CIVIL DIMENSION OF SECURITY

NATO Parliamentary Assembly

MARITIME SECURITY: NATO AND EU ROLES AND CO-ORDINATION

GENERAL REPORT

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GLOSSARY OF MAIN ABBREVIATIONS

ACT	Allied Command Transformation
AMS	Alliance Maritime Strategy
CPG	Comprehensive Political Guidance
CSDP	Common Security and Defence Policy
EDA	European Defence Agency
ESS	European Security Strategy
EUNAVFROR	European Naval Force
EUROMARFOR	European Maritime Force
FRONTEX	European Agency for the Management and Operational Co-operation at the External Borders
GMP	Global Maritime Partnerships
IMO	International Maritime Organisation
IMP	Integrated Maritime Policy
(A)MC	(Allied) Maritime Commands
MSCHOA	Maritime Security Centre - Horn of Africa
MSO	Maritime Security Operations
NRF	NATO Response Force
OAE	Operation Active Endeavour
SNMG	Standing NATO Maritime Group
SNMCMG	Standing NATO Mine Countermeasures Maritime Group

"The Alliance has a maritime capability that no other organisation can match"

Anders Fogh Rasmussen, NATO Secretary General, speech at the occasion of his visit to the Kingdom of Bahrain, 7 March 2010

I.   INTRODUCTION

1.   Seventy percent of the surface of the Earth is covered by water, 90% of global trade and about half of the world's oil are transported by sea. Maritime areas also provide a vital dimension of Europe's economy. It is estimated that 90% of the European Union (EU)'s external trade and 40% of internal trade is transported by sea. Some 350 million passengers and about 3.5 billion tons of cargo per year pass through European seaports and the European waterways including a number of chokepoints such as the English Channel, the Danish Straits and the Strait of Gibraltar.

2.   Therefore, it should come as no surprise that the protection of the world's maritime routes has come to be seen as an essential dimension of security. A number of recent high-profile maritime events, such as the terrorist attack against the USS Cole in 2000, the attack against the French oil tanker Limburg in 2002, and the piracy boom off the coast of Somalia, have confirmed the necessity and urgency of tackling the maritime dimensions of the new threats and challenges that have emerged in the post-Cold War globalised security environment.

3.   Many of the current threats in the maritime domain – terrorism, proliferation of weapons of mass destruction (WMD), illegal trafficking in drugs, people and arms, piracy – are of a transnational or global nature, and therefore require a concerted approach.

4.   Maritime security is not a new issue for NATO and the European Union. Both organisations have already developed a number of policies and tools to tackle maritime threats. However, they are currently reviewing their contributions and considering greater roles in the future. This report proposes to examine these processes and the issues they raise for each organisation individually, as well as for relations between them and with other relevant actors.

5.   The first chapter provides an overview of current maritime threats and the challenges they pose in terms of Euro-Atlantic and international security. The second chapter examines how NATO and the EU are addressing these threats and what future steps are envisaged. The final chapter discusses issues of co-ordination and co-operation.

II.   MARITIME CHALLENGES: OLD AND NEW

6.   Traditionally, maritime strategists have been concerned with the threat of interstate confrontation, i.e. with naval power as a pillar of national defence and capability. For instance, during the Cold War, the US Navy's main task, as defined in the Maritime Strategy adopted in the mid-1980s, was to deter attacks, and, in the event that deterrence failed, be prepared to engage in and win a war against the Soviet Union's Navy.

7.   Traditional military security concerns at sea have not disappeared today, and maintaining traditional seapower will thus remain a key objective for Allied navies. The 2007 US Maritime Strategy recognises that "while war with another great power strikes many as improbable, the near-certainty of its ruinous effects demands that it be actively deterred using all elements of national power" and that "defending our homeland and defeating adversaries in war remain the indisputable ends of seapower". With the emergence of new naval powers, such as China and India, and the proliferation of military technology – including for instance torpedoes –, competition

for domination of the world's seas is a real concern. The risk of confrontation at sea cannot be excluded either. The Georgia war in the summer of 2008 provided a recent and vivid demonstration of the use of naval assets in an armed conflict on the European continent[1].

8.   However, today's maritime challenges go beyond the narrow conception of defence in a scenario of interstate conflict. They are more diverse, complex, unpredictable, and intertwined.

9.   First, since the attacks of 11 September 2001, the threat posed by international terrorism has gained a new dimension. Incidents such as the USS Cole and Limburg attacks have demonstrated that terrorists are interested in and capable of using the maritime domain to achieve their objectives. Preventing terrorists from attacking at or from the sea and from crossing maritime borders has thus become a major preoccupation for European and North American governments. Particular attention has been given to addressing the vulnerability to terrorist attacks of sea-based critical energy infrastructure and of maritime flows of energy resources. One should also mention the threat that "terror mining" in large harbours such as Rotterdam, Antwerp or New York, could pose to maritime trade.

10.   A second and related threat is the use of maritime routes by terrorists or state actors for the proliferation of weapons of mass destruction material and technology.

11.   Third, the increase in the illegal movement of drugs, human beings and arms as well as the growing flow of illegal immigrants, particularly from Africa to Europe, has raised the problem of effective maritime governance and border control, in particular on the porous maritime borders.

12.   Fourth, the dramatic upsurge in incidents of piracy and armed robbery off the coast of Somalia in recent years has shown that this "old" threat is far from extinct. Especially where one finds extreme state weakness and attacks take place along vital maritime trade routes, piracy can pose a threat not only in terms of local or regional security, but also international security[2]. The situation in Somalia has also raised the spectre of a possible collusion of interests between pirates and terrorists. Other unstable regions, such as the Niger Delta, also continue to face significant piracy problems.

13.   Fifth, the survival of the oceanic environment itself is increasingly endangered by marine pollution – either accidental or intentional – and by the depletion of marine resources caused by illegal fishing and overfishing, with possibly catastrophic local, regional and global effects.

14.   Lastly, the potential opening of navigable waterways in the High North due to global warming is raising concerns about renewed geopolitical rivalry in an area that harbours vast and untapped natural resources[3]. Climate change also increases the prospect of natural disasters, such as hurricanes and tsunamis, with potentially devastating consequences in insular and coastal areas.

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[1]   Early on in the conflict, ships from the Russian Black Sea Fleet were deployed off the coast of Abkhazia and into the Georgian port of Poti in support of Russia's military actions. Georgian authorities reported that the Russian Navy sank several ships at anchor in Poti. There were also reports of incidents at sea between Russian and Georgian ships. Russian authorities charged NATO with contributing to increased regional tensions in the Black Sea. They expressed concern about the delivery of humanitarian assistance to Georgia by several NATO Allies using military vessels, as well as about the presence of other NATO ships in the area. Four NATO ships were indeed deployed to the Black Sea at the end of August 2008 but in the context of a long-scheduled visit to Romania and Bulgaria, which NATO authorities consistently stated bore no relationship to the conflict in Georgia.

[2]   For an in-depth study of the recent upsurge in piracy worldwide, and particularly off the coast of Somalia, see the 2009 General Report of this Committee "The Growing Threat of Piracy to Global and Regional Security" [169 CDS 09 rev. 1].

[3]   On this issue, please see the comprehensive analysis in the Report by Ragnheidur Arnadottir (Iceland) for the Defence and Security Committee's Sub-Committee on Transatlantic Defence and Security

15.   In the post-Cold War security environment, the sources of threats as well as their targets have thus become more diverse. Threats from non-state actors at sea, be it terrorists, pirates, or organised crime, have gained increasing prominence. Additionally, maritime threats pose challenges not only in terms of naval power and dominance, but also in terms of economic welfare, protection of the environment, and the integrity of our societies.

16.   It is this constellation of so-called asymmetric or irregular threats at sea that the concept of maritime security – as opposed to traditional naval defence – aims to encompass. The main objectives of maritime security strategies are thus to prevent the use of maritime spaces for illegal activities and to secure the movement of people and the flow of vital resources on the world's seas.

