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Dealing with Maritime Security in the Mediterranean Basin: The EU as a Multilateral Actor

Stefania Panebianco

Abstract

Global terrorism, irregular migration, proliferation of WMDs and piracy are all issues currently included in the EU's Mediterranean maritime security agenda. Due to the peculiar nature of these threats, the European Security Strategy claims that multilateral action is the most effective way to deal with these security threats. The involvement of regional and non-regional influential actors - both state and non-state actors - is deemed crucial. Therefore, this analysis illustrates Mediterranean institutionalised security cooperation within many regional fora: EMP/UfM, NATO Mediterranean Dialogue, the Western Mediterranean Dialogue. Finally, some concrete actions are suggested for the EU to play an effective role.

Keywords: *European Union / Common Foreign and Security Policy (CFSP) / EU Maritime security / Mediterranean / Security threats / '5 plus 5' Group / NATO / Multilateralism*

Dealing with Maritime Security in the Mediterranean Basin: The EU as a Multilateral Actor

by Stefania Panebianco[*]

This paper aims at conceptualising maritime security and at analysing the strategy and policy actions the EU is currently elaborating to face threats to maritime security in the Mediterranean basin. Notwithstanding the geopolitical implications of this issue[1], geopolitics will not be adopted as the analytical framework of reference here; nor will this paper provide a detailed illustration of European naval forces acting in the Mediterranean[2]. Another analytical prism will be adopted instead. Following a structuractionist approach, we assume that in order to understand the EU's role as a multilateral actor, the challenges or opportunities arising from the systemic context have to be taken into account along with the EU's will to act[3]. The paper offers some speculations on the EU's capacity to act as a multilateral actor cooperating with global and regional powers, international organisations and private actors dealing with maritime security in the Mediterranean area.

The main assumption here is that a new prioritization of security threats is reshaping the multidimensional definition of security which was conceptualised in the early 1990s[4]. Security cooperation initiatives launched in the last decade suggest that – despite the EU's political rhetoric in favour of human security, for various reasons not all dimensions of security are given the same policy attention. Nowadays, due to shifting political priorities (e.g., the need to favour stability instead of political change in the European neighbourhood) and economic pressures (e.g., the dramatic effects of the financial crisis and a decrease of funds devoted to regional cooperation) not all aspects of Mediterranean security are actually addressed. While democracy and human rights seem to loose ground in EU's relations with third countries, in the last decade illegal migration, terrorist attacks, energy security, and piracy have topped the EuroMed agenda, as the latter have increasingly become sources of international and regional inter-state sober tensions[5]. Considering that these issues represent crucial

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[1] In the late XIX century some scholars of International Politics such as Alfred Mahan regarded the possession of - or lack of - maritime power as an indicator of the rise of (or conversely the fall of) states. Mahan's conception of dominating states was closely related to naval power.

[2] The IR Realist School conceived power in terms of states' army and navy possession, and still defence expenditure is often adopted as an indicator of power. But this cannot explain why the EU – as a sovranational political system which does not possess its own army – is setting up multilateral platforms to deal with maritime security.

[3] The European Security Strategy (ESS) adopted in 2003 explicitly defines the EU as a 'multilateral actor' and identifies 'effective multilateralism' as a key objective of the EU.

[4] In the security policy field - maybe more than in other policy areas – systemic constraints lead to a continuous reshuffling of priorities.

[5] The great EU's concern for these security issues has been recently stated in the Annual Report presented by the High Representative of the European Union for Foreign Affairs and Security Policy, Lady Ashton, to the European Parliament. The 2009 report, which illustrates the main aspects and basic choices

threats to security and maritime security, they are all addressed by the nascent integrated EU's maritime policy and in EU's relations with its Mediterranean neighbours[6].

Due to the specific nature of maritime security, the EU regards a multilateral context as the most suitable to adopt effective measures. The documents which are elaborating the EU's maritime policy consider coordination with global powers crucial, as well as existing frameworks of cooperation (e.g., the International Maritime Organization) and relevant regional actors[7], including maritime stakeholders[8]. Therefore, to deal with maritime security in the Mediterranean Sea, the EU is setting up multilateral platforms of cooperation within the Union for the Mediterranean (UfM) and welcomes coordination with global and regional actors. By profiting of its geopolitical location, the EU could be able to act as a leading power in the Mediterranean area and elaborate an effective multilateral strategy on maritime security.

1. A Novel Approach to Security

The analysis of the EU's security agenda – in general and with regard to the Mediterranean area – shows a structuractionist relation. On the one hand, EU's political

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of the Common Foreign and Security Policy, depicts the following as major threats to European security: proliferation of weapons of mass destruction, conventional weapons, terrorism, energy security, climate change and regional conflicts.

[6] Cfr. in particular the Communication from the European Commission to the Council and the European Parliament, *Towards an Integrated Maritime Policy for Better Governance in the Mediterranean,* COM(2009) 466 final, Brussels, 11.9.2009, and the Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Developing the international dimension of the Integrated Maritime Policy of the European Union*, COM(2009)536 final, Brussels, 15.10.2009. The Commission is assisted by a Regulatory Committee (Maritime Security Committee - MARSEC) acting in accordance with the regulatory procedure. MARSEC is a Regulatory Committee (established by virtue of Article 11 of Regulation (EC) No 725/2004) which assists the Commission with regard to its activities under Directive 2005/65/EC. The Regulatory Committee is chaired by the Commission and consists of experts representing all member states. The Committee deals with threats of intentional unlawful acts such as acts of terrorism, acts of piracy or similar.

[7] The High Representative's 2009 report claims that the EU can contribute to a more effective multilateral order through its cooperation with other international and regional organisations, and with strategic partners such as the United States, the Russian Federation, China, India, Mexico, Brazil, Japan, Canada, and South Africa.

