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The EU Maritime Security Strategy
Promoting or Absorbing European Defence Cooperation?

For centuries, the maritime domain has been a pillar of European livelihoods and prosperity through fishing and global trade. In modern times, we have come to depend on maritime transport to keep our economy going. Recently, however, old and new threats have challenged the security of the European Union: increased tensions between great powers; piracy in Somalia and West Africa; illegal immigration issues in the Mediterranean area; and increased concerns about terrorism and the illegal trafficking of drugs, arms and humans into Europe. These direct risks and threats are aggravated by pollution, illegal fishing and the destruction of livelihoods overseas.

Dealing with these challenges, risks and threats calls for a broad spectrum of instruments, of which many are in the maritime domain. Yet the scope of the challenges is such that a more comprehensive response is required, involving all sectors and including civilian and military assets at both the national and EU levels. This implies the need for policies that bring together and coordinate actors with varying legal mandates, practices and attitudes.

In June 2014 the European Union made progress towards an integrated response to maritime security challenges by adopting the EU Maritime Security Strategy (EUMSS).[1] This strategy recognizes the different security interests and threats, and provides a comprehensive approach to dealing with interests ranging from freedom of navigation and economic interests to border security and conservation of biodiversity. The strategy lists direct threats such as conventional military challenges, piracy and terrorism, as well as indirect threats stemming from illegal fishing and climate change.

This Clingendael Policy Brief evaluates the EUMSS from a European defence perspective. It discusses its main features and plans for implementation, reviews the opportunities that the strategy provides for advancing European defence cooperation and steering further development of the Common Security and Defence Policy (CSDP), and scrutinizes whether the strategy's integrated approach to maritime security results in defence being absorbed into the EU's internal security sphere.

1   *European Union Maritime Security Strategy*, 11205/14, adopted by the General Affairs Council on 24 June 2014.

The Maritime Security Strategy

The EUMSS is the most comprehensive and integrated EU security strategy to date. While building on existing strategies such as the 2003 European Security Strategy[2] and the 2010 Internal Security Strategy,[3] it links internal and external policies. The EUMSS also cuts across various sectors dealing with the maritime domain and bridges the civilian–military divide. The document engages national authorities, industry, the European External Action Service (EEAS), the European Commission, Council and international actors. The EUMSS also uses a comprehensive definition of maritime security, which includes enforced (inter) national law and freedom of the seas, and the protection of citizens, infrastructure, transport, resources and the environment.

The EUMSS has four guiding principles.
1. A cross-sectoral approach, aimed at coordination and cooperation among civilian, military, research and industry actors, as well as EU agencies.
2. Maintaining the functional integrity of the 'ecosystem' by making use of existing structures, instruments, policies, mandates and competences at the national and EU levels.
3. Respect for human rights, democracy and international law – in particular, full compliance with the United Nations Convention on the Law of the Sea (UNCLOS).
4. Adherence to maritime multilateralism by cooperating with international partners and organizations – in particular the United Nations (UN) and North Atlantic Treaty Organization (NATO) – and by coordinating with international and regional maritime forums.

With the aim of effectively dealing with the broad range of challenges, risks and threats, the strategy also proposes strengthening the EU's response in five areas.

1. Mainstreaming maritime security in external action, relying on multilateralism, the comprehensive approach and regional capacity-building.
2. Creating a common 'maritime picture' by combining the various existing surveillance and information systems.
3. Improving capabilities, using pooling and sharing, dual-use initiatives and standardization.
4. Enhancing the capacity for crisis prevention and crisis response through common risk analysis and cooperation in planning.
5. Bringing together various civilian–military and public–private training programmes and research entities and promoting inter-agency exercises.

In short, the EU Maritime Security Strategy seeks to generate cost and efficiency benefits by increasing comprehensiveness, coordination and coherence across the many sectors and actors dealing with a wide variety of security-related issues in the maritime domain. As the strategy aims to accomplish this without changing or creating new budgets, mandates, policies or structures that would otherwise incentivize or force actors to cooperate, successful implementation of the strategy is more dependent on the will of actors to heed the call for cooperation. The fact that this does not come naturally can be deduced from the strategy's drafting process.