17.   As such, maritime security is not a new task for navies. Securing vital sea lines of communication has always been a key objective for major naval powers. However, as the inventory above demonstrates, new threats have emerged and older threats pose new challenges and require new responses.

18.   Many of the challenges identified above are not exclusively maritime challenges, and can therefore not be addressed exclusively through a maritime response. Similarly, many of these challenges are not – or not exclusively – of a military nature, and thus require a combination of military and other tools. These threats are also global in character and therefore necessitate a co-ordinated response, as no one state has sufficient resources to address them all alone. They also provide a good illustration of the globalisation of security, that is the necessity for states to tackle threats at their source, often in faraway theatres, in order to defend their own security. This in turn requires the capacity to mobilise and project naval power in support of crisis prevention, response or management efforts.

19.   While each maritime threat poses distinct challenges, threats are often interconnected. In Somalia for instance, the combination of weak maritime governance, a legacy of illegal fishing, a surge in piracy, and possible links with terrorism, creates a complex and particularly dangerous environment.

20.   The situation in Somalia also demonstrates how a maritime threat which has partially developed in territorial waters can have implications for global security. Adequate maritime governance and law enforcement capacity at sea is therefore essential in preventing and addressing maritime security threats. Management of the high seas poses a different challenge, as the imperative of security has to be balanced against the principle of freedom of navigation. Both NATO and the EU have an interest in being able to carry maritime operations on the high seas but also close to the coast, which can require different capabilities. Thus, operations close to the coast often involve the use of smaller battle units and patrol vessels able to operate in shallow water.

21.   The current threat environment thus calls for new thinking and a shift in strategic approach. Securing the maritime domain today requires a broad approach that is *inter-agency*, bringing together the whole spectrum of relevant national institutions – navy, coast guard, customs, police, etc.; *co-operative*, through bilateral, regional or multinational initiatives; and *comprehensive*, taking into account the roots of maritime threats at sea as well as on land.

22.   National policies and the structure of naval forces have had to adapt to these new realities and requirements. Navies have had to assume new roles and tasks, while taking into account the

Co-operation, "Security at the Top of the World: Is There a NATO Role in the High North?" [213 DSCTC 10 E].

enduring necessity to maintain capability in traditional maritime warfare. The new landscape of threats and risks has also forced a rethink of multinational co-operation in the maritime domain as the following chapters on NATO and the EU's approach to maritime security will show.

III.   NATO'S ROLE IN MARITIME SECURITY

23.   While during the Cold War, NATO's contribution to maritime security was understood mainly in the context of collective defence, the changing security environment has led the Alliance to take on a broader array of tasks in the maritime domain, ranging from confidence-building and partnership to higher-end maritime interdiction, counterterrorism and counterpiracy operations. For this, NATO can rely on a number of existing assets and structures.

24.   NATO's integrated military command structure indeed includes several maritime components. Two Allied Maritime Commands ([A]MC) are tasked with developing and implementing the maritime elements of NATO's policies and operations. MC Northwood, United Kingdom, reports to Joint Forces Command Brunssum, while MC Naples, Italy, is assigned to Joint Forces Command Naples[4].

25.   The Alliance also maintains multinational integrated maritime forces, which make up the core of NATO's maritime capability and are permanently available to provide maritime support to Alliance operations. These forces include the two Standing NATO Maritime Groups (SNMGs) and the two Standing NATO Mine Countermeasures Maritime Groups (SNMCMGs). SNMG1 and SNMCMG1 are usually deployed in the Eastern Atlantic and report to MC Northwood, whereas SNMG2 and SNMCMG2 are usually deployed in the Mediterranean and report to MC Naples. However, all maritime groups are available, if required, for deployment in other areas. While specialising in mine-clearing activities, the SNMCMGs also perform many of the same functions as the SNMGs.

26.   The four Standing Maritime Groups are normally placed under the command of either MC Northwood or MC Naples. In addition, five on-call High Readiness Maritime Headquarters are available to the Supreme Allied Commander Europe (SACEUR), to take over command and control of a naval operation whenever NATO deems it necessary. These include four national headquarters (Italy, Spain, United Kingdom, France) and one multinational US-led headquarters (Striking Forces NATO), based in Naples.

27.   Other NATO bodies – the NATO Shipping Centre in Northwood and the Transport Planning Group under NATO's Senior Civil Emergency Planning Committee – also support the Alliance's maritime policy; in particular, they provide an essential link to the commercial shipping industry and other civilian maritime assets, providing for exchanges of information, advice and assistance, as well as for the development of plans for civil shipping support to maritime operations.

A.   COLLECTIVE DEFENCE AT SEA

28.   Collective defence, as embodied in Article 5 of the North Atlantic Treaty, remains of course NATO's primary goal, and the Alliance's naval assets are an essential part of the broader collective deterrence and defence architecture. The SNMGs and SNMCMGs provide an essential illustration of Alliance solidarity and collective action. Another key aspect of collective defence at sea is the commitment of certain US and all UK sea-based nuclear forces to the protection of all Allies. More broadly, the Alliance's naval strength largely relies on individual Allies' sea power, and in particular on the United States' assets and strategy, as will be examined in greater detail below.

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[4]   NATO is currently conducting a review of its military command structure. The current structure is thus likely to change in the near future.

29.   In a context where threats are increasingly global in nature, the ability to deploy military forces in faraway theatres has gained greater prominence. As part of its broader transformation agenda, NATO has thus put a strong emphasis on developing highly ready capabilities, which can be deployed quickly wherever necessary. The Alliance's flagship project in this area is the NATO Response Force (NRF). The NRF aimed to provide the Alliance with a highly ready and technologically advanced force made up of land, air, sea and special forces components, capable of performing missions worldwide across the whole spectrum of operations, and which could start to deploy at a five days' notice and sustain itself for up to 30 days. The SNMGs and SNMCMGs provide the core maritime component of the NRF. Command and control of this maritime component rotates every six months among the five High Readiness Maritime Headquarters.

30.   Additionally, with the emergence of new asymmetric threats from non-state actors, collective defence has taken on a broader meaning. This has also resulted in new tasks for the Alliance in the maritime domain, as illustrated by Operation Active Endeavour (OAE). OAE is the Alliance's only Article 5 operation. It was launched following the 11 September 2001 terrorist attacks, as one of the eight collective defence measures decided by the Alliance in support of the United States. The Operation's main goal is to detect and deter terrorist threats through a NATO maritime presence in the Mediterranean. OAE has evolved significantly over the years. Its mandate was extended in March 2004 to cover not only the Eastern Mediterranean, but the entire international waters of the Mediterranean Sea. The Operation has also performed a number of additional counterterrorist tasks, such as escorting merchant ships through the Strait of Gibraltar between March 2003 and May 2004, and supporting the Greek authorities in securing the 2004 Olympic Games. OAE's rules of engagement were also strengthened in April 2003 to include compliant boarding of suspicious vessels (i.e. the ability to board ships with the consent of the ship's master and of the flag state). Since October 2004, OAE was reconfigured into an information-based and intelligence-led operation, focusing on gathering and processing information to target specific vessels of interest rather than patrolling.

31.   Several important achievements can be attributed to Active Endeavour. First, it has fostered information-sharing, including with other law enforcement agencies, as well as with commercial shipping companies. Second, Active Endeavour has provided a very useful tool to enhance practical co-operation and interoperability with a number of Alliance partners. Thus, at various times, Ukraine and Russia have contributed assets, and Albania – before accession –, Algeria, Georgia, Israel and Morocco have supported the Operation. Third, although OAE focuses on terrorist threats, the ongoing presence of NATO ships in the Mediterranean and the data collected have also helped national authorities deal with other criminal activities at sea, including illegal trafficking in drugs, people and arms.

32.   The OAE's sustainability will depend on the Allies' continued commitment to the objectives of the mission, on the ongoing confidence in the added value of the Operation – including its contribution to the fight against terrorism, but also the additional benefits in terms of co-operation with partners and combating other criminal activities -, as well as on the willingness of Allied governments to contribute the required assets to support the Operation.

