



# THE EUROPEAN UNION AS A SECURITY ACTOR

Perspectives from the maritime domain



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# INTRODUCTION



Originally a project for economic integration, the European Union (EU) is currently enhancing its policy profile on security and defence. In 2016, the EU laid an important milestone for the development of its identity as international security provider, the Global Strategy for Foreign and Security Policy (EUGS 2016). This comes at a time when the EU is under pressure. Europe is dealing with security challenges to the east and to the south, while its preferred institutions of international cooperation face increased political tensions, if not disintegration. In response, the Global Strategy seeks to further integrate EU cooperation under the framework of the Common Security and Defence Policy (CSDP) and increase ties to the already existing security alliance, the North Atlantic Treaty Organization (NATO).<sup>1</sup>


Although a process which began already in the 1990s,<sup>2</sup> recent developments raise the question of what shape the EU's defence and security policy should take going forward – given the mounting geopolitical and security challenges facing Europe, the existing role of NATO as Europe's main security guarantee, and also given the much broader political and economic objectives, which the EU must balance as part of its identity as a regional organisation.

To contribute to this discussion, this report examines a policy area in which the EU has already been an active security provider for more than a decade: the maritime domain. Since 2008, the EU Naval Force (EUNAVFOR) has conducted maritime security operations under the EU's foreign policy instrument, CSDP, which combines civilian and military instruments to address conflict and crisis. More recently, the EU's maritime operations have been supplemented by multiple dedicated maritime strategies decided in Brussels (e.g. EUMSS 2014) as well as new initiatives, such as the August 2019 suggestion to create a so-called 'coordinated maritime presence' concept consisting of Member States flying EU flags on national naval deployments, i.e. outside of CSDP operations.<sup>3</sup>

**Although a process which began already in the 1990s, recent developments raise the question of what shape the EU's defence and security policy should take going forward.**

Such initiatives suggest that the EU is placing an increased emphasis on global maritime domains as an important policy priority to enhance its security profile. But more fundamentally, with a full decade of operational experience in the maritime domain, examining EU experiences with security operations in the maritime domain provides an opportunity to reflect on what role the EU can and should play as an international security provider more generally, also beyond the maritime domain.

This report therefore analyses the EU's strategic and operational engagement with the maritime domain. Empirically, the report takes as its cases EUNAVFOR counter-piracy operations in the Indian Ocean, ATALANTA, and counter-smuggling operations in the Mediterranean Sea, SOPHIA, thus far the two main naval operations conducted under the CSDP framework. The objective is to clarify the EU's identity as a maritime security actor and, in turn, identify how the maritime domain may further promote the EU's security agenda and enhance its role as a security provider.



**The maritime domain is increasingly subject to questions of security that reach beyond what the law enforcement activities of the EU's CSDP operations intend to address.**

The analysis of the EU's maritime security operations and its strategic priorities is placed in the broader context of current shifts in international security and geopolitics, which also have repercussions in the maritime domain. From a legal perspective, it is an international responsibility to protect the global maritime commons and combat maritime crime on the high seas. Two principles set out in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) are the freedom of navigation and the common heritage of mankind. The high seas, being outside the jurisdiction of any one state, are a global common. It is therefore, in principle, a collective interest to ensure the security, sustainability and biodiversity of the world's oceans, to allow the free movement of people, goods and ideas, as the EU seeks to do.

Yet, from a political perspective, the global maritime domain is currently a contested space. This is not least evident within waters of active EU naval operations. For instance, emerging state actors, such as China and several Gulf states, are making claims to power and influence in the Indian Ocean, while violent and extremist non-state actors, such as Houthi rebels and al-Qaeda, are using the Red Sea as a theatre of operations. It is also seen in the Arctic, the Strait of Hormuz and the South China Sea, which in different ways serve as stages for inter-state rivalry.

In other words, the maritime domain is increasingly subject to questions of security that reach beyond what the law enforcement activities of the EU's CSDP operations intend to address. If geopolitics is once again a central premise for how global maritime domains are approached, as is also seen more broadly in international politics, then the EU must take an active stance on these tendencies to fully consolidate its role as international security provider.

## THE EU AND THE SEA

Much is at stake for the EU in the maritime domain. EU member states in large part rely on seaborne transportation to import and export their goods. The European fisheries sector is the third-largest importer, and it is the fifth-largest producer of fish and aquaculture. European energy security is furthermore dependent on the security of maritime infrastructure (EUMSS 2014: 2).


It is therefore a central policy priority of the EU to keep the world's oceans safe. The Council of the EU defines the high seas as a global common to which the EU seeks to contribute stable access (EU 2016: para. 7.c). For the past decade, the EU has prioritised naval operations under the CSDP framework. Thus far, the EU has conducted two maritime operations out of a total of six active military missions under the CSDP<sup>4</sup> which, as of August 2019, were ongoing, albeit at low capacity.

With the establishment of the first-ever EUNAVFOR fleet known as Operation ATALANTA, the EU has, since 2008, conducted naval operations under the CSDP framework to protect international shipping lanes from the threat of piracy in the western Indian Ocean. Building on its success, the EU later launched Operation SOPHIA in 2015 sending military assets to disrupt the business model of migrant smugglers in the Mediterranean Sea. These naval operations were complemented by training and capacity-building of local security forces in the regions of maritime insecurity. Following the EU's characteristic crisis management model, naval operations were complemented by training and capacity-building of states in the regions of maritime insecurity, applying the so-called integrated approach, which combines diplomatic, security, trade, development and humanitarian instruments to create peace and stability outside European borders.

The EU's naval operations were a precursor to its more recent strategic engagement with international security issues implicating the maritime domain. In 2014, the EU launched its first strategy specifically dedicated to maritime security (EUMSS 2014). The aim of EUMSS was to ensure security and increase situational awareness at sea, to support the creation of economic growth, and to enhance coordination among maritime security actors, premised on a rules-based, multilateral institutional framework (EUMSS 2014: 4-6). Two years later, EUMSS was followed by the above-mentioned comprehensive Global Strategy for Foreign and Security Policy (EUGS 2016), which set the tone and ambition for the EU's role as global security provider. The Global Strategy mentioned maritime security explicitly, which was the first time that the EU's general strategic ambitions included the maritime dimension as an integrated part of the EU's overall security priorities.



In other words, maritime security has been brought in as a clear priority in the EU's new security identity. The same year as the Global Strategy was published, the EU addressed another maritime region, the Arctic, through an EU strategy on Arctic climate change, sustainable development and international cooperation (EU Arctic Strategy 2016). Lastly, two years after the launch of the Global Strategy, the EUMSS was followed up with an updated Action Plan (2018). It was further complemented by a so-called Connectivity Strategy (2018), which promised EU actions to strengthen networks and infrastructures linking Europe to Asia, including flows by sea.



**Maritime security has been brought in as a clear priority in the EU's new security identity.**

In combination, this suggests that the EU has taken initial but significant steps to establish the maritime domain as a central priority for EU external action. The implications of these more recent initiatives remain to be seen; many structures and parameters are still in the making, and outputs need to be examined. But the elaborate net of security strategies cast by the EU serves as a tangible illustration of how maritime security has been brought into the core of EU policy as a matter 'of European interest' (EUGS 2016: 33), not only in terms of time-bound naval operations addressing current threats to sea lines of communication, so-called SLOCs, but on the strategic level of EU external action in the years to come.