From Drafting to Implementing the Strategy[4]

Implementation of the strategy depends on cooperation among the various national and EU actors. Reaping the benefits of comprehensiveness and integration requires that policies be based on a shared analysis of the problem, striving towards the same

2   *A Secure Europe in a Better World: European Security Strategy*, 12 December 2003.
3   *Internal Security Strategy for the European Union: Towards a European Security Model*, 5842/2/10 REV 2 JAI 90, agreed by the Council on 25 March 2010.

4   For a detailed description of institutional dynamics during the drafting process, see M. Chou and M. Riddervold, *Beyond Delegation: How the European Commission Affects Intergovernmental Policies through Expertise*, ARENA Working Paper 12/2014, November 2014.

overall goals, complementing each other, and certainly not duplicating or counteracting each other's efforts. The unfortunate reality, however, is that the sectoral interests, legal constraints and cultures of each EU actor and member state tend to diverge. Policies at both the national and the EU levels have long been stovepiped. Breaking this habit requires more than declarations of increased comprehensiveness. Implementation of the EUMSS requires sustained political pressure.

The process towards the EUMSS was long. The European Commission's Integrated Maritime Policy (IMP) of 2007[5] dealt with the broad spectrum of maritime issues on the economy, industry, development, safety and security from a civilian (internal) perspective. For a long time, the EU member states' capitals were not keen on expanding such initiatives, which would take the role of the European Commission into intergovernmental Common Foreign and Security Policy (CFSP) territory. The Commission in turn blocked the Council's initiative for a military-scoped maritime strategy in 2010,[6] because it wanted a cross-sectoral strategy in line with the IMP.[7] The EEAS felt that it could not proceed without the support of the Commission, while Catherine Ashton, split between the two institutions because of her position as High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the Commission (HR/VP) was not able to force a breakthrough. The current HR/VP Federica Mogherini is, however, in a better position to use her 'double-hatted' role. For the implementation phase of the Maritime Security Strategy, Mogherini should clarify the division of labour and push for better cooperation between the Commission and EEAS where needed.

Due to the difference of opinion between the Commission and the EEAS/Council,

work on the Maritime Security Strategy did not progress until 2014. The December 2013 European Council put a deadline on a maritime strategy for June 2014. The EEAS and Commission jointly agreed on a communiqué on 'elements' for a maritime security strategy by March 2014.[8]

Although the Council would not accept or amend this text as the strategy itself, the ideas of the Commission and EEAS served as the basis for the final EU Maritime Security Strategy, which was adopted in June 2014 under the guidance of the Greek presidency. The Council rejected some of the proposed elements, such as a reference to private security contractors (a contested topic in several EU member states). The Council also did not accept the Commission as leader for the rolling Action Plan on implementing the strategy, and instead gave that to the 'Friends of the Presidency' group,[9] which drafted the plan under the guidance of the Italian presidency.

The Rolling Action Plan

The rolling Action Plan, which was adopted by the Council on 16 December 2014, elaborates how the strategy should be implemented.[10] The Action Plan identifies 130 action points, which are divided into work strands dealing with the earlier mentioned five areas that – according to the Maritime Security Strategy – need a strengthened EU response. The plan should provide a programme for up to five years, with delivery horizons assigned to work strands ranging from immediate to medium and long-term. The plan is intended to be

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5   Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *An Integrated Maritime Policy for the European Union*, COM/2007/0575, 10 October 2007.

6   Foreign Affairs Council, *Council Conclusions on Maritime Security Strategy*, 26 April 2010.

7   Chou and Riddervold, *Beyond Delegation*, p. 9.

8   Joint Communication to the European Parliament and the Council, *For an Open and Secure Global Maritime Domain: Elements for a European Union Maritime Security Strategy*, JOIN/2014/09, 6 March 2014.

