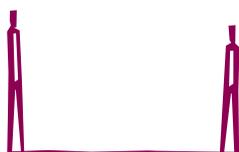


MARITIME SECURITY 130 IN A MULTIPOLAR WORLD

TOWARDS AN EU STRATEGY
FOR THE MARITIME COMMONS

Timo Behr, Mika Aaltola & Erik Brattberg

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TOWARDS AN EU STRATEGY FOR THE MARITIME COMMONS



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- Recent years have seen a transformation of the global maritime security environment, driven among other things by the diffusion of maritime power, great power competition, the “territorialisation” of the seas, the rise of maritime non-state actors, changes in maritime geography, and a race to extract maritime resources.
- In this changing security context, European access and interests in the global maritime commons can no longer be assured by the application of US hegemonic power or the soundness of multilateral regimes. Instead, the EU needs to develop a new proactive strategy of its own for securing the maritime commons.
- This strategy should be based on ensuring the “security of access” and “sustainable management” of the global maritime commons. In particular, the EU strategy needs to focus on securing safe passage along its vital “sea lines of communication” (SLOCs), which are increasingly being threatened by great power rivalries, territorial conflicts, a reformulation of maritime law and the proliferation of maritime non-state actors.
- Failure to formulate its own strategy and vision for the management of the maritime commons means that the EU will become increasingly sidelined in debates over the future governance of the maritime commons and might face a growing number of disruptions along its vital SLOCs and within its “maritime margins”.

The Global Security research programme
The Finnish Institute of International Affairs

Introduction¹

Europe's future security is linked to the seas. Together, the EU's 27 member states command a coastline of over 100,000 km that crosses two oceans and four seas. Maritime resources are an important source of energy and nutrition for Europe's population. Maritime flows, representing 90% of the EU's external trade and over 40% of its internal trade, are the lifeblood of European trade and commerce and crucial for Europe's future economic well-being.² And European overseas territories, navies and shipyards remain potent symbols and crucial conduits for European global power and influence in an ever more interconnected world.

Sea-based threats and opportunities are pivotal in determining Europe's future collective security. Important challenges to Europe's internal security – terrorism, organized crime, illegal migration – all require a maritime response. Most external security challenges, including state-building and crisis management operations, deterring rogue actors, protecting critical maritime flows and infrastructure, or resolving territorial disputes and great power rivalries, also require substantial sea-based power projection capabilities. The exploitation of seabed resources, the opening of new maritime shipping routes, and the growing sway of maritime non-state actors, all harbour unknown opportunities and challenges and demand an adjustment to maritime strategy.

In order to meet these challenges and ensure the security and economic well-being of its people, the EU requires a security strategy that looks beyond its immediate maritime margins and towards the security of the global maritime commons.³ With US global maritime power in decline, maritime disputes on the rise, and international maritime law being increasingly tested, the EU can no longer take the

security and openness of the maritime commons as a given. Nor can it resist ongoing changes to the maritime environment. Instead, it needs to develop a maritime strategy that anticipates and shapes change in the global maritime commons.

Developing an EU strategy for ensuring the security and openness of the global maritime commons is therefore not so much a matter of choice and a signal of growing European ambitions, but a prerequisite for safeguarding Europe's vital sea lines of communication (SLOCs) and ensuring Europe's own future as a global maritime actor. This suggests that maritime matters should take a prominent place in the ongoing discussions about a revision of the European Security Strategy (ESS) and present efforts to draw up a European Global Strategy (EGS). This paper seeks to suggest some elements of such a strategy by surveying recent changes to the global maritime context and exploring their consequences for the European Union as an international security actor.

Change factors

Recent years have seen several radical changes to the international maritime security environment that have been the result of a number of concurrent and reinforcing global trends. These geo-political, environmental, legal, technological and even physical changes are reshaping the nature of the maritime commons. The result is a new maritime security environment that is simultaneously more connected and more contested, in which developments in far-away maritime regions reverberate around the world, and where national rivalries and resource competition threaten to encroach on the international freedom of navigation. These "contested commons" are being conditioned by a number of change factors rewriting the rules of the game.

The global diffusion of maritime power as a result of the "rise of the rest", above all, is changing the geostrategic maritime balance. Over the last decade, a number of emerging and resurgent powers have initiated a series of ambitious fleet building programmes. Many of these programmes are aimed at acquiring sea-based power projection capabilities. China, Russia, India and Brazil are all in the process of developing their own carrier and amphibious warfare capabilities that will enable them to project

1 This paper draws on the European Parliament Study "The Maritime Dimension of CDSF: Geostrategic Maritime Challenges and their Implications for the European Union", EP/EXPO/B/SEDE/FWC/2009-01/Lot6/21, January 2013.