B.   MARITIME PARTNERSHIPS AND NAVAL DIPLOMACY

33.   With the end of the Cold War, partnership has become a key priority for the Alliance. NATO has thus developed tools to reach out to navies in partner countries. Naval diplomacy and co-operation through joint training, exercises, port calls, and other similar activities, support the general aim of building trust and confidence between NATO and an ever broader range of partners, many of which are traditional sea-faring nations – e.g. Russia, countries in the Mediterranean Dialogue and the Istanbul Co-operation Initiative, or contact countries such as

Japan or Australia[5]. Partnership activities also help build capacity and ultimately promote interoperability in the maritime domain. NATO's Maritime Commands and the Standing Maritime groups play a key role in all these aspects of NATO's maritime outreach policy, conducting routine diplomatic visits to member, partner and other non-NATO countries[6]. More broadly, it is important for NATO navies to maintain the ability to play a full part in these essential activities relating to maritime co-operation and interoperability.

C.   MARITIME CRISIS RESPONSE AND MANAGEMENT

34.   Since the end of the Cold War, NATO has been engaged in several non-Article 5 maritime crisis response and crisis management operations, including demining and disaster relief. In June 1999, the Alliance deployed a combined force comprising 11 mine hunters/sweepers and a support ship to the Adriatic Sea to clear ordnance jettisoned during the Kosovo campaign. The operation, named Allied Harvest, lasted 73 days. In total, 93 pieces of ordnance were located and cleared in a 1,041 square nautical miles-wide area. NATO's SNMCMGs also regularly conduct Historic Ordnance Disposal operations along European coasts to clear waters from mines and aircraft bombs from World War II. Mine countermeasures remains an essential capability for Allied and partner navies today, both in support of military operations[7] and in response to potential "terror mining".

35.   NATO's response to Hurricane Katrina in the United States in September 2005 provides an illustration of the use of the Alliance's maritime assets in support of a disaster relief operation. The maritime and air components of the NATO Response Force were activated on this occasion to provide strategic lift for assistance donated by NATO and partner nations through the Euro-Atlantic Disaster Response and Co-ordination Centre.

D.   MARITIME SECURITY OPERATIONS

36.   NATO also contributes to maritime security through operations aimed at enhancing and enforcing security at sea. NATO has thus taken an increasingly active role in securing maritime flows along vital sea lines of communication and combating illicit activities at sea, thereby moving into the area of maritime law enforcement. Three types of maritime security operations have been deployed in recent years.

Maritime interdiction
37.   From June 1992 to October 1996, the Alliance was tasked with enforcing a UN-mandated embargo on all merchant traffic in the Adriatic Sea to and from the former Federal Republic of Yugoslavia. Over the duration of this operation, which was conducted jointly with the Western European Union (WEU) starting in June 1993, over 74,000 ships were challenged, nearly 6,000 boarded and inspected and nearly 1,500 diverted to ports for inspection.

Counterterrorism
38.   NATO's flagship operation in this category is OAE, as mentioned in paragraphs 30 to 32 above.

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[5]   It is also interesting to note that the NATO Training Mission in Iraq includes a training plan for officers of the Iraqi Navy.
[6]   Remarkably, SNMG1 conducted joint naval exercises with the South African Navy in 2007.
[7]   While not a NATO operation, the Iraq intervention in 2003 also highlighted the necessity of keeping waterways open in order to support and sustain military operations, as well as allow for the delivery of humanitarian assistance by sea. The waterways to the Iraqi port of Um-Kasar were closed for several days due to naval mining by Iraqi forces.

Counterpiracy[8]

39.   In October 2008, in response to a request from the UN Secretary General, NATO Defence Ministers decided to deploy three ships from SNMG2 to contribute to counterpiracy operations off the coast of Somalia. As part of this Operation code-named Allied Provider, NATO ships provided escort to World Food Programme and African Union convoys and conducted deterrence patrols. The Operation was terminated on 12 December 2008 when NATO handed over to the EU operation Atalanta.

40.   At the beginning of March 2009, NATO Allies decided on a second contribution to counterpiracy efforts in Somalia. Operation Allied Protector was conducted from April to August 2009 with ships from both SNMGs participating in turn. On 17 August 2009, the North Atlantic Council adopted an enhanced mandate and launched the new operation Ocean Shield.

41.   Ocean Shield aims to provide a longer-term NATO contribution to counter-piracy efforts. Like NATO's previous operations, Ocean Shield is tasked with deterring, defending against and disrupting pirate activities in the area. However, the Operation's mandate includes more robust rules of engagement, as well as a new task of assisting with regional capacity building upon request. Allies decided in February 2010 to extend the Operation until the end of 2012.

42.   Counterpiracy operations off the coast of Somalia have already provided a number of valuable lessons for future maritime operations. A lot of experience has been gained in particular in terms of co-ordination and co-operation between various national and multinational efforts. Co-operation at the tactical level between NATO and EU naval deployments has also been remarkable in many ways, and has certainly benefited from the participation of navies from many of the same nations in both operations, as well as from the geographical proximity of both operational headquarters in Northwood, a solution that could perhaps be used again in the event of other concurrent deployments. Another key lesson from operations in Somalia is the importance of an early and active outreach, public diplomacy and engagement policy towards governments in the region in order to promote broad political support and establish an enabling operational environment for naval operations.

43.   However, Ocean Shield, along with other national and multinational naval deployments in the region, continues to face a number of difficult political and operational challenges. Despite the significant international naval presence in the region, pirate attacks have continued to intensify. Pirates have also demonstrated their ability to adapt their techniques and shift their area of operation to evade measures taken by foreign navies. Meanwhile, maintaining political will and sustaining levels of naval assets committed to the counterpiracy mission has been a challenging exercise. For instance, Ocean Shield continues to rely on assets from the two SNMGs[9]. Air surveillance assets have proved crucial to mission success, but this capability needs to be further developed. Greater use of helicopters, maritime patrol aircraft, unmanned aerial vehicles as well as satellite imagery, has helped navies improve coverage and response times, especially when information has been shared and used in co-ordinated actions.

44.   The challenges that counterpiracy operations have encountered in turn raise the question of an "exit strategy". It is widely acknowledged that defeating piracy off the coast of Somalia will require a long-term effort and that the main solution is a land-based political solution. Counterpiracy operations can only provide a partial deterrent.

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[8]   For a detailed analysis of counterpiracy operations off the coast of Somalia, see the 2009 General Report of this Committee "The Growing Threat of Piracy to Global and Regional Security" [169 CDS 09 rev. 1].

[9]   Since July 2010, the SNMG1's five ships (from Denmark, the United Kingdom, the United States and Italy) are deployed as part of Ocean Shield.

E.   RETHINKING NATO'S MARITIME STRATEGY

45.   The last strategic document adopted by the Alliance specifically on maritime security and defence is the 1984 Maritime Strategy. The 1999 Strategic Concept does not include any explicit mention of piracy or other maritime threats by non-state actors; the closest reference is a statement that "Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources". Similarly, the 2006 Comprehensive Political Guidance (CPG) only includes a reference to the threat posed by the disruption of the flow of vital resources as one of the main risks or challenges for the Alliance over the next 10 to 15 years.

46.   Maritime security has received increased attention within the Alliance in recent years. The Military Committee's Guidance for the military implementation of the CPG of September 2008 identified the need for a study on maritime security operations as a potential future task for the Alliance. More recently, the April 2009 Multiple Futures study completed under the auspices of NATO's Allied Command Transformation (ACT), and which aims to inform discussions among Allied governments on future threats – particularly in view of the new Strategic Concept –, includes several references to maritime security, both in the context of non-combat missions relating to conflict prevention, resolution and consequence management, and in relation to the need to enhance the Alliance's expeditionary capabilities. The study thus calls for the development of "a comprehensive maritime strategy to address the threats to Alliance security on the maritime commons presented by demographic shifts, energy scarcity, organised crime, technology-savvy adversaries, terrorism and the proliferation of WMD".

