

26/2023

12/04/2023

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**EU Maritime Security Strategy.
Still navigating “slow ahead”**[Visit the WEBSITE](#)[Receive the E-NEWSLETTER](#)*EU Maritime Security Strategy. Still navigating “slow ahead”**Abstract:*

Last March 10th, the European Commission, together with the High Representative, published a Joint Communication updating the 2014 European Maritime Security Strategy (EUMSS), as well as its derived Action Plan. This document has to be endorsed by the Council, foreseeably next June.

The purpose of this paper is to analyze the 2014 EUMSS, its content, and particularly its strengths and shortcomings, studying from a temporal perspective its development over time, as well as the circumstances that caused certain issues such as governance not to be included, and with this perspective, comparing it with the updated version, highlighting the main features and contributions of this new version.

Although it is a timely and relevant document in its content, the same shortcomings and limitations, as in the previous one, are still identified, namely the lack of an executive dimension in the strategy, which does not address either the means or, above all, a governance architecture that could issue the coordinating role for the various maritime security and safety actions. Given the limitations of Brussels, stemming from its executive bicephalia, it is up to the Member States to contribute with more complete designs in their own National Strategies, which should contribute as pillars to the European building in maritime security.

Keywords:

Maritime security, European Union, threats, risks, global actor, governance, competencies, cross-sectoral, comprehensive approach.

***NOTE:** The ideas contained in the **Analysis Papers** are the responsibility of their authors. They do not necessarily reflect the thinking of the IEEE or the Ministry of Defence.

Estrategia Europea de Seguridad Marítima. Seguimos navegando en régimen de «avante poca»

Resumen:

El pasado 10 de marzo, la Comisión junto al Alto Representante, publicaron una Comunicación Conjunta que actualizaba la Estrategia Europea de Seguridad Marítima (EUMSS) de 2014, así como su Plan de Acción derivado. Este documento deberá ser endosado por el Consejo, previsiblemente durante el próximo mes de junio.

En este trabajo se trata de analizar la EUMSS de 2014 como referencia de la actual, su contenido así como su proceso de desarrollo, tanto desde una perspectiva temporal como estudiando las circunstancias que provocaron que determinados asuntos no fueran abordados, para a continuación comparar este texto con la versión actualizada, y poder identificar y destacar las principales novedades y aportaciones de la nueva versión.

Siendo un documento necesario y pertinente en su contenido, se siguen identificando las mismas carencias que en el anterior, la falta de una dimensión ejecutiva en la estrategia que le deja en un nivel eminentemente declarativo, y sobre todo una arquitectura de gobernanza que pueda derivar en autoridad de coordinación de las distintas acciones en seguridad marítima. Dadas las limitaciones de Bruselas, derivadas de su bicefalia ejecutiva, corresponde a los Estados Miembros (EEMM) de la Unión Europea contribuir con diseños más completos en sus Estrategias nacionales, que contribuirán como los pilares a la construcción de la dimensión europea.

Palabras clave:

Seguridad marítima, Unión Europea, amenazas, riesgos, actor global, competencias, gobernanza, intersectorial, aproximación integral.

Cómo citar este documento:

ROMERO JUNQUERA, Abel. *EU Maritime Security Strategy. Still navigating “slow ahead”*.

Documento de Análisis IEEE 26/2023.

https://www.ieee.es/Galerias/fichero/docs_analisis/2023/DIEEEA26_2023_ABEROM_Estrategia_ENG.pdf y/o [enlace bie](#)³ (consultado día/mes/año)

Introduction

On 10 March, the European Union, through a "Joint Communication from the Commission and the High Representative of the EU for Foreign Affairs and Security Policy" addressed to the Council and the European Parliament, published an updated and improved version of the first European Maritime Security Strategy (EUMSS) that was originally published in 2014. The update, which is expected to be approved by the Council next June, aims to reflect and respond¹ to the changing challenges in maritime security since 2014 and addresses the objective of making the EU a provider of maritime security at a global level.

The aim of this paper is to make a brief analysis of the content of the EUMSS, its evolution over the years and the aforementioned update in order to compare both strategies, highlight the main novelties and identify the strengths and shortcomings of both documents. In the same vein, the implementation process will also be addressed.

Paradoxical though it may seem, knowing exactly what we mean by "maritime security" is no easy task, as there are many different definitions, although it goes without saying that neither of the two EUMSS documents defines it in detail.

