages, it also means that when a crisis occurs in one member state, it can easily spill over into another member state. To handle such “transboundary” disasters, European countries have to build capacities in advance to be able to assist one another in acute situations.

The *state security* objective has to do with upholding the core functions of a sovereign state also under severe external or internal pressures. The *societal security* objective concerns critical infrastructures and fundamental values that encompass the open and free societies of the EU. In this regard, the “Solidarity Clause” (Article 222) of the Lisbon Treaty will become an important tool in mobilizing collective support in future crises across Europe. Member states should also work jointly through the EU to ensure *human safety* through civil protection and mutual disaster assistance.

Although characteristically an EU domain, the *intermestic sphere* could also have transatlantic relevance. This is because a more coherent EU policy for embedded societal security would have implications for the security of the United States. Hence, the crafting of multilateral EU-U.S. partnerships in the many complex working areas of societal security would be prudent. The aim could be to transform the existing Atlantic alliance for state security into a Euro-Atlantic community for societal security and human safety. The EU would here be a more appropriate partner for the U.S. than existing NATO structures.

When it comes to natural disasters occurring in the *international sphere*, international assistance is crucial, especially in fragile and resource poor countries. Often there is very little local capacity in terms of emergency response capacities, infrastructure, health services, etc. Disasters may also strike a politically sensitive area, thus making the role of the international assistance much more ambiguous. For example, during the 2004 Indian Ocean Tsunami, which struck several littoral countries, international assistance efforts in Myanmar (Burma) were severely hampered due to the reluctance of that country’s government to welcome such assistance. In severe international disasters, the U.S. and EU play key roles in all of the three objectives.

The *state security* objective of the U.S. and EU may be to contribute with defense capabilities. Military resources may also be used for the *societal security* objective of strengthening international crisis management capacity. Ensuring democratic governance, functioning critical infrastructures and building resilience —vital elements of the societal security objective in the international sphere —is an area where the EU holds a comparative advantage vis-à-vis the U.S. Both the U.S. and the EU, however, should contribute to *human safety* through offering international humanitarian assistance, working together and through the UN system. When providing assistance to politically sensitive settings, EU and U.S. efforts may have to be channeled through local organizations in order to be effective. The EU has an established record of working through non-governmental relief organizations, an approach that seems fitting in many parts of the world.



## Lessons of the Haiti Disaster for the Wider EU/U.S. Security Relationship

The United States and Europe have a long tradition of cooperating around traditional national security matters. A growing area of transatlantic cooperation over the next decades will be international crisis management and disaster relief for societal security. The blurring of external and internal security makes it ever more important for the U.S. and Europe to work together toward abating complex emergencies in various types of societies inside the North Atlantic Basin as well as in other parts of the globe. Inadequate handling of severe natural or man-made emergencies in failed and/or post-conflict states could easily spill over into affecting societal security in the trans-Atlantic arena in the forms massive refugee flows, the spread of infectious diseases, or environmental collapse. All of this havoc would be highly dramatized 24/7 on our local news broadcasts, affecting political debate and public sentiments.

Therefore it is pivotal that the EU and the U.S.:

First, consider developing more pre-established agreements built around “lead partner” criteria for different parts of the world. Recognizing that it is impossible to be ‘anywhere, anytime’, the EU and the U.S. should agree that the U.S. should take a lead in disasters occurring in the Caribbean and Latin America due to its geographical proximity to North America, whereas Europe could assume a leading role in the Balkans and the Mediterranean. Conversely, the transatlantic partners might also reach a burden-sharing agreement whereby the EU would focus on providing civilian assets and long-term reconstruction assistance while the U.S. prioritizes military and rapid response.

Second, explore efforts to link the continental Operation Centers in Washington and Brussels through regular exchanges of situation awareness reports and through interactive training workshops and joint training exercises. Additionally, efforts aimed at exchanging experiences and lessons learned should be explored.

Third, establishing protocols directly between the U.S. and EU Commission, rather than with member states, should be considered to signal U.S. support for EU coordination. While bilateral agreements with individual EU member states remain important, multilateral U.S.-EU agreements is preferred as it would help with limiting policy divergences, both within Europe and between the EU and the U.S. To this end, transatlantic working teams should be established to prepare for common outlooks among relevant officials.

Fourth, the strategic dialogue between USAID and DG ECHO should be expanded to also include other relevant institutions for emergency relief and preparedness, including the U.S. Department of State and the European Commission DG for Development and the new External Action Service.

Fifth, enhancing coordination between the strategic and operational levels of the response should be considered. In particular, ways of strengthening the role of NATO in international disaster relief should be explored. This could, for instance, include revisiting NATO’s policy on “Enhanced Practical Cooperation in the Field of International Disaster Relief”, which includes two main components: the Euro-Atlantic Disaster Response Coordination Centre (EADRCC), a “24/7” coordination center for disaster relief efforts among NATO member and its partner countries located at NATO headquarters in Brussels; and the Euro-Atlantic Disaster Response Unit (EADRU), a “non-standing, multi-national

mix of national civil and military elements” drawn from EAPC countries and deployable in the event of large-scale disasters.<sup>79</sup>

Finally, the U.S.-EU Summits could be used to frame the overall approach to this effort in the societal security area, as has been done already in other policy sectors of mutual concern. An initiative could be taken to begin the work on a wider approach to transatlantic security than the presently prevailing focus on state security concerns. Building societal security through investments in shared resilience could be an appropriate way forward. It would also not be wrong to announce a Declaration on Transatlantic Solidarity, as a parallel to the Solidarity Clause of the Lisbon Treaty.



