

THURSDAY 12 FEBRUARY 2009

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Present

Anderson of Swansea, L  
Hamilton of Epsom, L  
Inge, L  
Jones, L  
Swinfen, L  
Symons of Vernham Dean, B  
Teverson, L (Chairman)

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Witness: **Rear Admiral Philip Jones**, Operation OP Atalanta, Ministry of Defence, examined.

**Q1 Chairman:** Admiral, can I welcome you to the Committee. As I quickly mentioned to you, the area of Somalia is one which the Committee has taken some interest in, given the complexity and the innovations that are happening there in terms particularly of EU policy, and so I am very pleased that you are able to join us. I need to tell you that the session is recorded and you will receive a transcript. If there is anything there that you do not feel is correct, you have the ability to come back to us and put that right. I wonder whether you want to make any brief introductory remarks before we start with the questions, or give any background, or whether you would like us to move into the questions.

**Rear Admiral Jones:** Thank you, my Lord Chairman. I have not made any prepared statement to make at the outset, and so I think I am happy to step straight into questions. I have seen some of the likely questions that you would ask and I think they cover a very comprehensive element of the operation. I suppose, perhaps just to put it in context, what I have been hugely seized with is how many novel issues we are dealing with here. It is the first ever EU maritime operation conducted under ESDP. I am the first ever UK commander of an EU operation under ESDP, so there are two very significant firsts there, and I think that

the range of other navies that we are dealing with in the area has been an absolute first. It is many hundreds of years since we were working with Chinese naval vessels in these waters and the range of other navies that are contributing to counter-piracy makes it quite a unique experience, so I am well aware we are breaking new ground here and, I think, setting a trend for the future.

**Chairman:** Thank you for that. Perhaps I ought to warn you that as well as the questions we have here, and we will make sure there is discipline on our side, particularly also the area of intelligence and also command and control are additional ones which I think probably members will want to ask, but, Lord Anderson, perhaps I could ask you to start.

**Q2 Lord Anderson of Swansea:** Congratulations on all these firsts.

*Rear Admiral Jones:* Thank you.

**Q3 Lord Anderson of Swansea:** The actual genesis of the operation: why EU and who had the command before the EU took over in December, was it?

*Rear Admiral Jones:* Yes. The EU operation began on 13 December when we declared initial operational capability with the force having arrived in theatre. In a sense it took over from no-one; it was a new operation.

**Q4 Lord Anderson of Swansea:** It was not, like in Bosnia, a NATO element which moved on to the EU?

*Rear Admiral Jones:* No, not formally. There was a NATO Standing Maritime Group operating in the area for most of the autumn 2008. As I understand it, they had planned to be in that part of the world anyway and had extended their operation to take on an element of counter-piracy. That deployment was due to cease in December 2008 in any event. The ships were due to return to their normal operating area in the Mediterranean and that happened to

coincide with the point at which we were able, after our initial planning, to commence the EU operation. In the end there was a useful degree of continuity with the counter-piracy effort effectively passing from NATO to the EU, but it had not been formally planned that way.

**Q5 Lord Anderson of Swansea:** In your professional judgment, does this tell us anything about the United States' attitude to EU operations, as, for example, set out by Vice President Biden at the Munich speech? Does it show it a greater confidence in the United States about what the EU is able to do?

**Rear Admiral Jones:** I believe it does. The very clear intent I was given, the very clear lines of support that were extended to me right from the outset, from coalition maritime forces in Bahrain, which is the US-led wider operation against terrorism, piracy, narcotic smuggling and people smuggling, was that they very much welcomed any additional force coming into the theatre, particularly a force with a focus on counter-piracy, which clearly Operation Atalanta have, and that they regarded it as a very helpful contribution that the EU was making to the wider international community efforts to counter-piracy and they certainly from my perspective applied no judgment as to whether that was the right thing to do or not. Going back to your earlier question - why the EU - I had a very profound sense while working with the EU Secretariat under the guidance of the EU Council, while setting up the operation, that it was a very strong sense from almost all Member States that this was an activity that needed countering - piracy - and that this was an opportunity to launch a maritime operation under the ESDP, for the first time, to capture the intent of a range of EU Member States who were not formally part of the coalition that was already operating in a theatre and, in some cases, not part of NATO either but could contribute in this way. The fact that we were able to stand up the operation so quickly has proved the intent that was there in Member States to do that.

**Q6 Lord Jones:** Admiral Jones, are you satisfied with the scope and wording of the current mandate of the European Union operation? What can you tell us about the Operational Plan for the EU mission itself?

**Rear Admiral Jones:** Thank you, my Lord. Yes, I am happy with the scope and wording of the current mandate. I had an opportunity to influence the shaping of the political direction that was given to the EU operation. My team were invited to work alongside the EU military staff in crafting the initiating directive within which we did our planning, and then, indeed, we effectively wrote the Operation Plan alongside the EU military staff, which was a very useful piece of joined-up activity, where we brought our maritime expertise within the operational headquarters to bear against our wider experience of writing operational plans for EU operations, and we have produced an OPLAN that I think is comprehensive, is clear and is standing the test of time. We are very much conducting operations against that OPLAN and finding that the prioritisation of tasking within it is exactly how we are doing operations on the ground, and that, I think, is testament to the good work that was done to set the plan up.

**Lord Jones:** My last question is very a simple one. Which side do you support this weekend! Thank you.

**Chairman:** Lord Hamilton, you wanted to raise intelligence.

**Q7 Lord Hamilton of Epsom:** We did not give you notice of this, but Lord Inge and I thought it was rather a critical element of the whole thing. You are sitting in Northwood. Where is your information coming from? Are you getting satellite imagery? How do you know what is actually happening in the theatre for which you have control? Can you actually identify pirate boats and say that somebody should be heading off? Can you tell us how that process is working as far as you are concerned?