[8] The EU's strategy of an 'open door' to interest groups, and the EU's positive attitude towards 'lobbyists as information providers', is not new and is related to the increasing technicalities of EU's policies since the adoption of the Maastricht Treaty (Panebianco, 2000). Due to the high specificity of maritime policy, the EU relies upon the expertise of the maritime stakeholders and seeks to profit of the information they provide in order to identify and implement effective policy actions (cfr. the European Commission's Communication *Guidelines for an Integrated Approach to Maritime Policy: Towards best practice in integrated maritime governance and stakeholder consultation* [COM(2008)0395]). The European Commission has adopted an open method of coordination which involves all stakeholders in an open dialogue with EU's institutions. The main assumption is that, in order to elaborate a global holistic approach to maritime policy, the EU's institutions have to: a) dialogue with maritime stakeholders, b) create mutual confidence, and c) build a platform in order to foster coordination with maritime stakeholders. The European Maritime Day Stakeholders Conference has been recently institutionalised and is to take place annually guaranteeing the rotation between sea basins (Council Conclusions of 17 November 2009). Following this indication, the 3rd European Maritime Day Stakeholder Conference organised by the European Commission and the Spanish Government in Gijón (18-21 May 2010) allowed for an important gathering of maritime stakeholder communities.

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actors and institutions conceptualise security and set the content and priorities of the agenda according to their own security culture, interests, ideas, values, and principles. In social sciences this is the actor (agent)-centred methodology which provides an approach suited to understand the elaboration of foreign policy. On the other hand, there are systemic conditions and challenges that prevail over the EU's capability to act, elaborate, and implement strategies. This is the systemic/structure approach which is often adopted in International Relations studies. In our view, a synthesis of these two approaches is needed to understand how the EU deals with maritime security.

The EU's capability to act and deal with Mediterranean maritime security depends on many factors. We cannot assume a linear policy process resulting directly from the policy actors' conception of security, because the EU has to continuously adapt and react to the emerging systemic changes which are progressively shaping the content of EU's documents and strategies on security. Therefore, the elaboration and implementation of the EU's maritime security strategy cannot simply result from the EU's own identification of priorities; it is also an adaptation and reaction to the external system. Agent and structure are closely interdependent and influence each-other. The (EU) agents' choices are influenced and limited by external processes as, while the systemic structure offers many opportunities to act, it can also set constraints to rational or value-driven policy-making. Since the systemic structure poses important limitations to EU's action, the adoption of EU's security strategies is the result of the interaction between the agent (EU's institutions) and the constraints raised by the external system (i.e., the financial crisis, terrorist attacks, nuclear threats, rising of piracy, etc.). The main assumption here is that external threats reduce the centrality of EU's actors and their capacity to construct and elaborate a maritime policy according to their interests, perceptions and visions only. There is a continuous inter-play and adaptation between EU's actors, the EU's domestic dimension, and the external systemic context. Therefore, a Mediterranean maritime security strategy can only result from a combination of EU's action and reaction to external factors (i.e., the newly emerging security threats).

2. Maritime Security, the EU and Mediterranean Neighbours: Defining Concepts and Roles

In order to fix the content of the EU's maritime security policy, it is necessary to define the maritime security concept. *Strictu sensu* maritime security implies the protection of the individuals and economic affairs from illicit acts against ships, human beings, and goods at sea and in ports. In this regard, the challenging issues that the Mediterranean area is currently facing are: maritime transport and security at ports[9], coastal tourism,

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[9] The EU has adopted specific measures regarding transport in the Mediterranean area. In 2005 the Marrakech EuroMed Ministerial Conclusions issued a series of recommendations in order to boost transport sector reform and promote the development of a Euro-Mediterranean Transport Network. It was then agreed that a Regional Transport Action Plan for the Mediterranean had to be elaborated. Moreover, a regular dialogue had been established through the Euro-Mediterranean Transport Forum and its working groups. Some specific projects are also worth being mentioned: the Euromed Main Transport Project, the transport Infrastructure project, the Euromed GNSS Project (Egnos/Galileo satellite navigation programmes), the Safemed Project (maritime safety and security in the Mediterranean region), and the MEDA Motorways of the Sea project.

aquaculture, pollution, and depleted fish stocks. The structural factors taken into account in this paper which contribute to threaten life in the Mediterranean basin are: organised crime, terrorist attacks, illegal migration, proliferation of Weapons of Mass Destruction (WMDs), and pirates' attacks. For obvious reasons, these threats – which all stand high in the EU's security agenda – affect seriously Mediterranean maritime security. And the EU currently regards all these treats as priority issues in Euro-Mediterranean relations.

To define the current security threats, the 2003 European Security Strategy (ESS) had mentioned "new threats which are more diverse, less visible and less predictable". By providing substance to the security political concept defined in the ESS, the Report on *The Implementation of the European Security Strategy: Providing Security in a Changing World*, adopted in December 2008, identified the following as the most relevant security threats to European societies: crime and illegal migration, terrorism and organised crime, piracy. This document also mentions climate change as having serious security implications. The EU acknowledges responsibility to respond to these crucial issues, alongside with countries directly affected and other international actors, including NATO.

These documents provide an operational definition of security which is slightly different from the conceptualization of security elaborated in the 1990s, which had originally influenced EU's documents such as the Barcelona Declaration. In the early 1990s, the so-called School of Copenhagen, led by Barry Buzan, Ole Waever and other scholars, promoted a re-conceptualization process which declared obsolete the traditional concept of security related to the military dimension. A new multi-dimensional concept of security was elaborated which included also *societal* threats (Buzan 1991; Waever et als, 1993; Buzan et als, 1998). In their view, since security implies mainly *societal* threats, security cooperation strategies must deal with political, economic, social, and environmental factors, which are all regarded as relevant dimensions of the multi-dimensional concept of security. Moreover, to deal with this multi-dimensional concept of security, cooperative attitudes by both traditional state-actors and non-state actors of civil society (e.g., local authorities, academic institutions, think tanks, NGOs, etc.) are more useful than war and confrontation.

