Europe's Security Upside Down

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Resumo
A Segurança Europeia "às Avessas"

A existência de uma separação entre segurança externa e interna cessou de existir. Os efeitos de propagação de conflitos e da instabilidade em áreas como o Sahel e o Médio Oriente são sentidos na Europa. No presente e no futuro o crime organizado, o terrorismo, a emigração ilegal e os ciberataques constituem uma preocupação de segurança, enquanto as ameaças militares - exceto no que respeita ao emprego de mísseis – desapareceram. Contudo, não existe uma resposta integrada a estes problemas de segurança por falta de interesse das nações e da UE. Continuam a existir estratégias, estruturas e acordos separados no plano externo (PCSD, Relações Externas e Defesa) e no plano dos atores internos de segurança (Justiça e Assuntos Internos – JAI). Uma exceção reside no desenvolvimento de capacidades, onde as comunidades civil e militar coordenam crescentemente programas, em particular no setor aéreo e espacial.

Com o propósito de ultrapassar a clivagem interna-externa, a UE terá que tomar medidas práticas: elaborar uma verdadeira Estratégia de Segurança Integrada articulando o domínio da PCSD com o da JAI; desenvolvimento holístico de capacidades e emprego de capacidades civis-militares em áreas como transporte, reconhecimento e comunicações; integração de sistemas de vigilância marítima civil e militar entre outras.

Sem a liderança dos EUA, a Europa terá que assumir mais responsabilidades pela sua segurança. A força militar sendo necessária passará a fazer parte de um esforço mais amplo, colaborando com atores civis dentro e fora da Europa.

Abstract

The separation of external and internal security belongs to the past. The spill-over effects of conflicts and instability in areas like the Sahel and the Middle East can be felt inside Europe. Today and tomorrow, international crime, terrorism, illegal immigration and cyber attacks are major security concerns, while classic military threats – except for missiles – have disappeared into the background. However, an integrated response to these wider security interest is lacking, often by nations but certainly at the level of the European Union. Separated strategies, structures and arrangements continue to exist for the 'external' (CSDP, Foreign Affairs & Defence) and the 'internal' security actors (Justice and Home Affairs, JHA). A positive exception is capability development, where civil and military user communities increasingly are coordinating their programmes, in particular in the air and space sectors.

To overcome the external-internal security gap, the EU has to take practical steps: the elaboration of an Integrated Security Strategy for real coordinated action by the CSDP and JHA actors; comprehensive capability development and the use of civil-military capacities in areas like transport, reconnaissance and communications; integrating maritime surveillance data exchange between civil and military users, and other practical aspects of cooperation.

Europe's security is upside down, inside out. Without the natural leadership of the United States, Europe will have to take more responsibility for its own security. Military forces will still be needed, but increasingly they will become part of a wider effort, closely working together with civilian actors, outside and inside Europe.

Introduction

Four decades long security was measured by numbers of tanks, fighter aircraft and frigates of the opposing East and West. Then the Berlin Wall fell. Out-of-area became the new fashion. Armed forces had to become more deployable, flexible and mobile to restore peace and stability in troubled regions elsewhere in the world. At 9/11 the United States was attacked at its own territory for the first time since Pearl Harbour. Instability and conflict in countries far away suddenly had a direct impact on security at home. Washington launched a new crusade to strike at the root of evil. Asymmetric warfare and counter-insurgency popped up as the key characteristics of armed conflict at the beginning of the 21st century. In the meantime the Arab Spring developed into a stormy and thundery season, spreading over the Middle East and into the Sahel area. An arc of instability now stretches from the Caribbean through Northern Africa into the Middle and Near East. It is routing drugs trafficking, illegal immigration, terrorism and international crime to Europe. At the same time, Europe's trade and energy flows remain vulnerable to interruption, along African coasts or due to potential trouble in rising conflict zones such as in East Asia.

