2015/10/05

# The Complex Nature of Today's Maritime Issues[1]

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## Introduction:

The European Union, in the new maritime security strategy, approved in June 2014, adopted a vision that extends the scope of its applicability to the use of the sea, both as a space for economic development and a space for security, defense and power projection.

This option makes perfect sense in view of the growing interactions between both domains but, on the other hand, raises, at least three levels of challenges for coordination:

- At the internal scope of the European Union in view of the diversity of departments with responsibilities in the process and trying to preserve their powers domains (eight general directorates,[2] o *European External Service* and several agencies[3]);
- Between the European Union and the member states;
- Between the European and NATO.

Leaving aside all the aspects that belong exclusively to the European Union, this paper aims at the other two levels, in three matters which I believe need further discussion.

## 1º Challenge:

*Differentiate, among the maritime security interests to be protected, those which ones are basically national responsibilities from those that should be addressed by the European Union as a collective entity and global actor.*

The main objective, at this point, is to design a conceptual framework supporting a clear distribution of tasks, at individual and collective levels, and designed to avoid mutual interferences. For that purpose, I suggest distinguishing the following three dimensions of intervention: waters of immediate vicinity; waters of close vicinity and distant waters. Details of the tasks in each of these areas will be discussed later.

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[1] Artigo elaborado para o EURODEFENSE Portugal, para apresentação no EURODEFENSE Group 19, tema "The political challenges of a common maritime security strategy, also in its relations to NATO maritime activities".
[2] Maritime Affairs and Fisheries, Home Affairs, Justice, Enterprise and Industry, Mobility and Transport, Taxation and Customs Union, Research and Innovation, Development.
[3] Service for Foreign Policy Instruments, EDA, EMSA, SatCen, Europol, Frontex, EU Military Staff, Crisis Management and Planning Directorate, EU Intelligence Analysis Centre.

1. **"Waters of immediate vicinity"** include waters of national jurisdiction of each member state and the respective approaching areas. Within these spaces, what should prevail would be the rights and responsibilities of each member state under the objective to ensure that those waters are managed in a secure, responsible and sustainable way.[4] As such, the role of the European Union should not go beyond coordination, when might be advisable joining forces of different member states, and should avoid grey areas not adequately covered by a country or institution.

2. **"Waters of close vicinity"** include waters beyond areas of national jurisdiction and immediate vicinity, which encompass a great part of North Atlantic, the whole of the Mediterranean Sea, the North Sea, the Black Sea and the Baltic Sea. In the future, the oriental side of the Arctic Sea should be also considered part of that, as an area where at least two member states hold specific legal rights and responsibilities and where the whole European Union has relevant interests. In view of the Russia's ambition for this area - considering itself the preeminent actor in the High North - the European Union should be kept prepared to play a role to promote cooperation, bearing in mind that the presence of NATO would be viewed by Moscow as confrontional.

    Within this dimension – waters of close vicinity - the European Union should assume the leading role for the organization of a collective response from the contribution of individual member states forces, as explained later on in this paper.

3. **"Distant waters"**, where the Europeans may need to cope with security problems in sea lanes of communication vital for the European economy. It is within this dimension that the European Union is currently conducting several types of initiatives in the Gulf of Aden (for instance Operation "Atalanta") and the Gulf of Guinea and might to have to do the same elsewhere. For these kinds of situations we expect, in the first instance, a strategic coordination with NATO and, hopefully, the cooperation of local states, partners and regional maritime security organizations to be part of the overall effort. The purpose would be: to help maintaining international order by ensuring access for their own commerce and that of the world in general and their economic partners in particular. For that intention, naval forces are expected to act whenever and wherever local authorities are unable to cope with the existent situation and to provide responses to the relevant threats.

**2º Challenge:**

*Detail which kind of roles should the European Union assume whenever and wherever there is a need of coordination to help improving individual member states performance and, when necessary, to organize a collective European response.*

1. Within the waters of national jurisdiction, the primary role for the European Union should be to make sure that full "maritime domain awareness" (a clear picture of all sides of maritime activity that may have impact on the security, safety, economy or environment of the domain) is achieved throughout the area. Although the basic requirements for this purpose are to be guaranteed at the level of each member state

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[4] «Those countries that can provide secure, stable offshore zones and maintain coherent regulatory, taxation and legal regimes for their economic exclusive zones (EEZs) are likely to attract inward investment and enterprise», in "Super Highway, Sea Power in the 21st Century", Chris Parry.

responsibility, the European Union must create a basis for a coherent and efficient integration of the individual surveillance systems and for the overall coordination of the surveillance effort. The European Union, in view of the aim to build a picture that would allow us to know in real time "who it is and what is doing", should lead the process of acquisition of collective surveillance systems and organize a information sharing network for all participants. The initiative for a "*Common Information Sharing Environment*" need to receive priority attention and funding.