9   This working group is established on an ad-hoc basis to tackle a particular complicated issue. It is convened by the presidency, operates on a level similar to the Antici group for COREPER II, and can consist of national political counsellors and subject matter experts as well as Commission, EDA and EEAS officials.

10   *EU Maritime Security Strategy Action Plan*, 17002/14, 16 December 2014.

a 'living' document, with the possibility of adding or amending elements where needed.

Action points that are particularly relevant to the defence sector deal with capability development and research and innovation. These largely follow the priorities set out by the European Council of December 2013 and the Commission's communication and roadmap on defence:[11]
– harmonizing standardization and certification;
– investing in dual-use[12] research and innovation;
– supporting the industrial base;
– setting up a regime for security of supply;
– generating (dual-use) capabilities; and
– synergising the activities of the Commission and the European Defence Agency (EDA) in areas such as Remotely Piloted Aircraft Systems (RPAS), cyber security and satellite systems.

The work strand also contains an action point on investigating the added value of EU-owned and operated dual-use capabilities.[13]

In addition, emphasis is placed on improving maritime surveillance and information-sharing, which has its own dedicated work strand. Actions focus, for example, on promoting the exchange of information among EU agencies and member states through systems such as the Common Information Security Environment (CISE), the Maritime Surveillance Network (MARSUR) and the European External Borders Surveillance System (Eurosur) for the benefit of (national) border surveillance as well as CSDP operations.

Unfortunately, the current implementation process does not adequately address the

challenges of coordinating among the many actors involved, and since there are no new funds or mandates, it will be difficult to move reluctant actors to action. A major concern is that the rolling Action Plan does not fully clarify who leads on each work strand. Although the plan identifies several 'lead actors' per work strand, an actual division of labour is not made. This approach of 'wait and see who and what emerges' avoids some hard-to-resolve discussions about who is the leader. There is a risk of turf battles or, more likely, inaction where no one takes the initiative. The 'Friends of the Presidency' group is tasked with coordinating the implementation, and reviewing and reporting on its progress. However, it is doubtful whether the group has the capacity to coordinate effectively among the actors involved and push implementation along. In addition, many action points rely on the member states taking the initiative, yet the defence bureaucracies of some smaller states do not have the spare capacity to devote to such efforts. At worst, this leads to inaction. At best, it leads to selective implementation. An alternative would be for EU member states with more capacity (as well as the Commission in some cases) to provide leading frameworks to which others can contribute, shifting the focus of 'Friends of the Presidency' meetings away from coordinating towards evaluating implementation.

Although austerity has put significant stress on the resources of defence departments, they should invest in participating in, or contributing to, the many working bodies and expert groups that will elaborate parts of the implementation. By providing input early on, they can ensure that the resulting standards, capability requirements or sharing agreements take their specific needs into consideration. This should be a coordinated effort among defence stakeholders. The temptation to create various 'wish lists' according to national defence preferences should be resisted. EDA and NATO standards should be followed where possible.

The Maritime Security Strategy provides a platform for further development of the CSDP and increasing European defence cooperation by stimulating the defence

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11 European Commission 'A New Deal for European Defence: Implementation Roadmap for Communication', COM (2013) 542, 24 June 2014.

12 Dual-use means that a civilian research or capability project can also be used for military applications (and vice versa).

13 The action goes on to stress that all 'military' capabilities remain owned, controlled and operated by EU member states.

industry, dual-use research and capability development, and by improving information-sharing. However, it is also of concern that the cross-sectoral nature of the strategy and the prominent role that the European Commission plays will result in military elements being appropriated for internal and civilian security issues such as border control and fighting illegal trafficking – in the process diverting energy and capacity away from considerations of external security and defence. This raises the question of whether the EUMSS is promoting European defence cooperation and external security, or whether it is absorbing them into the communitarian internal sphere.

Promoting European Defence

The EUMSS potentially forms a platform for the further development of the maritime dimension of the CSDP and generates effects that are beneficial to the CSDP and defence cooperation in general.

