

# The EU as a Counter-Piracy Actor

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ROBERT PAIGE, NOV 7 2012

Maritime piracy off the coast of Somalia is a growing concern for the international community. The meteoric rise in pirate attacks since 2007/8 has forced the world to take notice of the Horn of Africa region and Somalia in particular (the Gulf of Aden being a key shipping route) as a flashpoint for security issues. This transnational threat has no discrimination in its targets in terms of nationality; any vessel that is seen as an easy target is boarded, the crew taken hostage and a ransom negotiation started. The international response to this threat culminated in the issuing of UNSC resolution 1816, which proposes that acts of piracy off the coast of Somalia “exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region” (United Nations Security Council 2008, p. 2). The resolution also encourages international action in the waters around Somalia in order to try to control the increasingly chaotic situation. Following the resolution, a large number of states, institutions, and organisations responded with naval forces patrolling the area and implementing counter-piracy measures. One such institution is the European Union.

The European Union was created officially with the signing of the Maastricht Treaty in 1992 (European Union 2012c). The Union consisted of 12 member states and sought to achieve close political, economic and social union between its members. The EU has its roots in the 1950’s and the creation of the European Coal and Steel Community in 1951 by six member states (Belgium, Germany, France, Italy, Luxembourg and the Netherlands). From this point the organisation has changed its name, expanded its membership and forged a single currency (the Euro). The EU now consists of 27 member states and is an organisation with global power. In this essay I will be examining the role of the European Union in the ongoing counter-piracy operation off the coast of Somalia as well as looking at how the EU understands the problem and how it plans to tackle it. I will provide some criticisms of the way in which the EU approaches piracy as well as examine how the actions ‘in the field’ compare to the strategy put forward in rhetoric.

### Basic Information and Mission Objectives

In December 2008, the EU launched operation Atalanta through the EU NAVFOR (naval force) Somalia with the goal of policing the Gulf of Aden area and establishing a rapid reaction force to respond to any vessels under attack from pirates. The operation was launched within the framework of the Common Security and Defence Policy (CSDP) of the EU and is the first naval operation carried out through this avenue.

Of the 27 member states of the EU, only 4 don’t participate in the operation (Austria, Denmark, Estonia, and Slovakia). Operation Atalanta also receives support from outside the EU, with Croatia, Montenegro, Norway, Switzerland, and Ukraine all actively contributing to the operation. The objectives of the operation are set out in a media brochure produced by EU NAVFOR and made readily available on their website. The primary objective of the operation is “the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast” (EU NAVFOR Somalia 2012c). This is done with commendable cooperation with a multitude of other actors such as NATO (North Atlantic Treaty Organisation), IMO (International Maritime Organisation), and other major world powers such as China and Russia. Another significant objective of the mission is to provide protection for vessels delivering food aid to “displaced persons in Somalia” under the banner of the World Food Programme (WFP) (EU NAVFOR Somalia 2012c). This follows the hijacking of two WFP-chartered ships in 2005 and the attempted hijackings in 2007, 2008, and 2009 of vessels carrying humanitarian aid to Somalia, which receives 90% of food aid by Sea (World Food Programme 2007, 2009). The EU NAVFOR also engages in the protection of African Union

# The EU as a Counter-Piracy Actor

Written by Robert Paige

Mission in Somalia (AMISOM) vessels (EU NAVFOR Somalia 2012c). A further objective of the mission is to protect “vulnerable shipping off the Somali coast on a case by case basis” (EU NAVFOR Somalia 2012c, p. 2). This goes hand in hand with a separate EU initiative, the Maritime Security Centre – Horn of Africa (MSC-HOA), which was set up in September 2008 (International Maritime Organization 2011, p. 71). The MSC-HOA is a command centre in which vessels transiting through the region are monitored 24 hours a day. Group transit systems are arranged for transport through the Gulf of Aden, and up-to-date information about piracy attacks is relayed to captains and naval forces in the Horn of Africa region through an interactive website (EU NAVFOR Somalia 2012d). Finally, in response to concerns that illegal fishing off the Somali coast by large, transnational fishing companies using trawlers is one of the main motivators for Somalis to turn to piracy (Bahadur 2011), Operation Atalanta also aims to “contribute to the monitoring of fishing activities off the coast of Somalia” (EU NAVFOR Somalia 2012c, p. 2).