Security has become more complex and is increasingly multidimensional. Non-state actors have joined the scene and are likely to stay. Globalisation and the world-wide web have helped to increase dependencies, but at the same time they have made our economies, institutions and infrastructure more vulnerable. Classic military threats still exist. Proliferation of missiles and weapons of mass destruction is likely to continue, though the risk of their actual use by states seems to be rather small. Terrorists, religious fanatics or other extremists pose a bigger threat to our security. Their prime targets are civilians, but deployed forces in conflict zones like Mali are also at risk. But contrary to the past, most of the threats and challenges that can disrupt Europe's modern societies are of a predominantly non-military nature: pirate attacks at key sea passages; illegal immigrants crossing the Mediterranean and the Black Sea; cross-border crime and trafficking in human beings, arms and drugs; cyber-attacks which are taking place nearly every day and, last but not least, natural disasters most of which are related to climate change.

In a nutshell, Europe's security is less predictable than during the days of the East-West stalemate and its immediate aftermath. Furthermore, the threat was outside, while today and tomorrow security risks and challenges manifest themselves also inside Europe. External and internal security are closely interwoven. This article will look at the responses of the European Union and its member states to the changing security environment. Are the right strategies and policies in place? What about instruments and capacities to handle the risks and challenges posed to European security? Which role should European armed forces play in the changing

environment? In short, how should the European Union manage security in the post-Post Cold War era?[1]

The Impact of Terrorism

In the 1990s Europe had witnessed the collapse of Yugoslavia, followed by armed conflict, violation of human rights and genocide. Due to intervention by the United States – using NATO as the organisation for armed action – the Bosnian war and Kosovo crisis could be brought to an end, at least as armed fighting was concerned. The political leaders of France and the United Kingdom had the Balkan wars very much in mind when they agreed at St. Malo in December 1998 that the European Union should be able to deploy autonomously military forces to end armed conflict in its own backyard. A year later, at the EU Helsinki Summit, a Headline Goal of a European intervention force of 60,000 military was agreed – very close to the original size of KFOR, NATO's land force deployed to Kosovo in 1998. Consequently, the European Security and Defence Policy (ESDP) – formally launched in 2000 at the EU Cologne Summit – focussed on crisis management in conflict areas external to the European Union. A civilian element was added in order to allow for deployment of police, judges and other civilian personnel together with the military – a proven requirement during the stabilisation phases after the end of the Balkan wars. Territorial defence was left to NATO.

ESDP had barely taken off when Bin Laden struck at the Twin Towers in New York and the Pentagon in Washington DC at 9/11 2001. Soon after President George Bush declared the 'War on Terrorism'. European countries were divided on supporting the American approach. However, the new threat of transnational terrorism with root causes in unstable areas in the Middle East and Central Asia could not be neglected. The train and metro bombings in Madrid (2004) and London (2005) made clear that Europe's interior was targeted as well. 'Terrorism doesn't recognise borders' became a frequently used one liner, expressing that external and internal security no longer could be separated. In the first semester of 2002 the Spanish Presidency tried to incorporate the fight against terrorism in the list of ESDP types of operations. Madrid failed to generate consensus in the Council (De Vries, 2008: 356). The initiative watered down to the definition of 'the ESDP dimension of the fight against terrorism' with hardly any real action undertaken. Equally, the European Council's 2004 'Solidarity Declaration against terrorism' – according to which EU member states should assist each other after an attack inside the EU – remained a commitment on paper without practical implementation. A few years later the first EU Counter-Terrorism Coordinator concluded that "Counter-terrorism has not been main streamed into the civilian

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1   The role of NATO is not addressed in this article.

and military crisis management missions of the Union". He also stated: "Presidency efforts to promote cross-Pillar synergies in the Council, notably between Justice and Home Affairs Ministers and Ministers of Foreign Affairs and Defence, have been less than consistent." (De Vries, 2008: 371-372). Early efforts to connect external and internal security tools and measures failed.