This academic conceptualization process had strongly influenced EU's documents concerning security cooperation in the Mediterranean area. Clear reference to comprehensive security can be found in the Barcelona Declaration which initiated the Barcelona Process in 1995, and in the Rome Declaration which established the '5 plus 5' Group in 1990. The multi-dimensional concept of security contained in the Barcelona Declaration, for instance, takes into account political, economic, and socio-cultural aspects of cooperation (dimensions which are tackled in the three complementary pillars mentioned in the Barcelona Declaration). This document identifies three interrelated security dimensions which have to be developed within three distinct cooperation frameworks (or Partnerships) in order to achieve a stable and prosperous Mediterranean area (Panebianco, 2003).

The multi-dimensional definition of security which lay at the basis of Euro-Mediterranean relations in the 1990s now seems to be suffering due to a sort of prioritization process imposed by the dramatic systemic changes occurred at the dawn

of this century (Panebianco, 2008). In the wake of September 11, the second Intifada and the war in Afghanistan and Iraq, the Barcelona Process has gradually put more emphasis on issues related to justice and home affairs, border control, the fight against terrorism, and organised crime. Since the Barcelona Process has remained hostage of the Israeli-Palestinian Conflict, broad political goals have been abandoned and Euro-Mediterranean relations have been redefined and targeted at specific cooperation projects. In July 2008 the Paris Declaration – which redefined the EMP and launched the UfM – listed specific aspects of security cooperation, with energy cooperation staying on the forefront.

In order to tackle the current priorities of the Euro-Mediterranean political agenda, the security concept is being redefined by identifying new cooperation issues. In the redefinition of security priorities the EU acknowledges increasing importance to maritime security in its relations with Mediterranean third countries, therefore it is creating suitable cooperation frameworks on maritime security. Since its adoption in 2003/2004, the European Neighbourhood Policy (ENP) provides a framework where cooperation on maritime security can be effectively promoted to ensure coherence between EU's actions internally and action undertaken by EU's neighbours. The Mediterranean basin has been clearly identified as a key region concerning the cooperation towards resource management and maritime governance on account of the common responsibility over the seas in the Communication from the Commission to the Council and the European Parliament on *The preparation of the Lisbon Euro-Mediterranean Foreign Affairs Conference (5-6 November 2007). The Euro-Mediterranean Partnership: Advancing Regional Cooperation to support, peace, progress, and inter-cultural dialogue*[10]. The Paris Declaration of 2008 lists "Maritime and Land Highways" among the priorities of Euro-Mediterranean cooperation, assuming that "[t]he development of motorways of the sea, including the connection of ports, throughout the entire Mediterranean basin as well as the creation of coastal motorways and the modernisation of the trans-Maghreb train, will increase the flow and freedom of the movement of people and goods. Particular attention should be devoted to cooperation in the field of maritime security and safety, in a perspective of global integration in the Mediterranean region" (Paris Declaration, July 2008).

The Mediterranean neighbours are regarded as crucial partners to cooperate with and are repeatedly encouraged to get in close cooperation with the EU, to have an active involvement in the elaboration and implementation of an integrated EU's maritime policy[11]. The basic assumption of the nascent EU's maritime security policy is that

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[10] COM(2007) 598 final, Brussels, 17.10.2007.
[11] In 2009 the European Commission suggested to discuss EU's priority areas with the Mediterranean partners, and to launch this dialogue at Ministerial level. The Council Conclusions on Integrated Maritime Policy adopted on 14 June 2010 encouraged the Commission to continue working on the integration of maritime policies in the Mediterranean along the line of its Communication of 11 September 2009 and to continue working in close cooperation with member states on an integrated approach with non-EU Mediterranean coastal states and engage in the exchange of best practices complementing existing initiatives, paying attention, where appropriate, to the development of regional strategies at the sub-regional level. See references to the Commission's Communications in note 6 above.

cooperation and sharing of responsibility with the Mediterranean neighbours is highly needed[12]. The EU is elaborating a strategy which relies upon the following objectives:
   a)   cooperation with relevant state actors, including Mediterranean partners;
   b)   involvement of maritime stakeholders;
   c)   promotion of EU member states' cooperation to foster information exchange and collaboration to guarantee border control.

It is worth recalling, on this regard, that the EU deems coordination with coastal Mediterranean non-EU states to be essential also because a large part of the waters of the Mediterranean Sea is outside the jurisdiction or sovereign rights of coastal EU states. Therefore, EU member states do not have prescriptive nor enforcement powers to regulate human activities beyond such areas in an integrated manner. In many policy issues the southern Mediterranean countries and the EU are strictly interdependent, but it is even so when dealing with maritime security. And the EU's institutions are increasingly aware that a regional governance of maritime security in the Mediterranean basin is required[13].

This brief overview of the relevant EU's documents on maritime security indicates that in the nascent EU's maritime security policy, cooperation with Mediterranean neighbours is deemed essential. Although it is premature to consider the EU as a regional maritime power yet, the legislative acts elaborated in the last decade or so seek to allow the EU to act as a regional leader in the Mediterranean basin.

3. Addressing Systemic Threats to Maritime Security

Considering that EU's documents mention terrorism, irregular migration, WMDs proliferation, and piracy as the crucial issues of maritime security, these issues will be