**Rear Admiral Jones:** Yes. Thank you, my Lord. Firstly, there is a well-found structure within the EU military staff for establishing the intelligence support to an EU military

operation. We have activated that. That pulls in the best efforts of intelligence support from all Member States to make sure that the operational headquarters has the best strategic intelligence available. That, I think, as you can imagine, is quite challenging for Somalia itself. There is not a lot of direct intelligence available for that, but certainly what is happening at sea we are able to tap in much more to the fairly sophisticated recognised maritime pictures that are available now to maritime forces based on satellite and wider surveillance. We have not had to do it all on our own; one of the key things about the co-ordination that is happening amongst all naval forces in the area is that there is a lot of shared intelligence taking place. We have liaison officers between my force at sea in the Gulf of Aden with all of the other task forces who are working there, both the Coalition Maritime Force and their two task forces, one counter-piracy, one counter-terrorism and counter-narcotics. We are working closely with both of them, and we also have access, through my liaison team working in Coalition Maritime Force headquarters in Bahrain, to much of the intelligence that they have available that they are sharing across the wider coalition - they have made that available to the EU - so in terms of strategic intelligence, I think we have a good enough picture in which to mount the operation. The tactical day-to-day intelligence is a constant challenge and we have a range of facilities in the Gulf of Aden to help us do that. We are finding increasingly that that which we gained from airborne surveillance platforms is absolutely crucial. The maritime patrol aircraft which fly both directly in support of the Atalanta Operation from their base in Djibouti, together with those who fly in support of other operations, but we also share their picture, are absolutely pivotal because they can see the movements of pirate vessels at a much greater range and much more effectively, looking down, than we can always get from surface-borne radars and visual pictures. We are finding also that helicopter flying from the surface ships doing counter-piracy are much more able to cover a wider area and use their whole range of sensors to detect the movement of pirate

vessels. It is quite hard to pick up small pirate skiffs on a rough sea day until you are very close to them, so the detection of pirate activity and, hence, the ability to react to any pirate attacks is very dependent on that surveillance activity, and we are getting better and better experience at how to cue the warships on to potential pirate attack based on surveillance from other activities, but it is a constant challenge in the very large area of sea we are trying to do this in.

**Q8 Lord Hamilton of Epsom:** Can you identify a pirate boat? Presumably there is a risk of it being confused with somebody who is fishing, or is it a distinctly different craft?

**Rear Admiral Jones:** No, that is a very significant challenge. Understanding what a pirate is is a very significant legal challenge as well. A pirate is only a pirate when he is committing an act of piracy, and what we are finding frequently is that he may be a people smuggler overnight taking Somalia personnel to Yemen for a fee, he may then turn into a fisherman the next morning and then, in the afternoon, go out to do some piracy, and it is only when he commits the act of piracy that he becomes liable to arrest and prosecution by the maritime forces there. We are becoming more adept at working out when is he likely to be a pirate, even while masquerading as a fishermen, based on the sort of equipment they are carrying in their vessels: if they have a lot of fuel, if they have engines on their boats to go faster than they need to for fishing, and particularly if they are carrying pirate equipment, which is fairly easy to detect - the ladders they use to get on board a ship, for example - and so we are, in our boarding and searching and investigating around the Gulf of Aden, much more able to detect what might be a pirate ship based on possession of that sort of equipment, and certainly weaponry, which you do not need to fish with, becomes a very clear indicator.

**Q9 Lord Hamilton of Epsom:** Were you comfortable with the Indian craft that was blown out of the water by the Indians? There was some question afterwards that there may have been hostages below deck.

**Rear Admiral Jones:** That incident happened just before Operation Atalanta launched, and it was at a time of a very significant rise in the number of pirate attacks on their ships and, frustratingly, many of them were successful at that stage. There were many fewer warships in the Gulf of Aden at that stage. We were watching all of those operations with a great degree of fascination. It was almost like a piece of joint mission preparation for us. We were witnessing other nations, other warships, experiencing pirate attacks and working out how to cope with them and using that to test our own methods. I think in many ways what that incident exposed, as I have just relayed, is how difficult it is to work out what is a pirate ship and what is not and, in that particular case, what is a pirate mother ship and what is a hijacked ship that pirates are now on board. It is very difficult to work out, just by looking at the ship, just by talking to it on VHF radio, what you are actually dealing with. I think it is likely, with the gift of hindsight, that they might have made a wrong call that day, but I think we have all learned from that and used it to apply the techniques that the Indians used that day to our own surveillance, our own questioning, our own interrogation and our own use of rules of engagement to apply in a particular situation.

**Lord Swinfen:** What is the intelligence available to the pirates in the way of routes of merchant ships and the loads that they are carrying so that you can identify what may be a potential target to a pirate, and what would you like to do about it?

**Q10 Lord Inge:** Could I just add to that question. You talked about the intelligence you were given in Bahrain and elsewhere. Are there any capability gaps in that intelligence relating to what Lord Swinfen has just asked you?

**Rear Admiral Jones:** Thank you, my Lord. It is very difficult to know exactly what the pirates know and it is very difficult to know exactly what their sources of information are. We believe, depending on whereabouts in Somalia they are operating from, they are operating under different influences. We believe it is a very clan-based structure. Some of those clans are subject to the influence of the Islamic tribes - the Al-Shabab and Al-Islamiya - some are very clearly not: those operating in the less Islamicised areas in the north of Somalia. We go out of our way in all of our interaction with the merchant shipping community to try and protect the information they give to us about their likely transits. We ran a website called the Maritime Security Centre Horn of Africa, which has been one of the unexpected and very significant successes of the operation, where almost all of the shipping companies that transit through the Gulf of Aden register with this website and give us information about their transiting ships. In return we offer them, through this website, advice about self-protective measures their ships can take while transiting and also information about where our warships are likely to be such that we can offer the highest degree of protection to them. We take great steps to guarantee the security of that website, such that it is impossible to get onto it and register and get information from it unless you are a registered and verified ship owner, and so we do not believe that pirates get information that way, but the plethora of technologies available in the maritime domain in the last few years that enables ships to be tracked, the ability using some of those technologies to get access to that information on the world-wide web, is clearly making the whereabouts of merchant ships much more accessible in the public domain than was ever the case before, and that is a factor we have to think about. In answer to your question, my Lord, about where the intelligence gaps are, I think, as I suggested earlier, the biggest thing we do not know is exactly what is happening on the land in Somalia, what are the influences on the pirates, what is causing them to do what they do, what causes peaks and troughs in pirate activity? We have, for example, been in a bit of a trough lately,

which has coincided with the start of Atalanta, a much reduced level of pirate attacks, and certainly a very much reduced level of successful pirate captures of ships. We have attributed that to a range of issues, one of which we think may be a rebalancing of the risk/reward calculation that the pirates make before they set out to sea to do an attack, but just literally in the last couple of days there has been a resurgence and they are back out at sea. The weather is better, they have many fewer ships that are currently held off the coast of Somalia awaiting release after ransom has been paid.