## THE FIGHT AGAINST PIRACY OFF SOMALIA: A CONSENSUAL BUT ASYMMETRIC ENGAGEMENT

Philippe Gros, *Researcher, FRS*

### Main Features of Piracy off Somalia

#### Powerful Pirate Networks Sharply Increased Their Actions since 2008

The recent renewal of piracy and the threat it represents for the sea lines of communication, vital for global commerce, create a real strategic challenge for the international community. While the struggle against piracy is a concern of nearly all major and various regional powers, the transatlantic partnership plays a leading role in addressing this challenge.

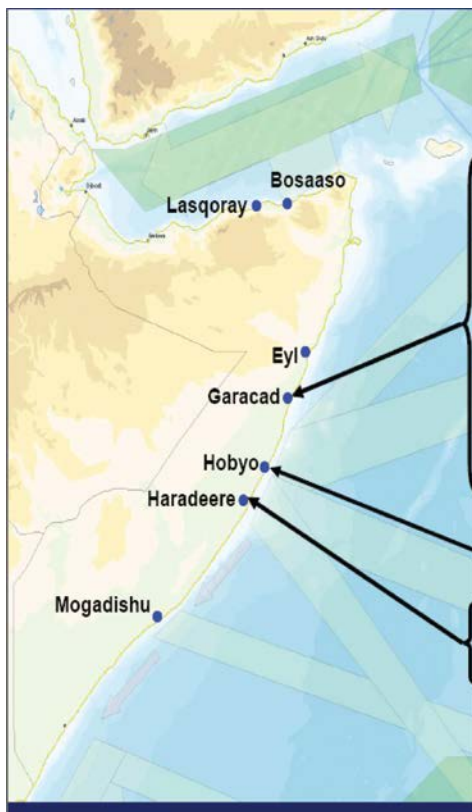
While piracy has been quasi eradicated in the Malacca Strait,<sup>80</sup> it has exploded since 2008 in the waters off Somalia, the Gulf of Aden (GoA) and throughout the Indian Ocean.<sup>81</sup>

Pirates operate from the coastal villages of Somalia between spring and fall of the year (between the Monsoon periods). While piracy may have stemmed initially from a range of complex factors including poverty and the grievances of the local population against “illegal” foreign shipping, it became the business of criminal networks increasingly structured, powerful and well equipped since 2004.

The oldest piracy cartel operates from Haradeere and Hobyo in the southern Mudug region, but many smaller groups are now spread out along the coast from Bossasso to Kismayo with the most important ones operating from Puntland coast, notably in Garacad.<sup>82,83</sup> A UN report outlines the difference between these networks: “*In contrast with central Somalia, where piracy may be accurately described as a product of statelessness and warlordism* [The Transitional Federal Government (TFG) at Mogadishu, recognized by international community, has a very limited authority], *in north-eastern Somalia it benefits from the patronage and protection of State institutions.*”<sup>84</sup> The latter is estimated to turn 30 percent of collected ransom to his supporting Puntland authorities. Conversely, the more repressive posture of Somaliland would explain the absence of pirates along its coasts.

Pirates are reportedly well integrated in and supported by their local community whatever the size and organization of the gang.<sup>85</sup> They use to share ransoms between their sponsors and the supporting ground militia with the local community.<sup>86</sup>

## EU NAVFOR Intelligence Update: Vessels Held



VESSEL	FLAG / OWNER / OPERATOR	CREW	PIRATED
Crew of Lynn Rival	GBR	2	23 OCT 09
MV Asian Glory	GBR / VGB / KOR	25	01 JAN 10
MV Al Nisr Al Saudi	SAU / SAU / SGP	14	01 MAR 10
MV Frigia	MAL / TUR / TUR	21	23 MAR 10
FV Jih Chun Tsai Nr.68	TWN / TWN / TWN	14	31 MAR 10
FVs Prantalay 11/12/14	THA / THA / THA	77	18 APR 10
MV VOC Daisy	PAN / LBR / USA	21	21 APR 10
FV Tai Yuan 227	TWN / TWN / TWN	28	06 MAY 10
MV Marida Marguerite	MHL / GER / GER	22	08 MAY 10
MV Eleni P	LIB / LIB / GRE	23	11MAY 10
MV Panega	BLG / BLG / BLG	15	11 MAY 10
MV Iceberg 1	PAN / PAN / ARE	24	28 MAR 10
MV Samho Dream	MHL / MHL / KOR	24	04 APR 10
FV Sakoba	KEN / KEN / ESP	16	03 MAR 10
MV UBT Ocean	MHL / NOR / SGP	21	05 MAR 10
MV RAK Afrikana	VCT / SYC / ARE	26	11 APR 10

**17 vessels under pirate control - 373 hostages held**

Source: Cdr Rune Bratland / Royal Norwegian Navy, Counter-Piracy Operations, Operations Headquarters EUNAVFOR ATALANTA, 10 Jun 2010 [[http://www.rederiforeningen.no/publish\\_files/2\\_BRATLAND\\_Operativ\\_oppdatering\\_av\\_situasjonen.pdf](http://www.rederiforeningen.no/publish_files/2_BRATLAND_Operativ_oppdatering_av_situasjonen.pdf)].