2 EMSA (2009), *Quality Shipping, Safer Seas, Cleaner Oceans*, Luxembourg: EMSA.

3 The concept "maritime commons" commonly refers to all sea areas within which all nations have freedom of access and action in accordance with international law.

power beyond their territorial waters. Inevitably, neighbouring countries have responded by strengthening their own naval forces, leading to a series of major naval build-ups. At the same time, the development of new anti-access and area-denial (A2/AD) capabilities has raised questions over the future viability of large surface fleets, further blunting the conventional superiority of the US Navy and posing a potent localized threat to the freedom of navigation.⁴

This “elegant decline” of Western naval power is not a challenge per se to the global maritime security environment.⁵ On the contrary, if employed to strengthen international regimes, it has the potential to reinforce the security and safety of international shipping. However, paired with growing geopolitical competition in the Asia-Pacific and Indian Ocean regions in particular, the global shift in maritime power harbours some potential for conflict and confrontation; whether in terms of low-intensity conflicts and proxy wars between middling powers or, less likely, great power confrontation. By raising the costs of any future maritime confrontation, the diffusion of maritime power away from the West, moreover, strengthens the ability of new and rising powers to challenge the existing legal order over territorial claims and exclusive economic zones.

The “territorialisation” of the seas appears to be one potential consequence of this development. Several rising powers have displayed a growing willingness to contest the existing limits of their territorial waters and to regulate access to their exclusive economic zones (EEZs). China, for example, has made expansive claims in the South and East China Seas and has sought to reinterpret international law in order to deny access of foreign military vessels to its EEZs. Russia has laid claim to the control of Arctic Sea Routes outside its own sovereign territory. Turkey has threatened to use naval force to support the implausible claims of Northern Cyprus to its own EEZ and to threaten gas explorations in

the internationally-recognized Cypriot EEZ. Brazil has rejected NATO interference in the South Atlantic, which it regards as its own strategic backyard. Due to the nature of international law, these claims might lead to changes in customary and regional law, allowing for a greater regulation of navigation through EEZs and a *de facto* territorialisation of some maritime spaces.⁶

The geography of the seas is also changing in other respects. The expected opening of new sea routes across the Arctic, as a result of climate change, is likely to lead to an adjustment of global maritime flows as well as greater competition for Arctic halieutic and energy resources. New large-scale infrastructure projects – including the expansion of the Panama Canal, the Sino-Burmese pipeline project, and plans for a canal across the Kraa Isthmus – will lead to a diversion of maritime traffic along new routes. The shale gas boom in the United States and the expected growth in LNG traffic are changing the patterns of oil trade and have raised question over the US willingness to continue guarding critical sea lanes. While the Atlantic is likely to rise in importance as an energy supply route for Europe, India and China have seized on reduced US imports from Latin America and West Africa. Inevitably, this redirection of maritime flows shifts geopolitical attention to new maritime spaces, in particular the Arctic, the Indian Ocean, the South Atlantic and potentially the Caribbean.

Growing commercial interest in the exploitation of maritime resources is adding further pressure for international competition, in particular in the more scantily regulated high seas areas. Deep-sea mining, long a sailor’s pipedream, is slowly coming of age due to new technological developments and high metal prices. Competition for the extraction of polymetallic sulphides, cobalt-rich crusts and manganese nodules is fuelling a frantic global race amongst emerging economies.⁷ Recent discoveries of rich rare earth deposits on the Pacific seabed, in particular, could trigger a new resource race and challenge China’s rare earth monopoly. However,