Security Strategies

European Security Strategy
At the end of 2003 the European Union's first security strategy was published. The European Security Strategy (ESS) stated that "The post Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked." Key threats to Europe's security were no longer limited to external conflicts and state failure – the focus of ESDP – but included, amongst others, terrorism and organised crime. With regard to the latter the ESS stated: "This internal threat to our security has an important external dimension: cross-border trafficking in drugs, women, illegal immigrants and weapons form a large part of the activities of criminal gangs." The Union's response had to consist of a mixture of instruments, to be deployed in a more coherent manner (Council of the European Union, 2003). But in reality hardly any action was taken. Five years later the ESS update drew the conclusion that "We need to improve the way in which we bring together internal and external dimensions. Better co-ordination, transparency and flexibility are needed across different agencies, at national and European level. (..) Progress has been slow and incomplete." In the meantime new threats had emerged. Cyber security, energy security and climate change were added to the list of threats and challenges to Europe's security interests (Council of the European Union, 2008).

Internal Security Strategy
Almost a decade after ESDP was launched the EU continued to separate the external and internal aspects of security. This separation was further reinforced with the Council's adoption of the Internal Security Strategy (ISS) in February 2010. The ISS described the challenges, the principles and the guidelines for how to deal with internal security issues in the EU. It focussed on better coordination of the various activities in the Justice and Home Affairs (JHA) area.[2] Five priority areas were identified: international criminal networks, terrorism, cyber security, border security and disasters. The ISS mentions the linkage with external security, in particular how the EU's external policies, operations and missions can contribute to internal security,

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2   The Amsterdam Treaty (1997) introduced the term "Area of Freedom, Security and Justice" (AFSJ), but the acronym JHA continues to be used.

for example by reinforcing institutional, social and economic development and by assisting in building up effective rule of law structures in third countries. It argues for cooperation with the CSDP[3] actors. The ISS defines itself "as an indispensable complement to the European Security Strategy" (Council of the European Union, 2010a). The text leaves no doubt that internal and external security measures and instruments serve the same overall purpose. However, the ISS only steers the activities of the JHA actors. Indeed, it complements the ESS but without an overarching framework. Since 2010, the European Union has two security strategies in place.

Towards Integrated Security

Over the past few years many ideas have been launched for elaborating a new European Security Strategy, first and foremost by think tanks. The project for a *European Global Strategy* (Fagerstern, 2013) had the support of the Italian, Polish, Spanish and Swedish governments, representing a minority of EU member states. The Brussels actors thus knew they had to skate on thin ice. In her CSDP report of October 2013 High Representative (HR) Catherine Ashton pointed to the changing strategic context. She referred to a world which "as a whole faces increased volatility, complexity and uncertainty." It is characterised by "a multipolar and interconnected international system (which) is changing the nature of power. The distinction between internal and external security is breaking down." (European Defence Agency, 2013). Yet, the HR did not propose to draft a new security strategy for the European Union. Neither did President Van Rompuy when preparing the December 2013 European Council meeting on security and defence. Why? Because they knew all too well that the topic would drive the member states apart instead of uniting them. EU capitals agree on the main aspects of the changing security environment, but they are divided on the global role the Union should play in response. The two extreme sides are still represented by France – favouring an increased role of the EU in the world, including with military means – and the United Kingdom opposing that position. Under the Cameron Government the UK has distanced itself even further away from defence cooperation in the EU. France has recognised that the elaboration of a new security strategy (or the creation of a European military headquarters) is a bridge too far for the moment. Thus, Paris did not press Ashton and Van Rompuy to propose the launch of a new ESS.

However, the Conclusions of the December 2013 European Council contain a formula which could be interpreted as the starting point of writing a new security strategy. The HR has been tasked "to assess the impact of changes in the global environment, and to report to the Council in the course of 2015 on the challenges

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3   With the entering into force of the Lisbon Treaty (1 Dec. 2009) the term European Security and Defence Policy (ESDP) was replaced by Common Security and Defence Policy (CSDP).

and opportunities arising for the Union" (European Council, 2013). In the short term not much will happen as 2014 will be the year of change for all top positions in the EU. In the course of 2015 – also depending on the outcome of the British national elections – perhaps it will be possible to propose a new EU security strategy. What should it be? Preferably, an overarching strategy providing the umbrella over all sectorial security policies and activities. The EU needs an Integrated Security Strategy, which (1) defines Europe's role in the world based on the 21st century geostrategic environment, (2) addresses the consequences for external and internal security as a concerted effort and (3) provides the overall guidelines for all EU actors in view of coherent and consistent implementation. This will be very difficult to realise as European countries have diverging views on such a visionary security strategy, but doing nothing is no option either in a rapidly changing world.