## **MAIN FINDINGS**

Based on an analysis of existing CSDP naval operations – Operation ATALANTA combatting maritime piracy in the Indian Ocean and Operation SOPHIA disrupting human smuggling in the Mediterranean Sea – the report identifies three key traits of the EU as a maritime security actor:

Firstly, the EU, relative to more obvious security actors such as NATO, has been a **first responder** to reach the scene, when specific threats have challenged security at sea. This was the case despite the fact that the EU had never previously activated the CSDP in a maritime operation and thus lacked for instance operational and logistical experience in that regard.

Secondly, the EU, due to its integrated approach to crisis management, has been a **broad responder** able to address maritime insecurity holistically by launching long-term regional capacity-building programmes with which it could contribute to enhancing the security sectors in the affected regions to deal with the maritime insecurities. Its broadness, however, has also implied an increased use of the military dimension of the CSDP, which is a new and not unproblematic policy role for the EU.

Thirdly, the EU, due to the political dimension embedded in its organisation, has been considered a **legitimate responder** in that it was able to enter into agreements with regional states to not only build the capacity of their security sectors but also that it was able to actively engage regional states to collaborate around law enforcement operations, thus arguably also making efforts more effective.

Looking across the cases of naval operations under the framework of the CSDP, the report suggests that the EU's activities in the maritime domain revolve around three broad-based policy areas as maritime security responder:

- Security: defending the global maritime commons and protecting European borders.
- Development: supporting stability in fragile states and promoting democratic institutions.
- Economy: protecting commercial interests, particularly within fisheries and shipping.

While broad in scope, the report argues that these policy areas are insufficient to address security issues in the maritime domain going forward. On the one hand, assessing the EU's strategic and operational activities relating to the maritime domain, the report finds that security operations at sea are a fruitful activity through which the EU can seek to consolidate its recent agenda to enhance the integration of its security policy more broadly. On the other hand, however, the report notes that the above-mentioned recent changes in the security landscape have also given rise to tensions at sea, where the maritime domain is increasingly becoming an arena of power politics. This is a point which the EU still needs to address.

Thus, if the EU is to maintain a presence in the maritime domain and claim a position as a security provider, it will require the EU to revisit its policy agenda at sea. At this point the EU's maritime security mandates remain focused on creating order at sea, rather than tending to broader geopolitical conflicts. However, the EU should recognise that it is present and conducting operations in sometimes contested waters alongside state actors that are competing for political and economic

influence. The EU therefore risks a fourth trait as a maritime security actor, namely as an ‘inadvertent’ **geopolitical responder**. The report contests that the EU must address strategically this risk to better connect its strategic priorities and policy instruments with actual developments in the maritime domain.

## **METHODOLOGY AND REPORT STRUCTURE**

Methodologically, the report combines policy analysis, academic literature on the EU’s maritime security operations, and background interviews with representatives from the main EU bodies dealing with maritime security. This includes the European External Action Service (EEAS), the European Commission and NATO headquarters in Brussels dealing with EU–NATO relations and maritime security.

Following this introduction, the report analyses the role of the EU in maritime security operations, focusing in turn on the case of counter-piracy off the coast of Somalia (EUNAVFOR Operation ATALANTA) and anti-migration in the Mediterranean (EUNAVFOR Operation SOPHIA) respectively. Drawing on this analysis, the report identifies key traits of the EU as a maritime security provider. It then discusses the significance of the maritime domain for the EU in the context of its increased CSDP activity, suggesting how the EU may use the maritime domain to consolidate its identity as a security provider going forward. Finally, the report looks to the future of how the EU’s security profile will meet the requirements of dealing with developments in the maritime domain.





## THE TWO CASES OF EU MARITIME SECURITY OPERATIONS



In order to characterise the EU as a security provider in the maritime domain, this section presents the two recent – and thus far only – CSDP naval operations, namely EUNAVFOR activities in the Indian Ocean and Mediterranean Sea respectively.

## **COUNTERING PIRACY IN THE INDIAN OCEAN**

The Indian Ocean is a prime example of a strategically important sea line of communication, not least to the EU. Firstly, it is a key trade route that connects Asia, the Middle East and Europe. It is crucial to the global economy, as it allows the flow of manufactured goods, food and, not least, energy. Secondly, it supports the livelihoods of local but also distant communities that rely on its marine resources. The EU has significant fishing fleets including Member States such as Spain and Italy. Thirdly, the Indian Ocean holds multiple unsettled and evolving security issues, in particular piracy emanating from the coast of Somalia. But, also, IUU fishing and various forms of smuggling are creating instability in and beyond the region. For this reason, it hosts an array of diverse security actors which seek to collaborate on maritime security. These include the EUNAVFOR Operation ATALANTA.

### **Naval response to Somali piracy**


When Somali piracy in the Gulf of Aden and the western Indian Ocean escalated in the mid-2000s, the International Maritime Organization and some naval states, among them France, raised concerns. In 2008, the UN Security Council passed Resolution 1816 (2008), which encouraged the international community to suppress piracy in the western Indian Ocean in accordance with provisions in UNCLOS. Three naval forces were established, alongside a range of independent deployers.

The initial naval fleet established internationally to counter Somali piracy was the EU's Operation ATALANTA in December 2008. ATALANTA was the first EUNAVFOR operation, activating a hitherto dormant area of the CSDP. It was established by the Council (EU 2008) with the mandate for EU Member State naval forces and collaborating states to protect World Food Programme vessels delivering humanitarian aid to Somalia; and to protect other vessels off the coast of Somalia through the 'deterrence, prevention and repression of acts of piracy and armed robbery off the coast of Somalia' (EU 2008: Article 1). In 2009, this mandate was broadened to include the monitoring of (illegal) fishing activities (EU 2009). Operational headquarters were first established in Northwood, UK in proximity to NATO's Maritime Command. The EU's OHQ has since moved to Rota in Spain due to Brexit. The ATALANTA mandate has been extended ever since 2008, so far until 31 December 2020.<sup>5</sup>

Map 1. The western Indian Ocean and its greater region.



The second naval fleet was established in January 2009 under the US-led Combined Maritime Forces (CMF). CMF is part of the anti-terrorism operation Enduring Freedom mandated by UN Security Council Resolutions 1368 (2001) and 1373 (2001). CMF included a maritime anti-terrorism component in the region: the Combined Task Force 150 (CMF 150).<sup>6</sup> After the UN Security Council passed the first resolution on Somali piracy in 2008, a task force dedicated to counter-piracy was established in January 2009: Combined Task Force 151 (CTF 151). The task force is still ongoing as of August 2019.



**NATO's Operation Ocean Shield was the first of the three big naval operations to conclude its activities, which happened in December 2016.**

The third naval fleet to combat Somali piracy was established in August 2009 under the auspices of one of NATO's Standing NATO Maritime Groups, namely Operation Ocean Shield (OOS). With operational headquarters in Northwood, the Ocean Shield mandate was to escort supply vessels to Somali ports; to prevent and disrupt piracy and armed robbery at sea; to search, detain and deliver suspects (and their vessels) for prosecution; and to build the maritime capability in the region around Somalia (Kaska & Pedrozo 2013: 725). NATO's Operation Ocean Shield was the first of the three big naval operations to conclude its activities, which happened in December 2016.<sup>7</sup>

### **EU signature: a strong civilian component**


Once naval operations were established, the international community realised that a sustainable mechanism needed to be provided for so-called 'legal finish', in other words not only the apprehension of suspects at sea, but also their prosecution. Since there is no international court with the mandate to prosecute maritime piracy, an elaborate burden-sharing agreement was devised, in which regional states took on piracy prosecution in their national courts on behalf of the international community. Kenya, the Seychelles and Mauritius in particular became involved.