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[12] EU's legislation on Maritime Security relies upon the following normative instruments: Regulation (EC) n. 725/2004 on enhancing ship and port facility security (amended by the Commission Decision of 23 January 2009); Directive n. 2005/65/EC on enhancing port security; Commission Regulation (EC) n. 324/2008 on procedures for conducting Commission inspections in the field of maritime security; EU Directive n. 2008/56/EC establishing a framework for community action in the field of marine environmental policy. The EU is currently working to elaborate a coherent framework for a sustainable use of oceans and seas and aims to provide the knowledge base for the implementation of the Integrated Maritime Policy (IMP). On the IMP cfr. the Commission Communication on *Integrated Maritime Policy for the European Union and Action Plan*, presented on 10 October 2007 (Doc 14631/07 - COM (2007) 575 final); the Presidency Conclusions of the European Council issued on 14 December 2007 (Doc 16616/07); the Council Conclusions on *Integrated Maritime Policy* adopted on 16 November 2009 (Doc 15175/1/09 REV 1); the Council Conclusions on *Integration of Maritime Surveillance* adopted on 17 November 2009 (Doc 15176/2/09 REV 2); and the Council Conclusions on *Integrated Maritime Policy* adopted at the General Affairs Council Meeting on 14 June 2010. Cfr. also the Council Conclusions on *Maritime Security Strategy* adopted on 26 April 2010.
[13] The need for a regional governance of maritime security in the Mediterranean basin has been recently recalled by the European Parliament. The EP draft report on *Integrated Maritime Policy* elaborated by MEP Gesine Meissner and presented in June 2010 [2010/2040(INI)] urged a European Parliament Resolution on an integrated maritime policy. The report called for a 'Maritime governance' relying upon many cooperation layers, including cooperation with Mediterranean third countries. Sharing the same view of the Commission, that the involvement of the ministerial level is highly needed, the EP suggested the establishment of a meeting on the Integrated Maritime Policy at ministerial level of the member states of the UfM to be held at least once a year.

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here analyzed to see how they directly affect maritime security in the Mediterranean basin.

First of all, we will tackle the issue of terrorism, which in the last 10 years has drastically changed security perceptions and strategies both globally and regionally. In the 1990s there was no agreement on how to define terrorism, and Euro-Mediterranean cooperation could hardly address this issue. In the Barcelona Declaration terrorism could be both an issue to be tackled within the Security Partnership or an issue of the Human and Socio-Cultural Partnership. After 9/11, the Madrid and London bombings (respectively in March 2004 and July 2005), and the terrorist attacks which shocked Arab countries (e.g., Casablanca in May 2003 and Amman in 2005), Mediterranean states agreed on the necessity to tackle this issue with joint actions. It had appeared clear that terrorism is not aimed at destroying western countries only and that regional cooperation (intelligence cooperation in particular) is essential to address this security threat.

The EU has then acted at all levels to adopt initiatives to combat terrorism. In the aftermath of the 2001 terrorist attacks, the following EU's documents were issued: the *EU Plan of Action on Combating Terrorism* (adopted by the European Council in 2004), and the *Counter-Terrorism Strategy* (adopted in 2005)[14]. At the 2005 Euro-Mediterranean Summit, a Code of Conduct on countering terrorism was adopted by the partners involved in the Barcelona Process. In international fora, the EU fostered cooperation to fight terrorism through the adoption of the 2005 UN Convention against Nuclear Terrorism and the 2006 UN Counter-Terrorism Strategy.

Dealing with Mediterranean countries bilaterally, the EU has initiated counterterrorism capacity-building initiatives with Algeria and Morocco (Keukeleire and MacNaughtan, 2008: 238). More broadly, the EU is attempting to mainstream cooperation against terrorism in its foreign policy. For this reason it systematically includes a counterterrorism clause in its agreements with third countries[15].

Secondly, migration is dominating the maritime security agenda. Irregular migration across the Mediterranean has become a serious problem, both in terms of humanitarian challenge (due to the phenomenon of clandestine migration which causes an ever rising death toll) and in terms of a security risk. However, the latter dimension is taking ground both in political discourse and academic research at the expenses of the former. The most recent studies on the EU and migration point out that migration is now regarded as a security issue more than a socio-economic one. In fact, the migration issue is currently experiencing a "securitisation" and "policing' process" (e.g., Huysmans, 2006; Collyer, 2007; Lutterbeck, 2007). These authors talk about a "securitisation process" because in the political discourse (both at national and

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[14] At the EU institutional level, since 9/11 many organisms have been created to combat terrorism. The Council set up the Council Working Party on Terrorism (COTER), a counterterrorism task-force was set up within Europol; Eurojust was to be used to facilitate cooperation between national magistrates on cross-border investigations. For more details see Keukeleire and MacNaughtan (2008: 236 *ss*).

[15] See for example Article 90 of the *Council Decision on the signing, on behalf of the European Community, of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part*, signed in Brussels on April 12, 2002, http://www.bilaterals.org/IMG/pdf/EU-DZ_FTA.pdf.

European levels) the migration issue is increasingly being related to security. This securitisation process consists in "constructing" security threats through political "speech acts"[16]. There is a "policing process" because increasing amounts of money are devoted to cooperation on border securing to prevent illegal migration, thus producing a sort of "militarisation" of the EU's Mediterranean borders[17].

Substantial migration flows from the southern to the northern shores indicate that the Mediterranean is an established 'door to Europe', but this is not the only way to access Europe, nor is it the most relevant one in terms of migrants' flows. Therefore, it is misleading to portray migration across the Mediterranean as a 'wave' from the South towards the North[18].

Thirdly, proliferation represents an important dimension of maritime security. In addition to Israel and undeclared nuclear states, in the last decade, Iraq first and now Iran, two non-Mediterranean countries, have provoked serious concern of the international community, proving that WMDs have not become outdated with the end of the Cold war. On the contrary, in the post-cold war era the proliferation of WMDs represents a major international security problem, and the Mediterranean is a crucial area in this respect. In addition to France and the United Kingdom, there are many states that have (or are suspected to have) WMDs, and some other states possess the technological and industrial capacity to develop WMDs.

Iran's nuclear programme is currently one of the most controversial regional issues. In the last couple of years, Iran's nuclear programme has caused great concern and the international community has made joint efforts to elaborate a common response[19]. The EU has always backed the international community to elaborate a more effective strategy concerning Iran. The UN Security Council has adopted resolutions requesting Iran to suspend all enrichment-related and reprocessing activities; but due to Iran's non-compliance to the requests of the international community, the UN Security Council has imposed sanctions which have been supported by the European Council. Alongside the Iran's development of nuclear weapons, serious threats in the area derive from the proliferation of chemical and biological weapons. Egypt, Iran, Iraq,

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[16] For the definition of the concepts of "securitisation" and "speech acts" see Buzan (1991) and Waever et als (1993).