**Q11 Lord Inge:** What numbers are we talking about?

**Rear Admiral Jones:** We are down to, I think, about nine held off the coast, when we were about double that only about a month ago. Clearly, that is welcome, because each one of those has a crew of between 20 and 40, normally, who are held hostage for that period, so many of them are now free. We do not know what drives their judgment, we do not know what makes them come out, but we are attempting to play our part in loading that risk/reward balance with a lot more risk: i.e. the risk of detention, the risk of capture and the risk of suppression of their pirate activity, and we certainly think that is a factor.

**Q12 Lord Inge:** Are the merchant ships telling you when they have protective forces on board? In other words, some of the merchant ships now are putting armed guards on board as a reaction force. Are they telling you when that is on board, or not?

**Rear Admiral Jones:** Yes, they are, my Lord. That is an issue that we are often asked, whether we have a preference either way. We do not. It is entirely up to the merchant ship owners whether they want to do that. We attempt to offer to the merchant ships advice about how to take self-protective measures without the presence of a private security team on board. We have seen lots of evidence of where ships have resisted pirate attack without the presence

of a team on board, but it is always helpful for us to know that they are there; it is another factor we can make in the judgment of vulnerability of a particular ship.

**Q13 Lord Swinfen:** Is the EU operation having a real impact in deterring piracy and have you been successful in protecting humanitarian shipments of the World Food Programme destined for Somalia?

**Rear Admiral Jones:** I will take the second one first, because that is easier. Protection of World Food Programme shipping is my principal specified task, it is the number one thing that I must do, and that is an element of the operation that was picked up by the EU as a very clear part of my mandate from a range of other nations who were doing that work. In the earlier part of 2008, the French Navy, Canadian Navy and the Dutch Navy were each in their own way contributing to that, and the NATO Standing Maritime Group that was there before at the end of the year was doing some of that too. We have picked that up and are doing that almost exclusively now, and my force commander in theatre will always allocate sufficient shipping from his task force to cover that. We have escorted every World Food Programme ship that has gone into Somalia since the middle of December and so far have successfully enabled each of those ships to arrive in port. Some of those are quite long transits: the ships are quite slow and quite old, some of them are covering quite large distances, depending on which port in Somalia they are going into, but we have a very good working relationship with the World Food Programme now, principally through their office in Nairobi, and my force commander is working with them to look at the long-term projection of the movement of their ships such that we can allocate ships to their protection. We have so far escorted ten ships in the two months of the operation, which we think, on a rough calculation of the amount of food they are carrying and the amount of mouths they can feed, translates to about a million and a half Somalis fed with enough food during that period, so I think that has been a success story, but we are keenly aware that that is almost one of the most vulnerable things we do.

That is when the ships get closest to the Somali coast. We take the ships right up to the harbour entrance, and so we are constantly looking at where the next threat to that particular element of the operation might come from. In terms of the impact of deterring piracy - that is my second specified task - that is something we are working very hard to do principally in the Gulf of Aden now, which is where most of the pirate attacks happen. We believe we are playing our part in deterring pirate attacks, and that is partly through the presence of warships. There is very clear anecdotal evidence that, if they see a warship, if they see a grey ship or a military helicopter that has clearly come from a warship, that is enough to deter a pirate attack, but very often they cannot see the warship. Down at the level they are at in their skiffs, they can probably only see a warship at about five miles away. If we are no closer than that to them they will not see us and we will not achieve the deterrent effect, so that is where we make copious use of maritime patrol aircraft and helicopters, and, again, there is good anecdotal evidence that those flying close to the pirate skiff, particularly if it is about to amount an attack, can very often be sufficient deterrent to cause them to stop; but there is another level of deterrents, again, that we are looking at now, which is how to deter them from leaving the coast at all. Deterring the individual attack is one thing, but we need to deter them from even contemplating piracy, and that is back to the risk/reward balance, and I think there is a way to go yet before we can be confident that we are deterring them attempting it at all.

**Q14 Lord Swinfen:** On that particular point, if you have identified a pirate ship, are you allowed to follow them on shore and apprehend the individual?

**Rear Admiral Jones:** If we have apprehended pirates in the course of an act of piracy, then, yes, we are allowed to detain them and then seek a route to prosecution.

**Q15 Lord Swinfen:** But you cannot follow them on shore. If you are chasing them and they get to the shore before you capture them, are you allowed to follow them on shore?

**Rear Admiral Jones:** We do not have the capacity to do that, and neither do I have the clearance to do that at the moment, but, in any event, we tend not to get into those particular scenarios because, unless we have physically witnessed them doing an act of piracy, they are not pirates, and so we would not be in the game of chasing them away from a ship. Once we have got them away from the ship, we let them go, but we are trying to deter piracy rather than trying to arrest pirates. Sometimes the two come together, but, if not, we will just do the deterrence and not the detention.

**Q16 Lord Anderson of Swansea:** I am going to ask about short-falls and cost, but if you saw a ship with a ladder on it which could not be used for anything other than piracy, it is like what lawyers call “going equipped” and, presumably, they could then be apprehended?