Till, in his book *Seapower*,² associates maritime security with the idea of maintaining "good order" at sea in the face of those risks and threats that endanger it, and takes the *Royal Navy's* own definition³ of maritime security.

Admiral Del Pozo, in different articles^{4,5} published in recent years, advocates understanding security as an activity, as a goal that is always unattainable and requires constant attention and effort as it is affected by all kinds of illicit or criminal activities, rather than interpreting it as a condition or state.⁶

¹ PEJSOVA, Eva. «The EU's Maritime Ambitions in the Indo-Pacific», *The Diplomat*. March 14th 2023 <https://thediplomat.com/2023/03/the-eus-maritime-ambitions-in-the-indo-pacific/>

² TILL, Geoffrey. *Seapower. A Guide for the Twenty-First Century*. Routledge, New York, 2007, p. 286

³ Understood as "those operations, which military units, in collaboration with other government departments, agencies and international partners in the maritime environment, aim to counter illegal activities and support freedom of the seas, in order to protect national and international interests".

⁴ DEL POZO, Fernando. «La seguridad marítima: la mar nunca está en calma» (Documento de Trabajo, n.º 3). Real Instituto Elcano, March 12th 2014. Available at: <https://www.realinstitutoelcano.org/documento-de-trabajo/la-seguridad-maritima-hoy-la-mar-nunca-esta-en-calma/>

⁵ DEL POZO, Fernando. «La mar nunca está en calma (II). Análisis del concepto de seguridad marítima en España» (Documento de Investigación, n.º 12). IEEE, 2015. Available at: https://www.ieee.es/Galerias/fichero/docs_investig/2015/DIEEEINV12-2015_Seguridad_Maritima_Espana_FdelPozo.pdf

⁶ DEL POZO, Fernando. *Op. cit.*, 2014, pp. 5-6.

In line with this interpretation of security, among the dangers that threaten it, and applying it to the maritime field, Del Pozo differentiates between those derived from the effects of nature and accidents, which he includes as "risks", and those produced by the deliberate action of man, which he includes as "threats".⁷ This differentiation allows him to articulate his proposed definition of maritime security⁸ on the basis of two complementary elements. It is the combination of preventive and corrective measures aimed at protecting against threats and deliberate illegal acts,⁹ to which is added a second component understood as the combination of preventive and response measures aimed at protecting the maritime environment, limiting the effects of natural hazards, accidents and damage to the environment and people.¹⁰

If we add to this definition of maritime security the definitions of vulnerabilities and challenges,¹¹ we have clearly established the playing field, which will allow us to analyse more clearly the different actions and measures of the various actors with competences and responsibilities in this field of security.

The large number and diversity¹² of actors and authorities in the different maritime security sectors, each with their own competences and with often blurred boundaries between them, makes the maritime security playing field a scenario which, without being a jungle, can resemble a forest, where each one looks after and protects their own trees and marks their own boundaries with red lines, resulting in a situation where each one is so focused on protecting their own trees that the forest is not given the attention it deserves.

EU Maritime Security Strategy (2014)

In 2010, as president of the Council of the EU, Spain set out the challenge of making progress in strengthening maritime security in the Union through various lines of action; the main one of which was to draw up a European Maritime Security Strategy, a global

⁷ Ibidem, p. 9-10

⁸ Ibidem, p. 6

⁹ What is known in English terminology as *security* and in French terminology as *sûreté*

¹⁰ Which would be the English for *safety* and the French for *securité*.

¹¹ DEL POZO, Fernando. *Op. cit.*, 2014, p. 10.

¹² At the level of individual nations, we could mention, among others, military navies, coastguard services, the merchant navy, port authorities, sea rescue, customs – actors whose number, at EU level, multiplies considerably.

document that would contribute to the complementary and coordinated use of the different means operated by the various actors with responsibilities in this area.