[17] In 2004 the Council of the European Union established FRONTEX to provide support in EU borders' security. FRONTEX has been active since 2005 to provide national authorities with training, technical support and risk-assessment in border control. Its stated purpose is the coordination of intelligence driven operational cooperation at EU level to strengthen security at the external borders. It represents a concrete example of coordination in the Mediterranean area to protect EU's external borders. See Delicato, *The Fight Against the Smuggling of Migrants in the Mediterranean: the Italian Experience*, Mediterranean Paper Series 2010, GMF-IAI, August 2010.

[18] The main current migration routes in the Mediterranean Sea currently pass through Libya and the Canary Islands, while in the early 1990s the two main 'entry gates' were the Straits of Otranto and the Straits of Gibraltar. Cooperation between Italy and the former Yugoslavia has been highly successful and the Adriatic route has been abandoned. Police cooperation in the Adriatic sea can be regarded as an example of successful strategy combating irregular migration. The recent bilateral agreement between Italy and Libya has proved to be effective in terms of reduction of the number of boatpeople crossing the Mediterranean Sea, however it poses serious concerns in terms of humanitarian international law.

[19] The International Atomic Energy Agency (IAEA), which is the leading non-proliferation infrastructure charged to verify states' compliance with the NPT, is actively involved in the investigation of Iran's nuclear weaponisation activities.

Libya, and Syria are all believed to have (or have had in the Iraq's and the Libya's cases) active chemical and biological weapons programmes (Cottey, 2007: 40)[20]. Chemical weapons are easier to develop than nuclear weapons, and their destruction potential is rather high. Biological weapons represent a particular proliferation concern as well: although it is relatively easy to develop them (if compared to nuclear weapons), if dispersed in a populated area they might cause thousands or millions of deaths.

The EU is trying to promote internationally multilateral arms control as a solution to WMDs proliferation. Since the early 1990s, the international community has adopted multilateralism as an arms control strategy[21]. A wide range of multilateral settings (UN resolutions, multilateral non-proliferation agreements, and multilateral export/technology control regimes) are being used to face WMDs proliferation. European states have promoted international efforts to strengthen the various multilateral arms control and non-proliferation agreements (Cottey, 2007: 156). The EU stands out as one leading actor urging non-proliferation programmes. The EU is perfectly aware that WMDs is "potentially the greatest threat to our security" (European Security Strategy, 2003); for this reason it urges the international community to identify and implement effective strategies. The European Strategy against Proliferation of Weapons of Mass Destruction, which was adopted in December 2003, indicates multilateral strategies as "the best way to maintain international order"[22].

Events occurred in the last decade indicate that it is difficult to persuade determined states to abandon their WMDs ambitions. The nuclear disarmament has re-emerged as a crucial issue in the global and regional agenda. It has acquired saliency in the mainstream public debate and it has forced the international community to take action; new initiatives have been launched by governments and leading non-governmental organisations. The Iran case has recently shown that the involvement of the global powers (firstly USA but also China and Russia) is essential to adopt multilateral positions.

Finally, due to the recent pirates' assaults in the Gulf of Aden, piracy has violently entered the EU's maritime security agenda. Although piracy is not affecting the Mediterranean Sea directly, it concerns maritime security and urges action of the EU and of the Mediterranean partners. EU's documents on the Integrated Maritime Policy list piracy among the most crucial security threats and urge "to continue pursuing the actions to ensure freedom, safety, and security of maritime activities and to sustain the international efforts to combat piracy and armed robbery, namely in the framework of

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[20] For an illustration of the Mediterranean state's possession of WMDs see Table 7.1 in Cottey (2007: 151).

[21] In 2008 there were 27 mandatory multilateral arms embargoes in force, directed at a total of 15 targets. Twelve of the embargoes were imposed by the United Nations and 15 by the European Union (source: SIPRI Yearbook 2009). However, arms embargo, as an instrument of foreign policy to sanction policies and behaviours of either states or non-governmental forces, is not free from political considerations (for instance through the use of veto within the Security Council).

[22] However, there are many holes in the existing non-proliferation regime (for instance, the NPT contains no instruments to sanction states' violations). And EU member states do not act always coherently. The fact that France and United Kingdom are nuclear weapon states weakens the EU's approach towards non-proliferation, so the EU often adopts some lowest common denominator positions instead of fostering further measures towards nuclear disarmament (Cottey, 2007: 157).

Atalanta, and to address the root causes of piracy"[23]. Multilateral intervention is currently being experienced in the Gulf of Aden with success. Among the specific initiatives launched by the EU to respond to piracy, the ATALANTA mission deserves to be mentioned[24]. It was set up in late 2008 and it is the first naval operation conducted under the ESDP to deter piracy off the Somali coast. The NATO operation Ocean Shield has also been set up to combat piracy with joint actions. Although the international community is setting up multilateral initiatives to combat piracy, the responsibility of the member states is essential to implement the measures aimed at strengthening maritime security and to ensure that all necessary means are allocated to that end[25].

This analysis of EU's initiatives adopted to face the various sources of maritime insecurity provides substance to the basic assumption of this paper: multilateral action is regarded as the most effective strategy to address systemic threats to maritime security. It remains to be seen if the EU is able to play a leading role in implementing the "effective multilateralism" which is mentioned in the ESS. Considering the intergovernmental nature of the UfM, the active involvement of the EU member states in fostering multilateral cooperation is required to achieve tangible results. Unfortunately, states involved in the UfM have not demonstrated strong commitment towards regional cooperation yet, letting political interests to slow down the entire process.