**Rear Admiral Jones:** The policy we are employing, my Lord, is to cause that particular pirate capability to cease; so we will remove the pirate equipment from them. In fact, very often they do that before we get there: once they see a warship or a helicopter, they start ditching it over the side. If they need some encouragement, then we will get there and do that for them, but we then send them back on their way, making sure they have enough food and fuel to reach shore, but without their pirate equipment and without their weapons.

**Q17 Lord Anderson of Swansea:** First shortfalls and then, if I may, costs. On shortfalls you gave evidence to the Development Committee of the European Parliament, stating that nine EU Member States were involved to ensure that the force comprises up to six frigates and three to five maritime patrol and reconnaissance aircraft, but then you identified the main shortfalls as auxiliary support ships, such as those that carry fuel, which would extend to the patrol area, deployable force headquarters and Role 2 medical support facilities - that is field

hospitals on board ship. That was given a month ago. Presumably that still broadly represents the current position?

**Rear Admiral Jones:** Yes, it does, my Lord, with one or two changes to that, obviously, as the force flow is evolving all the time. I do not have a dedicated EU tanker to support the task force at the moment. We have been able to mitigate that by tapping into resources of other maritime forces in theatre.

**Q18 Lord Anderson of Swansea:** You manage.

**Rear Admiral Jones:** We have managed that well. Even if we could not do that, we would be able to fuel the ships alongside in the ports in which they routinely go for logistic support, maintenance and crew rest, but, of course, the more I have to send them off to those ports the less time they are at sea doing counter-piracy.

**Q19 Lord Anderson of Swansea:** To what extent are the prospects improved? Do you see that many shortfalls are likely to be remedied in the near future?

**Rear Admiral Jones:** Yes, they will. On a fuel tanker the force commander in theatre, which is currently a Greek Navy commodore, is handing over force command to a Spanish Navy commodore in the first week of April. That will bring a small change in the composition of the task force - some ships will leave some ships will arrive. One of those arriving, the Spanish, to support the Spanish force commander, will include a tanker, so we will have our own dedicated tanker to support Atalanta through that period, and we are looking at a range of agreements with other regional states as well as coalition forces to provide tanker support. The question of the infrastructure to support the force headquarters ashore has moved on significantly since that evidence was given. We have established a much more robust and secure logistics base at Djibouti now where we have been aided very significantly by French forces at Djibouti and Djibouti national forces.

**Q20 Lord Anderson of Swansea:** Would you give us an update on the way the shortfalls are being tackled?

**Rear Admiral Jones:** Yes.

**Lord Anderson of Swansea:** Perhaps you can do that in writing, Chairman.

**Q21 Chairman:** Do you think you can deal with that, Admiral, in a short way?

**Rear Admiral Jones:** Yes, I think so. I hope so anyway, if it is to your satisfaction, my Lord, and I hope it will be. We have now established about a 20 strong force headquarters support area in Djibouti which enables logistic support to the task force to be generated from that site, so any ship that needs logistic support, both there and in any port in the area, can draw on that expertise. We have a contract now in order to provide food and fuel and spare parts and personnel support through that headquarters support area, and that is now sustainable in some new-build office accommodation and with some established communication infrastructure to link back both to the operational headquarters at Northwood and to the force headquarters at sea.

**Q22 Chairman:** And hospital ships?

**Rear Admiral Jones:** That is an area that we do not have the capability for yet. We are aware that, in order to do sustained and potentially difficult counter-piracy operations, there is a risk of incurring some casualties - either causing them by pirates that we are deterring and disrupting or by, indeed, being subjected to attack by pirates against our own personnel. We have first-line medical support available in all of the ships at sea, and in one or two cases that is fairly sophisticated but it does not quite reach the level of surgical intervention, a theatre operating capability, blood supplies and emergency medivac that we would ideally want for high intensity counter-piracy. Again, some of those capabilities are available in other elements of the coalition forces there that we may be able to use, but my biggest concern is

the breadth of area we are operating in. We may have that facility at sea, it may be available to us, but it may be several hundred, if not a thousand, miles away from where the incident happens and it is being able to connect quickly to that sort of support.

**Q23 Lord Anderson of Swansea:** A question on costing. How are the overall costs of the operation allocated between those states which participate and those which do not, and since much of the benefit goes not just to the World Food Programme but to commercial shipping, do insurers or the ships owners themselves make any contribution to the overall costs?

**Rear Admiral Jones:** The establishment of a cost structure for this particular EU operation has been, I think, remarkably simple - certainly those of my fellow EU op-commanders who run land operations tell me that - because there is a very significantly smaller amount of logistic infrastructure that you need to support a maritime operation, and so the establishment of a correct budgetary figure for what is EU common costs has been fairly easy to define. That is based on the time-honoured principle that any nation supporting a coalition maritime effort effectively carries the cost for the routine operation and day-to-day running costs of that ship. That is true for coalition maritime forces, it is true for NATO as well, and so each Member State contributing a ship, effectively, pays for the running costs of that ship. We have identified one or two special areas where, clearly, additional costs that are attributable solely to this operation can be captured and covered by common costs. That includes, for example, extra diversions that the flagship has to do to support the work of the force commander.

**Q24 Lord Anderson of Swansea:** So no-one has a free ride?

**Rear Admiral Jones:** No.

**Q25 Lord Hamilton of Epsom:** How much are we talking about there?

**Rear Admiral Jones:** I think the common cost figure for the whole operation, for the whole year, is in the region of eight million euros.

**Q26 Chairman:** I think I am going to have to move on. Was there anything else?

**Rear Admiral Jones:** There was a second part to your question. At the moment, there is no charge made for any level of protection and support and escort that we are offering, and I think that is a policy we would very much like to stick to, it would be just too difficult to try and implement, and I think, although the EU have looked at that, as have other forces operating there, it is not a policy I can well define.

**Q27 Lord Inge:** You have touched on command and control up to a point. Bearing in mind how many nations are involved and everything else, how would you try and improve the command and control, because they will get more sophisticated as we get more sophisticated and you will need a command and control that is responsive and reactive and does not go to sleep at night, for example.