We already pointed out¹³ in 2011 that the proposal was about identifying the Union's maritime interests, the risks and threats, and above all defining the objectives, and consequently the ways and means to achieve them. The aim was therefore to promote the drafting of a classic document of ends, ways and means or, in other words, what resources to use and how to adapt those resources to achieving objectives¹⁴; a traditional strategy, with the idea of putting some order in the field of maritime security, all from an overarching perspective, and being aware of the structural limitations of the Union.¹⁵

We indicated at the time that the aim was to draw up a sort of security chapter within the framework of the Union's Integrated Maritime Policy. The project was an exciting one, seeking to improve not only the effectiveness but also the efficiency of the Union's maritime security activities, and hence those of the Member States themselves. Finally, the strategy¹⁶ was launched in June 2014, while Greece held the presidency of the Council. Its corresponding Action Plan was adopted a few months later, also in 2014, during the Italian presidency.

The document is 10 pages long, for which 4 years of work were necessary. This denotes the complexity and institutional difficulties that conditioned its development, some of which we analysed¹⁷ in 2013, although still in the hope of obtaining a document that would comprehensively and completely address the proposed task. We highlighted, with some hope that we would be proven wrong, the significant degree of mistrust between the parties overhanging the work, which was already plainly manifest in 2010, when it was

¹³ ROMERO JUNQUERA, Abel. «El largo camino hacia una estrategia de seguridad marítima» (Documento de Opinión, n.º 35). IEEE, abril de 2011. Available at: https://www.ieee.es/Galerias/fichero/docs_opinion/2011/DIEEEO35_2011EstrategiaSeguridadMaritima.pdf

¹⁴ DEL POZO, Fernando. *Op. cit.*, 2014.

¹⁵ Where EU policies, which are the responsibility of the Commission, coexist with intergovernmental policies, which are the responsibility of the Council, and therefore of the Member States.

¹⁶ EUROPEAN COMMISSION. «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». Brussels, march 6th 2014. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014JC0009>

¹⁷ ROMERO JUNQUERA, Abel. «Elaboración de la Estrategia Europea de Seguridad Marítima. Evolución de los trabajos en un entorno complejo» (Documento de Opinión, n.º 101). IEEE, October 2013. Available at: https://www.ieee.es/Galerias/fichero/docs_opinion/2013/DIEEEO101-2013_Estrategia_Seguridad_Maritima_Abel_Romero.pdf

not exactly easy to draw the playing field,¹⁸ just to be able to start discussing how to elaborate the strategy.

In those first drafts, we already identified¹⁹ important shortcomings, such as the lack of a single leading body. We anticipated then that the document to be presented in 2014, in the form of a Joint Communication, would only be a political document, but that it would open the door to the subsequent development of a classic strategy (ends, ways and means), which in the end did not come to pass. In addition to this, we considered that the "steering function" of maritime security actions was going to be the key element to be resolved, and this was not addressed either. Because of this, there is currently no authority to direct and coordinate the different actions to be carried out, which means that no structure has been defined to govern the process.

The work eventually resulted in a "Joint Communication from the Commission and the High Representative", which, although colloquially called the European Maritime Security Strategy (EUMSS), is entitled "*For an open and secure global maritime domain: elements for a European Union maritime security strategy*". The content of the document is perfectly in keeping with the title, as it merely describes some, but not all, of the elements that should make up such a strategy, and in no way corresponds to what could be called a strategy in the traditional sense.

After a brief and very pertinent introduction, the document limits itself to identifying the EU's five maritime interests,²⁰ as well as the eight threats to maritime security, the first five actually being threats in the sense explained in previous paragraphs, and the last three which could be framed more as risks. To this is added a heading "Purpose of the strategy" (it is paradoxical to call it a strategy when the title of the document itself does not call it such), which rightly advocates for an inclusive, comprehensive strategy that should be built on the basis of existing achievements.²¹ It clearly identifies that the primary

¹⁸ COUNCIL OF THE EUROPEAN UNION. «Council conclusions on Maritime security strategy». Luxemburg, April 26th 2010. Available at: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113998.pdf

¹⁹ ROMERO JUNQUERA, Abel. *Op. cit.*, October 2013.

²⁰ Conflict prevention, protection against threats to maritime security, effective control of the Union's external borders, protection of the global EU supply chain and freedom of navigation, and prevention of illegal, unregulated and unreported (IUU) fishing.