Dual-use Research and Capabilities
The strategy provides an opportunity to implement the agenda of the European Council and the Commission on dual-use research and capability development.[14] Dual-use initiatives can reduce costs, enhance civil–military interoperability and improve the competitiveness of Europe's defence industry. They also provide opportunities for defence-related projects to receive common funding through the European Structural and Investment Funds,[15] COSME[16] and Horizon 2020.[17] Key dual-use projects include cyber systems, RPAS, and situational awareness and satellite

systems. For example, the various maritime surveillance capabilities of the EU member states and EU agencies that are now grouped under CISE could be augmented with a 'military layer' through the MARSUR network developed by the EDA. The European Maritime Safety Agency (EMSA) data service Marsurv-1 in support of operation Atalanta has set a precedent for such civilian–military information exchange. However, legal barriers need to be addressed to allow for systematic civilian–military information exchange.[18]

The principles of dual-use can also be applied to the pooling and sharing of capabilities. For example, maritime patrol aircraft, RPAS and helicopters can be used for both civilian tasks (such as border security, law enforcement, and search and rescue) and military tasks and can be placed in a common pool, which can be drawn from when necessary. This reduces redundancies, enhances cost effectiveness and makes capabilities available to member states that would have a hard time acquiring or sustaining them on their own. Sharing capabilities and costs with other actors also relieves defence budgets from some of the pressures of austerity. Such pooling and sharing initiatives should not only be among civilian and military authorities of EU member states, but should also include EU agencies such as FRONTEX.[19]

International Cooperation and Coordination
Maritime security efforts stimulate cooperation and coordination among European and non-European defence actors, as shown by EU counter-piracy efforts around the Horn of Africa since 2008. The experiences from the Horn are reflected in the Maritime Security Strategy, and the strategy in turn provides opportunities for

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14 See also M. Drent, L. Landman and D. Zandee, *The EU as Security Provider*, Clingendael Report, December 2014, sections 4 and 5.

15 For a short guide to structural funds for dual use, see the EDA brochure available at: http://www.eda.europa.eu/docs/default-source/brochures/esf-brochure.

16 COSME: the EU programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (SMEs).

17 Horizon 2020: the EU's major research and innovation funding programme.

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18 For more information on such civilian–military cooperation, see 'Case Study on Maritime Security', in M. Drent, C. Homan and D. Zandee, *Civil–Military Capacities for European Security*, Clingendael Report, December 2013.

19 FRONTEX is the agency for the management of operational cooperation at the external borders of the EU member states, and was established in 2004.

solidifying some of the ad-hoc arrangements that emerged from the counter-piracy efforts. For example, in the context of EU operation Atalanta, flexible arrangements were made for information-sharing between the EU and NATO (a long-time hurdle in EU–NATO cooperation), which can now be expanded. Information-sharing and coordination efforts by the EU also include the merchant shipping sector and national operations with Chinese, Indian, Iranian and other non-European navies. In this context, lessons have been learned about maritime situational awareness, information-sharing, coordination among various stakeholders by a variety of entities, and friendly exchanges with foreign navies.[20] Facilitating (informal) international cooperative frameworks and exchanging with major players are a boon to the EU's credibility as an international security actor.

Comprehensive Approach

Counter-piracy efforts in the Horn of Africa region provided a test case for the EU's comprehensive approach. A sustainable solution to piracy required comprehensive action on land as well as on sea. The EU launched the Training Mission Somalia to train Somali security forces, and EUCAP Nestor, which focuses on regional maritime capacity-building. Atalanta's mandate has been expanded to allow for military action on shore. The Strategic Framework for the Horn of Africa[21] brought together Commission and CSDP actors who need to work together in an operational setting. In addition, the Operations Centre within the EU Military Staff was activated for the first time, although on an ad-hoc basis, to coordinate and find synergies for CSDP efforts in the region. The EU Maritime Security Strategy incorporates the lessons from the Horn and provides an opportunity to address some of the coordination issues between actors[22]

and policies[23] that have been reported in this context.

