

66/2013

10th December 2013

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ANALYSIS OF THE NATIONAL STRATEGY  
FOR MARITIME SECURITY 2013.  
"PROSPERITY AND WELFARE BEYOND THE  
COASTLINE"

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## **ANALYSIS OF THE NATIONAL STRATEGY FOR MARITIME SECURITY 2013. "PROSPERITY AND WELFARE BEYOND THE COASTLINE"**

### **Abstract:**

Last December the 5th, the National Security Council, adopted de Maritime Security Strategy together with the Cyber Security Strategy. These two strategies cover two of the twelve priority fields established in the National Security Strategy, approved seven months ago. This paper aims to analyze its content highlighting the main features.

### **Keywords:**

Geopolitics, Geostrategy, Strategy, Security, Maritime, Interest,Risk, Defense.

*"The ultimate aim of maritime security is to contribute to making the maximum use of the present and future opportunities provided by the lawful uses of the sea for the benefit of Spain's wellbeing and prosperity, always in consonance with commitments to, and common projects with, partners and allies and bearing in mind the aspirations of the international community as a whole."*  
National Strategy for Maritime Security 2013

## INTRODUCTION

The last 5th December, the National Security Council approved the National Strategy for Maritime Security with the National Cyber Security Strategy. Two of the twelve priority fields that established the National Security Strategy, adopted seven months ago.

The other ten priority areas for action to achieve *"A secure environment ... decisively to well-being, progress and prosperity: it encourages investment, increases flows of human capital, boosts tourism, is beneficial to quality of life and, above all, improves how our country is perceived both by Spaniards and by the international community"*<sup>1</sup> are: national defense, terrorism<sup>2</sup>, organized crime, economic and financial security, energy security, non-proliferation of weapons of mass destruction<sup>3</sup>, management of migration flows, counterintelligence, protection from emergencies and disasters, and critical infrastructure protection.

In that strategy, the National Security Council was created and requested to *"to promote and give impetus to the drafting of any second-level Strategies that are deemed necessary and, if appropriate, proceed to their approval."*<sup>4</sup> The result of this impetus and of the commendable work of the various actors interacting at the sea is the first National Strategy for Maritime Security, that has seen the light, stating a fact, Spain's maritime status *"determined by our geographical position, by our maritime communications dependence and by the importance of the maritime sector in our economy."*<sup>5</sup>

## FUNDAMENTALS OF THE STRATEGY

The Constitution in its preamble clearly states that to "promote the common good" it is

<sup>1</sup>National Security Strategy. Page 38.

<sup>2</sup>European Union Counter-Terrorism Strategy. November, 30, 2005.

<sup>3</sup>EU Strategy Against Proliferation of Weapons of Mass Destruction. December, 12, 2003.

<sup>4</sup>National Security Strategy 2013. Page 55.

<sup>5</sup>MUÑOZ DELGADO, Jaime. Spain's Admiral Chief of Staff. Conference at CESEDEN: "La dimensión marítima de los intereses nacionales: Repercusión sobre la orientación estratégica de España" November 4th 2013. <http://www.ieeee.es/documentos/otras-publicaciones/nacional/>

necessary to "establish" three essential pillars, justice, freedom and security, in which democratic coexistence, economic and social order, the rule of law, human rights, the advancement of culture and economy, and peaceful relations and effective cooperation among all peoples of the Earth should be consubstantiated. It states the dignity of the person as a fundamental right and a key factor of political order and social peace.

Once the separation of the world into two antagonistic and irreconcilable ideological blocs was overcome on November 9, 1989, the mandate of our Constitution became more palpable and notorious. Thus, the promotion of political, social and economic development, along with strengthening the rule of law to the exercise of the rule of law, became the key feature of strategic thinking at a global level. Moreover, when globalization and free market access and trade dramatically drive the emergence of societies hitherto depressed, leading to a fairer and balanced increase, in some cases amazing, with a much more humane and democratic development<sup>6</sup>. At the same time, access to information technologies boosts the growth of social networks that favor the "global political awakening"<sup>7</sup>.