47.   The development of a Maritime Security Operations (MSO) Concept and a new Alliance Maritime Strategy (AMS) was endorsed by the North Atlantic Council in the spring of 2009. The AMS aims to provide a long-term framework for NATO's role and missions in the maritime domain over the next 20-30 years, as well as guide the development of new capabilities. In contrast, the MSO Concept would provide immediate operational guidance on the use of Allied naval forces in support of maritime security operations. Both documents are expected to be finalised in 2010 in conjunction with discussions on the new Strategic Concept[10].

48.   Like the new Strategic Concept, the AMS and the MSO Concept need to take into account the evolving security environment, including the new maritime threats and challenges, and identify those that are relevant for Alliance security and where the Alliance can add particular value. Alliance documents have repeatedly recognised that NATO has a role to play in securing vital sea lines of communication. The emergence of new threats in the maritime domain makes this role even more relevant, a fact that the new Strategic Concept is likely to acknowledge.

49.   The report of the Group of Experts led by Ambassador Madeleine Albright contains several references to the disruption of critical maritime supply routes as one of the threats NATO has to cope with. Similarly, the Assembly's contribution to the new Strategic Concept emphasises NATO's added value in this area: "Sea lanes of communication are a critical component of the global economy, moving the vast majority of the world's goods from producer to consumer. Disruptions in this communication represent a threat to the overall economic well-being of the members of the Alliance. No one state has the ability to patrol the world's oceans, but the Alliance has considerable experience in co-ordination and standardisation that can be brought to bear on this problem."

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[10]   The process of revision of the Alliance's Strategic Concept, officially launched at the Strasbourg-Kehl Summit in April 2009, will be finalised with the adoption of the new Concept at the Summit of Heads of State and Government in Lisbon on 19-20 November 2010.

50.   The AMS and MSO Concept will also have to draw lessons from previous maritime operations and in particular from Active Endeavour and the various counterpiracy operations. Allies will need to decide how they see the future of these operations. They will also need to assess the likelihood and usefulness of similar maritime operations in the future, and decide whether these provide a sufficiently compelling case for an active NATO role. The Rapporteur has argued in the past and continues to believe that NATO's role in combating piracy is bound to remain a limited and occasional contribution in support of broader objectives. In contrast, NATO's contribution to the fight against terrorism is significantly more substantial and central to the Alliance's objectives, and OAE remains a symbolically important and operationally useful element of these efforts. The evolution of OAE into an information-based intelligence-led operation also provides a potentially useful model for future maritime surveillance activities. The Group of Experts thus calls upon NATO to "agree on specific surveillance mission areas that underpin Article 5, such as those related to illegal attacks on shipping, WMD proliferation and terrorist activities".

51.   More broadly, maritime security operations, such as counterterrorism, counterpiracy, anti-trafficking or counter-proliferation operations, raise a number of questions which the new AMS and the MSO Concept will need to address. First, because they lie at the crossroads of defence and law enforcement, these operations raise particular political and legal issues. They also raise questions in terms of the specific capabilities required to perform these missions. Finally, enforcement-type missions are also the ones where NATO navies are most likely to have to interact, co-ordinate and co-operate with civilian actors, and therefore raise the question of civil-military co-ordination.

52.   Counterpiracy operations in the Gulf of Aden provide a good illustration of all these issues:
•   at the political level, nations had to decide whether it was politically appropriate for NATO as a defence Alliance to intervene in its first ever counterpiracy mission; Allies also later needed to decide whether it was justified for NATO to maintain a separate mission along the other two multilateral deployments in the region, the US-led CTF 151 and the EU operation Atalanta;
•   legally, as discussed at great length in the Rapporteur's previous report for this Committee (169 CDS 09 E), the NATO mission was not well-equipped to deal with the issues of detention and prosecution of pirates; more broadly, the navies of certain NATO nations, such as Spain or Germany, are constitutionally barred from performing law enforcement duties; additionally, international law limits the possibility for foreign navies to intervene in the territorial waters of another State; all these elements obviously places restrictions on the types of missions NATO can be called on to perform at sea;
•   in terms of capabilities, navies engaged in counterpiracy operations off the coast of Somalia have had to adjust their strategy progressively, as pirates have extended their area of operation; the greater use of aerial surveillance assets has helped enhance maritime situational awareness and reduce response times;
•   finally, the nature of the mission was such that NATO – and other naval operations – have had to co-operate closely with a broad range of civilian actors, including the shipping community, UN agencies, Somali authorities, etc.

53.   These different issues underline the need for Allied governments to agree on a common vision of NATO's role in law enforcement type maritime missions. This will not be an easy task and NATO as an organisation obviously cannot – and should not – impose any model on its member states. Any common vision will need to take into account the diversity of Allies' legal frameworks, expertise and available capabilities. This should not be based on the lowest common denominator, but rather on ways in which national resources can be leveraged in order to provide for a stronger and more effective collective response to maritime challenges.

54.   One such way is for individual nations to consider how they can enhance co-ordination and co-operation between all maritime actors at the national level (navies, coast guards, civilian law

enforcement actors, etc.), in order to promote a genuine interagency approach to maritime security. NATO can provide a useful forum for nations to share their experience in this regard.

55.   Other key issues for the future maritime strategy relate to the so-called "comprehensive approach". Many of the challenges that the Alliance faces today, such as terrorism or WMD proliferation, are multifaceted, and may have a maritime dimension in addition to other dimensions. This therefore requires NATO to develop an approach to tackling these challenges which is able to take into account all these different dimensions in a comprehensive manner.

56.   Conversely, the Alliance might find itself in a situation where it needs to tackle several maritime challenges simultaneously as part of one operation. This is already partly the case in the Mediterranean. OAE is specifically a counterterrorism operation. However, as mentioned above, through its presence at sea and the data collected, the operation has also helped national authorities tackle other criminal activities in the region. This experience could be built upon in order to enhance NATO's ability, in future operations, to deal with multiple threats.

57.   As NATO will likely not be the sole player in any of these types of operations, it also needs to improve its ability to co-ordinate and co-operate with other actors. Lessons learned from other operations – including in Afghanistan – in implementing a comprehensive approach in close co-ordination with other actors need to be included in any future maritime strategy. This issue is discussed further in the following chapter.

58.   Taking all this into account, future tasks for the Alliance in support of maritime security will probably not be very different from what it does already today, but the Alliance needs to develop ways it can perform these tasks more efficiently and effectively[11]:

- contributing to collective deterrence and defence;
- promoting confidence and trust in the maritime domain; an important area for future efforts in this field would be the High North/Artic region;
- pursuing an active naval diplomacy and developing the maritime dimension of NATO's partnerships;
- contributing more actively to capacity building and security sector reform in the maritime domain;
- strengthening co-operation with civilian actors (shipping industry, civilian maritime law enforcement bodies), as well as with other international actors in the maritime domain (International Maritime Organisation, European Union) and multinational initiatives (particularly the numerous US-led maritime initiatives);
- enhancing maritime situational awareness in the Euro-Atlantic area, but also in theatres of operations;
- continuing to deter and defend against transnational threats (terrorism, WMD proliferation) through maritime presence and targeted or comprehensive multi-threat maritime security operations; in this regard, a more targeted role could be envisaged for the Alliance, notably in contributing to the protection of vital sea lines of communication and maritime chokepoints[12]; this is in line with the mention in the 1999 Strategic Concept and the 2006 CPG of the disruption of flows of vital resources as a potential threat to Alliance security, and

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[11]   As Vice-Admiral Hans-Jochen Witthauer, Deputy Commander of NATO's Maritime Command Northwood put it at a Maritime Security Conference held in Lisbon on 5 May 2010, NATO needs "agile, flexible and versatile forces fully interoperable with military and non-military partners".

[12]   The protection of sea lines of communication and chokepoints is of course primarily a national responsibility of the littoral states.

should be considered in particular in the context of the Alliance's role in relation to energy security[13];

- maintaining Allies and partners' mine countermeasures capability;
- enhancing the planning and conduct of maritime operations across the entire range of possible crisis response and crisis management scenarios, including maritime rapid response capabilities as part of the NRF.