Some basic facts and figures provided by the EU (correct as of 10<sup>th</sup> April 2012) show moderate success in the mission so far. For example, the EU NAVFOR has a 100% success rate in escorting WFP ships carrying humanitarian aid, with 150 completed since the start of operation Atalanta. The EU has also successfully escorted 126 AMISOM vessels. Over the last four years, 60 pirates have been remanded with 57 of those actually charged (EU NAVFOR Somalia 2012c).

In terms of how the operation itself actually functions, The Political and Security Committee (PSC) control the political and strategic direction of the operation under the responsibility of the Council of the European Union. The European Union Military Committee (EUMC) monitors the execution of the operation. Rear Admiral Duncan L. Potts is the commander of operation Atalanta and Rear Admiral Gualtiero Mattesi holds the position of deputy commander. Finally, Rear Admiral Enrico Credendino is the force commander and controls all military forces ‘in the field’ around the Horn of Africa region. The operational headquarters are based in Northwood (UK) and the flagship headquarters rotate on a 4 monthly basis between states contributing vessels (EU NAVFOR Somalia 2012c, a).

## Timeline of Involvement

Operation Atalanta was launched in December 2008 but the EU’s involvement in Somalia goes back to the mid 1990’s with the provision of both humanitarian aid and the coordination of projects to assist peace-building operations through the UN (European Commission 2012). In 2007, the EU announced active support for the AU mission (AMISOM) in Somalia with financial and technical assistance amounting to €325 million since 2007. In December 2011, the EU appointed a Special Representative to the Horn of Africa (Alexander Rondos) in order to help coordinate regional and international efforts in the Horn of Africa region (EU NAVFOR Somalia 2012c). On 23<sup>rd</sup> March 2012, the EU announced the extension of the EU NAVFOR mission in Somalia until the end of 2014 and expanded the mandate within which naval forces could pursue pirates (Council of the European Union 2012).

## The ‘comprehensive approach’

The EU, along with several other counter-piracy actors, identifies piracy as a result of the instability and conflict in Somalia and so proposes what it terms a ‘comprehensive approach’ (EU NAVFOR Somalia 2012c). This includes both sea and land based approaches to the problems in Somalia, with EU NAVFOR Somalia taking the lead on sea operations and a wide range of tactics employed on land, stopping short of intervention in Somalia itself. One important example of this approach is the EU training mission – EUTM Somalia – in Uganda which engages in the training of Somali security forces in order to strengthen the Transitional Federal Government (TFG) and provide some measure of security on the ground in Somalia. Another example of this indirect approach is the contribution of humanitarian and development aid and assistance to key areas. On the EU’s Security and Defence YouTube page, the EU claims it is “the world’s biggest donor to Somalia, addressing both the current symptoms and the root causes of the crisis” (EUSecurityandDefence 2012). The EU has contributed development aid from the European Development Fund (EDF) totalling around €215 million for the period 2008-2013. On top of this, development assistance in key sectors has been provided, with €52 million in Governance & Security, €36 million in Education, and €48 million towards Economic Growth. This sectoral approach aims to establish the basis for strong governance in Somalia, something the EU sees as fundamental to the problems (including piracy) in the region (EU NAVFOR Somalia 2012c). Finally, the EU has provided €198 million of humanitarian aid for Somalia since 2005 through the

# The EU as a Counter-Piracy Actor

Written by Robert Paige

European Community Humanitarian Office (ECHO). This 'comprehensive approach' is aimed at stabilising governance in Somalia, but some argue it is the uploading of Western and European ideas of how a state should function onto Somalia, with a centralised decision making body and democratic principles (Ehrhart and Petretto 2012). Despite this potential undertone of 'westernisation', the comprehensive approach is beneficial to the Somali people; it doesn't just aim to deter pirates through naval patrols and arrests at sea, it actually proposes the rebuilding of the Somali state and an end to the crisis that has ravaged the area since 1991. The EU is widely respected for its capacity in state-building (Chalmers et al. 2005) and therefore poses the greatest potential for a solution to the problem rather than a containment of it, as is arguably the case with the NATO operation 'ocean shield'[1].