²¹ Clearly following the Community method, based on the proposals or doctrine of Robert Schuman, one of the founding fathers, as indicated in the last paragraph of the conclusions.

objective of the document is to facilitate a cross-sectoral approach to maritime security by identifying four strategic objectives.²² It concludes by identifying four guiding principles, with a view to designing the best governance (cross-sectoral approach,²³ functional integrity, maritime multilateralism, and respect for rules and principles), which would be applied to five areas of cooperation.²⁴

While the document is a more than adequate piece of work that never loses sight of the primary objective – the cross-sectoral approach – it is by no means a classical and traditional strategy (end, ways and means). In fact, it could be considered as a kind of “strategic framework” or, as the title suggests, elements to elaborate a strategy, where threats, objectives and, above all, principles of action are identified. It does not really address executive action on maritime security at a European level, but simply identifies the need to improve and facilitate cooperation between the relevant actors in this field (from the different sectors involved), both at national and the European level, which is already very ambitious in itself. Basically, it is simply a joint (cross-sectoral²⁵)-combined (international) approach to maritime security at the European level, with the idea of establishing the pillars that would subsequently enable a traditional strategy to be developed.

Authors such as Frontini considered in 2014 that the 2010 Spanish proposal had provoked strong resistance in some capitals, and especially in the Commission, due to some misunderstandings about its military scope²⁶. However, we already emphasised²⁷

²² Making the best use of capabilities (at both national and European level); promoting effective and credible partnerships in the global maritime domain; promoting cost efficiency; and enhancing solidarity among Member States.

²³ The European Parliament document “*Charting a course through stormy waters*”. *The EU as a maritime security actor* [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)689342](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)689342) issued in March 2023, is a comprehensive summary of developments in the maritime security framework, and includes the definition of cross-sectoral approach as the principle that aims to promote the widest possible cooperation between civilian and military maritime authorities, EU agencies and all sectors of the maritime and shipping industries.

²⁴ External action; maritime awareness, surveillance and information sharing; capacity building; risk management, critical infrastructure protection and crisis response; and maritime security research and innovation, education and training.

²⁵ The strategy itself defines on page 2 what is meant by cross-sectoral, which refers to actions or cooperation between different marine or maritime functions (maritime safety, marine environment protection, fisheries control, customs, border control, law enforcement and defence).

²⁶ FRONTINI, Andrea. «The European Union Maritime Security Strategy: sailing uncharted waters?». European Policy Centre, 26 de junio de 2014. Available at: http://aei.pitt.edu/56472/1/pub_4569_the_eu_maritime_security_strategy.pdf

²⁷ ROMERO JUNQUERA, Abel. *Op. cit.*, 2013, p. 11.

in 2013 that the initial proposal was already of a cross-cutting nature, not a military one, where all parties were equally important, and precisely the intention was to avoid linking the initiative to the defence community.

The reality is that it seems that not all parties were convinced, neither in Brussels nor in some capitals, and it can be argued that the degree of mistrust generated had not been properly weighted in the scope of the proposal presented, which was not really military, but intrinsically global and cross-sectoral.

Possibly the problem and misinterpretations could have been originated in the way the initiative was presented, through a presidency objective in the framework of the CSDP,²⁸ a framework that was immediately associated with the defence sector, rather than in a more EU "General Affairs" framework, given the cross-sectoral and transversal nature of the proposal. A certain, yet entirely unfounded, fear that military navies wanted to consolidate themselves as the directing (commanding) authorities in matters of maritime security at European level, may be the cause of this climate of mistrust that did not allow the project to be carried to a successful conclusion, although it cannot be said to have been a failure either.

Finally, the EUMSS is limited to promoting cooperation, efficiency in the use of means and maximum possible effectiveness in a fragmented environment, where sectors prevail over the whole, and where the competences of each sector tend to be insurmountable red lines, despite the fact that many of them are more than blurred.

In any case, the document approved in 2014 is still a significant and important step forward. It is a rigorous and serious document that lays a solid foundation for developing a subsequent strategy. But at the same time, it is also incomplete as it has significant shortcomings; it does not address governance in maritime security, nor does it identify the actors, competences or available resources. It can therefore be considered as a reference work, a document to be taken into account, particularly in capitals, although it can by no means be said to be "the reference".

²⁸ CSDP (Common Security and Defence Policy), which is part of the EU's CFSP (Common Foreign and Security Policy).

In the same vein, and as Biscop²⁹ rightly points out, the document was not so much a strategy (ends, ways and means) as a set of operating principles, without clearly defining objectives. He adds that the document addresses the issue as a global challenge, but when it comes to action, it is limited to the regional level (essentially the Mediterranean and the Horn of Africa).