### A Significant Real but Limited Economic Cost

An driving factor in the development of piracy is the perspective of easy gain. The ships, either belonging to the World Food Program, attacked from 2005, or the commercial ones, have a limited crew and are not well defended. Moreover, most companies prefer to negotiate a settlement with pirates to free the crew, the boat, and its load.<sup>87</sup> In 2008, it is estimated that the ransom paid by the ship owners yielded between \$30 million and \$150 million to pirates.<sup>88</sup>

Moreover, piracy has caused insurance premiums, rise sharply, from \$500 per transit in 2007 to \$20,000 in 2008. With 20,000 ships transiting through the Gulf of Aden, the total cost amounts to about \$400 million.<sup>89</sup> Defense measures such as security guards and deterrence devices cost about \$ 80-90,000 per transit.<sup>90</sup> Re-routing the traffic through the Cape of Good Hope is not considered a viable option as it would cost ship owners billions of dollars<sup>91</sup> and would worsen the economic situation of Egypt.

There is no question that piracy has led to additional costs that can not be dismissed. Nevertheless, it is important to note that around 23,000 ships pass the GoA per year with 100 to 150 of them transiting at any given time,<sup>92</sup> meaning that pirate activities take 0.2 percent of total traffic per year. Thus, current piracy activities do not yet threaten closure of the sea lines of communication or vital national economic interests.

### **A Complex Relationship between Pirates and Militant Groups**

Relations between local militant groups, notably Al Shabab, and pirate networks are complex. Many observers believe there is no credible evidence of cooperation between these actors who belong to separate clans. Moreover, the Union of Islamic Courts (UIC) which had been toppled by Ethiopian forces in 2007, declared piracy contrary to Islam and has repressed it.<sup>93</sup>

Nevertheless, the more pragmatic issue of access to resources, according to some well-informed sources, may lead pirates and militants to some degree of cooperation: Al Shabab takes benefit from the money obtained by pirates and provide them with some support. One risk of this cooperation is to see some hijacked sailors “transferred” to militant groups as hostages. Other experts point out that terrorists could use the same hijacking tactics as pirates use, but with far more lethal outcomes.<sup>94</sup> The same competition for resources may eventually result in confrontation, as the control of the ports and the transiting flows of goods represent a major stake for local powerbrokers. In May 2010, pirates were threatened by Hizbul Islam militants and evacuated the Haradhere port, themselves driven off of Kismayo port by Al Shabab. A militant spokesman justified the move by the need to suppress anti-Islamic piracy, but also by recent pirate actions which disrupted the traffic of Indian dhows.<sup>95</sup> These boats are used to export goods in some Somali ports before being taxed by militants, while sometimes being hijacked by pirates who use them temporarily as mother-ships.

## **Increasing Commitment of Naval Forces Led by Europe and the United States**

### **A Wide Political Consensus to Deal with Piracy**

One of the most important issues in the struggle against piracy is the constraining political and legal framework. For example, in order to elude the maneuver of coalition warships chasing them, Somali pirates used to take benefit from the 12-mile strip of the territorial sea, which is under the sole sovereign control of the nation under the United Nations Convention on the Law of the Sea (UNCLOS) and the Montego Bay Convention of 1982.

The United Nations Security Council therefore issued in 2008, at the call of the IMO, a series of resolutions under chapter VII of the Charter with the support of the Somali TFG.<sup>96</sup>

UNSCR 1814	May 15, 2008	Requested States and regional organizations to escort WFP ships
UNSCR 1816	June 2, 2008	Allowed international forces to operate within Somali territorial sea for six months
UNSCR 1838	October 7, 2008	Requested urgently that States take part in the fight against piracy
UNSCR 1846	December 2, 2008	Extended UNSCR 1816 for 12 months
UNSCR 1851	December 21, 2008	Allowed to wage ground operations in Somalia and engaged the international community to establish a mechanism of coordination

Source: Philippe Gros.

At the political level, and pursuant to UNSCR 1851, stakeholders established a Contact Group on Piracy off the Coast of Somalia (CGPCS) on January 14, 2009 “to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia.”<sup>97</sup> Its working groups manage all the issues related to piracy:

1. Military and Operational Coordination, Information Sharing, and Capacity Building, led by the UK ;
2. Judicial Issues, led by Denmark;
3. Strengthening Shipping Self-Awareness and Other Capabilities, led by the U.S.; and
4. Public Information, led by Egypt.

At the regional level, at the initiative of the IMO, all the African and Arabian coastal countries of the Indian Ocean agreed at Djibouti in January 2009 on a code of conduct (named “Djibouti Code of conduct”) to fight against piracy and to create regional coordination and information sharing mechanisms.<sup>98</sup> This agreement is based on the model of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), which has been instrumental in suppressing piracy in the Malacca Strait.

### **A Strong Naval Deployment with EU, NATO, and U.S. Pillars**

Until 2008, a limited number of naval assets operated in the area on national tasking or within the Combined Task Force (CTF)-150, established by U.S. Naval Forces Central Command (USNAVCENT) since February 2002 as a part of Operation Enduring Freedom, to execute counter-terrorism and maritime security operations.<sup>99</sup> From 2007 onward, they were increasingly involved in the prevention of pirate attacks on commercial ships transiting through GoA and the escort of the boats shipping aid of the World Food Program from Mombassa to Mogadishu.<sup>100</sup>

Within a few months, the naval deployments dedicated to counter piracy were expanded considerably:

- The largest counter-piracy's force in the area is now the European naval force (EU-NAVFOR) or TF 465. It carries out Operation Atalanta<sup>101</sup> approved in November 2008 by the European Union Council and expanded in June 2010 until December 2012. Its mission is to “provide protection for vessels chartered by the WFP; [...] for merchant vessels; and employ 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 they are present.”<sup>102</sup> Atalanta is under the operational command of Major General Buster Howes (UK), the Operational Headquarters (OHQ) being located at Northwood. The Force Commander at sea changes every 4 months. The size of the TF 465 may reach ten combatant and supporting ships at one time. It also includes 3 to 5 maritime patrol aircraft.
- The Combined Maritime Force established in January 2009 as a multi-national naval partnership to promote regional stability and security, now oversees CTF-150, as well as a new CTF-151, which deals specifically with counter-piracy, and CTF-152, which supports security and cooperation in the Arabian Gulf. U.S. Vice Admiral William Gortney, CMF commander, explained that “Some navies in [CTF-150] did not have the authority to conduct counter-piracy missions.”<sup>103</sup> CTF-151 is composed of 3 to 5 warships. Its command rotates between coalition participants.
- NATO is also involved in counter-piracy activities. The 2 Standing NATO Maritime Groups (SNMG) executed two short term operations in 2008, before EU involvement. The NATO presence became permanent with Operation *Ocean Shield*, launched by the North Atlantic Council on 17 August 2009 and which will continue until December 2012.<sup>104</sup> *Ocean Shield* is under the responsibility of the JFC (Joint Force Command) Lisbon and under tactical control of Allied Maritime Component Command (CC-Mar), based at Northwood, UK. The deployed SNMG forms the TF 508 and typically comprises 4-5 frigates.<sup>105</sup>
- Finally, many naval units from many other countries including Malaysia, Russia, China, and India rushed into the area to participate in the counter-piracy operations. Western militaries also have national task forces in the region.

On the whole, the deployment of naval forces dedicated, either totally or partially to counter-piracy operations, may reach more than 30 warships at one time, consisting mainly of destroyers, frigates, corvettes, and amphibious ships as well as about 10 maritime patrol aircraft and some other surveillance assets such as unmanned aerial vehicles.<sup>106</sup> Moreover, many countries had formally deployed security teams aboard their national fishing, WFP or merchant ships.

The operational strategy followed by the international military forces is twofold:

- In the GoA, naval forces patrol, escort ships and exert a deterrent presence. These operations are defensive. CMF established in August 2008 a Maritime Security Patrol Area, complemented in 2009 by an Internationally Recommended Transit Corridor (IRTC) for merchant vessels. “*The aim is to deliver military response to a piracy attack in IRTC within 30 minutes.*”<sup>107</sup> Escort missions are either performed within IRTC through pre-assigned boxes (most EU, NATO or CMF ships), or outside IRTC as performed by several nationally-tasked ships, which is less efficient;



- In the Somali Basin, the naval forces are “*intended to identify and suppress pirate activity.*”<sup>108</sup> These disruption operations are more intelligence-driven and “offensive” in nature. Conversely, civilian ships are not escorted and must thwart aggression themselves. Some intelligence-surveillance and reconnaissance (ISR) assets monitor the Somali coast and a half dozen combat ships in the high seas intercept potential pirate skiffs for investigation. Other ISR assets are used for broader surveillance of the Indian Ocean as pirates expand their area of operations.

All these forces are de-conflicted through the *Shared Awareness and Deconfliction* (SHADE) staff-level meetings held on a monthly basis at Bahrain by CMF and chaired alternatively by CMF, EU-NAVFOR, and NATO.<sup>109</sup> Participating countries share information, offer their capabilities and arrange for patrol slots within the IRTC and other operations.<sup>110</sup> China and India were also increasingly involved in this mechanism.<sup>111</sup>

Coordination between the military forces and civilian shipping entities (World Food Programme (WFP) fishers, ship owners, insurance, etc.), is broadly managed by the CGPCS working group 3, as well as by several other organizations: the EU-led Maritime Security Center Horn of Africa (MSCHOA) established at Northwood with the launch of *Atalanta*,<sup>112</sup> the NATO Shipping Center,<sup>113</sup> and the UK Maritime Trade Operations (UKMTO).<sup>114</sup> These structures are intended to maintain a comprehensive picture of maritime traffic, to report incidents, to disseminate best practices for navigation in this area, to dissuade attacks, and to facilitate the sharing of all relevant information.

## **EU and U.S. Also Pivotal to Implement a Comprehensive Approach toward Somalia**

This naval deployment is supposed to be integrated within the so-called “comprehensive approach” to the much larger issues related to the situation in Somalia, including: regional stability, development, or the fight against terrorism. The UN, EU, U.S. and UK are engaged, in cooperation with countries in the region, notably Ethiopia and Uganda, in a broad range of programs focused on the building of the security sector institutions of TFG, as well as economic development.

Since 2007 the African Union maintains the AMISOM (African Union Mission in Somalia), an 8,000-strong peacekeeping force. The EU has already pledged more than €100 million to support AMISON.<sup>115</sup> The U.S. pledged nearly \$350 million over the 2009-2010 period but administration requests for 2011 have decreased to \$53 million.<sup>116</sup>

The EU Commission committed another €215.4 million for development aid through the European Development Fund for the period 2008 to 2013. The U.S. has pledged around \$30 million per year through such programs as Economic Support Funds (for governance and reconciliation) and other ones for health and more recently economic growth.