## Introduction to Frames: What is Piracy to the EU?

Maritime Piracy means different things to different people and organisations. In order to examine the EU and its particular stand-point on piracy it is first necessary to establish a framework within which we can see the various ways in which actors respond to piracy. For this essay I will be using the concept of problem frames and more specifically, the 'security', 'legal', and 'development' frames. A 'problem frame' allows an analyst to break an incredibly complex issue down into different frames within which the majority of actors and approaches exist (Sil and Katzenstein 2010). The security frame analyses the problem at hand in terms of a 'threat'. It then responds to this threat in much the same way a state would respond in wartime, with extra-ordinary measures – often seeing the people identified within the 'threat' as the enemy (Buzan et al. 1998, p. 21). This frame is particularly relevant to the USA's war on terror for example. The Legal frame, on the other hand, identifies the problem as one of law-breaking. In the context of piracy, this means that people committing crimes that fit into the internationally defined definition of 'piracy' are criminals and need to be prosecuted. Finally, the development frame sees a problem in societal terms; it sees the people involved in the problem as a symptom of a wider issue. In the case of piracy, the development frame argues that the pirates themselves have turned to piracy because they could not make money any other way; the situation in the region in which they live has forced them to turn to piracy. The dominant frame within which the response to piracy is conducted is the legal frame, although the security frame comes in at a close second. In an article published in 2011, Christian Bueger, Jan Stockbruegger & Sascha Werthes argue that this is primarily down to historical reasons "since it has been navies who have historically eradicated piracy and international lawyers who have established the norms and rules of addressing piracy in the contemporary legal order" (Bueger et al. 2011, p. 363).

Having established the basics of the 3 main problem frames/paradigms, it is now possible to examine the approach of the EU within the context of these frames. The EU is a particularly interesting case in this respect. Different aspects of the EU's approach to Somali piracy can be slotted into different frames, making analysis of EU policy more complex. This may be expected because of the EU's 'comprehensive approach' and the way in which it would like to engage piracy; using all 3 frames logically seems the best way to achieve a 'comprehensive' approach to a problem. The justification for counter-piracy measures given by the EU clearly sits within the security frame. In the EU NAVFOR media brochure, the very first paragraph reads – "The European Union is concerned with the continuing impact of piracy and armed robbery at sea off the coast of Somalia on international maritime security and on the economic activities and security of countries in the region" (EU NAVFOR Somalia 2012c). An example of the security frame in action is the March 23<sup>rd</sup> 2012 announcement that operation Atalanta will be extended until the end of 2014 at least. The mandate concerning the use of force has also changed. EU NAVFOR vessels will now be permitted to attack land based pirate infrastructure through both warships and helicopters launched from warships. EU ministers have agreed that the mandate for use of force will now include "coastal territory and internal waters" and forces could target boats and fuel dumps (Council of the European Union 2012; Hall 2012).

Having used the security frame as justification for its involvement in Somalia, the EU has traditionally followed a legal framework at sea. Confrontation with pirates very rarely ends in death, although this has happened under the command of individual member state forces, such as the killing of two pirates in April 2009 by French Special Forces (CNN 2009). The primary aim of operation Atalanta, in this respect, is the capture and prosecution of pirates. However, this can prove difficult; once captured, where are the pirates prosecuted? The EU has signed deals with Kenya in 2009, Seychelles in 2009, and the Republic of Mauritius in 2011 (EU NAVFOR Somalia 2009; European Union 2012a, b). However, the Kenya deal was cancelled by Kenya in October 2010 (BBC 2010) despite significant

# The EU as a Counter-Piracy Actor

Written by Robert Paige

investment from the EU through the UNODC (United Nations Office on Drugs and Crime) in Kenya's legal system.

Up until the March 23<sup>rd</sup> announcement of the expansion of operation Atalanta, the EU had taken a development frame view when dealing with land-based operations in Somalia. Considerable amounts of financial aid have been supplied to Somalia (see the 'comprehensive approach' above) since 2005 and the EU has consistently referred to the 'root causes' of piracy being on land in development and governance. The level of aid provided is impressive and shows a willingness to tackle the 'root causes' of piracy by the EU that other counter-piracy actors seem to avoid. However, the EU can be accused of both throwing money at the problem and ignoring the complex social structures in place in Somalia. The EU is seemingly focused on establishing a centralised, western form of government in Somalia by strengthening the TFG with both financial aid and through the EU Training Mission Somalia in Uganda, training TFG forces to provide a stronger security force. In their article 'The EU and Somalia: Counter-Piracy and the Question of a Comprehensive Approach', Hans-Georg Ehrhart and Kerstin Petretto argue that the EU "should consider supporting alternative approaches to centralized forms of governance... such as decentralized systems of governance... if this better suits local power" (Ehrhart and Petretto 2012, p. 4).