Using the Lisbon Treaty
A new security strategy for the European Union will not see the daylight before mid-2015. In the meantime the Lisbon Treaty is bringing innovation in external matters. The function of the double-hatted High Representative and Vice-Presidency of the European Commission, supported by the European External Action Service (EEAS), has been created to bring more coherence and effectiveness in the EU's external action. The Horn of Africa is showing the progress made with instruments deployed in a more coordinated way, from civil and military CSDP crisis management capacities to humanitarian assistance, development aid and financial support by the European Commission. The *comprehensive approach* is becoming reality, though many political, bureaucratic, juridical and financial obstacles will continue to block the road to even more comprehensiveness.

Solidarity Clause
The potential in the Lisbon Treaty to overcome the external-internal security gap, at least in some specific areas, has not been used so far. The Solidarity Clause (art. 222, Treaty on the Functioning of the European Union-TFEU) contains the most explicit reference to combine tools and assets which so far had been separated for external and internal security use. Article 222 states that the Union and its member states "shall act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or manmade disaster." Furthermore, it stipulates that "The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States (..)." This is a clear legal reference that Union capacities and military assets of member states can be deployed together for internal security purposes. The Common Security and Defence Policy section even incorporates a mutual defence clause (art. 42-7 Treaty European Union-TEU), which obliges member states to provide aid and assistance "by all the means in their

power" to a member state which is the victim of major aggression. This article does not replace collective defence through NATO (which is specifically mentioned in art. 42-8). In other words, the mutual defence clause is not related to pre-designed territorial defence arrangements but rather obliges member states to assist each other after an attack has taken place.

The Lisbon Treaty entered into force at the end of December 2009. It took three years before the High Representative and the European Commission forwarded a joint proposal on the arrangements for the implementation of the Solidarity Clause (Council of the European Union, 2012). The proposal defines the geographic scope, the activation mechanism and the response arrangements at the Union level. The Clause applies to disasters and terrorist attacks within EU territory, whether on land, sea or in the air. In this context it refers explicitly to ships (when in international waters), airplanes (when in international airspace) or critical infrastructure (such as off-shore oil and gas installations) under the jurisdiction of a member state. The Clause applies irrespective of whether the crisis originates inside or outside the EU. Member states can activate the Clause, but supposedly they will only take such an initiative in exceptional circumstances and when their own capacities are insufficient. When asked for assistance the High Representative and the Commission will propose a response package. This package can consist of Union crisis response instruments and, if needed, additional measures by member states for which a Council decision will be needed. If military support is required a separate proposal will be forwarded to the Council, based on the relevant Treaty provisions. Starting in 2015 the Commission and the High Representative will produce a joint integrated threat and risk assessment report, building "on assessments of threats, hazards and risks currently compiled in various sectors (such as terrorism, organised crime, civil protection, health, climate change and environment)." These reports will be the basis for regular assessment by the European Council.

The joint proposal leaves the impression that the Solidarity Clause is an option of last resort, only to be used when a member state comes to the conclusion that its own means are not sufficient to deal with the consequences of a terrorist attack or a major disaster. The text makes no reference to the potential scope and scale of member states' contributions when called for. Treaty language to 'act jointly' and to 'assist' one another seems to have disappeared into the background. The option of offering military assistance is almost neglected. One can also wonder how complicated and time-consuming Council decision-making relates to the urgency of delivering assistance. Therefore, it seems likely that member states – in case of immediately needed assistance – will proceed outside the context of the Solidarity Clause.

The proposal is fully in line with the principle of subsidiarity, but the question is whether that principle can always be applied in case of disaster or terrorist atta-

ck.[4] Naturally, in many cases of small-scale hazards or terrorist acts national assets will suffice. On the other hand, large-scale disasters – such as flooding of extensive areas or severe earthquakes and terrorist bombing involving for example chemical weapons or (dirty) nuclear material – might require immediate international assistance. In particular, this will apply to smaller countries with limited national assets. Military assistance will be urgently needed when CBRN[5] material is involved in an accident or attack – calling in specialised defence capacities. The same might apply to destruction of critical infrastructure – calling in engineering capacities of the military. Military reconnaissance planes or transport helicopters might become critical assets in cases of large-scale flooding or severe earthquakes.