For security sector “reform”, the EU also pledged €43 million to support the UNDP Rule of Law program mainly responsible for police training and launched a new mission (EUTM Somalia) in April to complement this effort. The main regional supporter of this initiative for police training is Uganda. The U.S. seems to be more focused on the building of national security agencies. Ethiopia focuses on the training of military capabilities and the UK on immigration and intelligence elements.<sup>117</sup>

## EU and U.S. Political Commitments Are Asymmetric

### The Struggle against Piracy: An “Ideal” EU Commitment

In relative terms, piracy is an important issue for the EU as there is clearly a direct stake for European economy in combating it. The U.S. Department of Transportation observed that “Over 80 percent of international maritime trade moving through the Gulf of Aden is with Europe.”<sup>118</sup> Besides, the most important container companies are European ones. The first three companies, APM Maersk (Denmark), MSC-Mediterranean Shipping Co (Swiss) and CMA-CGM Group (France) and the fifth one, Hapag-Lloyd (Germany) own about one-third of shipboard capacity out of the first twenty container companies.<sup>119</sup> The European-owned merchant fleet is more than ten times the size of the U.S. one (in terms of deadweight tonnage), the prominent part of the former being owned by Greece and Germany.<sup>120</sup>

But commercial interests do not completely explain the EU engagement.<sup>121</sup> EU members indeed could have decided to support a NATO operation, given the Alliance experience in terms of naval operations. *Atalanta* is mainly due to France’s initiative, as it chaired the EU Council rotating presidency during the second half of 2008, supported by Spain and Greece. French President Sarkozy did see the opportunity to promote and expand the Common Security and Defense Policy, which is a long-standing goal of French foreign policy. A few months earlier, France and Spain initiated UNSCR 1816. France leveraged its partnership with Germany once again, which is often the key to advancing the EU security agenda. The German Navy was already deployed within CTF-150 partnering with the French (French-German Naval Force) and with EUMARFOR, outside of NATO. After an important debate on the legal framework, the German government agreed on *Atalanta*.

The EU agreement to launch *Atalanta* was decisively obtained when the UK decided to support it. Initially, London was reluctant, preferring a more robust NATO engagement in coordination with the EU. But NATO structures were already overstretched with other commitments, particularly in the Balkans and Afghanistan. Moreover, while defending this position, the British were rather isolated, giving up the initiative to other European countries for a maritime engagement, its traditional area of expertise. Finally, EU members were inclined to give the operational command of *Atalanta* to UK OHQ at Northwood, as German and French OHQs were respectively dealing with EUFOR RD Congo and EUFOR RCA Tchad.<sup>122</sup>

One key rationale of the EU engagement is that the struggle against piracy seems to fit perfectly the approach to international security operations of the most reluctant EU members, including Germany. As Lars Erselv Andersen put it from a Danish perspective “As opposed to the war effort in Iraq and to some extent, in Afghanistan, the war against pirates is seems to be politically uncontroversial, as pirates are universally regarded as bandits of sea [...]” The operation is backed by UNSCRs, enjoys a very large political consensus “This is therefore seen as international, legitimate and legal military operations.”<sup>123</sup> for politicians, military and strongly supported Danish ship owners. *Atalanta* is clearly an opportunity for a positive commitment. On the eve of German first deployment for *Atalanta*, Defense Minister Franz Josef Jung said that “the anti-piracy mission has ‘the most robust mandate we have ever had.’”<sup>124</sup> Contributing to reinforce this uncontroversial commitment, its humanitarian achievement is usually put at the forefront of the engagement by officials.<sup>125</sup> As the German Navy

spokesman explained “*The main job is to give a safe way to the ships of the World Food Program from and to Somalia [...]. Another responsibility is the protection of commercial vessels against pirates. But that comes second in the ranking.*”<sup>126</sup>

The political acceptability of this engagement also explains the commitment of NATO. NATO’s operation *Ocean Shield* has complemented or as some contend competed with the EU mission, creating a kind of “maritime beauty contest” between both institutions.<sup>127</sup>

## **Stakes and Interests Are Less Critical for the United States**

The stakes of piracy seem to be not the same in the United States. The Bush administration developed a U.S. national strategy to deal with Somali Piracy in December 2008. The document, entitled *Countering Piracy off the Horn of Africa–Partnership Action Plan*, called for global partnership and supported all the initiatives briefly explained above. Interestingly, it emphasizes that “*the U.S. objective is to repress this piracy as effectively as possible in the interests of the global economy, freedom of navigation, Somalia, and the regional states.*”<sup>128</sup> The document does not identify any direct and specific U.S. interests at stake by piracy. Since then, Secretary Clinton re-emphasized the U.S. commitment and announced some diplomatic and regional engagement initiatives.<sup>129</sup> Nevertheless, the 2010 National Security Strategy does not even mention Somali piracy once. Simply said, it seems that for the U.S., piracy is one concern, among others, associated with the issue of accessing and controlling the “*global commons*” vital for the globalization.

The U.S. would have certainly preferred a more robust commitment of NATO rather than *Atalanta*. But, as the EU operation is under Northwood command, the current situation does not seem to be an issue for Washington.