Two factors were necessary to facilitate the provision of legal finish, both of which the EU undertook – in contrast to the other two coalitions in theatre.

Firstly, legal finish was ensured through the establishment of transfer agreements between naval forces and the above-mentioned regional states. In order for the warships to send piracy suspects for prosecution, they needed legal frameworks



setting out the conditions and roles of the jurisdictions involved, in other words the flag state of the navy and the prosecuting state. The High Representative of the EEAS negotiated bilateral transfer agreements with regional states, which laid out the general conditions of the inter-state exchange (EU-Kenya 2009; EU-Seychelles 2009; EU-Mauritius 2011; EU-Tanzania 2014). The transfer agreements listed the requirements needed from the naval states by the prosecuting states in terms of evidence and documentation of the piracy incidents; they provided for the humane treatment of piracy suspects upon transfer in accordance with human rights law; they defined the collaboration between the parties to the agreement; and they allowed for the receiving state to accept or reject cases on an ad hoc basis (Sterio 2012: 115).



**The High Representative of the EEAS negotiated bilateral transfer agreements with regional states, which laid out the general conditions of the inter-state exchange.**

Secondly, since the regional prosecuting states were developing countries, naval coalitions needed to ensure that international standards were met when piracy suspects were transferred to the prosecuting jurisdiction. Major donor programmes were implemented to build the capacity of regional judiciaries and penitentiaries. Here, the EU was a key player. The Commission implemented multi-year development programmes building the capacities of maritime security infrastructures and actors through the integrated approach. This implies that the EU engages fragile states through diplomatic, security, trade, development and humanitarian instruments to address not only the symptoms of a crisis but to build the capacity of local security institutions and other societal structures to enable sustainable stability and development. The EU thus launched civilian programmes, including EU CAP Nestor in regional countries (later EU CAP Somalia), the MASE and Critical Maritime Routes programmes implemented through regional organisation and training of security forces (EUTM) in a range of littoral and island states in the western Indian Ocean region.<sup>8</sup>

The scope of activities shows that the EU has not only been engaged militarily in the Indian Ocean to combat Somali piracy. Through its external actions, the EU supplemented Operation ATALANTA with onshore programmes with the aim of building the capacity of law enforcement agencies to deal sustainably with maritime crime taking place in the Indian Ocean region.

## **COUNTERING MIGRANT SMUGGLING IN THE MEDITERRANEAN SEA**

Like the Indian Ocean, the Mediterranean holds significance for the EU, foremost as the EU's southern border. It connects Europe to the Middle East and North Africa (MENA). As a region, MENA has persistent, recurring and sporadically flaring conflicts between political groups vying for control, as well as ailing populations demanding change. The Arab Spring in 2011 was the culmination of this condition. The aftermath had various spillover effects on Europe, most prominently the pressure of irregular migration by impelling refugees to cross the Mediterranean, in particular leaving from the coast of Libya, with the help of criminal human smuggling networks. At the same time the Mediterranean is a source of livelihoods, serving the European fishing and tourism industries, while also IUU fishing is a problem in these waters. The Mediterranean is therefore a European common that is subject to infringements of an economic, political, security and humanitarian kind. The EUNAVFOR Operation SOPHIA seeks to respond to these.

### **Naval response to irregular migration**

While refugees and displaced people have been a humanitarian concern for decades, it attracted political and popular attention in Europe, both sympathetic and hostile, when European territory was seriously implicated around 2015. Borders were penetrated by irregular migration to an unprecedented level, especially by African migrants coming across the Mediterranean from the coast of Libya. It put pressure on European asylum and social systems, in particular in the southern Member States – and, subsequently, on governments across Europe that were expected to solve the array of challenges that arose from it. The situation was dubbed a 'refugee crisis', while it was arguably as much a humanitarian crisis.

A capsizing on 19 April 2015 off the coast of Libya, where 650 out of 700 people crossing the Mediterranean died, spurred EU action. Already four days after the tragedy, on the 23 April, the European Council mandated the EEAS to set up a CSDP operation in the Mediterranean. It was established on the 18 May (EU 2015), and on 22 June the EUNAVFOR Med was launched (EU 2015a).

The mandate of Operation SOPHIA was to disrupt the business model of human smuggling and trafficking in the corridor between Libya and the EU (see Butler & Ratcovich 2016). It consisted of four phases designed to run consecutively. The first phase was deployment of EU naval patrols and assessment of the high seas through information gathering and patrolling in order to monitor smuggling activities. Then, phase two consisted of two legs. First to conduct boarding, search and seizure

**Map 2. The Mediterranean Sea and its greater region.**



operations on the high seas, and second to extend these operations into Libyan internal waters – pending a UN Security Council mandate, or Libyan consent. The third phase intended to disrupt the criminal networks facilitating the human smuggling and destroy their vessels, again pending UN or Libyan authorisation, and the fourth phase would end the operation.

A year after the launch of Operation SOPHIA came a NATO mission under the Standing NATO Maritime Group structure, Operation Sea Guardian. Its aim was to perform three maritime security operation tasks, namely to create maritime situational awareness; to support counterterrorism; and to contribute to maritime security capacity-building.<sup>9</sup> Sea Guardian's area of operation complemented SOPHIA, thus focusing on the east in the Aegean Sea between Greece and Turkey. As part of its operations, its purpose was to assist SOPHIA through information-sharing and logistical support.<sup>10</sup>

The original mandate of Operation SOPHIA was never implemented in full. The UN Security Council issued Resolution 2240 (2015) allowing operations on the high seas off the Libyan coast, thus effectively stopping SOPHIA in its tracks at phase two. As this was hardly productive to curb irregular migration and thus meet the objectives of the operation, the EU expanded SOPHIA's mandate the following year. An EU training mission was added to build the capacity of the Libyan navy and coastguard, as well as to contribute to UN Security Council Resolution 2292 (2016) on the Libyan arms embargo.

The expanded mandate complemented other existing EU policy instruments. An EU Border Assistance Mission supporting Libyan capacities to manage their borders had been ongoing since 2013,<sup>11</sup> and FRONTEX, the civilian border police agency under the Justice and Home Affairs policy area, had been conducting a monitoring mission, Operation TRITON, since 2014.<sup>12</sup>

### **EU signature: a strong military component**

Where ATALANTA was a 'classic' CSDP operation, sending naval assets to a region outside of Member States' territory, the launch of EUNAVFOR Operation SOPHIA brought CSDP operations closer to Europe insofar as European naval assets were engaged in what was essentially border management. On the one hand, this shows how maritime security operations can merge internal and external policy concerns. On the other hand, it potentially created overlaps between the military dimension of the CSDP, and the civilian operation under Justice and Home Affairs, thus blurring in practice what are civilian and what are military instruments.

The mandate of Operation SOPHIA not only blurred the boundary between instruments, but arguably shifted the balance towards military engagement. The centrepiece of the EU interventions were naval operations and the supporting function was the training of Libyan security forces to curb irregular migration on the other side of the Mediterranean. The EU deployed military capabilities with the core task of disrupting the business model of smuggling networks. It also contributed to the implementation of the UN arms embargo against Libya.