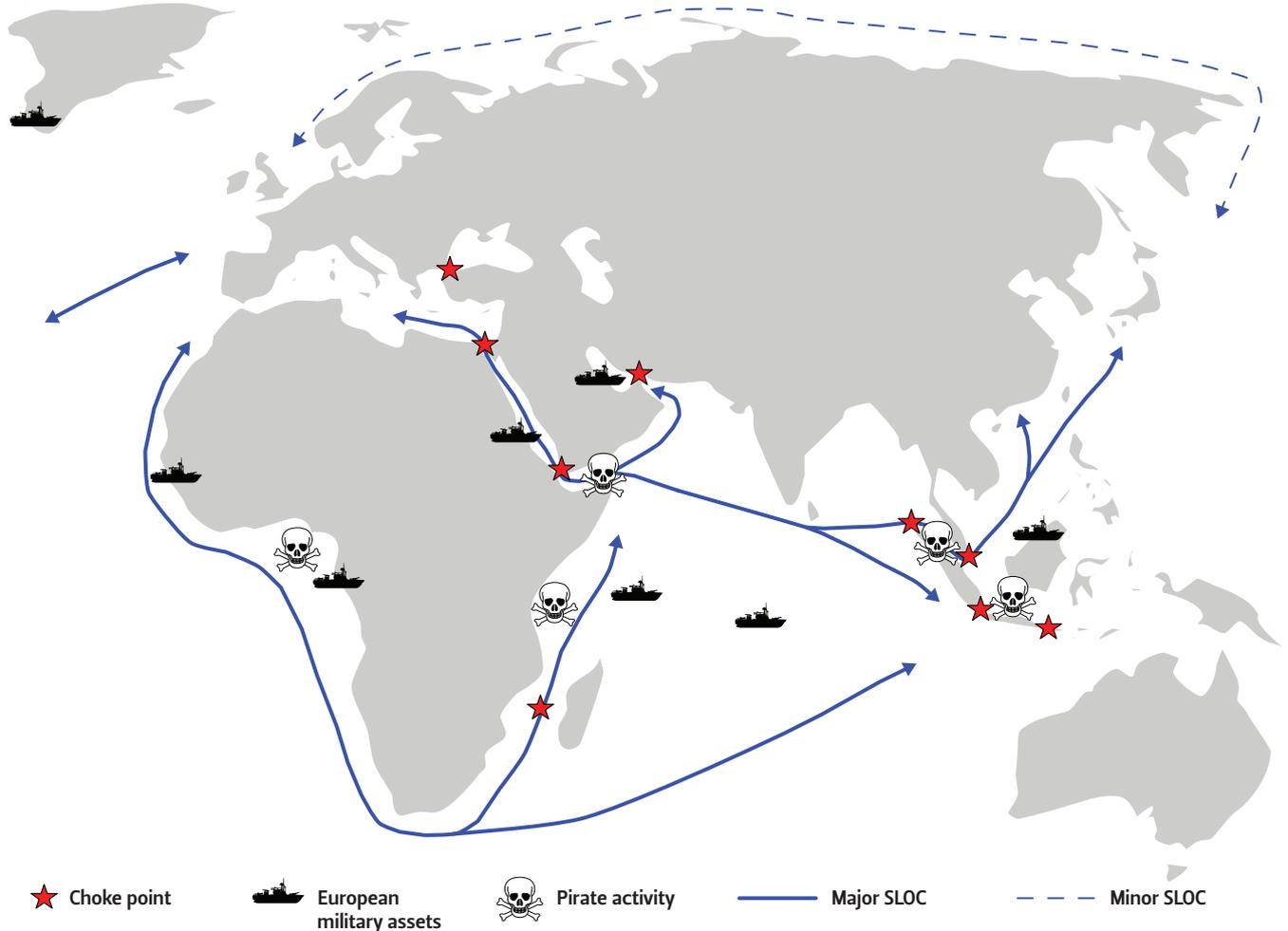
4 James R. Holmes, “U.S. Confronts an Anti-Access World”, *The Diplomat*, 9 March 2012; Roger Cliff et al., *Entering the Dragon’s Lair: Chinese Anti-access Strategies and the Implications for the United States*, Santa Monica: RAND, 2007.

5 Robert Kaplan, “America’s Elegant Decline”, *The Atlantic*, 1 November 2007.

6 Jon M Van Dyke, “The disappearing right to navigational freedom in the exclusive economic zone”, *Marine Policy* 29:2, March 2005.

7 Paula Park and T.V. Padma, “India joins deep sea mining race”, *The Guardian*, 30 August 2012.

Figure 1: Europe's Sea Lines of Communication



any rush to develop the extraction of these mineral resources, regulated by the International Seabed Authority, could have lasting environmental consequences if undertaken without sufficient regulation and oversight.