When the founding fathers of the Treaty Text's Solidarity Clause will see the Council decision – assuming it will not deviate too much from the proposed text when adopted – they will be disappointed. An opportunity might be missed to create new international security arrangements which are absent at the moment. The Solidarity Clause fills a gap, not covered by article 5 of the NATO Treaty nor by the EU's mutual defence clause nor by bilateral or regional security arrangements, as all of these are based on traditional military threats. Even more, the risks to European security covered by the Solidarity Clause are the most likely ones. Yet, the member states show reluctance to use the full potential of the relevant Treaty article.

Common Funding

The Lisbon Treaty also opens avenues of allocating the Union budget for military purposes, for example for defence research and technology. According to article 185 (TFEU) "the Union may make provision, in agreement with the Member States concerned, for participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes."

Not the European Commission but the European Defence Agency (EDA) took the initiative to explore the potential of article 185. Its campaign in 2010 failed. In particular the influential legal experts in the European Commission opposed the activation of the article. In their view civilian-driven and military research had to be kept

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4   The EU already has a Civil Protection Mechanism in place that can be activated by any participating state seeking prompt international assistance following a major disaster that overwhelms national civil protection capacities. The Emergency Response Coordination Centre (ERCC), located at the European Commission in Brussels, acts as the hub for communications, information-sharing and coordination. The Mechanism can also be activated for use in countries external to the EU. The ERCC handles about 20 emergencies each year (such as large-scale forest fires and flooding).

5   Chemical, Biological, Radiological and Nuclear.

strictly apart in order to reflect the separation of communitarian and intergovernmental responsibilities. A practical solution was found in the European Framework Cooperation (EFC) for research and technology. The EFC was aimed at synchronising research and technology investment, not at joint programmes. Technology projects run by the EDA could be coordinated with security research financed by the Union under the 7th Framework Programme[6] and with the European Space Agency as the third EFC partner. This coordination of dual-use technology investment should prevent duplication and waste of money. Defence ministers tasked EDA to develop EFC programmes in the areas of CBRN protection, unmanned aircraft systems and situational awareness. In the CBRN area an EFC programme is up and running.

In the course of 2013 the European Commission changed its position. The Commission's own contribution to the December European Council included a proposal to co-fund research projects of member states in dual-use technologies (European Commission, 2013). The new research programme *Horizon 2020* – with a financial content of approximately € 80 billion – can be used for jointly funded technology development, leaving the EFC formula of synchronising dual-use research with the defence sector untouched. The co-funding proposal, which has been supported by the European Council, is a breakthrough. Not only bureaucratic and legal resistance inside the Commission but also political opposition of some member states fearing further communitarisation of defence matters has been overcome.

Civil-Military Capacities

One area where considerable progress has been made for bridging the external-internal security gap is capability development. The initiative to connect military capability requirements to those of civilian users was taken by EDA soon after its operational start in 2005. As EDA is part of the EU family of institutions and as the European Commission is represented in the Agency's Steering Board the links with the civil side could easily be constructed. For projects in capability areas like communications, satellite observation, reconnaissance and transport, civil and military requirements were brought together, not in common programmes but to ensure that future military and civil systems will be interoperable and standardised. Two areas stand out as the frontrunners of civil-military capability development: air and space.

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6   The Framework Programmes stimulate technology research and development in the EU. FP 7 covered the period 2008-2013 and had a total financial volume of € 50.5 billion (part of which has been dedicated to "security research").