A key concept to highlight here is that of 'human security', which is the underlying theme of the European Security Strategy (ESS) of 2003 and is mainly associated with the work of Mary Kaldor and the Barcelona study Group. The concept puts forward the idea that the security of the individual is crucial when determining the security and stability of the state as a whole. The core assumption is that an individual is much less likely to commit crime or violence when they feel safe and secure in their environment (Kaldor et al. 2007). Given the key role of the ESS in European security planning, it is hardly surprising that the EU has taken such a lead – amongst counter-piracy actors – in the development frame in Somalia.

## Alternative Motives for Involvement

With the potential for 'mission creep' arising after the March 23<sup>rd</sup> announcement, it is important to ask why the EU is even engaging in counter-piracy in Somalia in the first place. Restoring peace and security to the region is the reason cited by the EU (EU NAVFOR Somalia 2012c) and is the primary objective of the UNSC resolutions that have been passed in relation to Somalia (particularly resolution 1816). The EU also cites the protection of global trade as a key reason for getting involved. This is directly in the interests of the EU, with up to "95% of EU member states' trade (by volume) transported by sea" (EU NAVFOR Somalia 2012c, p. 8). This is perhaps the most compelling motivation for EU involvement in counter-piracy. A third potential reason for involvement is the Human Security dimension of the problem. As I have previously mentioned, the EU's human security approach in the 2003 ESS (and the 2008 ESS amendment) is at work behind the scenes in the development frame on land. A further component of the Human Security approach is the idea of security 'black holes' (Kaldor et al. 2004) which have an indirect affect on the EU through crimes such as drug smuggling and human trafficking (Solana 2003, p. 5). Following this line of thought, it is reasonable to expect the EU to be involved in Somalia to further its own security. This is backed up in counter-terrorism strategic thinking; in an interview with Gilles de Kerchove (the EU's counter-terrorism coordinator) in November 2010, the online news site 'Europolitics' claimed that de Kerchove was concerned with the "phenomenon of citizens living in Europe leaving for a hot spot like Yemen or Somalia for the jihad and fighting there." Adding that: "Several return after receiving their training and indoctrination to plan terrorist attacks in the Union" (Watson 2010). Another consideration that has been ignored in the public relations documents and the rhetoric is the energy security angle. Basil Germond and Michael Smith point out that a large share of the EU's oil imports are likely to transit through the Gulf of Aden because "six million barrels a day – more than 12 per cent of global oil transport" (Germond and Smith 2009, p. 580) travel through the Gulf. This is particularly import when you consider the EU's reliance on Russia for energy supplies; the power Russia could gain over Europe if oil is no longer transported from the Middle East through the Gulf of Aden could potentially be reason enough to involve the EU in counter-piracy. Finally, the desire to prove its worth as a global security actor may also be behind the EU's involvement in counter-piracy. EU NAVFOR Somalia is the first naval operation launched under the CSDP, which itself has historically been a controversial arm of the EU due mainly to US/NATO opposition. The opportunity to really take the lead on a global issue has the potential to establish the EU as a realistic provider of security globally (Germond and Smith 2009, p. 582).

# **The EU as a Counter-Piracy Actor**

Written by Robert Paige

## **What are the Actor's Specific Suggestions for Countering Piracy?**

Having now looked at the theoretical ways in which the EU approaches counter-piracy, it is appropriate to focus on the practical side of the EU's response to piracy in Somalia.