Yet, the peculiar nature of maritime security does not leave many chances for national *free-riding* behaviours and it is reasonable to assume that systemic pressures will push towards the establishing of enhanced fora of cooperation. Sea ports and ships are vulnerable. Most terrorist attacks were carried out using civil transport vehicles as weapons, proving the vulnerability of all modes of transportation, including maritime transport, to terrorist attacks. In order to face this security challenge, the Container Security Initiative (CSI) was announced by the United States in January 2002. Its purpose is to prevent terrorist attacks by identifying and examining through innovative technology containers that pose a risk before they are shipped.

The proliferation of WMDs proves that non-conventional arms (chemical, biological, or radiological weapons) can be obtained in several ways, while detecting bombs is highly difficult. The use of enhanced technology, sharing intelligence, and more active regional cooperation remain the only possible strategies to guarantee maritime security. The EU's attempt to create a regional maritime governance is in line with the

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[23] Cfr. the Council Conclusions on *Integrated Maritime Policy* adopted on 14 June 2010.

[24] The Council of the European Union regularly reiterates its determination to strengthen the EU's overall engagement to enhance regional capacity to fight piracy. Lately, this has been stated by the Foreign Affairs Council meeting, Luxembourg, 14 June 2010. The Council has agreed to prolong the EU NAVFOR-ATALANTA operation for another two years until December 2012.

[25] The Commission's Recommendations on *Measures for Self-protection and the Prevention of Piracy and Armed Robbery against Ships*, adopted on 11 March 2010, requested the member states "to ensure the effective and harmonised application of preventive measures to deal with the threats which ships may face during acts of piracy and armed robbery and to take all necessary steps to ensure the dissemination, pass on the regular updates, and verify the implementation of the best management practices to deter piracy off the coast of Somalia".

objective to create an international maritime security regime as a necessary requirement to guarantee the free movement of peoples and goods[26].

4. Effective Multilateralism, the EU Maritime Security Strategy and the Mediterranean Basin

The complexity of current security threats in the Mediterranean basin requires the involvement of all relevant actors to elaborate effective solutions, because states alone are not able to face global threats. Due to the complex nature of security, multilateralism represents a platform to elaborate collective solutions to current security problems. Since in the last decades security threats have become highly diversified, security strategies are changing accordingly and multilateralism is replacing bilateral agreements and traditional military alliances. It could not be otherwise, since national governments have proved vulnerable and unable to deal with increasingly sophisticated security challenges such as global terrorist attacks, piracy, or forms of organised crime, including the exploitation of illegal migration.

Accordingly, the European approach to security is moving towards multilateralism. The EU is generally regarded as one of the main supporters and proponents of a global order based on international organisations and rules. The EU itself is indeed the result of common rules and institutions. The ESS mentions multilateralism both as an essential principle and an objective of EU's foreign policy[27]: "[i]n a world of global threats, global markets, and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective" (European Security Strategy, 2003: 10). Cooperation with the partners through partnership processes is deemed essential to deal with the most crucial issues: "[t]here are few if any problems we can deal with on our own. The threats described above are common threats, shared with all our closest partners. International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organisations and through partnerships with key actors" (European Security Strategy, 2003: 14).

The EU's awareness that multilateralism is the most appropriate strategy to address common problems and challenges is expressed also in the Treaty of Lisbon. The Treaty reaffirms the EU's commitment to the principles of the UN Charter and the calling for multilateral solutions. To contribute to the achievement of this objective, the EU is committed to continue to strive to build a stronger multilateral system, notably by enhancing the representativeness, transparency, accountability, efficiency, and effectiveness of the United Nations[28].

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[26] These concerns are fully shared by the United States. For a review of the US Congress reports see Vesky (2008).
[27] EU's commitment to multilateralism was also expressed in the European Commission's Document *The European Union and the United Nations: Choice of Multilateralism*, COM(2003)526, 10.09.2003.
[28] Cfr. Art 10A of the Treaty of Lisbon.

Effective multilateralism is regarded as a constitutive dimension of the EU's nascent maritime policy. The European Commission suggests strengthening and applying "effective multilateralism" when dealing with maritime issues – being it the most participatory, non-discriminatory, and inclusive way to build international governance[29]. The European Union feels the responsibility to actively contribute to a stable and secure global maritime domain by tackling the threats identified in the ESS and ensuring coherence with EU's internal policies including the EU's Integrated Maritime Policy. In line with the position of the European Commission and the European Parliament mentioned above[30], the Council attaches high importance to the international dimension of the EU's maritime security policy. The Council Conclusions on an integrated maritime policy adopted at the General Affairs Council meeting on 14 June 2010 claimed the importance of an integrated approach to maritime affairs relying upon dialogue and cooperation between the international and regional levels[31]. The Council urged the need to further identify cooperation with developing countries and small island developing states, by fostering capacity building and technology transfer, to enhance their capacity to assess their maritime activities, and develop an integrated maritime policy. A regional governance of maritime security appears to EU's institutions as the most effective strategy to address current security threats.

As mentioned above, the EU is trying to act consistently with the definition of its multilateral role by launching specific regional actions. A relatively new phenomenon is the setting up of agencies acting in sectoral cooperation areas: Eurojust (Judicial Cooperation Unit) and Europol (European Police Office) are active in the area of freedom, security, and justice; Frontex (a European Agency for the Management of Operational Cooperation at the External Border) represents a concrete example of EU's instruments set up to face increasing illegal migration flows. These agencies are active in the Mediterranean basin and prove that Justice and Home Affairs (JHA) have become priority issues in EU's relations with its neighbourhood. Piracy as well is addressed with multilateral action. To deal with piracy off the Somali coast, the European Union considers joint actions such as Atalanta as essential strategies, as well as cooperation with the UN Security Council and all the regional actors. These multilateral actions are conceived as part of the EU's comprehensive engagement in the Mediterranean area broadly conceived.