**Rear Admiral Jones:** Yes. I do think long and hard about this. Looking at the reality of the forces that are conducting counter-piracy in the area, I think it is probably unrealistic to expect that any greater degree of fusion of the command and control structure is going to happen. There is a very clear command and control structure for coalition maritime forces linking back through their task force commanders into Bahrain with a three-star US commander at their head. We have very strong links to that structure, as strong as I think they are going to be. There is a UK deputy to that coalition maritime commander who I work very closely with and we share liaison officers between the two headquarters, and the same would be true if NATO came back and operated in the region again. I do not think it is realistic politically to expect any closer linkage of the command and control than that. With many of the other navies operating on their own in the area - the Russians, the Chinese, the Indians, the

Malaysians, the Saudis - they have come with a clear mandate to work on their own; their principal task is to protect their own flagships. They are interested in sharing information, they are interested in pooling capability and there is a fairly significant degree of what we call tactical deconfliction taking place between those operations on a daily basis: the ships are talking; the commanders are comparing operational patterns. My sense is we have taken that co-ordination about as far as we are going to get it politically, but I think it is more than enough for operations to take place, and I will give you an example of why I think that is sufficient. We are already seeing evidence of reactions to pirate attacks, which can involve, for example, an Op Atalanta maritime patrol aircraft being the first fixed-wing aircraft on the scene to establish a degree of surveillance and co-ordination. There may be a helicopter airborne from a coalition ship which becomes the first aircraft on the scene; the nearest warship may be Russian or Chinese. We have already seen evidence of co-ordination across those three force elements. With communications and understanding of operations, it has enabled successful counter-piracy to happen. So my sense is we have got sufficient co-ordination between the different task forces and ships at sea, we have got a degree of recognition of the wider strategic picture between the different strategic headquarters and the sense is we are not going to go any further. What I think we will see is, above that, a much greater ownership by the United Nations Contact Group on security off the coast of Somalia, which is now beginning to assert itself, and that brings together not only all of the Western nations involved in this, all of the regional nations, but also the organisations engaged in this too - NATO and the coalition - and they are looking at how to tackle the wider problem of piracy, not just at sea but in Somalia itself, on a fairly long and complicated mandate with many different lines of development, and I think that is welcome.

**Q28 Lord Inge:** It is, is it? I am very suspicious of the United Nations when they are in command and control positions. Are the UN looking to have a command and control

responsibility, if they get involved, or you carry on as you are and they are just taking more interest?

**Rear Admiral Jones:** It is the latter, my Lord, very much so, and hopefully that will allay your concerns that they are not trying to engage in the tactical control of military forces; it is just to provide a sense of cohesion for all the different lines of development to tackle piracy.

**Q29 Lord Inge:** Do you see the pirates themselves developing tactics that are better coordinated amongst themselves that makes it more difficult for you to carry out your operations?

**Rear Admiral Jones:** Yes, I do, my Lord. We have seen already they are agile and flexible and they learn from our operations. They have already started to shift their tactics to a degree to reflect the way in which we have responded to their first set of attacks. Although we are keenly aware that there is not a common Somali pirate, some of them are extremely sophisticated, well organised and synchronised; others are very low key, very easily deterred, attacks from people who we think are just out to have a go and there is not a degree of sophistication there, but at the high end level they are learning and adapting all the time.

**Q30 Lord Hamilton of Epsom:** Just to go back, the helicopter identifies the pirate ship and the nearest ship is a Russian one. Are you *de facto* tasking it but putting it in terms: “You might like to go and move in on this one, although we could not instruct you to do so”, for example, and they end up doing what you want but they do not come under your command structure. Is that as I understand it?

**Rear Admiral Jones:** Exactly. There is no sense that we in any way task them, and we very much make it clear, and the EU have pressed me quite hard on this, that we are not *de facto* incorporating Russian ships into our task force.

**Q31 Lord Hamilton of Epsom:** Why are you worried about that?

*Rear Admiral Jones:* They wanted to know that the EU was not relying on Russian ships to fulfil a particular part of the patrol area. We will be aware of their presence and the useful deterrent effect it brings, and I think that is how we use them, rather than specific tasks.

**Q32 Lord Hamilton of Epsom:** Surely, Admiral, the more we can actually incorporate the Russians into our efforts the better, whether they come under our command and control or not?

*Rear Admiral Jones:* Absolutely, my Lord, and I argue that case quite strongly. This is very much a co-ordinated effort, but there are some political constraints to the ability to visualise that co-ordination.

**Q33 Lord Hamilton of Epsom:** It must be from these Europeans who do not want Russia in the EU!

*Rear Admiral Jones:* I may refrain from answering that one!

**Chairman:** You can give your answer to that question in writing, if you wish.

**Q34 Baroness Symons of Vernham Dean:** You will not be surprised to learn that we are revisiting old arguments in some cases. As I understand it, what you are telling us is that it would be less than sensible for you to be intervening where there is already a capability on the ground which is more than adequate to deal with the problem. If you know somebody is there and there is a suspected ship there, clearly you would just be doubling up or you would find that your resources were better used elsewhere, and to that degree there is co-ordination and co-operation. Is that the right interpretation?

*Rear Admiral Jones:* It is. Thank you for that. We are employing a tactic called “the group transit” as what we see as the most effective way to guarantee the safe passage of merchant

ships through the Gulf of Aden. We cannot convoy them, because there are just too many of them and not enough of us - there are hundreds and hundreds of merchant ships transiting the Gulf of Aden every day - but what we do is make available to them, through the Maritime Security Centre Horn of Africa website, information about other merchant ships that are transiting, with a view to getting them to coalesce, as it were, to travel in loose company, and, in particular, to miss some of the more dangerous piracy hotspots at the most likely points of pirate attack, which is very often first thing in the morning at first light. In doing those group transits we then make the merchant ships aware of where EU Op Atalanta ships will be, again, ideally best placed to deter the most likely pirate attacks in the most high risk areas, but also we make those group transits available to other maritime forces operating in the area - the Russians, the Chinese, the Indians, the Saudis, the Malaysians. The coalition forces are all aware of those group transits and, collectively, we think we can position warships to offer the highest degree of deterrence. So in many ways we are incorporating their additional capability and we are using the deterrent effect of any warship to best suppress pirate activity.