Enhancing the EU's Role as a Global Actor

The EUMSS calls for enhancing the EU's role as a global actor and security provider, in particular through its efforts in the so-called European Neighbourhood. In the Neighbourhood and adjacent regions, the link between comprehensive security at sea and on land that is made in the EUMSS is particularly relevant. Large, and growing, populations are concentrated in coastal regions of West Africa and around the Indian Ocean. With many people depending on fishing, trading and other economic activities at sea for their livelihoods, disruptions in the maritime domain, such as illegal fishing, trafficking and dumping waste have negative consequences for stability on land, particularly because many of these states have limited means for governing and policing their territorial waters and Exclusive Economic Zone (EEZ). Civilian and military capacity-building encourages stabilization of coastal states and makes these regions less likely to produce piracy and serve as sources or routes for immigration or arms-, drugs-, and human-trafficking to Europe. Capacity-building can include the training of coastguards, building on experiences with the EU capacity-building mission EUCAP Nestor, and enhancing local and regional maritime awareness by furthering activities such as the Piracy, Maritime Awareness and Risks (PMAR) system of the Joint Research Centre and Enhancing Maritime Security and Safety through Information-sharing and Capacity-building (MARSIC) of the Commission's Critical Maritime Routes Programme (CMR). Engaging with Commission programmes not only makes sense from an effectiveness and comprehensive approach perspective, but can also make common funds available for CSDP activities.

20 'EU Naval Force Commander Visits Chinese Navy Frigate CNS Linyi in the Gulf of Aden', EUNAVFOR press release, 2 February 2015.

21 Council Conclusions on the Horn of Africa, *A Strategic Framework for the Horn of Africa*, 16858/11, 14 November 2011.

22 EEAS, *Annual 2013 CSDP Lessons Report*, March 2014, p. 12.

23 B. van Ginkel, 'EU Governance of the Threat of Piracy Off the Coast of Somalia', in Inge Govaere and Sara Poli (eds), *EU Management of Global Emergencies: Legal Frameworks for Combating Threats and Crises*, 2014, pp. 330–350.

Increased EU involvement in the Indian Ocean region is also relevant for geopolitical reasons.[24] A significant portion of the transport of energy and goods from and to Europe moves through the Indian Ocean, while competing regional power and rising major powers such as Iran, Pakistan, China and India operate in the region. The EU has direct interest in the governance of maritime security and defence issues in the Indian Ocean in order to prevent a negative security spiral and to reduce the likelihood of (accidental) hostilities. Information exchange and de-confliction of counter-piracy activities around the Horn of Africa have proven successful in bringing navies together and enhancing trust. The EU should consider expanding such activities to the entire Indian Ocean (taking on board existing efforts such as the CMR programme) and promoting new confidence-building measures, drawing on lessons from the South China Sea.[25] This could start with proposing a conduct for unplanned encounters at sea, which would provide non-binding rules of the road to prevent escalation of tensions between militaries at sea.[26] In this regard, EU naval forces could play an exemplary role.

In the context of an integrated approach to security and diplomacy, the EU could consider the use of naval assets in support of diplomatic and trade relations with regional coastal states or global maritime 'swing states'.[27] Such activities have been

undertaken by EU member state vessels underway or returning from operations.[28] Future calls of port could therefore be made in the context of EU policies supported by the EEAS and the Commission and financially supported with common funds, such as the Instrument contributing to Stability and Peace (IcSP), in order to bolster the visibility of the EU as a global security provider.