This relative asymmetry of interests is reflected at the operational level. While U.S. effort is more important than any other nations in this area due to their overwhelming naval capabilities, it spreads along several lines of efforts, including counter-terrorism and security cooperation and is less focused on the struggle against piracy than the European one. As Jonathan Stevenson, a professor at the U.S. Naval College pointed out, “*most naval commanders do not consider the containment of the piracy problem a central military task, seeing it as a distraction from core counterterrorism, counterproliferation, deterrence and war-fighting missions.*”<sup>130</sup> For example, Admiral Mark Fitzgerald, commander of U.S. Naval Forces, Europe and Africa, complained that “*We could put a World War Two fleet of ships out there and we still wouldn't be able to cover the whole ocean.*”<sup>131</sup> The U.S. therefore welcomes this kind of burden sharing, which provides a text book illustration of the *Global Maritime Partnership* (GMP) concept, a cornerstone of current U.S. maritime strategy,<sup>132</sup> as stated recently by Vice Admiral Gortney, head of CMF.<sup>133</sup>

	2007	2008	2009	2010 (until Sept)
Number of Attacks	44	110	217	164
Vessels hijacked		43	47	37
Rate of successful attacks		39 %	22 %	22 %
Crew personnel detained		815	867	As of 11 October, 389

Source: IMB data quoted by Nicolas Gros-Verheyde, «Bilan des opérations anti-piraterie (EUNAVFOR Atalanta, CTF, Otan, Russie). Exclusif», *Bruxelles2 blog*, [<http://www.bruxelles2.eu/bilan-des-operations-anti-piraterie-eunavfor-atalanta-ctf-otan-russie-exclusif>] and United Nations Security Council *Report of the Secretary-General pursuant to Security Council resolution 1897 (2009)*, S-2010-556, 27 October 2010, 2.

## The Current Naval Commitment Achieved Limited Effects

### Real and Nondecisive Effects of the International Commitment

The intermediate result of this important international commitment is so far mitigated. The most important achievements are the successful escort of the WFP ships, not one of them being attacked since 2008, and the sharp reduction in the rate of successful pirate attacks, notably in the GoA. Today a ship transiting through the IRTC has a low risk of being hijacked. Instrumental to this result is the combination of the escort by naval forces and the implementation of a range of best practices by maritime vessels, including transit at maximum speed, the use of dissuasive devices and the security teams. CGPCS Working Group 3 chaired by the U.S. developed a Best Management Practices document, implemented on a voluntary basis by at least 18 transportation administrations.<sup>134</sup>



- Secondly, several national legal frameworks strictly limit the ability of their national armed forces to execute judiciary operations and/or do not allow them to prosecute pirates without a clear national involvement.<sup>137</sup>
- The various nationalities of ship owners, registrations and crews further complicate prosecution.

It results in a great variety of situations in the handling of PUC, but nearly all of them are handed over by naval forces to local states, notably Kenya, which signed an agreement with the EU, Sechelles, Puntland, Somaliland, and Yemen.<sup>138</sup> After a crisis with Kenya, in April 2009,<sup>139</sup> UN Office on Drugs and Crimes (UNODC) launched a comprehensive Counter-Piracy Program to expand rapidly the police and justice capabilities of these regional actors,<sup>140</sup> mainly funded by the European Commission, and supported by the U.S., Canada and Australia, and through a trust fund established by the CGPCS.<sup>141</sup>

Due to these factors, the rate of prosecution of pirates remains very poor. According to an informal count from April 2008 to August 2010, 1,162 pirates have been arrested by naval forces (542 executed by *Atalanta*) with only 493 having been prosecuted (UN reported 528 prosecutions later). It means an average rate of 42 percent, which jumps to 70 percent when arrests are performed by nationally-tasked assets.<sup>142</sup> Hundreds are released due to the lack of evidence and the inability to find a judicial structure to handle them. CGPCS working group as well as UNSC<sup>143</sup> continue to discuss the best legal framework to deal with this issue without clear consensus.<sup>144</sup>

## The Range of Possible Futures and the Impact on Transatlantic Partnership

The following prospective exercise is of course not a forecast, but rather a way to consider the range of possible futures. The methodology starts with the identification of the alternative strategic options currently considered in the literature. A second step is to identify some key assumptions and variable factors which could affect the commitment of EU members and the U.S. in the struggle against piracy. The third step is to combine them into plausible scenarios and to draw up some thoughts on their consequence on the transatlantic partnership.

### Alternative Options

Nearly all experts and officials explain that the current naval operations to counter piracy while necessary cannot be the decisive solution. Few observers raised doubts on the success of the complementing TFG capacity building effort.

Many of them consider other strategic options to the current one.<sup>145</sup>

- **The emphasis on self-protection of civilian vessels.** This option would limit the naval force commitments and let the ship owners assume a greater responsibility of the protection of their vessels, notably through the employment of private security companies. This option is advocated by many U.S. Commanders including Vice Admiral Gortney and General Petraeus.<sup>146</sup> An increasing number of ship owners (i.e. on U.S. or Spanish vessels) have already turned to this solution. Nevertheless, some associations point to the risk of escalation, the issue of the control



over these firms or their lack of further capabilities if a situation were to get worse. Ambassador Chantal Poiret explains that most ship owners and states participating in the CPGCS working groups tend to prefer the use national military detachments rather than private security firms.<sup>147</sup>