**Q35 Chairman:** I think you have answered much of the next question in terms of the non-EU forces, but I would be particularly interested to understand how well the co-ordination between EU Member States and the EU forces works in terms of what you are doing.

**Rear Admiral Jones:** Between the EU Member States and their forces?

**Q36 Chairman:** No, I am sorry, between the different Member State contingencies as part of Atalanta.

**Rear Admiral Jones:** The EU Member States who are contributing ships to the force have each done so in full recognition that they are coming under EU op-command and have willingly done so accepting that they operate under my operational command, they operate under EU rules of engagement and that they will be tasked in accordance with the judgment

of the force commander as to where he needs them to go, and there are no caveats placed on that, and that is working extremely well. We have five warships there at the moment; about to get a sixth. They are each from a different Member State and they are working extremely well and have each been tasked in different elements of the operation from World Food Programme protection through to deter and disrupt patrols in the Gulf of Aden, so I think that element of Member State commitment to the wider operation is working very well.

**Q37 Chairman:** What about in terms of resources as this operation goes on? Is one of the criticisms that individual EU Member States may be in other theatres of operation and that offering up equipment or forces is quite difficult to achieve? Has that been an issue here, or has that not been the case in this particular operation?

**Rear Admiral Jones:** The first thing to say is that we have got a force flow that will run right across the year of the operation and adequately sustain the force throughout. We are very keen to make sure people did not just rush in for the first few months to get the glory of being there when the operation launched and get the banner headlines and then retreat and move away. We have a number of Member States who are contributing forces that will not arrive until the second half of 2009, and I think that is very welcome. Secondly, we have encouraged all Member States to contribute in whatever way they can. Clearly, we are aware that a number of Member States are unlikely to be able to send a major warship to contribute to counter-piracy or unlikely to be able to send a maritime patrol aircraft, but we have encouraged them to look at whatever they can contribute. For example, we have a number of Member States who are contributing what we call better protection detachments, teams that we can put on World Food Programme ships to secure their safety as they close into Somali ports to unload their food aid. We have got some Member States who are sending medical teams to be embarked on our ships to provide medical cover when they cannot send a ship themselves. We have some Member States who have provided members of staff to either the

operational headquarters at Northwood or the force headquarters in theatre and their expertise is hugely welcome, and we are clearly aware that we are helping to train them too in how something like an operational headquarters works. So we have got contribution from many more Member States than just the nine who are currently contributing live forces, but I am constantly going back to Brussels and saying we have not closed the door on force generation; we will run a series of force generation conferences and look to bring new people and new capabilities into the force all the time.

**Q38 Lord Hamilton of Epsom:** I think you have mainly answered question six, but what I would like to do is to follow up on Lord Anderson's point about this theoretical pirate ship having ladders, firearms and whatever on board. What you said was that your reaction to this would be that if they did not get rid of them, you would. There is, of course, an alternative, and that is that you get the forensic, you photograph them with all this kit on board, throwing it overboard, or whatever; you arrest the ship, you arrest the people on it and take them on to one of your ships; you sink this boat and you deliver these people back to Somalia with the forensic that you have got to go with it. If the Somali authorities do nothing about it, tough, but at least you have got rid of the boat. Are you not allowed to do that?

**Rear Admiral Jones:** On occasions we have done that, my Lord. We are getting increasingly sophisticated in our ability to capture evidence that might be used in the subsequent prosecution of pirates. This is very much a new area for our work. The ability to have appropriate legal instruments with which to prosecute detained pirates has been something that we have needed to set up almost from first principles, and, therefore, we are learning all the time about what sort of evidence you need in order to sustain subsequent trials of detained pirates. On occasions, in the course of detaining pirates and confiscating their equipment, they have also destroyed their boats, mainly just retaining one to send them back in. If we destroyed all of their boats, then we end up with pirates physically detained on board, and that

instantly has an implication for what you are then going to do with them. We may have to divert our task to go and land them, we may have to go do fairly convoluted negotiations for where they are going to be landed and where they are going to be prosecuted. So very often we will send them back, having destroyed all of their useful equipment and just leave one boat for them to go back in, but that is very clearly covered in the rules of engagement and has become common practice for all ships across all operations, not just Atalanta, as way of dealing with pirates.

**Q39 Lord Hamilton of Epsom:** Might Somalia actually prosecute them?

*Rear Admiral Jones:* We have increasing evidence, and I am not an expert on what is happening in Somalia itself, that there are three very distinct areas of the country. There is Somaliland, Puntland and then rump Somalia, effectively, that which sits on the coast of the Indian Ocean. There is evidence in both Somalia and Puntland, i.e. the two elements of the country that face the Gulf of Aden, that they have resurgent security structures, the emergence of coast guard organisations and a willingness to start taking responsibility themselves for their own waters, policing their territorial waters to eradicate pirates themselves and, indeed, to secure those waters for the safe use by all Somalis of their own territorial waters. That is, obviously, a hugely encouraging sign and all organisations, including the EU, are increasingly looking to how we can enhance our relationships with those emerging structures in order to eventually point towards the regional solution to safety, security and stability, which is, of course, what we are striving for.

**Chairman:** In this area, I remind the committee members we have Lord Malloch-Brown coming along in terms of the broader and maybe more political side of it.

**Q40 Lord Anderson of Swansea:** It is probably more DFID than FCO. I have visited Somaliland on several occasions on governance missions. Is it true that none of these pirates

actually leave from Somaliland. It used to be the British Somaliland with its capital in Hargeisa. Are we able, either as UK, given our past connections, or as EU, prepared to train forces in Somaliland to do this job of apprehending pirates?