59.   As NATO updates its objectives, tasks and procedures for maritime activities and operations, it will also need to play an active role in assisting Allied navies with updating and testing their capabilities. An excellent illustration of this is the recent NRF exercise "Brilliant Mariner" organised in the North and Baltic Seas in April 2010, which brought together 6,500 military personnel from 10 NATO nations and one partner country (Sweden). The exercise involved 31 warships (including an aircraft carrier, frigates, tankers and mine countermeasure vessels), 4 submarines and 28 aircraft.

60.   To be credible, the Alliance's new maritime strategy also needs to be supported by adequate capacities and assets. The ongoing impact of the financial and economic crisis has forced spending cuts across all government departments, including defence, in many NATO countries. While national defence reviews are obviously justified and necessary, NATO nations also need to ensure that individual decisions on military spending and capabilities do not negatively impact on the Alliance's overall capacity to act, including in the maritime domain. If Allies agree that NATO needs to be ready to perform the broad range of tasks described above, they also need to ensure that the Alliance has the capabilities collectively to perform these.

61.   In the current economic climate and with ageing naval capabilities in many countries, it is therefore more important than ever to co-ordinate and harmonise decisions on defence spending, procurement and investment. Maritime situational awareness in particular has proved to be a key capability for maritime operations from the Mediterranean to the Gulf of Aden. The Rapporteur would thus agree with the statement in the Group of Experts' report that: "[a] new level of secure maritime situational awareness is called for by changing risks around the periphery of NATO and in the High North, Gulf, Indian Ocean and other areas. NATO should harmonise investments in such surveillance platforms as unmanned aerial vehicles, maritime patrol aircraft, land-based radars, surface and subsurface vessels, and robotic systems."

62.   Given the diversity of NATO's potential missions at sea, it is also important to maintain an appropriate mix of so called "blue-water" capabilities – mainly aircraft carriers and other ships supporting a nation's expeditionary capability at sea – and "brown-water" capabilities – smaller ships which can operate in littoral environments. In other words, Allied navies collectively must be capable of both projecting globally if necessary and acting locally. In this regard, US sea power brings an indispensable and unique capability to the Alliance's maritime dimension.

F.   US SEA POWER: AN INDISPENSABLE DIMENSION OF THE ALLIANCE'S MARITIME SECURITY

63.   The US Navy, with close to 300 ships, over 3,700 aircraft and a network of naval bases in key locations worldwide, is the largest naval force in the Alliance and in the world. US sea power – including conventional and sea-based nuclear forces – thus provides an indispensable dimension of the Alliance's collective defence and maritime security.

64.   The current US Maritime Strategy, adopted in 2007, puts a strong emphasis on multinational co-operation for tackling new maritime challenges. Titled "A Co-operative Strategy for 21st Century

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[13]   On this point, see the 2008 Special Report of this Committee "Energy Security: Co-operating to Enhance the Protection of Critical Energy Infrastructures" [157 CDS 08 rev. 1].

Seapower", this document, which, for the first time was developed and agreed jointly by the three sea services – the Navy, the Coast guard and the Marines – recognises that no single nation can alone ensure safety and security throughout the entire maritime domain, and that a comprehensive and co-operative approach is therefore necessary.

65.   It should be noted, however, that co-operation through formal alliance structures such as NATO is only one of the tools for implementing this co-operative strategy. US authorities have also promoted the concept of Global Maritime Partnerships (GMP, also referred to as the "Thousand Ship Navy"), a voluntary self-organised network of willing partners committed to promoting maritime security co-operation. The GMP is not based on any formal support structure or binding agreements, nor does the United States officially seek any leadership role in implementing the concept.

66.   It is somewhat difficult, however, to separate the GMP concept entirely from existing US-led initiatives in the maritime domain. Among these, one could mention the "partnership stations" established in Africa, Latin American and the Caribbean or in the Pacific, which provide a framework for maritime security capacity-building in those regions. The US Fifth Fleet's Combined Maritime Forces, which operate in the Gulf of Aden, Gulf of Oman, the Arabian Sea, Red Sea and the Indian Ocean, and include the counterterrorist Combined Task Force 150, the counterpiracy Combined Task Force 151 and the capacity-building Task Force 152, provide another example of voluntary co-operation frameworks aimed at enhancing regional and, by extension, global maritime security. Lastly, one could also refer to the Proliferation Security Initiative, another US-led initiative which aims to prevent WMD proliferation through joint efforts to identify and stop suspect shipments.

67.   As in other areas, US and NATO initiatives in the field of maritime security are largely complementary and mutually reinforcing. Many NATO nations also participate in US-led initiatives. These often go beyond what NATO is mandated and able to do, given the geographical and functional limitations of its mandate and current resources. Nevertheless, there is also some degree of overlap, as illustrated for instance by the parallel deployments of NATO naval assets and of Combined Task Force 151 off the coast of Somalia. As NATO defines its own maritime strategy, it is therefore important to take into account existing multinational initiatives, to which not only the United States but also a number of other NATO Allies already participate, and identify those areas where NATO can add value. This does not mean giving precedence in all instances to existing US-led initiatives. In order to fulfil its mandate, NATO needs a specific and distinct maritime strategy, which cannot be solely an extension of US Strategy. While NATO's future strategy is likely to focus on enhancing the planning and conduct of maritime operations, it also needs to recognise, as stated in the US strategy that "trust and co-operation cannot be surged" in times of crisis but have to be built up progressively. Creating an enabling environment is therefore essential. This means in particular developing the maritime dimension of NATO's partnerships, as well as promoting co-operation with a broader range of stakeholders including the shipping industry and relevant international organisations.

IV.   THE EUROPEAN UNION'S ROLE IN MARITIME SECURITY

68.   The three EU key strategic documents are the 2003 European Security Strategy (ESS), the 2008 Report on the Implementation of the ESS, and the 2010 Internal Security Strategy. These documents do not specifically address maritime security as such, but deal with several threats with potential maritime dimensions: terrorism, WMD proliferation, climate change, illegal migration and organised crime. Thus, the 2008 Report refers to climate change as a threat multiplier with maritime implications, as it "can also lead to disputes over trade routes, maritime zones and resources previously inaccessible", a prospect particularly relevant for the Arctic region. Both the ESS and the 2008 Report also include a direct reference to piracy as "a new dimension of

organised crime". The 2008 document also links piracy to state failure. However, piracy does not feature in the list of key threats, but rather as one consideration for EU efforts to build stability beyond its borders.

69.   Additionally, all three documents indirectly refer to the possible maritime dimension of the EU's partnerships with its neighbours, particularly with countries of the Southern rim of the Mediterranean, on issues such as maritime safety and migration. Lastly, the 2008 Report points to maritime surveillance as one of the key capability for EU military missions.

70.   There is however no overarching EU maritime strategy or policy. As a result of the distribution of competences within the EU – the three pillars in pre-Lisbon EU treaties –, the Union has addressed maritime security challenges from different angles. Various regional and EU-wide initiatives exist in different sectors. In an effort to rationalise and interlink these initiatives, the EU is pursuing the development of an Integrated Maritime Policy of the Union. This, however, includes only limited security dimensions. In parallel, as part of the Common Security and Defence Policy (CSDP)[14], the EU has sought to enhance its ability to generate naval assets and capabilities for participation in crisis management operations. These efforts culminated in the deployment of the first EU naval operation off the coast of Somalia.

A.   FROM A WEB OF INITIATIVES IN THE MARITIME DOMAIN TO THE DEVELOPMENT OF AN INTEGRATED MARITIME POLICY

71.   The EU has developed a web of various initiatives and institutions to address some of the maritime security challenges identified in Chapter II above. EU agencies and programmes have been set up to deal for instance with marine pollution and safety[15], and with illegal fishing[16]. These have been supported also by the numerous regional and multilateral initiatives put in place among groups of EU member states, for instance in the field of counternarcotics[17].