**Compared to the broad-based policy support afforded ATALANTA to build the capacity of not only regional security forces, but also judiciaries and other more classic development cooperation programmes addressing maritime security, the EU's engagement in the Mediterranean was focused on 'hard' security.**

Thus, the EU's engagement in the region on the one hand sought to enable Libyan security forces to curb migration before it even entered European waters. On the other hand, it laid out a rather invasive mandate for Operation SOPHIA that allowed, in principle if not in practice, actions inside the territorial waters of a third state, provided that the UN or Libya accepted this. Compared to the broad-based policy support afforded ATALANTA to build the capacity of not only regional security forces, but also judiciaries and other more classic development cooperation programmes addressing maritime security, the EU's engagement in the Mediterranean was focused on 'hard' security.

The mandate of SOPHIA has therefore been criticised for showing a 'militarisation' of the CSDP. Cusumano (2018) has examined the EU's outward rhetoric on Operation SOPHIA, which the study concluded placed humanitarian motivations of saving lives as central to the operation. The humanitarian dimension was underscored by the then-High Representative of the EEAS, Federica Mogherini, who renamed the mission after a Somali baby girl born aboard the EU-deployed German frigate that had rescued her mother along with 453 other migrants.<sup>13</sup> However, Cusumano's study shows that, in practice, search and rescue operations took a back seat in favour of border control and counter-smuggling activities (Cusumano 2018). Riddervold (2018) has argued that the EU, with Operation SOPHIA, effectively sought to outsource law enforcement to Libya, thus precluding EU-deployed assets and their authorities from having to deal with the transfer of refugees to Libya (Riddervold

2018: 70). Because the treatment of detained refugees in Libya has been found reprehensible by human rights groups (Amnesty 2016), a critical reading of SOPHIA's function could thus see it as avoiding issues related to the non-refoulement principle in international law.

This leads to a different observation of the breadth of the EU's role as security provider. Where ATALANTA was heavy on civilian policy tools, SOPHIA was the opposite. Such tactics transcend the EU's CSDP legacy, whereby the EU's deployment of security forces has been used on training missions, rather than executive missions. This arguably speaks to a policy intention and willingness of the EU to increase its use of military power, as hinted in the 2016 Global Strategy: 'In a fragile world, soft power is not enough: we must enhance our credibility in security and defence' (EUGS 2016: 44).









**THE ROLE OF THE EU IN THE  
MARITIME DOMAIN**

This section identifies some general traits of the EU as maritime security actor and suggests what the maritime domain offers the EU, as it seeks to increase its role as security actor.

## **TRAITS OF THE EU AS MARITIME SECURITY ACTOR**

Based on the preceding part of this report, it is possible to suggest some general traits characterising the identity of the EU as a security actor in the maritime domain.


### **First responder**

The process of launching both Operations ATALANTA and SOPHIA is a telling illustration of the EU as security provider. The EU has had provisions dedicated to common security policy in the maritime domain since the Maastricht Treaty. Yet the maritime dimension lay largely dormant until 2008, when the EU launched Operation ATALANTA. In line with the later Global Strategy ambitions and dedicated maritime strategies on security, connectivity and the Arctic region (cf. the introduction to this report), the process of establishing ATALANTA shows an increased eagerness on the part of the EU to establish a security profile in the maritime domain. Indeed, owing to the perception of ATALANTA's success, the EU replicated its military presence in the Mediterranean Sea, where the EU not only launched Operation SOPHIA in 2015 but also stood as the main security provider vis-à-vis, not least, the existing security responder, NATO. Thus, ATALANTA ushered in a new area of priority for EU external action under the CSDP.

More concretely illustrating this point, the ATALANTA and SOPHIA cases show that the EU was the first responder to launch maritime security operations. Arguably, both the security giant of the US through the Combined Maritime Forces established in the region, as well the 70 year-old security alliance of NATO with naval assets readily at its disposal, were both more obvious responders to threats at sea than the EU, which had no prior experience with maritime security operations (see Jacobsen & Larsen 2019 for a discussion). However, in both the case of piracy in the Indian Ocean and of human smuggling in the Mediterranean, the EU was the first to establish maritime security operations with mandates dedicated to respond to the maritime insecurities at hand.

Furthermore, EU's two operations were central to the security in the two regions. Even though ATALANTA suffered from force flow issues (as of August 2019 with only one Spanish frigate and one Spanish maritime surveillance aircraft<sup>14</sup>) ATALANTA (and CTF 151) are still active, while NATO's Operation Ocean Shield concluded in

2016. In the case of the Mediterranean, SOPHIA has likewise suffered from force flow issues (as of August 2019 having seven patrol aircraft but no warships under its command<sup>15</sup>). Yet comparing SOPHIA to NATO's Operation Sea Guardian, the latter has been characterised as a support mission to SOPHIA (Riddervold 2018a: 159). NATO's support function to EU operations is explicitly mentioned in NATO's mandate.<sup>16</sup> SOPHIA was, in any case, the larger of the two and acted independently as a military operation.



### **ATALANTA ushered in a new area of priority for EU external action under the CSDP.**

This shows a conduct and prioritisation of the old defence alliance NATO that may be argued as somewhat 'sea blind'. While NATO is focused primarily on land defence and stabilisation activity operations (NATO's regular naval exercises notwithstanding), the EU seems keen to maintain an active operational presence in the maritime domain and, as is further argued in the next section, the EU even responds with a wide range of policy instruments. This may suggest a shift in the balance, if not in the division of labour, between the old military alliance and the new security organisation with regard to the maritime domain. Taken collectively, the EU's role as first responder suggests the importance of the maritime domain in EU foreign and security policy.


#### **Broad responder**

It follows from the ATALANTA and SOPHIA cases that the EU is able to apply a range of policy instruments to address maritime security. Effective maritime security interventions arguably require a broad collection of tasks, hereunder Maritime Domain Awareness (MDA), information-sharing, deterrence, capacity-building, provision of assets, and skills training. Many of these functions are woven into the EU's engagement with regional states through the CSDP framework in the discussed maritime operations.

In the western Indian Ocean and Mediterranean regions, the EU established an elaborate infrastructure of development cooperation programmes to support its external policy priorities in the regions. In comparison, NATO was by nature more restricted in its scope; as a defence alliance, NATO did not have the ability to address the challenge of piracy and human smuggling through other than military means. It was, in other words, dealing with the symptoms through Operations Ocean Shield and Sea Guardian, whereas the EU was able to apply the integrated approach through both military and civilian policy instruments. In this way, the EU positioned itself as a

broad responder and a key actor and donor in the context of maritime security, first in the Indian Ocean and later in the Mediterranean.

However, the broadness of the EU as a security responder does not only apply to its inclusion of multiple civilian instruments to combat the root causes of maritime crime. It also points in the opposite direction towards its increased use of military power. The EU has conventionally used defence capabilities as a means for advice and training, rather than actual application of military force, or executive missions. The EU has acted as a 'peace project', broadly concerned with promoting a human rights agenda in its external action, where its activities target the creation of stability and development. But, as discussed above, there has been critique of an increasing militarisation of the CSDP in the maritime domain, when looking at the mandate and tactics of, particularly, Operation SOPHIA. The broadness of EU's response to maritime security thus sits on a continuum of civilian and military policy tools where the EU's civilian activities reach beyond conventional security organisations such as NATO, and beyond the EU's conventional use of its military tools.