Air

The focus of EU civil-military cooperation for air assets is on drones or, by their official title, remotely piloted aircraft systems (RPAS). The use of drones has grown tremendously over the last few years, in particular by the United States both in military missions and for homeland security purposes. The American-Mexican border is being surveyed by drones on a 24/7 basis. In Europe, civil and military authorities are operating drones of different sizes, weight and coverage. The smallest are launched by hand, the largest are the Medium-Altitude Long Endurance-Unmanned Aerial Vehicles (MALE-UAV). The French and the British armed forces operate MALE-UAV systems; Germany, Italy and the Netherlands are acquiring the capability. Currently all MALE-UAVs operated by European countries are American (*Reaper*). European industries like EADS, BAe Systems, Dassault, Finmeccanica and Saab are all involved in the development of the next generation MALE-UAVs, be it at the moment on separate tracks.

In December 2013 the European Council has blessed the development of a European MALE-RPAS in the 2020-2025 timeframe. Hopefully, this guideline will prevent duplication of efforts and waste of money, which resulted in the past in three different modern European fighter aircraft (Eurofighter, Gripen, Rafale). Furthermore, both military and civil user communities should be brought together in defining requirements. The EU border control agency Frontex will most probably use MALE-UAVs for monitoring the extensive Schengen area borders and to assist member states in intercepting illegal immigrants. One can also envisage civil use of drones in case of disasters like large-area flooding, forest fires or earthquakes, when access on the ground is limited or impossible. The European Commission, EDA and other agencies are involved in programmes for the insertion of RPAS in civilian air traffic.[7] The Commission is working on required legal regulations, the European Air Safety Agency on measures and certification procedures and EDA on 'sense and avoid' technology which will allow a UAV to 'feel' other aircraft and to 'steer' its course to prevent a collision. EDA and ESA have a common project on using satellite links for flying RPAS in non-segregated airspace.[8] RPAS insertion into civilian airspace is also connected to the European Commission's Single European Sky project, which envisages to replace the current air space control corridors in Europe

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7 Currently, MALE-UAVs cannot fly in civilian airspace, unless planned far in advance to reduce the risk of collision.

8 The DeSIRE project (Demonstration of Satellites enabling the Insertion of RPAS in Europe). A test flight took place in April 2013. In February 2014 both agencies agreed on the DeSIRE II project, which will demonstrate that services, such as environment and maritime surveillance applications, cab be rendered with RPAS flying beyond radio line of sight through the use of safe and secure satellite-based command and control data links. See www.eda.europa.eu

under national control to a European-wide single sky in which both civilian and military aircraft can fly. This requires investment to replace the current technology connecting aircraft and ground control station which dates back to the 1950s. The dedicated project – Single European Sky Air traffic management Research (SESAR) – has a financial envelope of € 2.1 billion, financed by the EU, Eurocontrol and industry (each one third).

Space

Space technology development and the acquisition of space assets and services are mainly driven by civil-user communities. In satellite communications commercial companies dominate the market (some 80%). The resolution of satellite imagery available on the open market would have been labelled 'top secret' a few decades ago. Large countries still have dedicated military satellites for communications and observation, but their technology is often a spin-off from civilian and commercially driven space technology. However, space assets are expensive. This has also driven timely attempts to seek civil-military synergies. Already in 2007 the European Space Policy recognised the role of space-based services for (civilian) security and (military) defence actors as a priority. In 2010 the 'Structured Dialogue on Space and Security' was launched, bringing together the European Commission, the European External Action Service, the Council Secretariat, EDA and the ESA (European Defence Agency, 2011). In 2008 EDA and the ESA set up informal staff contacts and in 2011 both organisations signed a formal cooperation agreement.[9]

Another area of civil-military linkage is earth observation by satellites. From its start the earth-observation programme GMES, launched by the European Commission, had security mentioned as one of its objectives.[10] Over time GMES usage has been expanded to areas like maritime surveillance, border control and support to EU external actions. Also, the scope for providers has been widened: "Although GMES is a programme solely for civilian use, it is important to identify how existing dual-use observation resources – i.e. both civilian and military – can contribute to the GMES programme, for example, for the systematic surveillance of large geographical areas or the tactical surveillance of smaller areas." (European Commission, 2011). The military MUSIS project is of particular importance.[11] Under its

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9   The European Space Agency (ESA) is not an EU institution. In June 2011 the EDA and the ESA concluded an Administrative Arrangement which allows for a (formal) cooperation partnership.