Although the EUMSS provides no specifics about regional priorities, in global terms the focus of EU maritime involvement is unlikely to be on the Asia–Pacific theatre. This resonates with the geographic division of labour between the United States and Europe that has emerged within the transatlantic relationship. This has arguably been the result of a lack of European attention and capacity to act towards security in this region, instead of a conscious strategic choice. Although the Asia–Pacific region will be vital to global maritime security in the coming decade, the EU is not well positioned to play a major role. On occasion, EU participation in regional multilateral forums is blocked by China. Over time, the EU may secure a seat at the relevant regional tables based on its political and economic clout, but without significant naval presence in the region, it is unlikely to be a serious partner in maritime security dialogues. Yet an EU strategic 'pivot' towards the Asia–Pacific – particularly one that includes defence assets – is unlikely for two reasons. First, the challenges within the direct EU Neighbourhood – tension with Russia, conflict in the Middle East, and instability in North Africa and the Sahel – make it difficult to devote resources and attention to such a 'far away' region, particularly because US assets in the EU's Neighbourhood are being redeployed to Asia, and European assets will need to fill their place. Second, the necessary support from EU member states for such a shift is lacking. Some, such as Germany, are worried about the EU potentially getting caught in a military confrontation between China and the United

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24 See Frans-Paul van der Putten, Thorsten Wetzling and Susanne Kamerling, *Geopolitics and Maritime Security in the Indian Ocean: What Role for the European Union?*, Joint Policy Brief by Clingendael and The Hague Centre for Global Justice, August 2014.

25 See *Maritime Confidence-Building Measures in the South China Sea Conference*, ASPI Special Report, September 2013.

26 Such a code was agreed for the Western Pacific in April 2014 by 21 nations, including the United States, China and Japan, at the 14th Western Pacific Naval Symposium in Qingdao, China.

27 States such as India, Brazil and Indonesia, which have regional influence over oceans' governance and a mixed record of promoting a stable and liberal order at sea. See J. Kraska, *Global Swing States and the Maritime Order*, German Marshall Fund and Center for a New American Security, November 2012.

28 For example, the Dutch Navy supported a national diplomatic trade mission to India and the training of local coastguards off the coast of West Africa in the context of the African Partnership.

States. Others, such as the United Kingdom, feel that their naval involvement in the region is better served by a bilateral approach rather than a common EU one. If the EU is serious about playing a major role in shaping Asian security architecture, it would need to step up its efforts. Given the current level of involvement, the best course available to the EU is to support cooperative security and capacity-building in the region from the 'side line' through its bilateral relations – 'enabling others to act'.[29]

Absorbing European Defence?

At the European border, the main security challenges are illegal immigration, trafficking, organized crime and terrorism. Activities in this regard not only include security management at the EU borders, but also stabilization of the so-called 'pre-frontier' where the root causes of these security issues lie. The response to these issues involves both the CSDP and the communitarian Area of Freedom, Security and Justice (AFSJ) – including its external dimension. Integration of these policies should lead to better coherence and synergies among involved actors, policies and capabilities. However, it also raises the question of whether defence is being absorbed by the civilian domain and whether this is detracting from military tasks and the intergovernmental nature.

Border Management
The recent increase of immigration into Europe from North Africa across the Mediterranean Sea has put the issue of maritime border management high on the agenda. In 2014 about 160,000 illegal crossings were registered, straining the Italian maritime border operation Mare Nostrum to its limits.[30] The EU border management agency FRONTEX, which is tasked with monitoring and controlling the external borders, subsequently launched

operation Triton.[31] FRONTEX provides surveillance and coordinates (military) capabilities, which need to be supplied by member states. Member states can be compensated for their operating costs through the Internal Security Fund, which was established to promote implementation of the internal security strategy and the management of external borders.[32]

The EUMSS furthers the notion of incorporating navies into the border security paradigm. In particular in the case of illegal immigration, naval assets should be used with caution, as they can become a pull factor because of search and rescue (SAR) responsibilities under international law. Others also warn that the emerging border security approach is circumventing EU rule of law frameworks such as mandates, competences, legislative procedures, and rules determining 'who' can do 'what' and 'where'.[33]

Pre-frontier and Crisis Management
Illegal immigration, as well as trafficking, terrorism and cross-border crime policies are part of the AFSJ. However, because many of these issues originate abroad, the AFSJ has acquired an external dimension – dealing with border management, rule of law and security sector reform in third countries. The AFSJ's policies hereby overlap with those of the CSDP. While the linkage between the internal and external security dimensions has been acknowledged in many strategic documents, gaps exist in the cooperation between the two policies. For example, cooperation needs to be strengthened between the Political and Security Committee (PSC) and the Standing