**The broadness of EU's response to maritime security thus sits on a continuum of civilian and military policy tools where the EU's civilian activities reach beyond conventional security organisations such as NATO, and beyond the EU's conventional use of its military tools.**

There are, however, practical, political and normative difficulties in providing a definitive characterisation of the extent to which the EU's maritime operations are hardening under the CSDP. Firstly, there are only two maritime security operations thus far from which to draw out characteristics. This does not provide enough data to detect a trend. Secondly, the types of threats and operations vary considerably from one context to the other. In the Indian Ocean, operations were fundamentally constabulary in nature, and were generally seen as benefitting the global maritime commons: while the freeing of hostages could require opening fire, navies were combatting a seriously heinous crime committed by often heavily armed men, who were negatively affecting the fundamental principle of freedom of navigation and the safety of innocent seafarers.

A different scenario played out in the Mediterranean. Operation SOPHIA was a border management task. But, in essence, it sought to shield European borders from migrants trying to escape economic destitution or political unrest. In addition, these

migrants were seemingly impervious to placing themselves and their small, or even unborn, children at risk of dying at any time during the voyage. The normative connotations, which Operation SOPHIA carried, are thus arguably much more sensitive to political criticism than Operation ATALANTA: the idea of warships engaging in a humanitarian crisis to curb the fundamental principle of freedom of movement arguably clashes with the declared objectives of the operation itself.

Thus, trends in the development of the military dimension of the CSDP are difficult to ascertain, as long as there are only two actual operations from which to draw observations. They point in different directions. What can be concluded from the two operations is that the EU combines a very full plethora of policy instruments and interventions. Therefore, it is characteristic of EU security operations in the maritime domain that they sit on a very broad continuum spanning executive missions in the military dimension of the CSDP to development cooperation on the other side of the continuum in the civilian dimension of the CSDP.

### **Legitimate responder**

Since 22 of the EU's Member States are also NATO allies, some of which have strong maritime interests, it was necessary for the states intending to participate in maritime security operations to choose between ATALANTA and Operation Ocean Shield and even the US-led Combined Maritime Forces counter-piracy task force, when deciding how to deploy assets in the fight against Somali piracy. Major naval powers such as France, the UK and Germany, chose the newly-established EUNAVFOR over Europe's existing military alliance, NATO. The cases of the UK and Germany particularly stand out here. Recalling Brexit, the UK is generally known for showing reluctance towards deepening European integration, including on security and defence, thus arguably making NATO their obvious choice. Germany is in many ways reluctant to deploy its armed forces full stop. Yet, they opted for EUNAVFOR.

Interestingly, also the non-EU NATO ally Norway opted for EU's Operation ATALANTA over NATO's Operation Ocean Shield. Research has been conducted on Norway's choice to support the EU operation (Riddervold 2016). It finds that this decision was based on the fact that the EU was able to enter into a more cohesive multilateral effort and establish a sound legal framework for piracy operations. It is possible that similar considerations have informed other states' choices, finding Operation ATALANTA more effective and legitimate, thus opting for the deployment of naval assets to the EU, rather than NATO or the US-led coalition:

Firstly, with the EU's broad response through its integrated approach to addressing the larger security issues surrounding Somali piracy, EU military intervention was, as

mentioned, supported by capacity-building on land to prevent an escalation of piracy and thus address the root causes of which naval efforts were only treating the symptoms. The presumed effectiveness of this approach may arguably appeal to liberal democratic states in Europe aiming to conduct its foreign and security policy based on principles of human rights and the rule of law.

**The signing of such agreements was dependent upon the ability to conduct political negotiations. The EU could do this.**

Secondly, the diplomatic arm of the EU's structure allowed institutional agility in dealing with regional states. The EU was able to establish transfer agreements with regional states, which ensured that apprehended piracy suspects were prosecuted – the so-called 'legal finish' discussed above. These agreements emphasised that the actual transfer and legal procedure should take place in adherence to international standards. The same integrated approach was evident in the case of Operation SOPHIA. Agreements with Libya and Turkey were signed with the intention of ensuring a reduction in the inflow of irregular migrants. An EU Training Mission was established to build the necessary capacities of the Libyan coastguard to carry out law enforcement in their waters, while FRONTEX missions supplemented this on the European side of the maritime border. But it was in particular in the case with Operation ATALANTA that the EU enjoyed legitimacy as security responder.

The signing of such agreements was dependent upon the ability to conduct political negotiations. The EU could do this. Such a diplomatic track was lacking in the organisational structure of the naval coalitions, leaving their participating states to negotiate their own bilateral agreements with regional countries. This may have earned the EU legitimacy as a maritime security actor and made it the operation of choice for some states deciding where to put their assets in the international fight against Somali piracy. Thus, not only EU Member States and the non-EU NATO ally Norway supported ATALANTA, but also Montenegro, Serbia and Ukraine as well as New Zealand contributed with various assets.<sup>17</sup>

## **EUROPEAN OBJECTIVES IN THE MARITIME DOMAIN**

By way of the two cases in the Indian Ocean and the Mediterranean Sea, the report has identified some key characteristics of the EU as a maritime security responder. Summing up their function, it seems that the EU's activities in the maritime domain

under the framework of the CSDP revolve around the following general and overarching policy areas:

■ **Security: defending the global maritime commons and protecting European borders**

The EU deployed military assets and personnel to contribute to the international efforts to establish the best conditions for security at sea by conducting law enforcement and reacting to transgressions of UNCLOS and other relevant regulation. The EU furthermore conducted training missions and capacity-building, targeting regional security forces and littoral and island states' ability to protect their own waters going forward.

■ **Economy: protecting commercial interests, particularly within fisheries and shipping**

The EU's interest in maritime security operations also extends to its economic stakes in the maritime domain. Several Member States have significant fishing fleets and shipping industries, which are affected by the altered security situation. As fishing and shipping are, in some Member States, central domestic policy priorities, the EU acted collectively on their behalf to protect these economies.

■ **Development: supporting stability in fragile states and promoting democratic institutions**

A core function of Operation ATALANTA was to protect World Food Programme ships sailing into Somali ports, thus ensuring that humanitarian aid was safely escorted and reached its beneficiaries. Operation SOPHIA was likewise intended to conduct search and rescue in a humanitarian capacity. Furthermore, the EU used its broader external action tools of a civilian nature to supplement military operations by engaging in development cooperation programmes that address societal dimensions related to security, thus seeking to provide long-term and sustainable solutions to affected communities.

The policy areas are both general in nature and broad in scope. As such, they reflect the EU's comprehensive and wide-ranging ambitions stated in the Global Strategy and the EU's maritime-related strategies. Looking, then, at the EU's strategic and operational priorities in the maritime domain and considering its recent attempt to scale up security and defence cooperation, what role can the maritime domain play going forward for the EU?

## **THE SIGNIFICANCE OF THE MARITIME DOMAIN FOR THE EU AS A SECURITY ACTOR**

With ten years of operational experience, the maritime domain now serves as a fairly well-trodden policy area for the EU as a security actor. This means that the EU can potentially use the maritime domain to consolidate its identity in an international security context. The following points stand out in this regard:


Firstly, maritime security operations combine internal and external policy issues. From Operation ATALANTA, which was mandated to protect the free passage of goods and people from the high seas and into Europe, to Operation SOPHIA moving even closer to home with the mandate to protect European borders from outside pressure, maritime security is a policy area that addresses a range of challenges, which converge around a collection of thematic policy issues central to European interests, such as trade, development and security. The convergence of internal and external policy issues in the maritime domain underscores, and potentially increases, the perception that maritime security operations have direct bearing on policy areas of importance to the EU. It therefore makes it relevant for the EU to remain an active player in the maritime domain to protect its key interests.