10   The GMES (Global Monitoring for Environment and Security) programme aims at optimising the use of satellite earth observation capacities for civilian users. GMES is also known as the Copernicus project.

11   MUSIS (Multinational Space-Based Imaging System for Surveillance, Reconnaissance and Observation) is a military project under the aegis of EDA in which four European countries with

security applications GMES is available in support of border control and maritime surveillance, but also for crisis and conflict management under the EU's external action.[12]

The *Galileo* project is another example of a civil-users driven capability which can be to the benefit of the military. Galileo will provide Europe with its own global navigation satellite system (GNSS), independent from the American Global Positioning System (GPS). Four of the sixteen Galileo satellites are now in orbit. An initial operational capability will be available by 2016. Galileo remains a civil-users driven programme, but interest for both military and non-military use of the encrypted Public Regulated Signal (PRS) appears to be growing (Gibbons, 2012). Some European countries like France most likely will use the PRS signal for their armed forces. Others such as the United Kingdom prefer continued use of the military regulated code (M-code) of the United States' GPS.

Satellite communications has been specifically mentioned in the December 2013 European Council Conclusions. The next generation of governmental satellite communication will be closely coordinated between member states, the European Commission and ESA.

Towards Comprehensive Capability Development

The European Commission, EDA and ESA have stepped up their practical cooperation on capability development from a project-driven basis to a more structural approach. The EU and its member states are moving in the direction of a comprehensive capability development as the civil and military communities are brought together more systematically.

Contrary to the comprehensive approach for (external) crisis management, comprehensive capability development takes into account the internal security needs. The European Commission has already entered the zone of dual-use capabilities. In its July 2013 Communication the Commission refers to its ongoing work "on non-military capability needs supporting both internal and external security policies, such as civil protection, crisis management, cyber security, protection of external borders and maritime surveillance." In this context the Commission has suggested to produce a joint assessment with the EEAS of dual-use capability needs for EU security and defence. On the basis of the assessment the Commission would "come up with a proposal for which capability needs, if any, could be best fulfilled by assets directly purchased, owned and operated by the Union." In fact, EU actors such

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military satellite observation capacities (France, Germany, Italy and Spain) together with Belgium, Greece and Poland cooperate in order to harmonise the needs for the next generation (post 2018) military observation satellites.

12 See www.copernicus.eu

as ECHO[13] already operate own transport aircraft. Clearly, there is scope for capabilities in other areas like reconnaissance, medical and others which could be used by civilian and military actors. Pooling & sharing could be extended from a purely defence to a civil-military concept in areas of overlapping capacities. Unfortunately, countries like the UK have opposed the approval of the Commission's proposal, more driven by political motives than by common sense. Pooling & sharing the same capabilities between the military and civilian security actors will avoid duplication, save money and optimise standardisation and interoperability. A 'win-win-win' situation. At its December 2013 meeting the European Council has not supported the Commission's proposal, but neither has it been blocked. Most likely, the European Commission will explore the scope for purchasing, owning and operating own (dual-use) capacities. Again, practice will go ahead of policy which has proven to be the best way forward in the past.

Maritime Security: a Specific Case
The EU considers maritime security as a matter which is part neither of external security nor of internal security. In fact, it runs across all dimensions of security and safety, including economic and environmental interests. The EU coastline is about 90,000 kilometres long. Five regional sea basins surround the European continent: the Baltic Sea, the North Sea, the Atlantic, the Mediterranean and the Black Sea. The EU is dependent on seas and waterways for approximately 90% of its external trade and over 40% of its internal trade. Maritime security is also crucial for energy production and transport, tourism, fisheries and, all taken together, for the welfare of Europe's citizens.