29 Yeo Lay Hwee, 'The EU's Role in Shaping Asia's Security', europesworld.org, 7 January 2014.

30 Figures from FRONTEX operational data, January–October 2014, http://frontex.europa.eu/trends-and-routes.

31 European Commission, 'Frontex Joint Operation "Triton": Concerted Efforts to Manage Migration in the Central Mediterranean', MEMO/14/566, 7 October 2014.

32 Regulation (EU) No. 515/2014 of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visas.

33 S. Carrera and L. den Hertog, *Whose Mare? Rule of Law Challenges in the Field of European Border Surveillance in the Mediterranean*, CEPS, January 2015.

Committee on Operational Cooperation on Internal Security (COSI). The roadmap "Strengthening Ties between CSDP and FSJ" thus needs to be further implemented.[34] This roadmap identifies areas of practical cooperation between the AFSJ and CSDP and covers, for example, intelligence-sharing between FRONTEX and the EU Intelligence Centre (IntCen) at the EEAS as part of Eurosur's Common Pre-Frontier Intelligence Picture. CSDP (military) support for integrated border management is already an established feature, and FRONTEX has been intensively involved in the planning of CSDP missions through its liaison office in Brussels. Coordination and cooperation between the European Commission and the EEAS during all crisis-management phases are critical – for example, ensuring that short-term CSDP actions connect well to the Commission's long-term structural approaches, notably those for development cooperation and Neighbourhood Policy. Alternatively, tensions can also emerge because of 'contradictory value assumptions and intended policy outcomes' between CSDP goals for 'state-building' that are aimed, ideally, at addressing the root causes of instability and FRONTEX's focus on 'gate keeping', which centres on managing the effects of such instability.[35] The coordination of civilian and military elements in crisis management is located primarily with EEAS crisis-management structures. However, crisis-management coordination between the Commission and EEAS suffers from overlap and unclear divisions of labour.[36]

Pooling and Sharing

While there are benefits to linking the AFSJ and CSDP, there is also the risk of military capacities being absorbed in civilian-led maritime security activities, making them unavailable to national, CSDP or NATO tasks. Armed forces are already stretched thin because of defence cutbacks. Liberally committing military capabilities to fighting organized crime and illegal immigration can make it more difficult to attend to core defence tasks. While it is tempting for armed forces to prove their added value by contributing to alternative tasks, structurally diverting 'idle' capabilities can lead to decreased availability and readiness for national as well as EU and NATO defence tasks. NATO experienced this with its standing naval forces, which were used for Operation Ocean Shield, instead of forces supplied by members through the normal force generation process.[37] Maritime support for internal security policies should therefore aim to use civilian assets foremost, and to call on military assets only when these provide an explicit added value over civilian assets. Available naval assets could be earmarked and pooled for such tasks, although this should not lead to 'standing' EU naval forces. A schedule system of 'on call' naval assets for CSDP tasks that are comparable to EU Battlegroups would be better suited.[38] Furthermore, availability rosters should be created to ensure compatibility with CSDP, NATO and bilateral obligations.

34 "Strengthening Ties between CSDP and FSJ", doc. 18173/11, December 2011.

35 E. Gross, *D.4.4. Policy Recommendations: Report on Managing the Changing Relationship between CFSP/CSDP and the Jurisdiction and Activities of FRONTEX*, November 2010, p. 5.

36 See M. Drent, L. Landman and D. Zandee, *The EU as Security Provider*, Clingendael Report, December 2014, section 3.

37 At the NATO summit in Wales in September 2014, the Alliance pledged to change this, stating: 'We will reinvigorate NATO's Standing Naval Forces by making their composition and the duration of national contributions more flexible and, in principle, no longer using them for protracted operations or for operations with low-end tasks'.