In critical situations, such as the currently existing across the Mediterranean (102000 migrants have arrived in Europe[5] from January 1st to June 6th, according to the International Organization for Migration) the European Union should assume responsibility for a coordinated effort adjusted for each particular case. Two different situations may occur: either insufficient assets or lack of capabilities from the member state that should take the main effort; or a decision to take the task as a European responsibility, irrespective of the capabilities of the coastal state.

2. Within the areas of close vicinity, where the United States have already made fully clear that they will not go beyond supporting Europe through filling operational capability gaps that might be relevant for the European intervention, Europeans need to decide whether Europe must develop a permanent capability for intervention, maybe under the concept of an "on call force".

Altogether, European naval assets are the equivalent of the second biggest world navy, also one observing the most demanding standards of readiness and modern technologies. We know, that at this moment, this is not much more than a statistical advantage but its transformation in an operational advantage is not that far, especially if we keep in mind that in the naval domain it is politically easy to organize a combined effort for the creation of a standing naval group, as demonstrated, since ever, by NATO.

That step is already necessary today because the concept of battle groups cannot be fully addressed without full consideration of its navy and air force supporting components. Attempts to address this matter - an indispensable step to give to the battle group concept the credibility that is still missing - could be easily combined with the requirement of a standing naval European force also available for some other contingencies.

Indeed, the Europeans need a collective capability to act together, whenever and wherever necessary but they should not move for solutions, which under the idea of rationalization, actually will push for the specialization of individual member states in different functions or for the creation of a European Coast Guard. Any of these two possible outcomes will inevitably lead to denationalization (transferring national responsibilities for the European level) and the demilitarization (refusing the employment of military navy ships in policing tasks) of the concept of maritime security, an outcome that should be strongly rejected because of the four following

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[5] About 54700 arrived in Italy, 46000 arrived in Greece.

reasons: 1. It ignores the traditional role of the navies in policing tasks at sea; 2. It is not consistent with the concept that the more tasks a navy will be called to perform, the less expensive it will become; 3. It does not take into consideration that current warship's design is configured for more cost-effective peace and wartime roles; 4. It does not recognize that today's challenge of maritime security is a matter that we need to cope with sophisticated capabilities, only available among the armed forces.

3.  Outside the area of close vicinity – in distant waters -, European interventions should be conceived preferably within the scope of NATO but, admitting that the United States might not wish to commit their forces, the European Union should be kept ready to guarantee, alone, the protection of their interests and assume the posture of a global actor.

    This might look as a distant objective; however the Europeans were not far from that, a couple of decades ago. During the transition of the decade of the 80's to the 90's, Europe was doing its best with visibly good results to maintain a proactive posture in the maritime domain. By that time, the Europeans, through the Western European Union, participated in Operation "*Clean Sweep*", Strait of Ormuz (1987/1988) and in Operations "*Sharp Vigilance*" e "*Sharp Guard*", Adriatic Sea (1992/1993 e 1993/1996, respectively). Antipiracy Operation "*Atalanta*", now running in the Gulf of Aden and off coast of Somalia, is the current version of a posture that should be standardized but under the view that far distant commitments should be coordinated with NATO, as suggested below.

**3º Challenge:**

*Clarify which type of relationship should be developed between NATO and the European Union in order to achieve a sufficient degree of complementarity.*

Notwithstanding the mutually agreed commitments to observe the principle of complementarity between both institutions, there has been very scarce political progress in the search for practical arrangements, if not even regress. For instance, the model established for the counter piracy operations in the Gulf of Aden/off the coast of Somalia is a regrettably backset if we recall Operation "Sharp Guard", in which assets belonging to NATO and the European Union were integrated in a pool under a single command. In the Gulf of Aden there are three groups of forces (NATO, European Union and USA-CTF 150) unable to take common advantage of some assets (such as, for instance, maritime patrol aircraft's) that are only available for one group.

Since the European maritime security strategy includes the objective of maintaining free and secure the sea lines of communication, which is also the aim of the NATO maritime strategy, here it is another new reason to address, without further delay, the need to achieve a common understanding about how to make the best use of both organizations and respective assets and avoiding mutual interferences.

Assuming, as a general rule, that there will be no need for the simultaneous involvement of both organizations, a criterion should be agreed upon to be used as the guideline for the division of tasks between both institutions. The fact that NATO might aspire to play the role of global power, due to the participation of the U.S.A., while the European Union has its ambitions limited to the regional scope, suggests the adoption of a solution combining the "geographic" criteria with the "functional" criteria.

Under the "geographic criteria", the arrangement would be based on the fact that while the Europeans should assume the leading role and responsibility for operations on the area of close vicinity,[6] NATO should be primary option for interventions in distant areas. Under the "functional criteria", NATO will be responsible for operations whose degree of complexity might exceed current European capabilities, irrespective of the area where the intervention is necessary. Hopefully, the role of the "functional" assistance to be guaranteed by NATO (U.S.A.) will be progressively reduced as the European Union increases its capabilities, at least to the level required for assuming the position of a regional power in every dimension.

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[6] It is now perfectly clear that no matter the preferences of the Europeans, the current strategic posture of the U.S.A. leaves no other option.