However, there are many obstacles to achieve the EU's strategic objective of effective multilateralism. Although the EU has "invested heavily in sponsoring multilateralism internationally" (Jorgensen, 2006: 31), results have been different according to specific policies. Multilateralism is just one of EU's foreign policy instruments, along with bilateral and unilateral strategies (Jorgensen, 2006: 32). Bilateral and regional partnerships are identified in fact as the operative instrument to implement and achieve effective multilateralism. While the ENP provides a bilateral framework of cooperation with Mediterranean neighbours, the UfM provides an example of regional partnership

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[29] Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Developing the international dimension of the Integrated Maritime Policy of the European Union*, COM(2009)536 final, Brussels, 15.10.2009.
[30] See respectively note 6 and 13.
[31] For instance the Council mentioned the relevance of the ratification and implementation of the United Nations Convention on the Law of the Sea (UNCLOS) and relevant existing international conventions.

aimed at addressing a wide-ranging agenda which includes maritime safety, energy security, migration, and terrorism.

5. Other Multilateral Actors in the Mediterranean Area

In order to understand whether the EU can be regarded as a maritime power in the Mediterranean area (either *in pectore* or already influential), we should consider also other multilateral actors dealing with Mediterranean maritime security.

5.1. The Western Mediterranean Dialogue: '5 plus 5'

Also the '5 plus 5' Group cooperation initiative offers a cooperation framework for maritime security broadly conceived[32]. Over the years, as a reaction to the new systemic threats, cooperation areas have been redefined. Since its relaunching in 2001, maritime security has become one of the priority issues addressed by the 5 plus 5 Group.

The aim of the '5 plus 5' Group which is indicated in the Rome Constitutive Declaration is "to promote an effective dialogue among these countries' Foreign Ministers [namely France, Italy, Malta, Portugal, Spain, Algeria, Mauritania, Morocco, Libya, and Tunisia] […] to exchange viewpoints on questions of common concern, in order to help find solutions to political and security issues of mutual interest." The Declarations adopted by the Ministerial Conferences over the years marked a shift in the security priorities identified by the adherent states. In the early 1990s clear reference was made to comprehensive and indivisible security. In the Rome Declaration adopted in 1990 and in the Algiers Declaration adopted in 1991 political cooperation was broadly conceived, also including democracy and political freedoms.

Ten years later, security has been redefined. The Saint Maxime Declaration adopted in 2003 identified terrorism as a crucial issue of cooperation. Moreover, defence ministers have prioritised migration. Originally, migration issues were covered together with the improvement of mutual understanding and cultural dialogue by cooperating at the socio-cultural level, not by security cooperation. In 2002, at a regional ministerial conference on migration in the Western Mediterranean held in Tunis, a Declaration on migration issues was adopted. The Tunis Declaration called for reinforcing dialogue as well as balanced and comprehensive cooperation among the respective countries on migration-related issues, particularly unorganised migration, migration and mutual development, migrants' rights and duties, migrants' integration, and the movement of persons.

Land and sea transports have been recently selected as a key cooperation area of the '5 plus 5' Group. In 2008, at the annual meeting of the Group, transport ministers

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[32] The Western Mediterranean Dialogue is an informal political dialogue which was established in 1990 in Rome among ten riparian western Mediterranean countries: France, Italy, Malta, Portugal, and Spain, plus the member states of the Arab Maghreb Union, namely Algeria, Mauritania, Morocco, Libya, and Tunisia. Regular meetings take place at ministerial levels to foster dialogue and cooperation in many fields. The activities of the 5+5 were suspended for some time in the 1990s and then re-launched in 2001.

gathered in Tunisia agreed to improve maritime security, to establish a digital data-exchange system, to develop sea-routes (the so-called Mediterranean Sea Highways), and to improve the use of the seaports on both Med sides, including also the modernisation of the trans-Maghreb railway route that goes through Tunis, Algiers, and Casablanca[33].

These initiatives of the '5 plus 5' Group can be regarded as a regional response to address issues widely related to maritime security in the Mediterranean basin, i.e., terrorism, illegal migration, and security of transport at sea, which have a regional saliency and thus deserve common action.

5.2. NATO

Since the end of the cold war, NATO has re-elaborated its security strategy to justify its existence despite the collapse of the Soviet empire (since the fight against the Soviet empire represented its *raison d'etre* when it was created in 1949). In particular, NATO is trying to adapt and improve its capabilities to tackle new security threats. The new Strategic Concept which had been defined in 1999 is going again through a re-definition process[34]. First of all, NATO has to take into account the new composition of the Organisation, which now counts 28 members states. Secondly, the process leading to the NATO New Strategic concept reveals that within NATO there is a growing awareness that the security strategy needs to be up-dated to react to the newly emerged threats (such as piracy) or to the increasingly sophisticated threats such as terrorism, nuclear proliferation, and cyber attacks[35]. Thirdly, this process is needed to explain to the public opinion that NATO still matters and it can help to make the world more secure.

This process will certainly have many repercussions upon the NATO Mediterranean Dialogue which was launched in 1994 and then re-vitalised at the Istanbul Summit in June 2004. On that occasion counter-terrorism was identified as a new cooperation activity. Concrete actions have been taken within NATO's Operation Active Endeavour naval forces involved in combating terrorism and illegal migration in the Mediterranean Sea.

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[33] Since the key obstacle on the way to develop transport networks in the Maghreb countries is financing, in that occasion Maghreb countries called on European financial support.

[34] At their Summit in Strasbourg / Kehl on 3-4 April 2009, NATO's Heads of State and Government tasked the Secretary General to develop a new NATO Strategic Concept. The involvement in the process leading to the new Strategic Concept should be as wide as possible. All allies must be actively consulted and involved in this re-definition process; partners in the Euro-Atlantic Partnership Council, the Mediterranean Dialogue and the Istanbul Cooperation Initiative, as well as partners across the globe should also be involved. The process should also be transparent and engage other key international actors such as the EU and the UN as well as NGOs.

[35] This orientation has been expressed also by the Italian Minister of Foreign Affairs Franco Frattini in the Lectio Magistralis "Nato's new strategic concept: the Italian vision" delivered at the University of Vilnius, Lithuania on 7 September 2009.