72.   EU policies have gone farther in the control of the Union's external borders. The lead EU body in this field is the European Agency for the Management and Operational Co-operation at the External Borders (FRONTEX). FRONTEX provides risk analysis and research; co-ordinates operational co-operation between EU members; assists members in training and operations among others; and supports joint return operations of illegal migrants. Since 2007, Southern member states have established, in partnership with FRONTEX, the European Patrols Network, which allows them to share operational information and co-ordinate patrols on the Southern maritime borders of the Union.

73.   Only recently, however, has the EU sought to bring together the various initiatives existing in the maritime domain. This effort started with the adoption by the European Commission in October 2007 of the Blue Paper on an Integrated Maritime Policy (IMP). The IMP's main objective is to provide a unifying framework for the EU's and member states' existing initiatives in the maritime domain, build synergies and develop tools that will improve the coherence, effectiveness

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[14]   Further to the entry into force of the Lisbon Treaty, the European Security and Defence Policy (ESDP) is now referred to as the Common Security and Defence Policy (CSDP). This report will thus use the latter designation.

[15]   The lead EU agency in this field is the European Maritime Safety Agency (EMSA).

[16]   The Common Fisheries Control Agency (CFCA) is the EU agency in charge of promoting the highest common standards for control, inspection and surveillance under the Common Fisheries Policy.

[17]   One could mention two initiatives which, although not formally part of the EU institutional framework, are loosely affiliated with it: the Maritime Analysis and Operations Centre – Narcotics (MAOC-N), which collects intelligence from its seven participating countries (France, Ireland, Spain, Portugal, Netherlands, Italy and the United Kingdom) and co-ordinates their response; and the *Centre de Co-ordination pour la Lutte Anti-Drogue en Méditerranée* (CeCLAD-M), which serves as a focal point for bilateral intelligence sharing between EU member states and North African countries.

and visibility of existing policies. The IMP thus proposes to better integrate current national, regional and EU institutions dealing with maritime affairs; to provide tools to enhance collective marine knowledge, maritime surveillance and the management of maritime spaces; to improve the quality of sectoral policies with a maritime component – including transport, environment, energy, industry, employment, research, fisheries, external relations, among others; and to complement EU-wide initiatives with tailored solutions for regional seas. Indeed, at the regional level, a Baltic Sea Strategy has been in place since June 2009; a strategy for the Atlantic Arc will be presented in June 2011; and other regions, such as the Black, North and Mediterranean Seas, are also considering developing such maritime strategies.

74.   However, the IMP is concerned mostly with boosting economic development in maritime and coastal areas, promoting a sustainable use of maritime resources and protecting the marine environment. The security dimensions of the IMP are fairly limited and the military dimensions quasi-inexistent.

B.   MARITIME SURVEILLANCE: A KEY PILLAR OF THE IMP AND A TESTING GROUND FOR CIVIL-MILITARY INTEGRATION

75.   The IMP's initiatives on maritime surveillance arguably provide the most direct contribution to the EU's maritime security. The Union's objective in this field is gradually to promote "a more interoperable surveillance system to bring together existing monitoring and tracking systems" at the national, regional and EU levels, thus allowing the different authorities involved in maritime surveillance to harvest the information each of them gathers in their respective sector, thereby allowing them to perform their task in a more effective and cost-efficient manner.

76.   The primary objective of the integration of maritime surveillance is to enhance the EU's capacity to secure its maritime borders against illegal migration, illegal trafficking and other illicit activities at sea. This initiative will provide an important element of the future European Border Surveillance System (EUROSUR)[18].

77.   However, the long-term goal is also to establish a framework which will allow member states and the EU to share information on activities at sea which have an impact not only on border control as such, but also, more broadly, on maritime safety and security, the marine environment, fisheries control, trade and economic interests, as well as general law enforcement and defence. Information shared within this framework will thus be accessible to a broad base of interested user communities.

78.   An important priority for future EU efforts at integrating maritime surveillance will be greater information exchange between civilian and military authorities[19]. The European Defence Agency (EDA) has been tasked with studying CSDP-relevant aspects of maritime surveillance and how these relate to other civilian dimensions as part of an integrated EU approach. The EDA's "Wise Pen" team of five Vice-Admirals delivered its final report on 26 April 2010. The report rejects radical changes that would lead to "a monolithic or hierarchical system of systems", but rather points out that it will be possible to increase maritime domain awareness through inexpensive and

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[18]   EUROSUR aims to integrate existing national land, air and sea border surveillance systems together with new tools developed at the EU level in order to provide, by 2015, a common framework – a decentralised "system of systems" – which will allow member states and EU agencies to achieve full situational awareness at the EU's Southern and Eastern borders, and to increase the reaction capability of border patrols.

[19]   For instance, space generated data (satellites) can be useful for both civilian and military aims, e.g. monitoring of maritime traffic, sea pollution, fight against illegal activities at sea, but also support to naval operations. The EU is developing in partnership with the European Space Agency its own operational capability for Earth observation through the Global Monitoring of Environment and Security (GMES) programme. The first satellites are expected for launch in 2011-2012.

technologically-feasible incremental steps that would lead to a "widely spread, loosely coupled federated system". The report also includes a number specific steps: defining core concepts, such as security or safety; strengthening informal information exchanges; increasing participating to the NATO-initiated Maritime Security and Safety Information System[20]; exploiting the full potential of the Schengen Agreement in the maritime domain; moving towards a culture of providing information along the principle of "need to share" as opposed to "need to know"; and pursuing more active surveillance.

79.   The EU Council also tasked the Commission in November 2009 to develop follow-up policy options for implementation of an integrated approach to maritime surveillance, including appropriate civil and military aspects. The Commission is expected to present a roadmap by the end of 2010, which would be further detailed in 2011 to take into account lessons learned from various initiatives and from CSDP operations. The "Wise Pen" recommendations are expected to serve as an important starting-point in this matter.

80.   Future recommendations will have to address a number of ongoing challenges and obstacles, including the multiplicity and diversity of user and operator communities, the technical limitations and limited interoperability of existing systems, as well as legal barriers. Priority should also be given to avoiding duplication with initiatives developed in other frameworks, and in particular within NATO.

C.   GENERATION OF NAVAL ASSETS AND CAPABILITIES

81.   Developments regarding the maritime dimension of CSDP have taken place in parallel to the adoption of the IMP, but are largely disconnected from it. In 2004, the EU translated the political objectives set out in the ESS into operational requirements with the Headline Goal 2010. According to this document, the EU should be able "to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union"[21], and "retain the ability to conduct concurrent operations thus sustaining several operations simultaneously at different levels of engagement".

82.   Maritime capabilities naturally play a role in EU crisis management. The Headline Goal for instance sets strategic lift, including strategic sea lift, as a key capability to support future EU operations. In 2005, the EU commissioned a Maritime Dimension Study to explore the maritime mission spectrum of the CSDP, available forces for rapid response and force deployment processes. As a result of the Study, the EU Military Staff adopted a Maritime Rapid Response Concept; according to this Concept, the EU should be able "to generate the necessary capability from the full maritime capability spectrum, including the necessary C2 [command and control] arrangements, within the Rapid Response timeframe of 5-30 days to enable the delivery of the necessary effects in the EU's response to a crisis". Given member states' limited maritime assets and increasing maritime burdens, the Concept recognises that "the key to unlocking the potential in maritime rapid response and the timely delivery of maritime effects is the flexible utilisation of the necessary Member State capabilities and capacities, and maximising the time available to react". Priority is thus given to enhancing and accelerating the force identification and generation process. One key measure in this regard is the establishment of a Maritime Rapid Response Database of potentially available assets and capabilities, from which the EU could draw in the event of a crisis.

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[20]   This mechanism for sharing unclassified information currently brings together over 60 nations.
[21]   These are the so-called "Petersberg Tasks", which include humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking. The ESS also adds joint disarmament operations, support for third countries in combating terrorism and security sector reform.

