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The Importance of the Global Maritime Domain for World Politics and Security

Lutz Feldt

The character of the seas has changed: from an open anarchic space where freedom was the rule, they have become a shared, common "good" for humanity, vast but fragile, needing world-wide management and protection.

The maritime domain is one of the four domains of the global commons which, for centuries, has been considered as being well understood and acknowledged. However, since we began to exploit airspace, outer space and especially cyberspace, this sense that the maritime domain is "well understood and acknowledged" no longer applies: its nature has changed; it is no longer well understood, nor generally acknowledged.

Brazil and its Maritime Engagement

Brazil and the European Union are linked by the Atlantic Ocean, one of the world's major maritime bodies. Brazil is an increasingly relevant member of the international maritime community and has become an international actor in the arena of maritime safety and security.

In this manner, Brazil has taken command of the first Maritime Task Force (MTF) ever to be part of a UN peacekeeping mission, the "United Nations Interim Force in Lebanon", UNIFIL. The deployment of the MTF was a landmark move in order to satisfy two needs: ending Israel's blockade of Lebanon and providing security in the maritime domain for the whole region.

Brazil assumed command for the first time in February 2011 and has continued to do so at intervals since. So far 15 countries have contributed to this mission. Since the start of operations on 15 October 2006, the MTF has hailed around 63,000 ships and referred about 6,000 vessels to the Lebanese authorities for further inspection. In addition, some of the participating nations have trained the Lebanese Navy and Coast Guard. Maritime Capacity Building for navies is an increasing practice and, together with Naval Diplomacy, it has become a new and important part of a number of different Maritime Security Operations.

This deserves more attention and awareness. "Awareness" in the maritime context means "maritime domain or situational awareness" and it is a global issue and challenge. In the last decade, the focus of world security politics has shifted towards the global maritime domain, but this shift has, in the overall, passed by unnoticed without its strategic implications being well understood.

Sea Blindness and its Consequences

At the root of the problem is "sea blindness" – a failure to appreciate the essential maritime component extant in most human activities. The sea is out of sight and out of mind to a virtually connected population that travels by land and air and thinks of the sea only as a holiday destination. The great majority of our leaders and citizenry are landsmen with no maritime experience at all. They are familiar with air travel, as a large portion of the population has travelled at least once by aeroplane. They know from films and television that aircraft, airports and the skies are closely monitored by radar operators and that an aircraft off-course or in trouble can be quickly identified and assisted. Because so few have any experience with maritime transportation, they unconsciously assume and expect that the kind of orderliness, safety and security as well as the active traffic management that they see in aviation should also exist in ports and at sea. When they discover that this is not in fact the case, they are disappointed and wonder why the maritime community has failed to keep up with the modern age.

Current developments show that there is now a move towards a better understanding of the maritime domain and it is worth considering who the main actors or stakeholders at sea in fact are.

A Brief Narrative

One can begin with fundamentals such as the "Seventy–Eighty-Ninety-Rule". This offers a new and different perspective which could open minds and thinking in our societies to better understanding that:
› 70% of planet earth is covered by oceans and seas;
› 80% of the world's population lives within 100km of the coast;
› 90% of world trade is carried by ships along the highways of the sea or the sea lanes of communication.

This analysis does not even include the huge quantity of underwater resources such as oil, gas, minerals or the richness of marine biological diversity. It does not include the growing amount of maritime infrastructure and the networks of undersea cables which connect continents and are of a similar importance to global trade as the highways of the sea. But it does offer a useful structure for a narrative.

The major Stakeholders and their Responsibilities

Closely related to the issue of the crucial (and oftentimes neglected) importance of the maritime domain is the increasingly important security aspect. There are several key strategic stakeholders in maritime security which deserve special attention and recognition and whose aims and ambitions are already addressed by various studies:

1. The United Nations, via the International Maritime Organisation (IMO), is the international guardian of safety and security regulations, agreements and standards. Its role tends to be that of an administration which facilitates the development of regional and global safety and, to a certain degree, security issues. The IMO counts important achievements to its credit, promulgating agreements such as the "Djibouti Code of Conduct" and the "Yaoundé Code of Conduct": both regarding improved coordination and cooperation between East and West African States. The International Ship and Port Facility Security (ISPS) Code is also worth mentioning as an initiative by the IMO after 9/11 to enhance security. This initiative has been enforced and supported by the United States, keeping in mind that they have not ratified UNCLOS yet. However, concrete reality does not always match the legal realm: The U.N. does not possess the capability to enforce the Convention on the Law of the Sea (UNCLOS), although 166 members have signed it and have agreed to act in accordance with its rules and articles. Another set of regulations is the SOLAS Convention of 1974, which institutes safety standards for all aspects of vessel construction, operations, navigation, communication and management.

2. The United States Navy, Coast Guard, and Marine Corps have a common "Maritime Strategy", newly deepened and updated in March 2015. It reflects the latest challenges of the maritime domain and focusses upon four pillars: access; sea services as the first line of defence; relationships with allies and partners; and cooperation between all maritime services. The U.S. government supports the IMO (although the U.S. is not a UNCLOS signatory). The U.S. Navy is the only one of two global stakeholders with the capacity to act at all three security levels: strategic, operational, and tactical. The U.S. Navy, together with the U.S. Coast Guard and Marine Corps, have a Maritime Security Operations Concept which is currently executed via three Combined Maritime Forces, stationed with the Fifth Fleet of the U.S. Navy in Bahrain.

3. The North Atlantic Treaty Organisation (NATO), through its many member navies, is the other global stakeholder equally able to act on all three security levels. It has an Alliance Maritime Strategy and a Maritime Security Operations Concept. NATO commands four standing naval maritime/mine counter-measure groups with a broad variety of capabilities. Its 'Partnership for Peace Programme', in place since the early

1990s, has provided education and training to a great number of navies worldwide, achieving better interoperability and mutual comprehension. Since the start of the Russian intervention in Crimea and in the Eastern Ukraine NATO has reinforced its naval exercises and the deployment of its standing naval forces. It is worth noting that 22 of the 28 NATO Member States are also members of the European Union, an equally important stakeholder (see point 4, below).

4. The European Union (EU), via the Commission, the Military Staff, and the European Defence Agency, also constitutes an effective maritime security stakeholder. However, the EU has limited, small-scale military experience to date, and its maritime aims remain fragmented from the security perspective. In June 2014, the EU published its "European Maritime Security Strategy". The success of Europe's first maritime engagement in the Gulf of Aden and the Indian Ocean with Operation "Atalanta" proved the EU's ability and capability to act in order to re-establish "good governance at sea". The strength of the European Union lies in its comprehensive approach, which tries to bring together all actors, in essence, the civilian and the military. A further strength of the EU is the fact that it can simultaneously use its functions as a political union mandated to negotiate agreements and execute them, which, for instance, it successfully achieved during Operation Atalanta, a counter-piracy operation.

5. The African Union (AU) has the ambition of drawing up and putting into effect a Maritime Security Strategy for the whole of Africa. Implementing such a strategy needs a business plan, the development of which is being supported by the European External Action Service and the European Commission using different processes which are, unfortunately, not always coordinated. The AU supports and attempts to coordinate the different African regional initiatives. As such, the AU's political ambition to safeguard the African continent's security interests must itself be supported. Three different regions are of special importance: the Gulf of Aden and East African Coast; the Gulf of Guinea and its coasts; and, more recently, North Africa due to the issue of increasing migration. Africa is surrounded by the Indian Ocean, the South Atlantic Ocean and the Mediterranean Sea. Its security concerns lie in these maritime domains. The South Atlantic, moreover, is the bridge between Brazil and West Africa – the former being in and of itself an important actor in the maritime domain (see point 6, below).

6. Countries such as Brazil, Russia, India, and China have their own individual naval and broader maritime ambitions. Strong support for their navies stems from both traditional and modern strategic thinking. China particularly has attracted much attention (and is further developed in the section below), but it would be a strategic mistake to focus on China's ambitions alone.