It could be inferred that an attempt was made in Brussels, to sort out unresolved national problems regarding competences and relations between sectors in the field of maritime security. On the other hand, there seems to be a failure to appreciate the added difficulty that in Brussels, community policies (executive competence of the Commission) collide with intergovernmental policies (competence of the Council, i.e., the Member States), which not only does not facilitate but also represents an added complication when dealing with governance architectures at European level, in this case for maritime security.

Of particular interest in this regard is Del Pozo's analysis³⁰ of the national maritime security structures of some EU Member States, in particular France, where in 1995, given the scattering of departments responsible for maritime security, a reform was undertaken to create a new structure, the “General Secretariat for the Sea”, which has so far functioned to the satisfaction of the parties. As an example to follow, this path has been imitated to some extent by other countries, notably Portugal. Other Member States such as Italy, Germany and Spain have not been able to advance in the same way, and as Del Pozo explains, governance is still a pending issue, although his work makes interesting reflections on how to improve structures at the national level, which should be addressed in one way or another in the different Member States. Considering the aforementioned bicephalous nature of the European Union (Commission-Council), it seems that solving governance at the national level would be a necessary condition for progress at the Brussels level, and it does not seem reasonable to expect Brussels to solve the problems that cannot be solved in different countries, in particular between sectors with a strong intergovernmental character.

²⁹ BISCOP, Sven. «An anchor for the EU maritime security strategy». EGMONT, Royal Institute for International Relations, December 2nd 2015. Available at: <https://www.egmontinstitute.be/an-anchor-for-the-eu-maritime-security-strategy/>

³⁰ DEL POZO, Fernando. «La mar nunca está en calma» (Documento de Análisis, n.º 11). Centro para el Bien Común Global, UFV Madrid, September 26th 2022. Available at: <https://ipi-ufv.com/wp-content/uploads/2022/09/Analysis-11-2022-The-sea-is-never%CC%81-in-calm.pdf>

To end the analysis of the 2014 strategy, the approved document was followed by an Action Plan that was approved in December of the same year (during the Italian presidency) with the aim of implementing the EUMSS, and which was subsequently updated in 2018³¹ with the idea of aligning it with the Global Security Strategy³² of 2016. The Action Plan contains a list of actions, to each of which a number of actors are assigned (some actions are led by eight actors/agencies simultaneously), and for whose implementation a time horizon is defined.

The lack of a real governance architecture to steer this process means that the Action Plan becomes little more than a series of recommendations, addressed to certain actors, in the hope that they will coordinate with each other in their implementation, which could only happen if there was no conflict of competences, if red lines would not be crossed. The EUMSS itself does not help much in developing such an architecture, as it clearly states in page # 2, that no new structures, programmes or legislation are envisaged.

The degree of implementation of the Action Plan is periodically reflected in a series of reports,³³ drawn up by the Commission and the High Representative in the form of a Joint Staff Working Document, the latest of which (2020) assesses that achievements and progress have been significant, all in a positivist language, very much in the Brussels style, more political than technical, and which does not go into excessive detail on each of the tasks. It should be noted that the second of the final conclusions recognises the desirability of more targeted and detailed reporting on specific aspects of the various actions of the plan.

Given that those who drafted both the EUMSS and the Action Plan are the same as those who evaluate the latter it would seem appropriate, in line with the aforementioned conclusion, that the implementation reports be drafted by an external and independent

³¹ COUNCIL OF THE EUROPEAN UNION. «Council conclusions on the revision of the European Union Maritime Security Strategy (EUMSS) Action Plan». Brussels, June 26th 2018. Available at: <https://data.consilium.europa.eu/doc/document/ST-10494-2018-INIT/en/pdf>

³² *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy*. June 2016. Available at: https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf

³³ EUROPEAN COMMISSION. «Joint Staff Working Document: Report on the implementation of the revised EU Maritime Security Strategy Action Plan». Brussels, October 23rd 2020. Available at: <https://oceans-and-fisheries.ec.europa.eu/system/files/2021-03/swd-2020-252en.pdf>

actor,³⁴ with the idea of seeking greater objectivity and avoiding both the Commission and the High Representative being both a party to and a judge of the process. This would allow for an independent evaluation of the process, possibly identifying shortcomings, limitations, possible improvements and even recommendations.