Secondly, and as an extension of the first point, maritime security operations have generally been perceived as useful and necessary by Member States, by their constituencies, and by the larger international community. This was certainly the case for Operation ATALANTA, although it proved more problematic in the case of Operation SOPHIA. However, if compared to land-based operations, the loss of life is minimal in maritime security operations, and naval deployments do not activate discussions on the ethics of war to the same extent that land-based military operations can do. Maritime security operations can, in that sense, be considered an 'easy sell', not least in Member States on which the CSDP missions rely for assets and personnel. This is useful in the context of common security policy, which also sparks national sovereignty issues. Thus, prioritising CSDP activities in the maritime domain could provide an opportunity for the EU to build a robust identity as security provider and promote its role as such.

Thirdly, considering the nature of EU maritime security operations, they nest within its integrated approach to crisis management. This emphasises the EU's human rights-based engagement abroad, which draws on civilian components from development cooperation and the rule of law as central elements in security-related interventions. With the breadth of the EU's policy toolbox and its significant resources



to back it up, the maritime domain can serve as an important space in which the EU can shape external action. A strategic focus on the maritime domain may thus be a productive way for the EU to gain legitimacy as a security provider and promote its core principles from its foreign policy based on human rights through the integrated approach.



**The EU may use the maritime domain as a key site for establishing its policy agendas, whether related to security, economy or international norms and cooperation.**

Fourth, maritime security operations rely on some form of multi- mini- or bi-lateralism for their success. No actor can take on the security of the oceans on their own. In the cases of ATALANTA and SOPHIA, activities relied on a rules-based approach to burden-sharing and collaboration among states and international organisations, keeping alive a currently ailing multilateral approach to international affairs. The maritime operations also forged partnerships with regional states through capacity-building, flag visits and training exercises. Indeed, development cooperation and maritime diplomacy facilitate the creation of strategic bonds. An EU policy focus on the maritime domain can allow the EU to promote a further core policy principle, multilateralism, in its external action at a time of geopolitical shifts and contested claims to authority by state and non-state actors in the maritime domain.

Taken collectively, the strategic prioritisation of the maritime focus of CSDP could prove a valuable tool, as the EU moves forward as an international security provider. The EU may use the maritime domain as a key site for establishing its policy agendas, whether related to security, economy or international norms and cooperation. If ATALANTA and SOPHIA are not extended beyond 2020, the military dimensions of the CSDP may gain less pre-eminence in the EU's maritime strategic priorities. However, with more than ten years of experience they provide pointers for how the EU may engage new areas of maritime intervention.



# CONSIDERATIONS FOR THE EU'S FUTURE MARITIME ENGAGEMENT



Based on the characteristics of the EU as a maritime security actor in Operation ATALANTA and SOPHIA, this section introduces emerging security issues in the maritime domain and, against this backdrop, looks ahead to how the EU will need to adapt in the future to consolidate its identity as a security provider.

## **THE MARITIME DOMAIN AS A SITE OF POLITICAL POWER PLAY**


While EU engagement at sea has been focused on combatting maritime crime, in particular piracy and human smuggling, the maritime domain and marine-dependent economies are not only challenged by such illegal activity. Apart from piracy and human smuggling – along with other types of maritime crime, such as drugs and arms smuggling, waste dumping and illegal, unreported and unregulated (IUU) fishing – the maritime domain has recently been gaining traction as a stage for power politics. This is a development, which reflects the recent tensions in international relations that were briefly mentioned in the introduction to this report. It includes the conflict-ridden engagement between old and emerging powers, be they the US, Russia, China or, closer to home, Brexit and anti-EU sentiments in Europe. From a European perspective, these developments are testing established security alliances and the coveted rules-based approach to international cooperation.

There are several examples of how the maritime domain specifically is playing a role in the recent rise in geopolitical tensions and are playing out within the EU's spheres of interest as addressed in this report, but also beyond them.

European spheres of interest are increasingly overlapping with Chinese foreign activities in the maritime domain. Through its 2013 Belt and Road Initiative (BRI), China is asserting itself through economic partnerships and military presence across the world, including at sea (Larsen 2018). The BRI consists of large-scale infrastructural projects, which dwarf the post-World War II Marshall Plan. It counts roads, railroads, bridges and ports across 60 partner countries. BRI partners include states in troubled regions, such as Myanmar and Pakistan, but also EU Member States (Greece and Italy are among China's partners) where Chinese state-owned port operators are buying cargo terminals.<sup>18</sup> In addition, China's foreign activities include the establishment of its first overseas military base in Djibouti (Huang 2018), home also to EU Member States and allies, namely French, Italian and US forces.

With the BRI, China is not only entering the EU's maritime sphere of interest but even EU territory. It spreads into both the Indian Ocean and the Horn of Africa, as well as ports along the Mediterranean. The Chinese government is thus well underway in

establishing strategic trade corridors, which allow its companies and goods direct access to vital shipping lanes and global markets. But the BRI is not only China's attempt to strengthen its own economy. There have been warnings that the BRI is a grand strategy to create an alternative to the so-called liberal world order, where China would hold a dominant position (IFRI 2018). As such, it has been argued that the earlier-mentioned Connectivity Strategy is the EU's direct response to Chinese activities (Cameron 2018).



**While EU engagement at sea has been focused on combatting maritime crime, in particular piracy and human smuggling, the maritime domain and marine-dependent economies are not only challenged by such illegal activity.**

Another example is that certain Gulf states have begun conducting an activist foreign policy in European spheres of maritime interest, in particular since the 2011 Arab Spring. In the western Indian Ocean and the Red Sea, where the EU is a major donor and is providing maritime security, Gulf states are increasing their presence. Gulf allies Saudi Arabia and the United Arab Emirates (UAE) in particular, but also Qatar and Turkey, are active players (Larsen & Stepputat 2019). They are seeking partnerships among Horn authorities on policy issues central to the state apparatus. This includes the development of port facilities and the construction of military bases along the coast facing the Red Sea.

Gulf activities in the Horn are, in some respects, creating further unrest in an already volatile region. The partnerships with authorities in the Horn place Saudi Arabia and the UAE, for example, in a strategically important location vis-à-vis the war in Yemen, where they are fighting Iran-backed Houthi rebels.<sup>19</sup> From a European perspective, this draws the vital shipping lane through the Red Sea into the operational theatre of Middle Eastern security policy. Indeed, Houthi rebels have launched missiles into the Red Sea, and sea mines are an increasing problem along the Yemeni coast.<sup>20</sup> Likewise, al Qaeda is known to operate in the Gulf of Aden.<sup>21</sup> Both non-state actors pose considerable threats to international shipping passing and put pressure on the vital maritime choke points of the Suez Canal and the Bab al Mandeb. This shows with great clarity that security in the Indian Ocean is not only linked to the fragile land-based situation in Somalia, which was the catalyst for the EU's naval response. Security in the Indian Ocean is also dependent on the situation in war-torn Yemen and the wider Gulf area.