**Rear Admiral Jones:** On the first question, my Lord, I believe that to be the case. We obviously do not know exactly the origin of where a pirate first left the Somali coast, because very often they will cross the Gulf of Aden, hole up in some quiet, secluded bay somewhere in the exposed coast of Yemen and then come and look to attack ships in the north, so we do not always know where they have originally come from, but we believe that they come almost exclusively from the Puntland and Somalia coast, not Somaliland.

**Q41 Lord Anderson of Swansea:** The Port of Berbera could be used presumably?

**Rear Admiral Jones:** Yes, the Port of Berbera has already been used as a conduit in which we put both World Food Programme and also some World Food Programme ships have sailed from Berbera to elsewhere in Somalia, so it is becoming a much more stable area. In terms of how we might deal with them in future, how we might look to do capacity building measures with Somaliland, I think, my Lord Chairman, it may well be right to say that the Minister will be a better man to ask that.

**Q42 Chairman:** You have already talked a little bit about the Marine Security Centre and Djibouti as well. Is there anything else in particular you think you would want to tell the committee about that, or have we really covered that in your own mind?

**Rear Admiral Jones:** The Maritime Security Centre Horn of Africa is something I just wanted to stress a little bit more, because we regard that not only as one of the huge success stories of Atalanta, but we have almost 4,000 shipping companies who have registered on that and we are also seeking to evolve it now, to make it more agile and more usable, web-page access, such that the shipping companies can use it more easily, but we also see that as one of

the enduring elements of Op Atalanta that we eventually will seek to hand over once the operation ceases to possibly a regional co-ordination centre as a method of building security and stability in the region through the ability to control pirates and be aware of merchant ship movements, and we are looking to take that forward. That I think will be a significant element of the legacy of Op Atalanta. On Djibouti, I think it will continue to be a pivotal regional hub of all activity in support of Somalia. I was there recently visiting some of my ships, visiting the logistics support area and offering my thanks to both Djibouti forces and French forces in Djibouti for the way they are supporting our operations. While I was there, I was aware that the new government of Somalia and the newly elected President were also there having meetings; so Djibouti clearly plays a very pivotal role, supporting both the military operations in the Gulf of Aden but also the emerging structures of the transitional federal government in Somalia, so I think that will be a crucial hub of activity for a long time to come.

**Chairman:** Good.

**Q43 Baroness Symons of Vernham Dean:** Admiral, you have told us that your mission is the deterrence of piracy, although you have talked about the eradication of piracy as well. You describe the difficulties about arresting suspected pirates unless you have clear evidence that they have been engaged in piracy, as opposed to being engaged in it the day before yesterday. How difficult has that made it for you to arrest pirates? How many pirates have you been able to arrest? I have this uncomfortable feeling that it is great on the containment but then it pops up somewhere else because the same guys just go somewhere else; they have been able to hang on to some of their equipment and they can re-emerge somewhere else because we have not actually been able to capture them and take them off. Are there problems in doing that over human rights and the way in which you then do hand them over? Lord Hamilton was talking about blowing up their ships, and then you said, yes, what do you

do with them? What do you do with them and to whom can you hand them over and still be satisfied that their basic human rights are going to be well looked after? We have greatest respect for our Chinese and Saudi and Russian colleagues, but they do not necessarily have quite the same attitude to human rights as we do, so it is quite a complicated question about how you deal with that still be effective.

**Rear Admiral Jones:** It is, my Lady, and you have touched on one of the most difficult areas of setting up this operation today. There is, as yet, no pan-EU legal agreement for the landing of detained pirates for subsequent prosecution with any regional state. We do not have it for all EU ships, no matter what Member State they come from. Some individual participating Member States have those bilateral agreements. The UK, for example, has one with Kenya. So if a UK ship in my force contains pirates I know the route we will take in order to hopefully land them for subsequent prosecution, but we are working very hard and EU legal services in support of the EU Council in Brussels are almost daily sending fresh teams out to negotiate with a whole range of regional states looking for where the opportunities might be to negotiate these arrangements. These are not easy to arrange, because many of the regional states, while comfortable with the bilateral legal arrangement for the landing of pirates, are nervous with doing one with a whole organisation because they do not know exactly what they might be signing up to, because a whole range of countries might start using them. The coalition does not have one, NATO did not have one, but we think we are getting close, and that would really help, because you are absolutely right to say that in some cases some of the Member States' ships, if they detain pirates, will have to release them and at sea there is no method by which they can land them anywhere for subsequent prosecution and that is frustrating. That is clearly not an adequate deterrent to pirates because, again back to the risk/reward balance, they have a fairly strong sense that there is no risk of capture. If they knew that every time they are caught by a warship they will be landed, they will be

prosecuted, they will be imprisoned, I think the level of deterrence could drive up. So we are optimistic that we are moving in the right direction here and a number of fairly positive negotiations are underway with a range of regional states, but, of course, as I am constantly reminded by the Member States of the EU, we have to make sure that those arrangements are conducted with regional states who have a policy for handling those pirates that is in accordance with the European Convention on Human Rights, and so they are nervous of arrangements with regional states that, for example, might have capital punishment as a potential sentence that they might commit the pirates to; so that is another complicating factor in negotiations.

**Q44 Baroness Symons of Vernham Dean:** How many has the EU operation arrested, detained over the course of the last 12 months?

*Rear Admiral Jones:* EU ships have detained in two separate operations, one involving the French ship and one involving the German ship, about, I think, 15 to 20 pirates, but of course that in itself highlighted the two different routes we followed. The French have a bilateral arrangement for the landing and prosecution of pirates.

**Q45 Baroness Symons of Vernham Dean:** With whom?

*Rear Admiral Jones:* That was done under the national operational command.

**Q46 Baroness Symons of Vernham Dean:** But with whom?

*Rear Admiral Jones:* The French bilateral arrangement is with the authorities in Puntland, but the ship opts out of EU op-com to French national op-com to do that. The German ship in my force also detained some pirates in a counter-piracy operation and they were forced to release them at sea because there was no method for the German ship to prosecute.

**Q47 Baroness Symons of Vernham Dean:** Do you know what the Chinese or the Russians do?

**Rear Admiral Jones:** I do not, no. I am not aware that they have detained any pirates yet. Again, it is possible that we would not know that they had done so, depending on what route they take to land them, but we have not become aware of them detaining any yet.