38 A roster system for FRONTEX already exists.

The Defence Industry and Capability Development

The EU Maritime Security Strategy and Action Plan reinforce the Commission's increasing involvement in the defence sector. The European Commission is involved through its funding programmes (ESF, COSME and Horizon 2020, as described earlier), regulation of the internal market where it clamps down on the use of Article 346 of the Treaty on the Functioning of the European Union (TFEU)[39] and the practice of 'offsets'[40] in defence procurement, and through its involvement in setting standards, certification and requirements that also apply to dual-use or defence-related systems, for example RPAS or cyber systems. The Commission hereby directly and indirectly affects the interoperability and types of capabilities that are available to the European armed forces. This is not necessarily negative, since input from the civilian side is essential for good dual-use projects, and the strategy's networked multi-level governance approach can produce results, whereas strict inter-governmentalism would become bogged down. However, this does require the active involvement of defence actors in order to ensure that defence concerns are uploaded into the process. Defence ministries should divert more of their scarce resources to such efforts.

External Action

While the EEAS and EU member states are the primary actors in external action in the maritime security domain, the European Commission is involved through several programmes. Cooperation among these actors and their policies needs improvement, as the experience from the Horn of Africa showed. In this regard, the Commission's Critical Maritime Routes (CMR) programme raises questions about the coherence between Commission and EEAS activities. Led by the Directorate-General for Development Cooperation (DEVCO), the CMR programme has employed various activities for improving security along strategic maritime points from West Africa to the Malacca Straits. For example, GRIMCO was launched to address piracy in the Gulf of Guinea. It focuses on local civilian and military maritime capacity-building and assisting regional states in coordinating their maritime patrols and surveillance activities. However, the EEAS and CSDP instruments seem to be only marginally involved and do not benefit from a 'train and equip' approach or leveraging naval exercises with local partners for capacity-building and strengthening diplomatic ties. This is also of concern for other regions where the CMR programme is active.

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39 Article 346 TFEU allows EU member states to exempt defence and security procurement contracts from internal market regulation on the basis of national security.

40 Offsets involve a country receiving compensation in job creation, product orders or payments from another country in return for buying their defence goods.

Conclusion

The EU Maritime Security Strategy is a test case for marrying internal–external, civilian–military, private–public and intergovernmental–supranational elements into a comprehensive multilevel governance approach to security. This results in a process characterized by some as a networked informal 'Facebook' approach, or 'experimentalist governance'.[41] It provides much flexibility for establishing cooperation where it can work. It also means that the EUMSS and Action Plan are more *à la carte*, and some issues may be left unattended. The approach also means that efforts are shaped by informal advocacy and active involvement by the implementing networks. The Commission is inherently strong in this regard. Those who do not participate, for example because of lack of resources, may not see their concerns reflected. From a defence perspective, this means that defence ministries should consider putting more resources towards being actively involved in the implementation of the EUMSS, shaping dual-use capability development and creating projects that are eligible for EU common funding programmes.

As with so many policies and strategies, what finally becomes of the EUMSS is dependent on its implementation. Defence actors have to play their part to ensure that European defence cooperation and the CSDP are bolstered through the Action Plan. The groundwork for fruitful integrated cooperation is there, and the EUMSS provides many avenues for promoting defence cooperation. Examples include advancing the defence industry and dual-use research agenda of the Council and Commission, the development or pooling and sharing of dual-use capabilities such as RPAS, and enhancing the EU's role as a security provider through international naval coordination, confidence-building measures and information exchange, in particular in the Indian Ocean. Frictions between internal and external policies and actors still exist and need to be addressed, for example at the pre-frontier where the CSDP and AFSJ overlap. The risk of defence cooperation being absorbed into internal communitarian policies does exist to some extent in the context of curbing illegal immigration using naval assets, and making them unavailable for NATO, CSDP or national defence responsibilities. The principle of 'civilian assets first, military assets when necessary' and availability rosters should therefore be implemented to ensure availability for defence tasks.

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41   Carrera and den Hertog, *Whose Mare?*, p. 24.

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