7. Last but not least, the "non-state actor" at sea. This category comprises not only terrorists, but activists e.g. the "Sea Shepherd Conservation Society" or the "Mercy Ships" organisation and the declaration of a "Gaza Flotilla". The question of whether states are prepared to deal with these maritime actors is an important one. It is not only Greenpeace that challenges national authorities with spectacular events at sea; there are other actors whose ambitions and aims are much less clear and/or benign.

China: Cause for Strategic Readjustment?

China's ambitions have already caused some strategic changes:

› The 'Pivot to Asia', announced by Barack Obama, U.S President, in November 2011 is a very significant strategic readjustment illustrating the geopolitical importance of the Asian continent. The question of what role the maritime domain plays and could play in this shift is worth considering from a security perspective. Sovereignty concerns and the violation of UNCLOS are real, currently presenting particular danger in the maritime domain of the South China Sea. The Asia-Pacific region is today brimming with global opportunities and risks. But it is important not to restrict one's thinking and acting to only one maritime domain. From a maritime perspective "access" and "area denial" are issues of global importance. The international maritime legal framework can provide answers as to how these above-mentioned sovereignty concerns and UNCLOS violations ought to be resolved, however it is uncertain whether the solutions provided by said framework would be accepted by all states. Recognising that politics tends to be more reactive than proactive, a global and strategic view is needed to come to the necessary decisions.

› This US shift towards Asia may be seen as a response to the rise of the Chinese Navy. Recalling that the US Navy remains the only national maritime service with global ambition, or to put it more positively: the only national stakeholder able to establish and enforce "Good Governance at Sea", this shift has a much broader impact than many have yet recognised.

Not all analysts view the shift to Asia in the same manner, however. Robert Kaplan, for instance, reflects on the influence of geography globally. His recent book, "The Revenge of Geography – What the Map Tells Us About Coming Conflicts and the Battle Against Fate" incorporates familiar but nonetheless still valid wisdom including the importance of the role of geopolitics. His thesis highlights the importance of the Indian Ocean more than that of the Pacific to the future of American power, offering thoughtful insights which act as a reminder not to focus upon the Pacific alone. For, as is often the case, to predominantly focus upon one maritime domain over another, is to ignore the reality that all the oceans are interconnected and that geography implies much more than coastlines and climate: it is a matter of geopolitics.

NATO and the European Union also need to adapt their policies addressing the evolutions in the challenges to security and prosperity in a systematic way. The consequent realignment will profoundly reshape the European Union, politically and economically, with major implications for NATO and other elements of the transatlantic partnership. What is happening in the Indo-Pacific has its consequences in and for Europe; the EU and NATO would be well-advised to take this into consideration.

Europe's Perspective and its Interests

From a European perspective, areas of interest can today be roughly listed as "The Arctic Region", "the Mediterranean Sea", "The Indo-Pacific Region" and the "Gulf of Guinea". But the EU would be short sighted if it took the Atlantic Ocean with both Americas for granted.

From a global perspective, risks and threats are common and have many faces: piracy and armed robbery; maritime terrorism; illicit human trafficking by sea; narcotics; small arms and light weapons; global climate change; cargo theft, and more. These challenges keep evolving and are often hybrid in nature: they represent an interconnected and unpredictable mix of traditional and irregular warfare, terrorism, and/or organised crime.

These "man-made" threats adversely affect the EU and its population. But they can also affect the global maritime domain:

They can be categorised as:

› Terrorism using the sea either as a base or a conduit for attacks ashore, e.g. through the infiltration of terrorists, the use of explosives or even of weapons of mass destruction (WMD).

› Sufficient evidence exists to confirm that the sea has also been used by terrorists as a means of infiltrating operatives, explosives, and weapons into target countries, often taking advantage of the implicit covertness and large cargo capacity of ships. The limited protection of EU ports from an attack by sea makes the prospect of a ship exploding inside a harbour perhaps the most worrying threat.

› Illegal immigration, including human trafficking, can endanger the internal stability of EU countries. Illegal immigration has become one of the most challenging tasks for all maritime services in Europe as well as for world politics at large: more and more migrants are today – heading towards Europe but the magnitude of the challenge – the task of rescuing people and improving their prospects in Europe or of returning them home – is not a new one, as the "Boat People" of the Vietnam War testify.