In the same vein, other authors such as Landman³⁵ see both the EUMSS and the Action Plan as more of an “à la carte process”, with a significant degree of flexibility to establish cooperation where it can work, but accepting that some of the actions may fall through the cracks. It has also been noted that one difficulty³⁶ is that of identifying a lead actor for each of the actions due to the diversity of interests and working methods of EU and Member State bodies and agencies. Therefore, there is still no clear definition of who does what, and much of the success rests on the voluntary cooperation of the parties without an authority exercising the functions of coordination and control of this cooperation.

Update to EU Maritime Security Strategy (2023)

Following the progress in terms of “good order at sea” (which we should point out is mostly in the right direction, although certainly somewhat limited in scope) contained in the 2014 EUMSS, the European Commission and the High Representative adopted a new Joint Communication³⁷ on 10 March. It represents an update not only of the EUMSS itself but also of its Action Plan³⁸ (annexed to the update). The Council (i.e. the Member States) is expected to endorse this document next June, on a proposal from the Commission and the High Representative.

³⁴ Such as an independent consultancy firm

³⁵ LANDMAN, Lennart. «The EU Maritime Security Strategy: Promoting or Absorbing European Defence Cooperation?». Clingendael, April 2015. Available at: <https://www.clingendael.org/sites/default/files/pdfs/Policy%20brief%20EU%20Maritime%20Security%20Strategy.pdf>

³⁶ THINK TANK, EUROPEAN PARLIAMENT. «Charting a course through stormy waters: The EU as a maritime security actor». March 7th 2023. Available at: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)689342](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)689342)

³⁷ EUROPEAN COMMISSION. «Joint Communication to the European Parliament and the Council on the update of the EU Maritime Security Strategy and its Action Plan “An enhanced EU Maritime Security Strategy for evolving maritime threats”». Brussels, March 10th 2023. Available at: https://oceans-and-fisheries.ec.europa.eu/system/files/2023-03/join-2023-8_en.pdf

³⁸ EUROPEAN COMMISSION. «Annex to the Joint Communication to the European Parliament and the Council on the update of the EU Maritime Security Strategy and its Action Plan “An enhanced EU Maritime Security Strategy for evolving maritime threats”». Brussels, March 10th 2023. Available at: https://oceans-and-fisheries.ec.europa.eu/system/files/2023-03/join-2023-8-annex_en.pdf

Before briefly analysing the novelties of the update, it is pertinent to point out that the Commission and the High Representative (who is also vice-president of the Commission) have once again taken the first steps which denotes a certain leadership, particularly on the part of the Commission, in this work. This contrasts with the Member States, which we could interpret as not having assumed their role as true protagonists in this initiative or perhaps unable to overcome their red lines to do so. It cannot be overlooked that most of the competences, with the corresponding executive authority, and above all that the vast majority of the material means available, belong to the Member States.

The updating process has followed a classical methodology involving all parties, complemented by a public consultation process,³⁹ essentially led by the Commission, all with the idea of obtaining opinions and proposals from the general public (European citizens), including maritime security experts, academics, researchers, and international organisations, on the challenges in this field and possible responses. The Member States were consulted through the relevant working groups. The results⁴⁰ of these consultations have been an important contributor to the updating of the EUMSS.

The content of the update is essentially oriented towards updating the 2014 text and its derived Action Plan, aligning it with the Strategic Compass⁴¹ (SC) approved in March 2022, and therefore with the 2016 Global Security Strategy itself.

The new EUMSS is very similar in its structure to the 2014 EUMSS (which is obvious as it is just a simple update), although instead of the list of threats from the original, it adds in its first part an assessment of their evolution and especially of the growth of some of them. It points to the impact of climate change and maritime pollution (addressed as threats rather than risks), which it sees as increasingly worrying, and notes the growing relevance of hybrid and cyber threats (especially their impact on critical infrastructures). It also considers that traditional illegal threats and activities (piracy, organised crime,

³⁹ EUROPEAN DEFENCE AGENCY. «Public consultation on EU Maritime Security Strategy». June 24th 2022. Available at: <https://eda.europa.eu/news-and-events/news/2022/06/24/public-consultation-on-eu-maritime-security-strategy>

⁴⁰ EUROPEAN COMMISSION. «Update of the EU maritime security strategy and its action plan». Available at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13491-Update-of-the-EU-maritime-security-strategy-and-its-action-plan/F_en

⁴¹ COUNCIL OF THE EUROPEAN UNION. «A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security». Brussels, March 21st 2022. Available at: <https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf>

terrorism, trafficking – arms, narcotics, human beings – or illegal fishing, among the most prominent) remain critical challenges in many regions.