The EU provides support to ship owners and captains through the MSC-HOA website, providing specific actions and measures to counter piracy in both the private industry and naval domains. In terms of the EU's recommendations to industry, the MSC-HOA website is the key port of call. Captains are advised to register with the centre and provide route information by submitting the 'Vessel Movement Registration Form' when travelling through the Gulf of Aden or Indian Ocean in order to enable the centre to provide manned monitoring of the vessel 24 hours a day. Another key aspect of the centre's operation is the "provision of an interactive website" that "enables the Centre to communicate the latest anti-piracy guidance to industry" (Maritime Security Centre Horn of Africa 2009). This involves relaying current pirate locations and/or recent attack locations to vessel captains and owners in order to enable them to alter course if necessary to avoid travelling through dangerous zones. This is an impressive and innovative operation that greatly enhances the capacity of a ship's captain to avoid being pirated. MSC-HOA has also overseen the introduction of the 'group transit system', whereby merchant vessels are co-ordinated to travel through high risk areas overnight (when pirate attacks are historically less likely to occur) in large groups, therefore reducing the risk of attack. It is worth noting that this transit system does not have a naval escort, it is purely about safety in numbers and deterrence of an attack. The centre also identifies "particularly vulnerable shipping" and coordinates "appropriate protection arrangements" from within EU NAVFOR or through other naval forces in the area (Maritime Security Centre Horn of Africa 2009). Finally, the EU NAVFOR is actively involved in the production of BMP (Best Management Practices) and strongly recommends their use in counter piracy.

## **What is the Actor Actually doing to Counter Piracy?**

Having looked at the recommendation side of practical action, it is now time to look at what the EU is actually doing to counter piracy. There are currently (correct on 05/10/2012) 6 EU NAVFOR vessels patrolling the seas around Somalia; 2 from Spain, 1 from Italy (who currently hold the rotating flagship position), 1 from Germany, 1 from France, and 1 from Romania. There are also 4 aircraft currently active providing reconnaissance and transport roles (EU NAVFOR Somalia 2012b). Patrolling the seas around Somalia is the primary counter-piracy action of the EU. The EU NAVFOR website is updated with reports of any piracy attacks that have been intercepted or any pirates that have been captured. EU NAVFOR also uploads videos to a YouTube account run by the EU called 'EU Security and Defence' (<http://www.youtube.com/user/EUSecurityandDefence>) detailing the outline of operation Atalanta and showing some footage of successful pirate captures. The EU is using helicopters and helicopter carriers successfully to counter piracy. For example, one of the Spanish ships currently active (as of 05/10/12) has the capacity to carry and launch up to 6 helicopters which are used to search the waters for suspected pirates (EU NAVFOR Somalia 2012b).

The investment in Somalia through humanitarian and development aid, technical assistance for improving governance, and the training of security forces represents the real action by the EU, taking a lead in the fight against the 'root causes' of piracy is certainly impressive. But how is the EU actually getting involved in Somalia on land? Is it simply throwing money at the problem? The EU training mission in Uganda is the obvious example of direct action to solve the crisis. Since the mission started in April 2010 and until the mandate ends in December 2012 there will have been 4 intakes of Somali troops trained over consecutive 6 month periods (EUSecurityandDefence 2011; European Union External Action 2012). In terms of humanitarian and development aid, the EU has been incredibly active in funding NGO projects and even providing technical assistance to some projects. In January 2010 the European Commission Development Programme (ECDP) produced a report on its involvement in Somalia and more importantly, produced a Microsoft Word document with maps detailing the projects it has supported either financially or technically, their locations, and the money spent on the project[2]. The maps show in detail the sheer number of projects in Somalia that have benefited from EU support since 2008 and show a commitment to the development frame of the piracy problem that other counter-piracy actors have struggled to achieve.

## **Are the Actions Consistent with the Rhetoric and Planning of the Operation?**

# The EU as a Counter-Piracy Actor

Written by Robert Paige

The rhetoric and planning of the operation has focused on restoring peace and security to the Horn of Africa region through the 'comprehensive approach'. The EU's actions can be seen to be attempting to emulate the 'comprehensive approach' but, as Ehrhart and Petretto put it, a "piecemeal approach... is still prevalent" (Ehrhart and Petretto 2012, p. 44). The desire to solve the Somalia governance crisis through the support of the TFG can be seen as the easy, short term route for the EU, the harder but potentially longer term route is the support of a system of regional governments drawn up along the lines of the clan based social structures in Somalia. This demonstrates the mismatch between EU rhetoric and action on land at least, the promise to cure the 'root causes' of piracy in the rhetoric has translated into a short term view of installing security in Somalia through the TFG.