83.   It should be noted that several multinational naval initiatives already exist among EU member states. For instance, France, Italy, Portugal and Spain contribute to EUROMARFOR, a pre-structured – though not a standing – multinational force, which can be built up at a 5-day notice. EUROMARFOR was deployed in October-November 2002 as part of NATO's Operation Active Endeavour, and since 2003 participates in the US-led Operation Enduring Freedom. EUROMARFOR was included in the EU's Force Catalogue as a Maritime Component Command at very high readiness.

D.   EUNAVFOR–SOMALIA: THE FIRST CSDP NAVAL OPERATION[22]

84.   The EU's counterpiracy operation off the coast of Somalia, EUNAVFOR-Atalanta, is the first naval operation deployed under the CSDP[23]. EUNAVFOR-Atalanta was launched in November 2008. Its mission is to provide protection to ships carrying food aid to Somalia for the World Food Programme and generally to vulnerable merchant vessels, and to deter, prevent and disrupt acts of piracy and armed robbery off the coast of Somalia. The operation's mandate was extended on 14 June 2010 until December 2012. Its operational area was also expanded to cover the area out to the Seychelles archipelago. From the end of March 2010, two objectives were also added to the mission's mandate: controlling Somali ports where pirates are based, and "neutralising" mother ships.

85.   The EU also created the Maritime Security Centre – Horn of Africa (MSCHOA) in Northwood, UK, which provides a link with the shipping community. Mariners operating in the area are able to register on MSCHOA's website and receive guidance on piracy and international activities in the region.

86.   EUNAVFOR's main achievements include the protection of food aid deliveries, the establishment of active and effective communication with the shipping industry, the development of a close co-ordination with other naval operations in the region, and the conclusion of legal agreements with Kenya and the Seychelles, allowing for arrested pirates to be transferred to these countries to be prosecuted. On this latter point, there are, however, indications that the Kenyan legal system is reaching its limits, and the United Nations Security Council is therefore considering possible alternative options for prosecuting pirates.[24]

87.   The recent decision to extend EUNAVFOR's mandate to allow it to target mother ships and pirate bases on land addresses two of the key weak points of earlier efforts. Furthermore, the operation has recently had success with detaching special protection personnel on board delivery ships, increasing air support and improving communications. Generally, EUNAVFOR demonstrated the EU's ability to deploy in a reasonable timeframe and run a complex maritime operation successfully. However, EUNAVFOR faces similar challenges as NATO's Ocean Shield, particularly in terms of matching resources with ambitions. As of 27 September 2010, 10 ships and 3 Maritime Patrol Reconnaissance Aircraft were deployed as part of the operation.

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[22]   For more details, see the 2009 General Report of this Committee "The Growing Threat of Piracy to Global and Regional Security" [169 CDS 09 rev. 1].

[23]   It is interesting to note, however, that several precedents exist of naval operations in the framework of the Western European Union: "Operation Cleansweep" to clear mines from the Strait of Hormuz following the Iran-Iraq war in 1987-1988; enforcement of the sea blockade on goods from Iraq and Kuwait during the 1990 Gulf War; and monitoring of the embargo against the former Yugoslavia in the Adriatic in 1992-1996.

[24]   Recognising that the prosecution and detention of arrested pirates continues to pose legal and practical difficulties, the UN Security Council in its resolution 1918 of 27 April 2010 tasked the UN Secretary General to propose possible options for the future. In a report published on 26 July 2010 [S/2010/394], he analyses the advantages and disadvantages of seven options, including local/national, regional and international solutions.

88.   Besides its naval presence through EUNAVFOR, the EU also takes a broader approach to addressing the root causes of piracy off Somalia by supporting the peace and reconciliation process of the Transitional Federal Government, training Somali security forces[25], providing support for the African Union's Mission in Somalia (AMISOM), financing initiatives to enhance governance, education and rural development in Somalia, as well as the protection of critical maritime routes in the region. Also beyond Somalia, the EU is involved in active engagement with local partners, for example by training the coast guard in Yemen and supporting the creation of an anti-piracy centre in that country.

89.   Operations off the coast of Somalia have indeed demonstrated the need to address the piracy challenge and its root causes in a comprehensive manner. In this regard, given the broad spectrum of EU actions in Somalia, EUNAVFOR will provide an interesting test of the EU's ability to co-ordinate Community and CSDP tools, and important lessons learned for current efforts to fuse the civilian and military dimensions of EU initiatives in the field of maritime policy and surveillance.

90.   Since the adoption of the IMP in 2007, the EU has thus engaged valuable efforts to integrate the different dimensions of its maritime policy. The Lisbon Treaty, which abolishes the division of EU policies into three pillars and establishes bridges between areas of community competence and those for which member states retain the primary responsibility, provides a favourable framework for these efforts. An important step was taken by EU Foreign Ministers, at their meeting in Luxembourg on 26 April 2010, when they decided to invite the EU High Representative, together with the Commission and member states, "to undertake work with a view to preparing options for the possible elaboration of a Security Strategy for the global maritime domain, including the possible establishment of a Task Force". As the very cautious wording of the decision suggests, adoption of an EU maritime strategy is still a long way ahead. However, the process launched with the Luxembourg decision should help the EU define better its objectives, priorities and level of ambition in the maritime domain. This should give greater coherence to the three main components of EU efforts: the civilian dimension (mainly the IMP), the civil-military dimension (CSDP support to civilian efforts, notably in the field of maritime surveillance), and the military dimension.

91.   A lot remains to be done, to realise the EU's potential in addressing maritime security threats within the EU's borders and beyond. In this regard, it is significant that two of the key threats identified in the ESS – terrorism and WMD proliferation – are currently largely absent from the EU's maritime policies, although, arguably, efforts to develop an integrated maritime surveillance capability would contribute to addressing these challenges as well. In this regard, it will be important to harmonise the future EU maritime strategy with the ESS, as called for in the EU Foreign Ministers' decision[26]. At the same time, the EU will need to take into account existing efforts within other organisations, particularly NATO, as discussed in the following chapter.

V.   *TOWARDS GREATER INTERNATIONAL CO-ORDINATION*

92.   Naval co-operation is of course not a new phenomenon or a new priority for navies. However, developments in previous chapters have shown how the post-Cold War globalised security environment has increased the need for a comprehensive and co-ordinated approach to

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[25]   The EU Council agreed in January 2010 to deploy a training mission in Uganda for Somali security forces.

[26]   "The Union needs to actively contribute to a stable and secure global maritime domain by tackling the threats identified in the European Security Strategy, while ensuring coherence with EU internal policies, including the EU Integrated Maritime Policy (IMP)."

maritime security, which addresses all dimensions of the threats (including their root causes) and mobilises all relevant stakeholders (national agencies, private sector, international partners, etc.). The main added value of international co-ordination and co-operation in response to maritime threats lies in providing enhanced maritime domain awareness – by allowing for the sharing of information from a variety of sources – and greater response capacity – by pooling together resources.

93.   As both NATO and the EU envisage greater roles in the maritime domain, they should consider ways in which they can contribute to the co-ordination of international efforts to enhance global maritime security. Several avenues for greater co-ordination and co-operation can be mentioned here.

A.   NATO-EU CO-ORDINATION

94.   Over the years, the Rapporteur has had ample opportunities to discuss the issue of NATO-EU co-ordination in various areas and is well aware of the political blockages which prevent the establishment of a genuine strategic partnership between the two organisations. The year 2009 has brought a number of new developments on the NATO and the EU sides, which could, if utilised properly, provide new momentum for unfreezing the current status quo. In this respect, one can only welcome the bold proposals the NATO Secretary General has put forward for practical co-operation (including in the field of maritime security), as well as for a solution to ongoing political obstacles[27]. The EU should be encouraged to reciprocate NATO's positive steps with a view to taking NATO-EU relations further in accordance with the agreed framework. The remarkable level of co-ordination established at the tactical level between the NATO and EU operations off the coast of Somalia is also an encouraging sign that practical co-operation can work despite political blockages.