Gulf states are likewise engaged in 'proxy conflicts' in North Africa. Libya in particular, which borders the Mediterranean Sea and thus the southern border of Europe, has become a site for proxy disputes. Following the Arab Spring, the rise and fall of the Muslim Brotherhood drew Gulf actors to the scene, pitting the UAE and Egypt against Qatar, Turkey and Sudan in support of opposing groups that were aspiring to control Tripoli (Cafiero & Wagner 2015). While not the source of migration flows to Europe, the external powers from the Arabian Gulf intervening in North Africa fuelled the unrest that led thousands to flee across the Mediterranean.

But also beyond the two maritime domains, in which the EU has been engaging through CSDP operations, there are patterns of power play. From a European standpoint, Russia has, in recent years, been acting with aggression in many hotspots of the world. The 2014 annexation of Crimea and proxy wars in Syria are pertinent examples. In the maritime domain, Russia has likewise been displaying hostile behaviour and acting in ways that have attracted attention and caused concern. Russia is expanding its naval fleet, including warships, submarines and missile technology, albeit affected by delays and complications.<sup>22</sup> It is, likewise, projecting its power at sea, such as with the 2018 seizure of Ukrainian vessels in the Black Sea,<sup>23</sup> its recent naval build-up in the Baltic sea,<sup>24</sup> and in the eastern Mediterranean in connection with its involvement in Syria,<sup>25</sup> and, not least, increased military presence in the Arctic region, where Russia is one country seeking to seize resources and control passage.<sup>26</sup> Russia is also applying new technology to disrupt safety and security at sea, for instance by co-called 'spoofing', in other words meddling with ships' GPS signals,<sup>27</sup> and also with the crippling cyberattack on Mærsk in 2017.<sup>28</sup>

From a European perspective, the combination of Russia's military build-up, hybrid tactics and unpredictability, makes Russia an increased threat to international security at sea. Russia has shown by its actions that it does not hesitate to ignore a rules-based order. In this sense, the Russian posture is a normative and political challenge to the world order that is largely promoted across EU and NATO member states, something the EU has acknowledged explicitly (EUGS 2106: 33).

More recently, tensions have also been mounting in the Strait of Hormuz. Following Iran's seizure of European-flagged vessels, the US reacted. It contributed to the escalation of the conflict, when US President Trump ordered and nearly launched an airstrike in June 2019.<sup>29</sup> Apart from the affront to European vessels, the ensuing tensions threatened European energy security, as the Strait of Hormuz is the choke point through which 20% of the world's oil is transported.<sup>30</sup> Furthermore, it sparked

debates in Europe about how to react, including divided discussions about sending naval assets to patrol the strait.<sup>31</sup>

Finally, but further away from European spheres of interest, another situation that is creating instability in the maritime domain are the territorial disputes in the South China Sea. China has recently attempted to expand its Exclusive Economic Zone by installing an artificial island in the South China Sea, thus fundamentally challenging UNCLOS provisions and further facilitating Chinese military build-up.<sup>32</sup> It has drawn reactions from regional states as well as leading the naval powers of the US, the UK and France to launch demonstrative freedom of navigation exercises, so-called FONOPS in US terminology (Freedom of Navigation Operations), in the South China Sea in an attempt to overwrite China's interpretation of UNCLOS.<sup>33</sup>

## **COORDINATED MARITIME PRESENCE – PERMANENT ACCESS TO NAVAL CAPABILITIES**

As this report was going to press in September 2019, the EU announced that it was working on a new initiative within its maritime security portfolio. Following an informal meeting between EU defence ministers on 29 August 2019, the High Representative of the EEAS Frederica Mogherini presented a concept called 'coordinated maritime presence'. It implies that Member States with naval assets 'in certain areas of strategic interest to the European Union'<sup>34</sup> agree to, in some degree, put their national presence at the disposal of the EU. Mogherini described it as 'an additional tool' to outright CSDP operations, which would thus make the coordinated maritime presence a lighter mechanism compared to existing policy instruments. According to Mogherini, the coordinated maritime presence is a mechanism that:

'...would basically use the presence of national naval assets of Member States that would be put together on a voluntary basis by Member States and would remain under the chain of command of national authorities, but that would agree to share information, awareness, analysis and also would promote together international cooperation at sea and partnership with coastal countries of the areas concerned.'<sup>35</sup>

As a start, the declared test case is countering maritime crime in the West African Gulf of Guinea.<sup>36</sup> For a handful of years, the International Maritime Bureau has reported that the number of piracy attacks and maritime crime off the coast of Nigeria has surpassed illegal activities off the coast of Somalia, where the EU is

present with Operation ATALANTA.<sup>37</sup> Yet the EU has not been able to agree on action in this region. As previously mentioned, the EU has already experienced force flow issues with on-going CSDP operations.

The coordinated maritime presence initiative will thus be an agile way of allowing the EU to use naval assets already deployed in the region – in the case of the Gulf of Guinea, this would not least be France and Spain – as a platform for the EU’s policy agenda. The initiative can also be understood as a reaction to the geopolitical turmoil at sea discussed above, in that it allows the EU permanent access to naval capabilities and thus greater and more flexible reach at sea beyond fully-fledged CSDP operations which, all things equal, are more cumbersome in terms of reaching agreement in the Council and more resource-heavy to conduct.

The initiative is in line with the EU Global Strategy’s ambition to increase activities under the CSDP framework. It also brings fundamental questions as to the role that the EU will play as a security actor in the maritime domain going forward. While the initiative is still in the making at the time of writing, thus limiting the possibility to assess the practical implications it will have, it is possible to delineate two different sets of circumstances, which the EU Member States must address as they work to concretise the concept.



**The coordinated maritime presence initiative will thus be an agile way of allowing the EU to use naval assets already deployed in the region.**

On the one hand, the coordinated maritime presence in principle opens up the possibility of warships flying EU flags far beyond the maritime domains in which the EU conducts maritime security operations and which are decided collectively by Member States in the Council under the CSDP framework. The coordinated maritime presence mechanism thus raises a number of questions of political import, which speak to the inter-governmental control of Member States over EU external action. This regards not least the nature of the decision-making process related to the use of the mechanism, and Member State influence over the scope of the mandates of the national operations participating in the EU’s coordinated maritime presence mechanism. It also relates to how the so-called ‘areas of strategic interest to the European Union’ will be defined and by which criteria, for instance whether they will have a strong security component, or also cover softer policy areas, such as economy and politics.



On the other hand, since the coordinated maritime presence mechanism is envisaged as a voluntary arrangement, Member State with naval assets deployed in an area of 'strategic interest' to the EU must see the value in participating in the mechanism. Some Member States may appreciate the possibility of using the EU flag for its legitimacy or to defuse bilateral political tensions with states in the maritime regions of which the Member State is present. Other Member States may, on the contrary, find that such a mechanism waters down their own national tasking and the political message they wish to send. This could potentially limit the effect of the mechanism in practice.

At the time of writing, the mandates of the EU's maritime Operations ATALANTA and SOPHIA come to an end in December 2019 and September 2019 respectively. Mandates may not be extended. In this context, the coordinated maritime presence fits into the EU's profile as a 'go to' security provider in the maritime domain. Indeed, the coordinated maritime presence relies on national naval command structures. It therefore essentially becomes a permanent initiative. The EU would thus inch a little closer in the direction of having a de facto permanent naval force, as is the case with NATO's Standing NATO Maritime Groups, even if the two cannot be compared 1:1. In any case, the new mechanism underscores the EU's increased priority of the maritime domain in its security profile.