› Narcotics and arms trafficking can de-stabilise foreign countries and in turn, create damaging effects in Europe.

› Threats that affect European maritime interests along all major trade routes, especially at geographical chokepoints, must also be considered.

› Piracy, which not only affects trade routes but also fishing activities in some fishing grounds and local wars or regional terrorism in the vicinity of chokepoints can pose serious threats. Besides the direct damage to state finances and legitimate business,

established networks can launder money and engage in profitable smuggling activities, usually of drugs or weapons but also of other goods and contraband.

› Territorial Water and Exclusive Economic Zone (EEZ) Claims can affect Europe's maritime interests and potentially increase the probability of conflict.

› Finally, Environmental Degradation resulting from the dumping of toxic waste at sea and illegal, unreported, and unregulated (IUU) fishing also runs counter European interests.

Added to these challenges, risks and threats, Europe also has significant inherent vulnerabilities in the maritime domain. The most serious is that all European member states, even landlocked ones, depend on the sea as they all benefit from maritime trade through European ports. The logistic supply chain has to be considered from the company's point of production to its most distant customer: the product or its components have to be transported by land, sea, and air. For most goods the sea-based element of transport usually constitutes the longest and most difficult part of the journey – from the port of loading to that of discharge. Maritime safety and security considerations have to apply throughout the whole chain, from port to sea to port, since optimising only one phase is not enough to safeguard the commodities. This also holds true for passenger travel: the rapid rise in large cruise ship operators makes ensuring effective maritime security even more complex and daunting, which brings us back to the issue of access once more.

The issue of access to the global maritime domain is a core concern for all states which have acknowledged the importance of the maritime domain for the well-being of their citizens and the security of their interests. The development of anti-access and area denial (A2AD) policies is a crucial part of the complex security policy structure, strategies and thinking relating to the maritime domain. This can be seen in the South China Sea today and will remain on the list of potential maritime conflicts in the future.

Europe's current Situation as regards the Maritime Domain

A vast number of different authorities act in the maritime domain in the European context. The basic function for all maritime-related activities is conducting maritime surveillance and developing an accurate picture of the maritime scenario – locally, regionally and globally. To achieve this one can identify seven functions, which are related to maritime safety and security in EU Member States:
› Border control;
› Customs;
› Fishery control;
› Defence;
› Law enforcement; and,
› Marine environmental protection.

These seven functions are carried out, nationally and regionally, using various maritime surveillance related initiatives, each working in relative isolation from the other.

This results in an often fragmented and incomplete level of knowledge and Intel regarding the occurrences in the global maritime domain.

Maritime activities in Europe are regulated by the EU's "Integrated Maritime Policy", a document addressing a wide range of maritime tasks and challenges. It has three policy pillars: social, environmental, and economic. In its early development, it did not include any security responsibilities and tasks. Rectifying this omission was and is a very ambitious enterprise, requiring a gradual step–by-step approach, that is not yet completed. The main impediments to progress are:

› Shifting the mentality of all maritime authorities from a pattern of operating in relative isolation towards one of working in networks;
› Overcoming legal barriers to appropriate information exchange via the enforcement or – if necessary – amendment of national, EU, sectorial and horizontal legislation;
› Specifying the technological choices to be made so as to enable connectivity between existing systems and networks and to provide a seamless and cost-effective flow of maritime information.

The European Commission's response to these challenges is an initiative called "The Common Information Sharing Environment" (CISE) which sets out the guidelines for cooperative surveillance in the European maritime domain together with the Council and Member States. The roadmap developed to achieve this ambitious undertaking takes a long-term perspective. An interesting point is the way the roadmap ambitions to explain the complexity of maritime security. It identifies six fundamental steps to be carried out prior to establishing a CISE. Its approach is attractive from a global point of view as it can also be used as a blueprint for other regions.

The six steps are:

› Identifying all the user communities, i.e. those that use and provide maritime related information, including port authorities, keeping in mind the ISPS code, mentioned above;
› Mapping the data sets and conducting gap analysis, observing what information is available, but not shared with all the other user communities;
› Identifying common data classification levels;
› Developing the technical support framework for CISE. It is important to realise that CISE is not a new or centralised system; it is a network of existing systems, properly interconnected;
› Establishing appropriate access rights; and
› Ensuring that legal provisions are respected.