It identifies new areas of interest, broadening the scope of European maritime security concerns from the regional to the global (in line with the SC), and in particular to the Indo-Pacific⁴² as an area of intense geopolitical competition. In the Union's maritime interests section, it increases them from eight to ten, although without significant changes.

It is relevant to note that the section "Purpose of the Strategy", which explained and advocated cross-sectoral cooperation as a key element of this initiative, has been deleted. The basic principles of action (cross-sectoral approach, functional integrity, maritime multilateralism, and respect for the rules and principles of international order), which guided the five strategic objectives of the 2014 document, are also eliminated. Those strategic objectives have expanded from five to six. Although in essence they do not undergo major changes in terms of content, they are promoted to be more enforceable, very much in line with the SC, and in particular with its sections on "acting" and "investing".

The update essentially aims to broaden the regional character of the 2014 Strategy to a more global one (looking foremost at the Indo-Pacific), promote more tangible actions at sea (exercises, operations, etc.) and, above all, more investment in maritime security resources, which are the competence and main responsibility of the Member States. The document itself indicates various instruments and tools⁴³ of the Union to be used as catalysts in obtaining these necessary resources, which belonging to the Member States, would be made available to the EU.

The new update ends with a section, which was not present in the 2014 EUMSS, on tools and instruments to support EU action on maritime security, specifically listing eleven⁴⁴ of them.

⁴² *Eva Pejsova* already highlighted in 2019 the growing demand for the EU's role as a maritime security provider not only regionally but "beyond <https://www.iss.europa.eu/content/eu-maritime-security-provider>

⁴³ Such as PESCO (*Permanent Structures Cooperation*), CARD (*Coordinated Annual Review on Defence*), CDP (*Capability Development Plan*), among others.

⁴⁴ These include, amongst others; the EDF (*European Defence Fund*), the EPF (*European Peace Facility*), the ISF (*Internal Security Fund*), the BMVI (*Border Management and Visa Instrument*), the ERDF (European Regional Development Fund) and the EMFAF (*European Maritime Fisheries and Aquaculture Fund*).

With regard to the Action Plan, it is nothing more than a new list, very much in the style of the previous one, with an excessively high number of actions to be carried out (145)—in each of them the actors concerned and the foreseeable implementation period are again identified. These actions are once again a list of recommendations, sometimes almost wishful thinking,⁴⁵ where their implementation is still subject to the willingness of the actors involved to cooperate, with no specific control or coordination structure in place.

In addition, the Commission and the High Representative are invited to submit, with contributions from the Member States, a progress report on the implementation of the EUMSS 2023 and its Action Plan in 2026. As with the aforementioned 2020 report, they will continue to be party to and judge of the purported strategy. It does not seem that we will have external and independent actors to assess achievements, so it is foreseeable that the report will not be particularly critical, and will have the classic "self-praise" tone, traditional in the language of Brussels.

Returning to the basic ideas on maritime security, we must not lose sight of the fact that, as Geoffrey Till rightly pointed out, the requirements⁴⁶ for maintaining good order at sea are maritime awareness, a maritime policy and integrated maritime governance. Member States are the first to have this responsibility at the national level, and it is on the foundation of the Member States themselves that the EU can build. It can be considered that in the first two requirements the EU has not only been active but acceptably successful (initiatives such as CISE, MARSUR,⁴⁷ etc. in the first pillar and the EUMSS itself and its Action Plans in the second are clear examples of this). But it would be necessary to have solid integrated maritime governance in the different Member States in order to build on these foundations to build a kind of integrated governance at European level, which would never be easy given the European bicephaly and the duality of dimensions, Community and intergovernmental, of some sectoral maritime policies.

Therefore, in order to maintain good order at sea at the European level, we can infer from what has been analysed that it is a necessary condition for the Member States to do so

⁴⁵ Actions such as 1.1.12 "*Participate in the work of the Arctic Council and related fora, as appropriate*" are striking, when the EU has still not obtained observer status in the Arctic Council, despite having applied for it more than 15 years ago.