In this scenario it is no longer worth it to perpetuate the status quo, and the impetus, the influence and the promotion of national interests in an open and competitive environment provided by the framework of future challenges. These features are much greater when the financial crisis on Wall Street 2008 shake the markets of developed countries, focusing especially on the European Union, which five years later tried to overcome the situation and return to the path of economic growth. This stagnation in developed economies gives a role of increasing importance to other markets, which are the ones leading the global economic growth. So, publication of the Strategy which "*ultimate goal*" was cited at the beginning of the document: "*the maximum use of the present and future opportunities provided by the lawful uses of the sea for the benefit of Spain's wellbeing*" could not be more appropriate.

And the National Security Strategy already highlighted the strategic importance of maritime space highlighting that "*The facilities provided by shipping routes, coupled with progress in*

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<sup>6</sup>"Shipping is the backbone of international trade and a key driver of globalization. International seaborne trade grew by 4% in 2011, reaching 8,700 million tons, boosted by a strong increase in trade in containers and dry bulk. It is estimated that the world merchant fleet reached about 1,500 million dwt at the beginning of 2012, representing an increase of 100 million dwt in 2011 and over 37% in just four years. Since maritime freight traffic continues to increase, the concern of how it could negatively affect the environment, human health and climate has been expressed. UN.General Assembly. Secretary-General Report. Oceans and Law of the Sea. September 9, 2013

<sup>7</sup>BRZEZINSKI, Zbigniew. Strategic Vision: America and the Crisis of Global Power. (2012) New York. Basic Books.

*maritime transport, have significantly increased trade. What is more, much energy transportation is via this route and nowadays the search for energy resources is largely centered on sea beds...In Spain's case...nearly ninety percent of our imports and slightly more than sixty percent of exports are currently shipped by sea...Spain has sovereign rights or exercises jurisdiction over a...marine area of one and a half million square kilometers – the equivalent to three times its territory...[that]includes some of the major world shipping routes...[and that is why]it is essential to preserve freedom of navigation and ensure the constant functioning of infrastructures on land owing to their direct repercussions on economic and energy security."*

## ANALYSIS OF THE STRATEGY

### Preamble

The strategy starts with the preamble of the President that reaffirms this view of an area of "opportunities" and "future" that Spain, for its own geopolitical characteristics should be able to take advantage by exploiting "Our fishing tradition... [our] maritime transport for energy supplies and foreign trade, and our rich biodiversity are elements that underpin Spain's maritime vocation."

But as in any area of prosperity and development it is necessary to create a security framework to boost it, to regulate it and to protect it, both nationally and in its regional dimension and, of course, in the increasingly close international stage. In this regard, the Strategy aims to strengthen essentially two basic pillars of action: the legal one and the cooperation between sectors, private and public, and between institutions and agencies at all levels, and to strengthen the control and presence that is a guarantee of commitment.

### Integral Vision

A first point is our adherence to the UN Convention on the Law of the Sea 1982, framework that should settle all disputes between the parties and that affects the rights and obligations of the coastal State over the different marine areas off its coast (internal waters, territorial sea, continental shelf and exclusive economic zone), and the rules and principles governing the use of areas beyond state jurisdiction. At this point it should be noted that the main geostrategic global player in the maritime sector, the United States is not a signatory to the agreement<sup>8</sup>.

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<sup>8</sup>The number of parts of the Convention has increased to 166, after the adhesion of Timor-Leste, the 8th January of 2013, and the ratification of Niger, the 7th August of 2013.

This global view is reinforced by the annual resolutions of the General Assembly of the United Nations on Oceans and the Law of the Sea, as well as the work of its specialized on maritime safety and pollution agency, the International Maritime organization (IMO). This organization with about 50 conventions and protocols, as well as over 1,000 codes and recommendations, gives clear indication of the importance of regulation and codification of international maritime space.

In regional terms, the NATO Maritime Strategy published on 18 March 2011, which echoes the growing importance of the sea in peaceful coexistence and global development is recognized for what it calls an effort times of crisis and transformation necessary for further integration within the concept of shared responsibility. Meanwhile, the European Union is working on developing its own strategy, but within its Integrated Maritime Policy aims to *"provide a more consistent approach to maritime affairs with greater coordination among the various fields"* on October 8, 2012 it adopted the marine and maritime agenda for growth and jobs, and on June 12, 2013, the European Parliament adopted a motion on the maritime dimension of the CSDP and the future Strategy.