At the same time, deep sea-mining is also an effective means of accessing and monitoring disputed and strategic waters and as such should be seen in conjunction with the increasing territorialisation of the seas.⁸ It is therefore no surprise that China, India, Japan and South Korea are all locked in a frantic race to explore and extract the mineral resources of the Indian Ocean, South China Sea and East China Sea. They have all now staked claims to vast areas for exploitation in the Indian Ocean that harbour the potential for further politicisation and competition. Competition for dwindling halieutic resources and the advent of large illegal fishing fleets, many of them Chinese, have further added

to the maritime resource race currently underway. Illegal, unreported and unregulated (IUU) fishing by Chinese fleets has reached critical proportions especially in West Africa, with estimates suggesting that China only reports 9% of its annual catch. In the Asia-Pacific, IUU incidents commonly spark security stand-offs and political crises, as recently between the Philippines and Taiwan.⁹

Finally, states and multinational enterprises are no longer the only actors within the diverse and contested maritime environment. The growing density and importance of maritime flows has also encouraged the growth of illegal maritime non-state actors, such as pirates, terrorists and criminal syndicates. These actors can create international bottlenecks by limiting the freedom of navigation in ill-controlled areas and by leaching onto existing maritime flows. State failure, in particular around the Horn of Africa and West Africa, has enabled illegal actors to grow

8 Stratfor (2012), “Deep-Sea Mining as a Political Tool”, 2 August 2012.

9 Roland Blomeyer et al., “The Role of China in World Fisheries”, European Parliament Study, June 2012.

and disrupt international commerce. In response, the use of private maritime security companies (PMSCs) has been on the rise. The rapid growth of private security actors has added further complexity to the situation, as flag state policies concerning the use of armed guards vary.¹⁰ Although PMSCs have a great potential, their regulation is necessary and requires a common European response.

Together, these changes make for an increasingly complex and contested international maritime structure. The exponentially greater number of state and non-state security actors increases uncertainty and the potential for confrontation. New and rising powers are challenging the existing rules of the game and pressing for a territorialisation of the seas and a revision of existing maritime legal norms. Greater competition for halieutic and mineral resources are fuelling competition and degrade the marine environment. In order to ensure its maritime interests in an increasingly fragmented and competitive post-American world, the EU needs to develop its own strategy for securing the global maritime commons. Any such strategy needs to be based on a clear vision of the EU's maritime interests and the main threats to those interests posed by a changing world.

Maritime Interests

Due to its position as a global trading power and its co-dependence on the maritime ecosystem, the EU's main security interests in the maritime commons are: *security of access* and *sustainable management*.¹¹

Given the structure of today's global political economy, European countries are ever more tightly integrated into a complex global supply and production chain that relies to a great extent on sea-based transport and technologies. Although intra-European trade still represents the lion's share of European economic exchange, EU trade with the rest of the world – and particularly with Asia – is steadily increasing. Moreover, the supply of energy and raw materials from the global marketplace has become

vital for the functioning of the European economy. This makes security of access to the global commons a vital strategic interest for the EU.

Most of these vital maritime flows travel to Europe along a limited number of highly congested and easy to disrupt sea lines of communication (SLOCs): A southern corridor, connecting the Mediterranean with the Gulf of Suez, the Red Sea and the Gulf of Aden, where it branches out into connections with East Asia and the Arabian Gulf; an eastern corridor, stretching from the East and South China Seas through the Malacca Straits into the Indian Ocean, where it connects with other traffic bound for Europe; and a western corridor, casting a wide arc over the Atlantic to connect Europe with the Americas. In the future, the opening of a northern corridor, running along the Russian Arctic coast and through the Bering Straits into the Pacific, could significantly cut transport time and costs to Asia and take on similar geo-strategic significance for Europe.¹²

Maintaining open and uninterrupted access to all four of these SLOCs is vital not only for European trade and commerce, but also for the projection of European power. While secure passage along these routes can be considered a shared global interest, the southern, eastern and northern corridors are dotted with strategic choke points, such as the Malacca Straits, the Bab-el-Mandeb, and the Strait of Hormuz, which can easily be blocked by state and non-state actors. Only the western route, across the Atlantic, remains relatively invulnerable to disruptions, but also more difficult to control and police. The mere potential for disruptions along various strategic chokepoints makes them lightning rods of geo-strategic attention and encourages local friction and global power competition over their control – as has been the case in previous centuries. It also provides littoral countries with considerable leverage to extract political and economic rents.

Assuring the openness and security of its SLOCs and deterring any attempt at exploiting strategic chokepoints along these routes to extract economic or political rents remains a vital interest for European

10 Oceans Beyond Piracy, “An Introduction to Private Maritime Security Companies”, <http://oceansbeyondpiracy.org/>

11 Gerald Stang (2013), “Global Commons: Between cooperation and competition”, ISSEU Brief 17, April 2013.

12 Harri Mikkola & Juha Käpylä (2013), “Arctic Economic Potential: The Need for A De-Hyped Perspective”, FIIA Briefing Paper 127.

security. Europe also requires open access to these routes to maintain the ability to project power, both in its neighbourhood and faraway regions, as well as in order to protect its overseas territories from potential aggressors. Europe's ability to exploit the halieutic and mineral resources of the High Seas, as well as its ability to protect critical infrastructure projects, such as oil platforms, submarine communication cables, and offshore wind farms, is dependent on its secure and assured access to the global maritime commons for the foreseeable future.