- **Constabulary operations within Somali waters.** Advocates of such options argue that military capabilities are not well suited from an operational and legal standpoint and are currently wasted in this effort. A law enforcement approach, implemented by some kind of international collection of coast guards in Somali waters, would be more relevant.<sup>148</sup> Nevertheless, this option would not be decisive and require extensive capabilities to cover all the Somali coastal areas of interest.
- **Counter-piracy ashore.** This option would be to wage ground operations, either military raids to destroy pirate assets, or long-lasting law enforcement operations. The first one would offer tremendous and direct effects to disrupting piracy operations.<sup>149</sup> The U.S.-initiated UNSCR 1851 permits such approaches. But Secretary Gates expressed strong reservations on the ability of U.S. military to undertake such operations.<sup>150</sup> In reality, no one western decision-maker seems to consider seriously a direct engagement of its troops in what could become another fiasco like previous interventions in Somalia. Nevertheless, it seems that many countries have called for more active measures.<sup>151</sup>
- **Regional capacity building for maritime security.** Rand analyst, Peter Chalk, argues that the U.S. should leverage the states involved in the Djibouti Code of Conduct, support their security forces as well as Somali ones through a rapid security cooperation mechanism while alleviating local grievances, which constitutes the root of piracy.<sup>152</sup> But as Lesley Anne Warner points out, “*it is impossible to disaggregate Somalia’s problems, whether on land or at sea, from other conflicts in the region, such as the proxy war often fought on Somali soil between Ethiopia and Eritrea, and Ethiopia’s internal security concerns in the Ogaden region [...] it might be advisable therefore to exclude [Ethiopia and Eritrea] from efforts to build capacity specifically to address instability there.*”<sup>153</sup>
- **Local sub-state capacity building.** Some experts argue that such agreements as the Djibouti Code of Conduct, contrary to the RECAAP in south-east Asia, would fail due to the weakness of TFG.<sup>154</sup> The solution would be to build on engagement already undertaken by international actors with the local “institutions”, notably Puntland. Stig Harlen explains that “*Local entities such as Somaliland have so far been the most efficient durable onshore remedy against piracy outside Somalia. Supporting existing local institutions would not require a large military campaign, relevant institutions already have local support and they generally have rudimentary control of their local areas. Local institutions will also have local knowledge and access to local intelligence.*”<sup>155</sup> Supporting such actions, Puntland authorities seem to have hired, with the financial backing of an unnamed Muslim country, the assistance the South-African Saracem private military company to undertake the job.<sup>156</sup>

Most analysts consider that filling the Somali security and governance vacuum requires a comprehensive strategy combining some of these various alternatives.<sup>157</sup>



## Drivers Shaping Future Effort against Piracy

Many factors might affect the future of the struggle against piracy. The first task is to distinguish assumptions (enduring factors) and factors which are more variable.

### *The assumptions for the mid-term*

- Security through the GOA will remain in the economic interest of Europeans. At the same time, piracy should not in the near future be able to really disrupt this sea line of communication.
- Most stakeholders remain reluctant to intervene directly on the ground, particularly for enduring operations.
- Somali powerbrokers should continue to use foreign engagements for domestic purposes without adhering to their agenda.

### *The key variable factors*

- The evolution of Somali's political landscape is the key driver of piracy:
  - The most probable option is the perpetuation of a political situation conducive for piracy. As summarized by UN Report, "Southern Somalia remains a patchwork of fiefdoms controlled by rival armed groups—a political and security vacuum in which no side is strong enough to impose its will on the others."<sup>158</sup> Besides, the money piracy injects into the local economy benefits many actors.
  - The other option is the establishment of powerbrokers in Somalia sufficiently strong, at least in coastal area, and hostile to piracy as was the case of the UIC in 2006. Puntland's recent initiatives may be heading in such a direction.
- U.S. policy is probably not fixed because of competing security priorities, a less critical stake than Europe, and the perceived stalemate of such engagement, already highlighted by Secretary Gates and some admirals. Plausible scenarios may include:
  - Maintaining current policy of direct naval engagement combined with support to regional capacity building;
  - A relative disengagement due to economic constraints and/or other maritime security issues: terrorism, piracy elsewhere (i.e. Nigeria), new crisis, etc.;
  - Conversely, in the case of an increased threat emerging from the evolution of the local situation, the temptation of limited operations ashore.
- The level of commitment of "emerging powers." Currently, this commitment is fairly modest. China raised its flag last year. But Chinese Navy (PLAN) seems far from having the capabilities to sustain a more important deployment and this kind of commitment is not one of Beijing's top priorities. India is strategically more concerned and involved as its navy permanently maintains capabilities in the GoA and in the Indian Ocean, increasingly threatened by piracy.<sup>159</sup> In a few years, this commitment may grow, but the Indian limited capabilities may constrain their capacity to take a leading role in anti-piracy efforts.

- Looking at economic factors, there are two scenarios to consider:
  - Current trends continue with rising pressure to limit overseas commitment due to increasing budget constraints given the growing public debt, notably in the in U.S.
  - A new economic crisis breaking in the context of already weak growth. This development could lead to contradictory consequences. On one hand, one could assume that it would lead to important restrictions in deployment, both for EU members and the U.S. On the other hand, it may make piracy less and less tolerable, particularly for Europeans countries that have a significant maritime economic dimension at stake.

### *Plausible scenarios for the evolution of piracy and the transatlantic relationship*

The combination of these drivers and alternative strategic options allows one to consider a range of scenarios having some implications for the coherence or the importance of the transatlantic relationship. These scenarios may include, but are not limited to:

1. Piracy declines due to the progress of strong powerbrokers or local authorities hostile to piracy or having interest in the decline of its networks.
2. The international stakeholders continue the current strategy of containment of piracy within acceptable limits. While not decisive, it may represent for many years the preferred solution as it limits the effects of piracy without intervening on the ground.
3. While piracy continues to increase and spread throughout the Indian Ocean, a broad consensus emerges on the stalemate of naval anti-piracy operations. This direct engagement is sustained but with an increased role of regional states, notably India. The transatlantic partnership increasingly focuses on a more robust indirect approach aiming to improve the security capacity of regional states and local actors.
4. A new economic crisis erupts. In western countries, the support for naval anti-piracy operations crumble but no one wants to operate onshore to dismantle pirate networks. The U.S. decides to disengage from most anti-piracy naval operations and focus its commitment on more pressing security issues. This situation evolves into a diplomatic crisis with EU members, as they remain committed due to their direct economic interests.
5. Some breaking achievements by pirates combine with a political situation in Somalia to create a more pressing perceived threat. The new U.S. administration is inclined to execute limited operations onshore (raids, strikes), opening a new diplomatic crisis with European partners unwilling to commit to this escalation. The crisis also erupts within the EU, between the members definitely reluctant to engage onshore and the ones which agree to join the U.S.-led coalition.