This six-step methodology could be applied independently from the regional or the national context: there is, as of yet, no region in the world where all the different maritime services coordinate and cooperate in such a way as to fully achieve a secure environment of the level ambitioned by the CISE. Information sharing is a prerequisite to achieving surveillance and a comprehensive maritime picture. The EU and its Member States aim to implement the Common Information Sharing Environment by 2020. The step–by-step approach is still one of the guiding principles; patience and endurance are thus

required, but it seems the only way to convince all the different maritime authorities in so many participating Member States to move towards a situation of Intel and surveillance sharing.

Concluding Remarks: the G7 Foreign Ministers' Declaration on Maritime Security

2015 was the first time that Maritime Security in almost all its different aspects was discussed and agreed upon in a high-level international conference. Given the long and intensive preparations and the involvement of many experts this required, there is now a unique opportunity to use the momentum generated to propel the topic into the future.

The introduction of the G7 declaration (partially quoted below) functions as an excellent summary of this piece, condensing key points regarding the global maritime domain:

"The maritime domain is a cornerstone of the livelihood of humanity, habitat, resources and transport routes for up to 90% cent of intercontinental trade.

It connects states and regions and makes otherwise distant nations neighbours. Humankind depends on a safe, sound and secure maritime domain in order to preserve peace, enhance international security and stability, feed billions of people, foster human development, generate economic growth and prosperity, secure the energy supply and preserve ecological diversity and coastal livelihoods. As the world's population grows, our reliance on the oceans as a highway for commerce and a source of food and resources will increase even more. The free and unimpeded use of the world's oceans undergirds every nation's journey into the future.

We, the Foreign Ministers of Canada, France, Germany, Italy, Japan, the United Kingdom, the United States of America and the High Representative of the European Union, are convinced that we can comprehensively counter threats to maritime security only if we follow a cooperative, rules-based, cross-sector approach and co-ordinate our actions nationally, regionally and globally. We are persuaded that lasting maritime security can only be achieved if we join forces in order to strengthen maritime governance in pursuit of rules-based, sustainable use of seas and oceans.

We reiterate our commitment to the freedoms of navigation and overflight and other internationally lawful uses of the high seas and the exclusive economic zones as well as to the related rights and freedoms in other maritime zones, including the rights of innocent passage, transit passage and archipelagic sea lanes passage consistent with international law. We further reiterate our commitment to unimpeded lawful commerce, the safety and security of seafarers and passengers, and the conservation and sustainable use of natural and marine resources including marine biodiversity."

The declaration – driven by the assessment that the maritime security rules and standards developed, agreed and executed by the international community are under pressure – functions as an appropriate conclusion to this piece.

It is worth noting, beyond the points mentioned in the G7 declaration, however, that the sea is a global commons, interconnected and without borders. Territorial waters and Exclusive Economic Zones are not comparable with land borders. To achieve awareness in this direction is a new challenge. One conclusion is to think globally, but to act regionally and locally. When looking at the different regions of the world, one notes that there is always heightened stability and more peaceful development when nations are acting in coordination and cooperation. Whether maritime security cooperation takes the shape of bilateral or multilateral agreements and treaties, or both, will be a question influenced by regional and world politics. Multilateral agreements can, however, create a more binding solution and have been successful in the western hemisphere.

The "Declaration on Maritime Security" by the Foreign Ministers of the G 7 Countries is, therefore, an encouraging step. More concrete measures and tasks should follow this ambitious description of the maritime domain. Particular attention should be drawn to South America in general and Brazil as a growing maritime nation in particular. This could be facilitated by a conference which focusses on the Brazilian perspective. The maritime domain offers more opportunities than risks and it is essential to connecting people and nations. The issue of perspective, when considering the sea, is fundamental. If one stands at the beach with one's back to the land one's view will be different from that seen standing with one's back to the sea looking ashore. He who looks towards the sea is the one with an unlimited horizon, even if his capabilities are limited: therein lies the difference.