But European interests in the global maritime commons go beyond security of access questions. In order to escape the "tragedy of the commons", the European Union also has a clear interest in ensuring the sustainable management of common maritime spaces. The overexploitation and unsustainable management of maritime resources have a tendency to directly affect the EU in today's interconnected world. Pollution, overfishing and ecological disasters have dire consequences for littoral countries, but can also have global consequences, due to their impact on the maritime ecosystem. Moreover, local mismanagement can have significant political spillover effects by, for example, encouraging the growth of illegal maritime activities or fuelling resource competition and regional crises. Thus, there has been some evidence that overfishing around the Horn of Africa interacts in a complex way with the piracy challenge off the coast of Somalia.¹³

Sustainable management and control of the global maritime commons is also important to prevent their exploitation by illegal maritime actors. Pirates, terrorists and crime syndicates are able to thrive in the lawless and uncontrolled spaces of the seas around the Horn of Africa and the Gulf of Guinea and can function as refuges from which these actors can project power onto land. Finally, maritime security and safety standards and environmental regulations all require a common global framework to ensure their global application. For these various reasons, the EU has a vital security interest in ensuring the sustainable management of the seas.

In the past, the EU could rely on a combination of a rule-based international system and the threat of American naval power to deter any challenge to the "security of access" and maintain a guaranteed level of "sustainable management". While international rules and commonly accepted standards protected the global maritime commons from the worst cases of overexploitation and mismanagement, American power deterred any threat to the freedom of navigation, or the abuse of strategic chokepoints to extract political and economic rents. However, within the evolving global maritime context, new threats have emerged, while the ability of old tools to manage these threats has decreased considerably since the US-dominated Cold War and post-Cold War era.

Emerging threats

In the new maritime context, characterized by a proliferation of actors, a diffusion of power, and a weakening of global regimes, several new challenges to security of access and sustainable management have emerged.

While the international diffusion of maritime power does not necessarily represent a direct threat to European security, it harbours the potential for a wider international confrontation; in particular between emerging powers and the United States. While it appears unlikely that any such confrontation will turn into a "hot conflict", there is a potential risk that great power competition between the US and China might escalate into an incipient "maritime cold war" in the Indian Ocean and Pacific regions. As China develops its blue water ambitions and capabilities, the US is seeking to contain Chinese space for action by creating countervailing alliances.¹⁴ Unless properly managed, this competition will inevitably create friction and mistrust that could throttle and disrupt international maritime flows along Europe's southern and eastern maritime corridors.

Although a direct confrontation between the US and China appears unlikely, growing competitive dynamics might encourage clashes between

13 Stig Jarle Hansen, "Debunking the Piracy Myth: How Illegal Fishing Really Interacts with Piracy in East Africa", *RUSI Journal*, 156:6, December 2012.

14 Michael T. Klare (2013), "The United States Heads to the South China Sea: Why American Involvement Will Mean More Friction - Not Less", *Foreign Affairs*, February 2013.

middling powers, proxy wars, and low-intensity conflicts. With both China and the US vying for allies, there is also a potential for brinkmanship behaviour by regional actors, such as North Korea, eager to bolster their own legitimacy or territorial claims. Similarly, the great powers might attempt to use proxies in order to change the strategic balance in contested regions, while avoiding direct confrontation. Clashes amongst rising powers over territorial boundaries and the exploitation of maritime resources also remain a realistic possibility. Expansive territorial claims by China and others are fuelling this competitive trend. These conflicts have the potential of drawing in a wide range of external actors, including the EU. They also complicate vital international cooperation over the management of maritime resources.

Failed and collapsing states in the EU's neighbourhood, particularly in the wider Middle East, also pose a formidable challenge to Europe's SLOCs. While there has been a visible trend away from the costly state building exercises of the 1990s and 2000s, state failure and civil wars will continue to require EU and NATO intervention. These will be necessary not only for humanitarian reasons, but also to prevent the creation of lawless zones on the EU's maritime borders and SLOCs that could be exploited by terrorists, pirates and other illegal non-state actors.