## Conclusion

The transatlantic partnership is currently necessary for the present fight against piracy off Somalia, not only for naval anti-piracy operations but also for the broader comprehensive approach to tackle the problem. This case is nevertheless unusual. In this instance the EU as an institution clearly co-lead

the effort and, in relative terms, its members commit more resources than the U.S., whose direct interests are less at stake.

An important question is whether this kind of engagement represents a new durable step of CSDP, re-balancing the transatlantic security agenda, or if it is linked to other specific conditions. On one hand, it cannot be overstated that during the last ten years, CSDP has achieved remarkable progress that few considered possible at the end of the 1990's., Moreover, the EU has displayed a clear will to defend its direct economic interests.

On the other hand, it seems that the limited common denominator among various EU members' strategic cultures did not really change. The political perimeter of acceptable security-related engagements remains essentially the same for EU members and different from that governing U.S. actions. Simply put, the fight against piracy, primarily a law enforcement operation with a very limited use of force, undertaken under the umbrella of the consensus of nearly the entire international community, fit perfectly within this political common denominator. That is why we tend to argue that this commitment, and the related transatlantic configuration, does not represent a new era for CSDP but is explained by these specific strategic conditions.

Nevertheless, the current approach, combining naval containment and Somali state security sector building, has not achieved decisive effects so far. Many stakeholders, notably in Europe, may continue to be satisfied with this stance as potentially more effective operations on shore are too risky. However, there are signs that some countries, particularly the United States, may be increasingly reluctant to participate in this enduring stalemate. The struggle against piracy should not reach the top of the list of transatlantic issues. But alternative strategies, as well as external factors such as the economic situation in our countries could either erode the current transatlantic and EU consensus and/or reduce the critical role of the West as the key axis to find a solution to this issue.

## Notes

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<sup>4</sup> Shannon Kile, "Final Thoughts on the EU, Iran, and the limits of conditionality", in Shannon Kile (ed.), *Europe and Iran. Perspectives on non-proliferation*, (Oxford University Press, 2005) SIPRI Research Report 21, 122-123.

<sup>5</sup> Volker Perthes, "Of Trust and Security: The Challenge of Iran", in Volker Perthes, Ray Takeyh, Hitoshi Tanaka, *Engaging Iran and building peace in the Persian Gulf region*, A report to the trilateral commission: 62, 2008.

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<sup>7</sup> Oliver Thränert, *Ending suspicious nuclear activities in Iran. Discussion of the European Approach*, SWP FG3-Working Paper, November 2004.

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<sup>9</sup> Eileen Denza, *The EU, Iran, and non-proliferation of nuclear weapons*, «European Foreign Affairs Review», vol. 10, no. 3, 2005, 310-311.

<sup>10</sup> While uranium enrichment remained frozen between late 2003 and January 2006, other related activities – most notably uranium conversion into gas and centrifuge production and testing – continued until November 2004. Uranium conversion was re-activated in August 2005.

<sup>11</sup> The IAEA board resolution that declared Iran in non-compliance with its transparency obligation and hinted at a possible involvement of the Security Council was adopted on September 24, 2005 (GOV/2005/77).

<sup>12</sup> The UN Security Council has adopted six binding resolutions requiring Iran to suspend uranium enrichment and intensify cooperation with the IAEA: UNSCRs 1696 (July 2006); 1737 (December 2006); 1747 (March 2008); 1803 (March 2008); 1835 (September 2008); and 1929 (June 2010). Four such resolutions – 1737, 1747, 1803, and 1929 – have imposed sanctions.

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<sup>14</sup> Interview by the author with a former E3 foreign minister (March 2009) and an EU official (June 2010).

<sup>15</sup> For an analysis of the Geneva deal and the potential consequences of its floundering, see Mark Fitzpatrick, *Iran: the fragile promise of the fuel-swap plan*, “Survival”, vol. 52, no. 2, June-July 2010.

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<sup>17</sup> Interview by the author with EU officials (June 2010).

<sup>18</sup> UNSCR 1929 was approved on June 9; President Obama signed the Comprehensive Iran Sanctions, Accountability, and Divestment Act into law on July 1; EU sanctions were enacted with EU Council Decision 2010/413/CFSP on July 27, 2010.

<sup>19</sup> An EU official involved in Iran’s nuclear dispute since the very beginning described current EU-U.S. cooperation on Iran as “full strategic convergence” (interview by the author, June 2010).

<sup>20</sup> Thousands of reserved cables by U.S. diplomats dealing with Iran, published by WikiLeaks on November 28, 2010, confirm that Obama’s prudent but consistent tactics has been a key element to secure support for his sanctions plan (*In Arab world and beyond, deep distress over Iran*, The International Herald Tribune, November 29, 2010, 1 and 4-5).

<sup>21</sup> This conclusion is also drawn from over twenty interviews conducted by this author with E3, EU, and U.S. officials between February 2008 and June 2010.

<sup>22</sup> Alessandro Scheffler provided invaluable suggestions and research assistance in completing the final draft of this paper.

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