A fundamental aspect of this comprehensive vision, referring to the strategy, is "good governance", the governance, which is presented as the great challenge facing the international community, not only in this field, on which gravitates 90% of the universal property but also in the rest of the called "global commons"<sup>9</sup>, and especially cyberspace. These areas of fundamental importance to the progress of humanity, where the Strategy emphasizes that *"States play a prominent role in accordance with their responsibilities and resources"* should emphasize the essential role of international organizations and in particular the United Nations United Nations and its Security Council. And that is how that commitment to active participation in the international arena in countries like Spain, *"whose national interests have a clear maritime dimension, is indispensable"*, figures.

### Risks and threats

The Strategy differentiates between two groups of risks and threats depending on their origin:

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<sup>9</sup>US QDR 2010: "Domains or areas [air, sea, space, and cyberspace] that no one state controls but on which all rely. They constitute the connective tissue of the international system. Global security and prosperity are contingent on the free flow of goods shipped by air or sea, as well as information transmitted under the ocean or through space."

Brzezinski makes two groups, strategic: sea, air, space and cyberspace; environment: water, Arctic and climate change.

 In the first group we would find those that are derived from deliberate acts and those of a criminal nature, such as *“illicit trafficking – which is generally supported by organised criminal networks –, terrorism, the proliferation of weapons of mass destruction, seaborne illegal immigration, the illegal or unregulated exploitation of marine resources and cyber threats.”*

 Secondly, we find those of accidental or fortuitous action, due to natural conditions of the environment, such as the *“maritime accidents or natural disasters”*, based on the protection of human life at sea, safety navigation and the protection of the environment itself, all of them responsibilities of everyone and each of the coastal States under the International Law.

Besides those two groups that develop themselves in individual paragraphs, a reference is made to those great challenges that weigh on the international geopolitical landscape and call into question the governance capacity of the security architecture, from local authorities, ranging from States and regional organizations, to the top of the system, the Security Council of the United Nations, which promptly mentions the Alliance of Maritime Strategy<sup>10</sup>. These factors known in our two National Security Strategies as risk enhancers and that the last recognizes in: *“poverty, inequality, ideological extremism, demographic imbalances, climate change and the harmful use of new technologies”* make a legal system based largely on the jurisdiction of the State whose flag the ship is using insufficient due to the freedoms applicable to the high seas and the vastness of space it comprises.

*The document also mentions the “maritime boundaries with neighbouring countries – a situation which is not uncommon in marine areas. In this regard, Gibraltar poses security problems to Spain and Europe in various fields, which require effective in accordance with the parameters established by the United Nations and enshrined in the 1984 Brussels Declaration, agreed by the Spanish and British governments.”*

In this vein, if we take a brief look at the overall geostrategic environment, we see disputes of this type in many parts of the globe, either caused by sovereignty or by the exploitation of natural resources of the seabed, leading to situations of crisis that can escalate for lack of strategic calculation and cause conflicts affecting world peace. Also, we can set a general tendency for the competitive development of national marines, which can lead, if the international community and the first naval country, the United States, lose their deterrent capacity, to the militarization of maritime space and the threat of restricting the free use of

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<sup>10</sup> “The activities that the Alliance will undertake as part of this strategy will be conducted in accordance with international law, including any applicable treaties and customary law, and any relevant United Nations Security Council Resolutions.”

the seas as a negotiating tool. Spain as the 15th largest economy, as well as integral part of the European Union, 1st power, and one of the most important military alliances, should not remain indifferent to these developments, as laid out in its third line of action, "*promoting of international cooperation.*"

### Objectives, Principles and Lines of Action

The ultimate goal of the Strategy is, as explained at the beginning of the document, to "*The ultimate aim of maritime security is to contribute to making the maximum use of the present and future opportunities provided by the lawful uses of the sea for the benefit of Spain's wellbeing and prosperity, always in consonance with commitments to, and common projects with, partners and allies and bearing in mind the aspirations of the international community as a whole.*" For that, it articulates a vision that "*involves the concerted action, [and] that also involves efficiently all the resources of the state and the private sector.*"

In that sense it follows the informative principles of the National Security Strategy: "*Unity of action, anticipation and prevention, resource efficiency and sustainability and resilience or resilience and recovery.*" To finally establish five lines of action and actions that involve:

 "Adoption of a comprehensive approach which fosters the coordinated and cooperative action of the different authorities in solving problems that affect maritime security." Of special interest is the "*Creation of a virtual collaboration environment to allow the necessary information to be shared in real time for agencies that intervene in specific situations; the improvement of tools for pooling, correlating and analysing data on the marine environment<sup>11</sup>; and the encouragement of the participation of the Spanish public and private sectors in projects related to national maritime security within international organisations.*"

 "Adoption of effective and efficient measures in an optimal use that makes the most of available resources"

 "Fostering international cooperation", which should materialize in Spain's contribution to the governance of the seas, through their actions in the international arena, as an ally and partner responsible, and committed. Even if the United Nations and the European Union are named, there is no reference to the Atlantic Alliance. Also and as

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<sup>11</sup> In these sense the Spain's Admiral Chief of Staff said in the cited conference that "*the first requisite for action in the maritime environment is knowing what goes into it. In today's terms, that know-how is called <Maritime Environment Knowledge>... To generate such knowledge, an ongoing dedication that allows us to integrate and merge information from different sources is required, as well as analyzing it and making it ready to be used by the competent authorities. And it can do so only one agency, or even a country, but we have to involve multiple organizations, national and international, both civilian and military.*"

the backbone of this line there is a mention made to *"the principle of unity of action abroad [that] requires the coordination of all public services with powers in the various sectors of this field."*

 "Fostering collaboration with the private sector." In this line the importance of private actors with interests in the maritime environment, which allows any public-private partnership in security to acquire added value when providing a response is highlighted. It to be materialized, emphasizing the need for a prior awareness of the importance of developing a culture of national maritime security, which is translated into practical and proactive actions from the public and private spheres is required. Although in the document the role of ship-owners, ship operators, the shipping industry and fishermen is highlighted, it is also necessary to highlight the technology sector and the need to promote research, development and innovation. Thus, it is important to mention the Spanish Polar Committee and the importance of scientific development of our presence in Antarctica, as well as our role as an observer since 2006, in the Arctic Council. The new geostrategic space, called the new frontier, which opens with the partial melting of the Arctic Ocean, is a challenge that Spain should not be absent from and where the coastal countries recognize our presence.

 "Improving cyber security in the marine environment"

### Structure of the National Security System

To support the National Security Council and assist the Prime Minister in the direction and coordination of the National Security Policy in the field of maritime security, the Council for National Maritime Safety Agency is created. In addition, and in order to carry out the management of crisis situations in the field of maritime security, when the overflow of the capacity of the limits of effective response by the usual mechanisms occurs, the Specialized Situation Committee is established under the strategic and policy direction of the National Security Council, with the support of the Centre of Situation of the National Security Department properly reinforced.

### CONCLUSIONS

The publication of this document is a commendable effort that, only seven months after the approval of the National Security Strategy 2013, develops one of its ten priority fields, the maritime one, as second level strategy. In addition and as acknowledged in the text, it notes the reality of *"Spain [as] a maritime nation on account of its geographical makeup, its history and the role we consider the sea should play in our future. Our prosperity and wellbeing*

*largely lie beyond our coastline."*

Thus, in line with the spirit of our Constitution, it is created with the aim to *"to contribute to making the maximum use of the present and future opportunities provided by the lawful uses of the sea for the benefit of Spain's wellbeing and prosperity, always in consonance with commitments to, and common projects with, partners and allies and bearing in mind the aspirations of the international community as a whole."*In this regard it stresses the importance of the maritime sector to global, regional and national level, which considers essential to exploit their opportunities and manage their vulnerabilities.

From an integrated and technologically advanced vision it shall promote the coordinated and cooperative action by all sectors of society, public and private, local, national and international, boosting the development of a culture of national maritime security that allows the operation of a favorable geostrategic position. One area, the maritime, capable of promoting national interests in line with the aspirations of the international community, opening up a range of opportunities and challenges, such as loss of surface ice in the Arctic Ocean and the major geopolitical challenges that can compromise international peace. It is a strategy that must mean a clear commitment to active presence, according to our political clout and shared responsibility, as a dynamic member of the international community.

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