The example of Somalia has shown the potential of land-based instability to radiate outwards and disrupt maritime flows. With the US less willing to manage these conflicts, part of the burden will inevitably fall on the EU. Although the EU has maintained a relatively robust counter-piracy mission in the region, Operation NAVFOR Atalanta, there is still a need for greater European sea-based power projection capabilities that are able to support both aerial and land operations, witnessed during the 2011 Libya intervention, as well as the ability to control and police vast ungoverned maritime spaces. At the same time, transatlantic cooperation on maritime security issues will continue to be crucial and should be further explored.

Regardless of Europe's ability and willingness to muster these resources, pirates and other non-state actors will continue to pose a palatable risk to the freedom of navigation within the foreseeable future. Piracy remains a considerable threat to maritime

trade in various regions, including the Gulf of Aden, the Strait of Malacca and the Gulf of Guinea.¹⁵ Piracy has also proved to be a global and adaptable phenomenon in recent years that has sought to exploit weaknesses in the international security architecture wherever they arise. This means that localized action often does not suffice to address the wider challenge, as pirate activities shift in line with international attention. Non-state and rogue actors have also been empowered by the availability of A2/AD technologies. Actors, like Hezbollah, have acquired the ability to target and disrupt international commerce and challenge conventional maritime forces, while Iran's threat to the Hormuz Strait has only increased.¹⁶

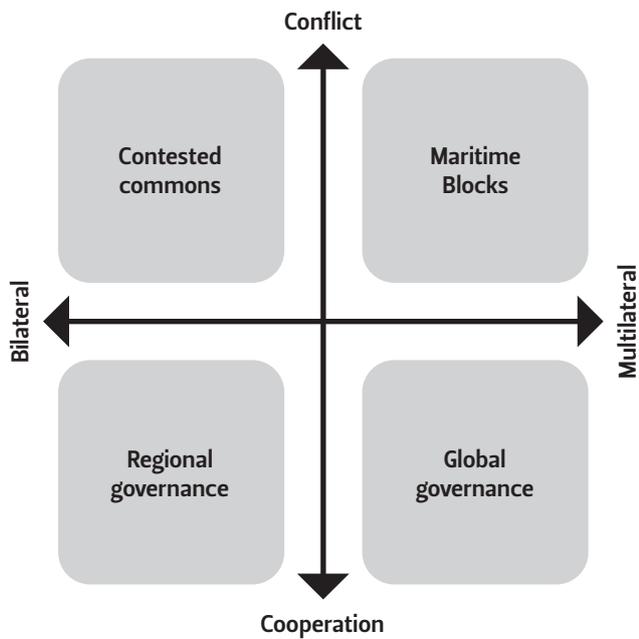
Sustainable management challenges have also been exacerbated by the new international context. Today, climate change, pollution, overfishing and the unsustainable exploitation of resources in other parts of the world's oceans directly impinge on the maritime neighbourhood of the European Union. Thus, overfishing in the Asia Pacific region has led to an uptake of IUU activities in the Atlantic and even the Mediterranean. The opening of the Arctic corridors and the unregulated exploitation of Arctic resources – both mineral and halieutic – could directly affect the fish stocks and biodiversity of Europe's own maritime neighbourhood. The nascent resource race for the exploitation of deep-sea mineral resources and an uptake in bioprospecting could also have a lasting impact on the global maritime environment with significant consequences for the EU.

Finally, the evolution of international maritime law, in the form of the UN Convention on the Law of the Seas (UNCLOS), will to a considerable extent be shaped by the actions of emerging powers in the Asia-Pacific region. These new actors articulate a fundamentally different interpretation of international maritime law. In contrast to Europe, rising powers tend to emphasize national sovereignty and the historical nature of claims in their territorial disputes. While it can reasonably be argued that the EU has no interest in interfering in territorial

15 Hans-Georg Ehrhart (2013), "Maritime Security and Piracy as Challenges for the EU", EU-Asia Dialogue.

16 W. Jonathan Rue (2011), "Iran's Navy Threatens the Security of the Persian Gulf: Tehran's New Plan to Dominate its Region – and Beyond", *Foreign Affairs*, October 2011.

Figure 2: Future maritime governance scenarios



disputes in the Asia-Pacific region, these disputes are starting to shape customary international law and pose a challenge to the EU's own interpretation of maritime law, emphasizing openness and collective governance.¹⁷

In sum, the evolving maritime security context harbours a number of new and unfamiliar challenges for the EU. Great power rivalry, proxy conflicts, lawless maritime zones, empowered rogue actors, a budding resource race, and fragile international regimes threaten to undermine the security of access and sustainable management of the global maritime commons. Maritime security challenges are also of an increasingly globalized nature, requiring action at a systemic level just as international security cooperation is declining. While it is not yet clear whether these developments will lead to an erosion of maritime security, systemic change has become unavoidable. Whether this will lead to more conflict or cooperation and whether it will emphasize global or regional solutions will determine the overall nature of the global maritime commons.