**Q48 Lord Inge:** If we did detain some of them, we presumably then have to provide people to go and give evidence in the court, do we?

**Rear Admiral Jones:** We do, my Lord, and there is a trial, I think, either still underway or has recently been underway in Kenya of the some of the pirates captured by a British warship under NATO op-com last year and we have had to send witnesses down to build the prosecution case of that trial.

**Q49 Lord Inge:** That must waste a lot of time?

**Rear Admiral Jones:** We just have to factor in the right structures to enable that to happen with minimum impact on the operation itself, but if that is what it takes in order to secure prosecution, then so be it.

**Q50 Lord Inge:** Do you know the results of those trials?

**Rear Admiral Jones:** I do not believe that particular one has concluded yet, but we are watching it carefully.

**Lord Hamilton of Epsom:** I think your answer to Lord Inge has answered mine too. I was wondering whether it was possible to cheat and whether you could actually transfer the prisoners from the German ship to our ship, drive them down to Mombassa and prosecute them?

**Q51 Lord Inge:** You would not imagine this was an ex-minister speaking, would you!

**Rear Admiral Jones:** My Lord, your suggestion is actually pretty sensible, because we have already started to look at a tactic whereby a particular EU ship might end up deterring and disrupting the pirate act, but without bringing the pirate on board that ship they have not yet detained them, so if we then have another ship nearby that can come in and join the action and do the detention we may be able to follow exactly that route. The problem, of course, as ever, will be a million square miles of ocean, six EU ships: what is the prospect of having the right EU ship available just over the horizon to come racing in? There are some constraints, again entirely understandably, about the length of time that we could detain a pirate at sea before landing him to a place where the sense of his legal rights can be guaranteed. We are under an obligation, if we detain them, to get them ashore as quickly as possible.

**Chairman:** I think it is a very cunning plan anyway.

**Q52 Lord Anderson of Swansea:** The Kenyan ports, Mombassa, or whatever, are a very long distance away with six ships. Has any consideration been given to seeking some sort of deal with Somaliland, which is still not internationally recognised, Somalia, providing a home port?

**Rear Admiral Jones:** We have not done that at the operational headquarters, my Lord. There may well be consideration with the EU legal services in Brussels to consider that option. Clearly, operationally that would work for me because the distance is much less, and if we were able to land detained pirates there it would have much less impact on the availability of the ship to return quickly to operations.

**Q53 Lord Anderson of Swansea:** It appears to make sense.

**Rear Admiral Jones:** It is a long haul down to Mombassa, as you say. When we plan a ship to go down there for World Food Programme escort we have to plan several days just for it to

get there before it then does the operation, but I have to be guided by legal expertise in Brussels as to whether that is an appropriate negotiation to happen.

**Q54 Chairman:** I am aware of my time constants, but can I ask, at the other end of this, we have seen on our own televisions when ransoms are paid and drops are made. Is there a role for Atalanta after the point of collection of ransom, or is that something that is just not possible?

**Rear Admiral Jones:** We have not been involved in that yet, although we are aware that other warships have been. In particular, the merchant vessel Faina, the Ukrainian ship with a lot of arms on board, that was held for a very long time, was effectively escorted away from Somali waters by the US warships that had been close to it throughout the period of its detention in order to make sure it safely got back on to the high seas and on to its next port. We have not been asked to get involved in that as yet, but we are aware that it is a request that could come our way. Clearly there is a concern amongst some ship owners and, indeed, the ports themselves that having been released by one clan of pirates having paid the ransom, as you move away from the coast you are potentially vulnerable to almost immediate recapture by another clan of pirates, and that would be an extremely unwelcome development in terms of international community perspective, so if a request was made for us to offer a degree of security for a ship moving away from the coast having been freed, we would certainly look favourably at our ability to offer that potential.

**Q55 Lord Hamilton of Epsom:** Do you have the capability with Royal Marines to actually take back a ship that has been seized by pirates, like dropping in from helicopters and that sort of thing?

**Rear Admiral Jones:** The capability that has been put in to certainly Royal Navy ships operating in both Atalanta and the coalition is at the highest end of boarding operations, and

particularly non-compliant boarding operations, of anything we have ever deployed and a significant amount of capability has been configured towards that. The precise way in which we would consider how to do an operation like that is a consideration we that will be taken elsewhere, but the capability is there to consider that at the very least.

**Q56 Lord Anderson of Swansea:** Lessons learnt so far in the course of the operations? If you were now writing interim lessons learnt, what would be the main conclusions?

**Rear Admiral Jones:** I will have to do exactly that actually. I have to do a mid-operation review to the EU Military Committee in June, and that will form a large part of it. The ability to establish an intelligence-led operation, I think, has been the pivotal one. We were blessed at the start of Atalanta by having a number of ships that joined the force having already been in theatre. They were on national tasking or, indeed, working as part of coalition or NATO tasking and they came to us with a degree of awareness of operations in theatre. As each new ship comes in, sometimes having deployed all the way from its home port, it is taking a while to settle in and become familiar with the patterns of life and then, again, the ability to use intelligence to cue these valuable, priceless but small number of warships on to where real pirate activity is taking place is absolutely pivotal. So intelligence-led with a significantly enhanced degree of surveillance capacity in order to best use the discrete asset you have is probably the most significant lesson I have learned, alongside co-ordination. Again, everyone who is involved in this has a similar goal, and capturing the potential of all those participants in a common goal of countering piracy is certainly one of the huge lessons that have gone well.

**Q57 Chairman:** Admiral, thank you very much indeed. I am aware that you have talked at quite a pace and we have kept you here for a long time, but it has been an excellent session, I think, and certainly as a committee we have learnt a great deal; and I am sure we will want to

congratulate you on the work that you have done, particularly something that has not been done before, and wish you every success in this particular area.

***Rear Admiral Jones:*** Thank you, my Lord. I appreciate the opportunity very much.