6. Conclusions and Policy Recommendations

The analytical framework sketched above needs to be supported by some suggestions for concrete action. Assuming that Mediterranean maritime security can be widely defined as surveillance of maritime traffic in order to combat *any* maritime threat (i.e., organised crime, arms trafficking and drug smuggling, terrorist attacks at sea, piracy, environmental disasters created by sea transport, etc.), all regional actors and maritime stakeholders need to take effective actions to guarantee maritime security.

In the last ten years, the EU has worked hard to elaborate an integrated maritime security approach. The nascent EU's maritime security policy relies upon three principles: a) cooperation with relevant state actors, including Mediterranean partners; b) involvement of maritime stakeholders, for instance the shipping companies; c) promotion of EU member states' cooperation to foster information exchange and collaboration to guarantee border control. Considering that – for the implementation of this strategy – the will to cooperate and the active involvement of member states is essential, the EU can play the role of 'regional leader' only by fostering coordination of EU member states.

In particular, the EU should invest in pooling EU member states' capabilities and increasing funds devoted to maritime control. Maritime surveillance is in fact a crucial dimension of maritime security[36]. Coordination of EU member states and improvement of EU's capabilities for the surveillance of the maritime traffic implies high costs, because providing – for instance – radar and satellite surveillance requires highly sophisticated technology. Information exchange on emergency strategies and maritime pollution procedures is crucial as well. In order to achieve a successful information sharing process, cooperation between the civilian and military communities is strongly required. Exchange of data and cooperation of national coast-guards is also essential. Moreover, professional contacts should be established in the field of search and rescue and incidents at sea. Therefore, the EU's will to act and elaborate an effective maritime security policy in the Mediterranean area requires firm political commitment and increased awareness of all EU member states – either riparian states or not, and irrespectively from the length of their coasts. However, national authorities often find it difficult to allow for information sharing, because sharing information, in particular intelligence on terrorism, is a highly sensitive matter[37].

The basic assumption of this paper is that the contribution of both regional actors and global actors, both state and non-state actors, is essential to guarantee maritime security in the Mediterranean basin. Since the cold war, the maritime environment has become more unstable. Due to the nature of maritime security, highly skilled

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[36] In November 2009 the Council has identified the integration of maritime surveillance across sectors and borders as a priority objective. The Council has encouraged the Commission's Member State Expert subgroup on the integration of maritime surveillance to work on a Roadmap to establish a Common Information Sharing Environment for the EU's maritime domain in collaboration with respective sectoral fora. This roadmap should be further detailed in 2011 to take into account the results from relevant cross sectoral and cross-border projects and research and development projects, in particular the pilot projects and lessons learned from CSDP operations relevant to the integrated maritime surveillance.
[37] Some believe that sharing information might better work at bilateral level than through the EU (Keukeleire and MacNaughtan, 2008: 239).

investigators and sophisticated technology are required. EU and NATO should support each other and cooperate to produce scale economy savings[38]. NATO's know-how and technology can be usefully employed to achieve maritime security. EU's dialogue with NATO and all other relevant actors in the region is fundamental to plan and conduct effective strategies to deal with maritime security in the Mediterranean Sea.

Dealing with Mediterranean maritime security can be regarded as a litmus test of EU's consistency as a multilateral actor. The European Commission firmly believes that all activities of EU's institutions and member states should be coherent with the principle of unity of the EU's external representation[39]. It is crucial that the EU speaks with a single voice or at least delivers a consistent message, if it is to enhance its influence in key multilateral fora. Due to the division of tasks on these issues, multilateralism can only be conceived as a complementary strategy to state-level coordination. And EU's institutions are aware of that[40].

Hence, all EU member states – both riparian and northern EU member states – need to act responsibly. The most serious challenge to the EU's role as a multilateral actor lies in fact in the task of coordinating maritime governance structures at member state and regional levels, and to make their best practices more visible. Some EU's foreign policy analyses indicate that the EU is not always able to act as an effective multilateral actor, also due to internal divisions (Keukeleire and MacNaughtan, 2008: 303). Here, constraints posed by the systemic context are assumed as much relevant as the actors' will to intervene. Maritime security is a matter of extreme importance and different interests and priorities have to be reconciled to pursue collective strategies to deal with these common threats.

What has emerged from our analysis is that the EU is currently working on an integrated maritime security approach seeking to establish a 'regional maritime governance'. In many documents, the EU claims that it is a multilateral actor dealing with maritime security. Two major challenges can be envisaged. First of all, EU member states' different interests might render difficult and slow down the EU's reaction in case of unforeseen threats to maritime security. Secondly, the global financial crisis might make it difficult for the EU member states to make adequate material resources available to develop effective responses[41].

The identification of the most crucial threats to maritime security which has been here proposed proves that the maritime policy is a 'global policy', i.e., a policy which needs to address global threats which are perpetrated by global actors and which affect

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[38] In his speech on NATO's new strategic concept, Minister Frattini suggested that EU and NATO should "define a relationship of structured institutional collaboration" (Frattini, "Nato's new strategic concept: the Italian vision", 2009).

[39] Commission's Communication of 15/10/2009.

[40] Cfr. also the EP draft report on *Integrated Maritime Policy* [2010/2040(INI)]).

[41] In order to achieve an integrated approach to governing maritime activities in the Mediterranean Sea basin, the Commission has identified the mechanisms and tools to be mobilised in the Commission communication *Europe 2020: A European strategy for smart, sustainable and inclusive growth*. The Commission – relating maritime security to economic growth – envisages the future sources of sustainable growth and development of coastal regions and identifies the future potential of cutting-edge marine and maritime technologies, resources, and services as drivers for new innovations, competitiveness and, ultimately, growth and jobs.

individuals and societies on a global scale. Leadership on maritime policy is needed to elaborate global solutions, i.e., a global integrated policy. The EU has showed its interest in playing this global leading role and is working hard to elaborate an effective maritime policy. It has to be seen if the EU will be able to play this role effectively.

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