Overall, it seems plausible to distinguish between four different maritime governance scenarios for the future in this regard: i) a *global governance* scenario that would see a strengthening of multilateral

frameworks and problem solving mechanisms; ii) a *maritime blocks* scenario in which inter-state conflicts and great power rivalry will dominate; iii) a *regional governance* scenario that would see greater friction, but also more effective regional governance; and iv) a *contested commons* scenario, where maritime power will be highly diluted between state and non-state actors and there will be no hegemonic or institutional ordering logic.¹⁸ Ultimately, these scenarios ought to provide the backdrop for the future development of EU capabilities and strategies.

EU maritime strategy

The core elements of the EU's strategy for maritime security thus far include the European Security Strategy (2003) and its subsequent implementation report (2008), the Commission communication on an Integrated Maritime Policy (2007), and the Council conclusions concerning maritime security (2010). The European Security Strategy (ESS) is remarkably silent on maritime issues. The only reference to the topic is in regard to organized crime, but even here it fails to provide specific details about how the EU should respond to this challenge. Several other challenges and threats listed in the ESS could be interpreted as related to maritime security, but no such connection is explicitly made by the document.

In contrast, the Implementation Report on the ESS contains a whole separate paragraph devoted exclusively to piracy. The report states that piracy is the result of state failure and points out the dependence of the world economy on maritime trade. It specifically notes the piracy activities in the Indian Ocean and the Gulf of Aden and points to the EU's track record in responding to these threats. In a separate section, the document also notes that "climate change can also lead to disputes over trade routes, maritime zones and resources previously inaccessible". Written in 2003 and 2008 respectively, another major shortcoming of both documents is that neither of them takes into account the Solidarity Clause or the mutual assistance clause of the Lisbon Treaty.

17 Jonathan Holslag (2012), "Crowded, Connected and Contested: Security and Peace in the Eurasian Sea and what it means for Europe", Asia-Europe Centre, 2012.

18 Timo Behr, Mika Aaltola, Erik Brattberg et al. (2013), "The Maritime Dimension of CDSP: Geostrategic Maritime Challenges and their Implications for the European Union", European Parliament.

Another landmark policy document guiding EU action in the maritime realm is the Commission communication on an Integrated Maritime Policy (2007), which proposed an Integrated Maritime Policy (IMP) for the Union.¹⁹ The communication stated two overall objectives. First, to work towards an integrated maritime policy for the EU and, second, to foster a knowledge and innovation base for the maritime policy. Accompanying the communication was an action plan for the implementation of these efforts. The action plan mentions a number of different projects, including a European network for maritime surveillance – currently in the process of being implemented (e.g. MARSUR). Although potentially useful for the implementation of the ESS, the IMP, which was completed before the Lisbon Treaty, does not have a specific focus on security.

Furthermore, in a Council of the European Union meeting with the EU foreign affairs ministers on 26 April 2010, brief conclusions concerning maritime security were adopted. This statement stressed the need for the EU to take an active role in promoting global maritime security by addressing the type of threats identified in the European Security Strategy. A key deliverable envisioned by the statement was to call on the High Representative to work together with the Commission and the member states to explore a possible “Security Strategy for the global maritime domain, including the possible establishment of a Task Force” within the context of the CFSP/CSDP and within the framework of the ESS – something that has yet to materialize. Even though the European Council in its conclusions on maritime security strategy in 2010 noted that a “Security Strategy for the global maritime domain” should be explored, no specific maritime security strategy has been put forward as yet, despite some recurrent outside calls for such a strategy.²⁰

Finally, in light of the growing strategic importance of the Horn of Africa to the EU, on 14 November 2011 the European Council adopted a strategic framework for the Horn of Africa calling for a multisectoral EU strategy, encompassing five areas of EU action:

i) building robust and accountable political structures; ii) contributing to conflict resolution and prevention; iii) mitigating security threats emanating from the region; iv) promoting economic growth; and v) supporting regional economic cooperation.²¹

Regarding maritime security, the strategic framework notes the economic costs associated with piracy off the coast of Somalia. It further asserts that the EU will work to counter piracy through seeking to enhance local and regional capacity to fight piracy (including maritime capacities and prosecution and detention capacities) and better track financial flows from piracy. The strategy, however, leaves it to the EU’s Special Representative (EUSR) for the Horn of Africa to develop “a coherent, effective and balanced EU approach to piracy, encompassing all strands of EU action”. In general, the strategic framework for the Horn of Africa can be said to be a part of the Union’s attempt to take a more ‘comprehensive approach’ to crises by integrating security and development/humanitarian assistance components under one overarching policy agenda for the region.