95.   As NATO and the EU currently seek to (re-)define their respective roles in the field of maritime security, the danger is great that these processes will be conducted separately in a completely unco-ordinated manner. EU and NATO countries only have one set of naval forces. Particularly in the current context of strained resources, neither organisation can afford to engage in a "virility contest", which would likely lead to the adoption of unrealistically ambitious goals and to unnecessary duplication.

96.   NATO and EU are progressively moving closer in the type of tasks and activities they seek to undertake. With EUNAVFOR, the EU has demonstrated its ability to conduct a maritime operation far away from its borders. Meanwhile, NATO is considering a more active role in law enforcement-type maritime security operations, as well as in maritime security sector reform and capacity-building. It is therefore urgent to look for possible synergies, and focus on the best possible use of member states' limited maritime assets in a context of renewed maritime challenges. Both NATO and the EU should be encouraged to enhance institutional co-operation further by using agreed modalities.

97.   Maritime surveillance in particular is one area where co-ordination is possible and desirable. It is striking for instance that NATO and the EU both operate in the Mediterranean – with FRONTEX and Active Endeavour –; yet, these efforts are barely co-ordinated. In its November 2009 conclusions on this issue, the EU Council emphasised "the need to take into account potential areas for co-operation as appropriate with third countries, as well as with relevant organisations" [such as the United Nations, the International Maritime Organisation, NATO and others]. This should be one of the key guiding principles for the work currently completed by the European Commission and the EDA on maritime surveillance.

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[27]   At the meeting of EU Defence Ministers in Spain in February 2010, and again recently at the European Parliament on 28 September 2010

B.   CO-ORDINATION WITH OTHER INTERNATIONAL ORGANISATIONS

98.   Several international organisations – and notably the IMO – have for years been fostering both international and regional efforts to enhance maritime security. Given the breadth of its membership, the IMO provides an indispensable forum for addressing the global nature of maritime threats and promoting a global response. Notably, the Organisation has promoted efforts to enhance the international legal framework and harmonise national legislations. Counterpiracy operations off the coast of Somalia have demonstrated that an imperfect legal framework can hamper international efforts to combat maritime threats. They have also shown that problems often lie less with the international legal framework as such than with national implementation.

99.   The IMO has also provided a useful framework to co-ordinate donor assistance and capacity-building projects in specific regions. A recent example of this is the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, which aims to provide a framework for fostering co-operation between states of the region.

100.   Regional initiatives have been developed in other parts of the world as well, and in many cases, they provide an adequate response to localised maritime challenges. However, the global nature of threats also requires a broader response. Future efforts to enhance maritime security are thus likely to rely on a mix of regional and international initiatives. In either case, a global forum, such as the IMO, where lessons learned from regional experiences can be shared, will continue to play an essential role.

101.   Both NATO and the EU have developed links with the IMO in the context of their operations off the coast of Somalia. These should be built upon in order to move from ad hoc to more systematic co-ordination and co-operation. This is in line with the emphasis put by both NATO and the EU on the need to adopt a comprehensive approach to security challenges. It is also particularly important if NATO and the EU engage more actively in capacity-building in the maritime domain and support to regional organisations – particularly the African Union –, as current operations off the coast of Somalia seem to suggest. To avoid duplication of efforts, it is therefore essential to take into account existing efforts and use available co-ordination tools, notably the IMO framework.

C.   CO-ORDINATION WITH NEW PARTNERS

102.   The global nature of maritime threats has already led NATO and the EU to reach out to a range of partners in order to develop concerted action. Understandably, efforts have focused on enhancing co-ordination and co-operation with neighbours and traditional partners. These efforts could be taken even further. Co-operation with Russia in particular could receive greater attention. Thus, Russia has indicated an interest in stepping up co-operation with NATO on counterpiracy. Including Russia in maritime security initiatives in the Baltic Sea would also be a welcome step to increase trust and confidence.

103.   As NATO and the EU seek to play more active roles in the maritime domain, they are likely to come into contact with an ever broader range of potential partners. Operations off the coast of Somalia here again provide an interesting precedent, where European and North American navies are developing links and mechanisms for tactical co-ordination with the Chinese[28] and Indian navies among others, and sailing alongside ships from Iran. These contacts also need to be

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[28]   Remarkably, China is expected to be next in line to take the rotating chairmanship of the SHADE tactical co-ordination group for the first time.

developed outside the context of specific operations in order to build lasting trust and confidence with these new partners.

104. A more ambitious goal in the long term is also to enhance interoperability for joint operations with partners in the maritime domain. This is an area where NATO's experience of integrating military assets among Allies and building interoperability with partners can certainly add value to international efforts.

D.   CO-ORDINATION WITH THE PRIVATE SECTOR

105. Addressing current maritime challenges also requires greater engagement with the private sector, and specifically the shipping community. Significant progress has already been achieved for instance in encouraging information-sharing, streamlining the reporting of incidents, enhancing tracking and communications systems, and fostering compliance with best practices for self-protection and contingency planning. However, more can be done in all these areas: too many different lines of reporting remain; several tracking systems are still used in parallel; and compliance with best management practices is far from universal. NATO and the EU should also consider ways in which the frameworks they have established for co-operation with the shipping industry – notably the NATO Shipping Centre and the EU's MSCHOA – can be used more effectively in their efforts to enhance maritime security in the Euro-Atlantic area and beyond.

E.   CO-OPERATING TO BUILD AN IMPROVED MARITIME PICTURE

106. As efforts intensify to create greater synergies between the various maritime players mentioned above, one of the key objectives and priorities should be to achieve a better "maritime picture".   Improved maritime domain awareness is a first and indispensable step towards enhancing the collective response to maritime challenges.

107. One priority is to address current gaps in the type of information collected on maritime flows. Currently, only commercial ships over 300 tons are required to use Automatic Identification System (AIS) transponders. Requiring smaller vessels to use this technology, which broadcasts basic information on a ship's destination and cargo, would facilitate the development of a comprehensive picture of maritime traffic. Indeed, these smaller ships are widely considered as the ones most likely to be used to support illicit activities at sea.

108.   There also remain many obstacles and barriers to information-sharing. These include:
* political barriers, connected with the reluctance to share information with certain actors;
* legal barriers, such as data protection laws, legal restrictions regarding the sharing of information obtained from commercial sources or from criminal investigations, etc. (this raises the broader issue of the adequate balance between government and security interests on the one hand, and private and commercial interests on the other);
* cultural barriers and issues of classification of information; and
* technical barriers, such as the use of non-compatible or non-interoperable systems.

109. Nevertheless, initiatives are spreading at the regional and international levels to increase information-sharing on maritime flows and activities. Both the EU and NATO are taking an active role in these efforts, with a number of very positive experiences. Counterpiracy operations in the Gulf of Aden are a case in point. The EU's MSCHOA and its Mercury web-based information-sharing tool have been able to break down barriers and foster exchanges between the military and the shipping industry.

110. The key challenge now is to link these disparate efforts; not to create a new overarching structure, but to ensure that different systems can operate together in various formats. This

requires a better integration of maritime surveillance systems at all levels: nationally, through a better interconnection of the systems operated by various agencies; regionally, by linking together national systems; and internationally, by providing tools to interlink national and regional systems as needed. Enhancing the global maritime picture also requires tools to fuse information from different sources: data collected from maritime surveillance operations, vessel-tracking systems, satellite-monitoring systems, and others.

111.   Achieving these objectives will necessitate a number of political, legal and technical changes. Most importantly, moving towards greater information-haring requires a cultural shift from a "need to know" to a "need to share" mentality, as underlined in the EDA's "Wise Pen" Team's report. This, in turn, can only be achieved if adequate safeguards are put in place to guarantee the confidentiality of the information shared through these systems. Trust and confidence in the process are indispensable conditions for bringing about this cultural shift. Should there be any suspicion that the information shared can be accessed and used for malign purposes, the credibility of the process would be irreversibly compromised.

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