⁴⁶ TILL, Geoffrey. *Op. cit.*, pp. 306-307.

⁴⁷ CISE (*Common Information Sharing Environment*) and MARSUR (*Maritime Surveillance*) are two relevant projects at European level to improve the exchange of information between actors with responsibilities in maritime security.

first at the national level (eliminating the red lines between sectors), which Brussels cannot do. On a solid national foundation, an effective and efficient integrated maritime governance at European level, with its own architecture, could be built.

By way of conclusion

The EUMSS update document and its Action Plan, presented on 10 March, is relevant; it updates some of the threats to maritime security arising from an evolving strategic context (particularly with regard to cyber and hybrid threats), as well as attempting to align the EUMSS with the 2022 Strategic Compass, giving it a less regional and more global scope.

This is a more than adequate exercise, but it does not correct the structural shortcomings of the 2014 document. It is a somewhat incomplete document like the previous one, possibly a product of the parties' red lines,⁴⁸ so it essentially addresses only what all sectors agreed to include (what there is no consensus on is not included), which limits it more than noticeably.⁴⁹

In particular, we can highlight the lack of a governance structure and the lack of an executive authority to coordinate the various actions. This shortcoming is once again evident in the Action Plan, turning it into a detailed list of recommendations and aspirations (in the form of a wish list), where its implementation is neither coordinated nor effectively controlled by any specific authority, and depends largely on the goodwill of the parties, who are likely to be proactive in anything that does not cross their red lines. The conclusion is that we are once again faced with a strategy or strategic document of an eminently declarative nature with little force, which, although it contributes a great deal, leaves a lot of work to be done.

However, these structural shortcomings cannot be blamed on Brussels alone. If Member States do not have comprehensive national maritime security strategies,⁵⁰ with robust and well-defined governance structures, both at management and executive level and if state capitals are unable to resolve the cross-sectoral red lines in an environment where

⁴⁸ ROMERO JUNQUERA, Abel. *Op. cit.*, 2013.

⁴⁹ The very principle of functional integrity, included in the 2014 EUMSS, but not included in the 2023 EUMSS, by definition precludes discussing issues of competences. Although the distribution of competences might in some cases be considered inefficient, it is an issue that is not intended to be put on the table in the first place, which can intrinsically limit the possibilities for optimisation and improvement of maritime security tasks in both effectiveness and efficiency.

⁵⁰ In particular, and because of their importance within the EU, those of Italy, Germany and Spain.

there is potentially a single overarching authority, it is difficult for Brussels to solve the problem, given its Commission (Community) and Council (intergovernmental) bicephaly which is very tangible in several of the sectoral dimensions of maritime security.

It therefore seems necessary to first resolve internal discrepancies at national levels. Capitals should design their own governance structure without red lines, which would make it somewhat easier to build at the Brussels level later. In the case of several Member States, and in particular Spain, this is a subject that we have yet to achieve, and which, once overcome, would make it easier to move on to the next course, to the next level, to Europe.

It can be concluded that the updated EUMSS is still a relevant and quite helpful document; it identifies the problem and addresses key elements of a possible implementation strategy, but it is incomplete in the absence of means, structures and ways to act. We have identified the ends, which should be aligned with the Member States, but Brussels lacks a general definition of ways and means.

Without being perfect, the new EUMSS, like the 2014 EUMSS, continues to move forward, taking small steps in the right direction, albeit very gradually, not only because it identifies and updates key elements for a comprehensive approach to maritime security, but above all because it continues to place maritime security at the centre of the European debate, which is no mean feat.

As *Robert Schuman* said in his famous Declaration⁵¹ of 9 May (1950), Europe must be built "*à petits pas*", and above all, on the basis of win-win achievements. No one said it would be easy, but we believe that Brussels is on the right course, albeit in somewhat turbulent waters, and still at low speed ahead. Getting the machinery going so Brussels can become a global provider of maritime security depends very much on what the Member States want to contribute. State capitals need to be able to design national structures and actions where all parties win. On that foundation, Brussels can continue building, which, as we have seen, is not an easy task.

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⁵¹ SCHUMAN, Robert. «Déclaration du 9 mai». Fondation Robert Schuman, Le Centre de recherches et d'études sur l'Europe. Available at: <https://www.robert-schuman.eu/fr/declaration-du-9-mai-1950>