## **THE INADVERTENT GEOPOLITICAL RESPONDER?**

While the EU is taking steps to mature as an international security provider in the maritime domain, a gap appears. Thus far, operational focus and CSDP mandates have been centred upon law enforcement in response to crimes at sea. Yet in the context of maritime security, the significance of the maritime domain is not only as a global common that needs protection against the threats of maritime crime. What this section of the report has showed is that the maritime domain is becoming an increasingly relevant geopolitical theatre of inter-state tensions and claims to economic and military influence.

This is clearly seen in how actors are behaving at sea, both EU partners, EU adversaries – and, depending on how the coordinated maritime presence concept evolves – the EU itself. Indeed, as an active player at sea, the EU is arguably already responding to the 'geopolitics of the sea' indirectly through its existing operations: even if the current CSDP operations are closed once their mandates are next set to expire, the recent publication of the EU Global Strategy along with the web of dedicated maritime strategies, as well as the new coordinated maritime presence will give sustained priority to EU presence on the world's oceans.

EU's continued presence in global maritime domains – some of which are highly contested – risks making the EU an 'inadvertent' geopolitical responder, where intent and action are not aligned or explicitly accounted for. This gap needs attention. To be sure, the strategic objectives in the Global Strategy of enhancing the EU's security and defence profile together with the coordinated maritime presence mechanism allowing the EU broader military reach at sea, are arguably misaligned with the type of operational mandates of its CSDP maritime missions, which focus on law enforcement but do not address the broader security issues currently emerging at sea, also in the waters in which the EU is currently present. This puts a limit on the ways in which the EU can engage the maritime domain and protect its broader interests through military presence at sea.

**If the EU wishes to use the maritime domain as an avenue to consolidate its identity as a security actor – a seemingly low-hanging fruit – the EU needs to expand its strategic focus from maritime crime to include a more clearly defined position vis-à-vis increasing political tensions at sea.**

If the EU wishes to use the maritime domain as an avenue to consolidate its identity as a security actor – a seemingly low-hanging fruit – the EU needs to expand its strategic focus from maritime crime to include a more clearly defined position vis-à-vis increasing political tensions at sea. By virtue of sustaining a presence through CSDP naval operations in contested maritime domains – be it the Red Sea, the India Ocean, or any nationally deployed EU Member State warships under a future coordinated maritime presence mechanism – requires the EU to address explicitly which type of posture it wishes to have to avoid any argued role as 'inadvertent' geopolitical responder. It is a difficult balance to strike, but a necessary one. The relevance of doing so is only becoming greater, as tensions rise in waters across much of the globe.

## **FINAL REMARKS**

This report has mapped the EU's recent efforts to provide order at sea through maritime security operations. It placed these operations in the context of geopolitical changes in international relations and the European security landscape and points to the potential role of these operations in the EU's recent attempts to enhance and expand the integration of its security policy.

The EU has major stakes in global maritime domains, not least in the Indian Ocean and the Mediterranean. These are important sea lines of communication in multiple ways, and the EU is active on a range of issues spanning development, and economy and security.

The EU's activities related to security have multiple targets. On the one hand, they include keeping international shipping lanes secure and seafarers safe, be they mariners or illegal immigrants. On the other hand, they include supporting Member States' interests in related marine issues such as fisheries and marine protection. The EU has engaged the maritime domain through naval operations – even ahead of more obvious security actors – as well as capacity-building and diplomatic relations. This illustrates the EU's trademark approach to crisis management by responding through civilian and military means, and on a long-term basis. Thus, the EU has proved the first responder, as well as a broad and, to a large extent, a legitimate responder.

But as the report discussed, the oceans are not only marred by maritime crime. They have gained renewed geostrategic importance for states as a space of political contestation. Powers such as Russia, China and Gulf states, along with some European states and the US, are asserting themselves internationally through a more activist foreign policy, not least at sea.

The EU seems to have recognised this. In the context of a changing geopolitical landscape and states competing for regional influence, the EU prioritises continued naval operations and has developed the concept of coordinated maritime presence to make effective use of Member States' naval assets. It furthermore engages with key regional states to promote maritime security in vital sea lines of communication. And it establishes strategic partnerships with states in European spheres of interest.

As oceans beyond those bordering the African continent become the object of international attention – in particular the Arctic, the South China Sea, and the Strait of Hormuz – the EU will need to sharpen and enhance its profile as a security actor at sea to fit these new types of challenges that go beyond responding to maritime crime. It requires dedicated analysis and decision-making on the EU's stance towards these trends. This process requires identifying what falls within and what falls without the EU's regional and thematic areas of interest. It furthermore demands policy attention to how EU Member States should respond to these developments on both a strategic and an operational level.

# NOTES

- 1 In particular, the military dimension of the CSDP was enhanced with the activation of existing CSDP mechanisms, the governmental Permanent Structured Cooperation (PESCO), and the establishment of the industrial European Defence Fund (EDF). Ties with NATO were sought to be formalised through a common declaration in 2016 spelling out seven areas of cooperation and 74 concrete points of action, [https://eeas.europa.eu/headquarters/headquarters-homepage/28286/eu-nato-cooperation-factsheets\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/28286/eu-nato-cooperation-factsheets_en), accessed 16.08.2019.
- 2 The recent efforts by the EU to enhance the military dimension of its external action are not a new move. This is a process which has been ongoing since the 1990s. The so-called Petersberg Tasks agreed upon in 1992 spelled out the conditions for EU military deployments in the areas of humanitarian intervention, peacekeeping and crisis management. Later, with the 1998 St Malo Declaration, the need for military autonomy was acknowledged and, as such, this was the birthplace of the EU's Common Security and Defence Policy (CSDP), a framework which deals with both civilian and military dimensions of the EU's external action. The establishment of the European External Action Service (EEAS) in 2009 was another major step towards increased defence and security cooperation.
- 3 [https://eeas.europa.eu/headquarters/headquarters-homepage/66784/remarks-high-representativevice-president-federica-mogherini-press-conference-following\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/66784/remarks-high-representativevice-president-federica-mogherini-press-conference-following_en), accessed 30.08.2019.
- 4 [https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations\\_en](https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en), accessed 23.08.2019.
- 5 <https://www.consilium.europa.eu/en/press/press-releases/2018/07/30/eunavfor-somalia-operation-atalanta-council-decides-on-new-headquarters-and-new-head-of-operation/>, accessed 16.08.2019.
- 6 <https://combinedmaritimeforces.com/ctf-151-counter-piracy/>, accessed 16.08.2019.
- 7 NATO's motivation to end the mission was summed up in a speech given by the commander of NATO's Maritime Command in December 2016: '(...) NATO decided to ease back on some of its physical presence in the Indian Ocean. The extended lull in pirate activity and the continuing presence of capable stakeholders and partners in the region helped us greatly in re-focusing our naval efforts in the NATO Area of Primary Responsibility. In this context, Operation Ocean Shield will end in December [2016]' <https://mc.nato.int/media-centre/news/2016/com-marcom-remarks-at-39th-shade-in-bahrain.aspx>, accessed 14.08.2019.
- 8 <https://criticalmaritimeroutes.eu/>, accessed 23.09.219.
- 9 [https://www.nato.int/cps/en/natohq/topics\\_136233.htm](https://www.nato.int/cps/en/natohq/topics_136233.htm), accessed 11.06.2019.
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