## What are the Limits to the EU's Approach?

When considering any military operation it is necessary to also consider the limits of the operation. In respect to operation Atalanta, it is potentially limited by power politics between member states but also by conflict between the European Commission and the Council of the European Union. This is a common criticism of the EU, as Germond and Smith point out, "one of the major criticisms of the EU as a global actor has been its inability to coordinate its various resources – which in fact are quite vast – in the service of its common political or security interests" (Germond and Smith 2009, p. 574). This criticism is particularly relevant to counter-piracy (and security in general) as the Council controls the direction of the CSDP and therefore operation Atalanta whereas the Commission controls the budget of the EU and also, more importantly, the EC Development Fund. This means that work undertaken within the security and legal frames will be controlled by the Council whereas work undertaken in the development frame will be controlled by the Commission. Trying to coordinate two separate decision making bodies for the 'comprehensive approach' inevitably leads to conflict and therefore longer decision making times. In a study of the Council and Commission's role in the CSDP, based on interviews, Hylke Dijkstra argues that "inter-institutional relations become tenser when there is a lack of clarity, perceived overlap or competition in roles" (Dijkstra 2009, p. 449).

## Does the EU Contradict any other Organisation?

When it comes to cooperation or contradiction with other counter-piracy actors, the EU can be seen as a cooperative organisation. It has worked (and continues to work) very closely with industry through the MSC-HOA and has worked with industry and other actors to develop the BMP 4. The contradictions that exist with the EU actually tend to come from within the EU itself. For example, the general stance of the EU is to arrest pirates and then transport them to neighbouring states to be charged. However, in April 2008 French Special Forces pursued pirates inland with direct approval from President Nicolas Sarkozy. Then in September 2008, French Special Forces were ordered to use deadly force to rescue two French yachters, resulting in the death of one pirate (Germond and Smith 2009, p. 580). In 2009, deadly force was authorised again by the French government, resulting in the death of two pirates and one hostage (CNN 2009). There has since been a convergence towards the legal frame and operations involving storming yachts have subsided, but the very nature of the EU as a collective of member states is exposed by these examples; the policy of capture and arrest cannot be enforced over the will of a member state to engage in military force.

## Conclusion

In conclusion, the EU has shown in both rhetoric and action that it aims for a 'comprehensive approach' to a solution for the piracy problem. It can be seen to adopt a multiple frame approach to counter-piracy, acting in the security, legal, and development frames. In the security frame, the EU has justified its action in Somalia by identifying piracy as a threat and has started along the path to extra-ordinary action in the March 23<sup>rd</sup> announcement of military action on coastal territory and internal waters. In the legal frame, the EU has consistently pursued a policy of deterrence of piracy at sea through naval patrols and the capture and arrest of pirates over the use of deadly force to resolve the problem. In the development frame, the EU has perhaps been the most prominent actor. The multitude of different approaches used in this frame, such as the training of Somali security forces, humanitarian aid, development aid, and technical assistance shows the EU actively pursuing the development of Somalia into a functioning state. It is in the development frame that the EU has shown its potential as a problem solver, with both rhetoric and action

# The EU as a Counter-Piracy Actor

Written by Robert Paige

focusing on the principles of Human Security. Despite these successes, much remains to be done in Somalia by the EU if the piracy problem is to be solved. The support of the TFG is one potential limitation of the EU approach to this problem, with many critics advocating a regional, rather than centralised, form of governance in Somalia based on traditional clan lines.

The announcement on March 23<sup>rd</sup> 2012 of increased use of force by EU NAVFOR may turn out to be a key turning point in the EU's mission in Somalia. The potential swing of the mission towards the security frame could have dramatic affects on the work the EU has done in the development frame and may even lead to increased involvement in Somalia through mission creep.

Overall, the EU can be seen to be taking the lead on the development issues in Somalia with action on the issue and not just rhetoric. The struggle for a comprehensive approach to problem solving opens the EU up to a lot of criticism about what it should be doing better, but I feel the EU should be commended for having the commitment to follow through with its promise to try and solve the 'root causes' of piracy on land, in Somalia.

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# The EU as a Counter-Piracy Actor

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# The EU as a Counter-Piracy Actor

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[1] For more information on NATO operation shield see: <http://www.shipping.nato.int/operations/Pages/default.aspx>

[2] The Microsoft Word document containing EU aid destination maps can be found at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/missionPress/files/SOMALIA%20EC%20projects%20location%20Jan%202010.doc](http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/SOMALIA%20EC%20projects%20location%20Jan%202010.doc)

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