While the EU has therefore developed certain incipient elements of a maritime security strategy, these remain narrow, fragmented and insufficiently developed. Moreover, EU maritime policy remains by and large focused on the EU’s maritime neighbourhood, neglecting the growing importance of maritime conflicts in the global commons and along its sea lines of communication. In order to guarantee the EU’s core maritime security interests within the changing international context, the EU will need to develop a more comprehensive and strategic approach with a particular focus on the importance of the global maritime commons for EU security.

Elements of strategy

Faced with a quickly transforming geostrategic context and an uncertain maritime future, what kind of strategy for the security of the global maritime commons should the European Union adopt? In order to ensure secure and open access for its maritime flows and encourage sustainable management of the global maritime commons, we suggest that

19 European Commission (2007), *An Integrated Maritime Policy for the European Union*, COM(2007) 575 final.

20 Basil Germond (2011), “The EU’s security and the sea: defining a maritime security strategy”, *European Security*, Vol. 20, No. 4, December 2011, pp. 563–584.

21 Council of the European Union, *Council conclusions on the Horn of Africa*, 16858/11, 14 November 2011.

a European maritime security strategy needs to be based on the following criteria.

First, and above all, it will need to be global. While it is true that Europe's "maritime margins" are geographically the most relevant maritime areas for the EU, developments in the global maritime commons and maritime disputes in Asia and beyond will increasingly impact EU security – both by shaping the evolving legal context and through their impact on the overall security environment. As a result, the EU has a vital stake in their outcome and should encourage global multilateral solutions whenever and wherever possible. That requires both a global policy and a global presence. Without that presence, the EU will quickly find itself frozen out of relevant discussions and its ability to shape future developments will inevitably dissipate. In particular, the EU should consider ways of increasing its presence in the Indian Ocean and the Arctic by making full use of the overseas bases and territories of EU member states and, if necessary, negotiating additional basing rights.

Second, the EU maritime strategy should be proactive in that it aims to mould the emerging global governance context by putting forward its own vision of maritime governance. While there is no denying that the protagonists in the changing security context are the emerging powers, the EU should do its utmost to win these actors over to its own vision. To do so, the EU needs to become more assertive in opposing the rising sovereignist tide in dealing with territorial conflicts and exclusive economic zones. This requires a balancing act in its contact with emerging powers such as China and Russia. While the EU ought to show some willingness to accommodate their concerns by engaging in more intensive maritime dialogues, it should unambiguously oppose any attempt to undermine or reformulate fundamental UNCLOS principles and their application.

Third, the EU requires a comprehensive maritime strategy that relies on the full spectrum of its external policies. This requires creating further synergies between the EU's Integrated Maritime Policy (IMP), its various sea-basin strategies, as well as all aspects of CSDP policies. For a comprehensive approach to work, it must combine surveillance, prevention, international legislation, coast-guard training and capability building, and development support. The EU's development of a "critical maritime route

programme" is an important contribution in this regard, as are various other EU activities seeking to build regional maritime capacities in key regions. However, further action could be taken to encourage maritime security sector reform in unstable and contested regions and to encourage the construction of regional governance systems. Military diplomacy by EU member states can also play a vital role in promoting the EU's maritime vision, by conducting common exercises with third parties and increasing the number of flag visits in critical regions.

Finally, in an increasingly uncertain maritime environment, the EU requires a robust strategy, able to deal with the full spectrum of emerging maritime threats. This means that EU member states will need to provide naval capabilities that are able to take on an increasingly broad catalogue of tasks. These will range from protection of the seas through monitoring and safety operations, to securing the seas through counter-piracy or anti-immigration operations, as well as the ability to project power on land and to potentially faraway regions. This requires modern, multipurpose platforms that are able to remain at sea for extended periods of time and are interoperable with each other and potential third parties. In the face of declining defence budgets, the only way of providing these capabilities and maintaining a credible deterrent is through greater pooling and sharing amongst EU member states. Moreover, the potential for acquiring certain "common use" assets, such as drones, surveillance satellites or hospital and anti-pollution ships, should be taken seriously in the long run.

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