However, maritime security is challenged by a wide variety of threats and challenges, from climate change and pollution to piracy, smuggling and illegal immigration. Classic military threats – opposing naval forces – are barely present anymore close to Europe. But the increase of naval power by emerging countries in Asia and the conflict potential in the Western Pacific may impact trade and energy sea transport on which Europe remains highly dependent. A study conducted in 2013 for the European Parliament's Subcommittee on Security and Defence identifies six emerging challenges to the global maritime system:

    (1) failed and collapsed states in the EU neighbourhood: indeed, one can witness an increasing number of disfunctioning states, in particular in Northern Africa and in the Middle East;

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13 European Communities Humanitarian Office. The European Commission's service for delivering humanitarian aid. In recent years ECHO delivered humanitarian aid worth €1 billion annually on average.

(2) international terrorism: despite the interventions in Iraq and Afghanistan extreme radicalism seems to flourish and is even spreading across Syria and countries in Northern Africa, close to Europe's southern and south-eastern borders;

(3) piracy: after several years of naval operations and other EU missions on land piracy seems to be disappearing near the Horn of Africa, but is increasing rapidly in other parts of the world and most noticeable in the waters adjacent to Western Africa;

(4) illegal immigration: figures speak for themselves – tens of thousands immigrants tried to reach EU territory last year, mainly across water in the Mediterranean and by land and sea to Greece and Bulgaria; sometimes these immigration flows included hidden extremists connected to terrorist groups;

(5) transnational crime: there is an increase of activities of criminal networks which are using instability in failed states and in regions such as the Sahel; major drugs trafficking routes now run from northern Latin America through North Africa to Europe; for human trafficking the Maghreb offers the springboard to the European continent;

(6) environmental security risks: this is a particular concern in the maritime area due to the devastating effects pollution can have to the quality of the sea water and in coastal areas (relevant for fisheries, tourism and other important activities).

The list shows how maritime security has to be defined in terms of broader security interests, which impact strategy and practical measures.

EU Maritime Security Strategy

Threats and security risks were not taken on board in the EU Integrated Maritime Policy (IMP) which the European Commission presented in 2007. It provided the framework for the development of maritime sectors such as transport, fisheries, tourism and infrastructure, including ports (Commission of the European Communities, 2007). In subsequent years, when discussing implementation, the importance of the naval contribution to maritime security was recognised but it was not integrated into the policy for the simple reason that defence remained outside the IMP's scope. After the Lisbon Treaty had entered into force the Council invited "the High Representative, together with the Commission and the Member States, to undertake work with a view to preparing options for the possible elaboration of a Security Strategy for the global maritime domain (..)." (Council of the European Union, 2010). The vague formula was a last minute compromise, reflecting the turf battle between the Commission and the newly created EEAS about who would have the prime responsibility for drafting an EU Maritime Security Strategy. That battle of competences – also present between various ministries in EU capitals – would block any substantial progress on follow-on work for more than three years.

In the second half of 2013 the High Representative, the Commission and the member states agreed a deadline for concluding the EU Maritime Security Strategy (EU MSS), which was blessed by the European Council in December 2013. According to the text the EU MSS will be based on a Joint Communication from the European Commission and the High Representative which includes CSDP "within a holistic, cross-sectorial and EU-values driven approach, taking into account Member States' contributions and achievements, to enable improved coordination in this field." The EU MSS should be adopted by the Council in June 2014. Action plans have to be proposed before the end of 2014 (Council of the European Union, 2013).

As maritime security has to be seen as a mixture of external and internal security interests and as it is crucial for the European citizens' economic and social welfare, it should contain at least the following elements:

- its *application* has to be *global*, as the interests as well as the risks and challenges have a world-wide reach;
- its *approach* has to be *civil-military*, bringing together external and internal policies and instruments;
- its *participation* has to be *comprehensive*, involving all relevant civilian and military actors across the traditional external-internal security divide;
- its *governance* should be based on *legal responsibilities*, with the appropriate authority for member states in their coastal waters and exclusive economic zones;
- its *structure* has to be *integrated* to the extent possible in terms of operational instruments, civil and military;
- its *capabilities* will require planning coordination between all ministries involved and at the EU level between the CSDP, maritime policy and internal security actors, including the relevant EU agencies.

Once the EU MSS has been adopted by Council action plans should be made covering specific areas of practical cooperation.

Maritime Surveillance Data Exchange

The most important area of realising a cross-sectorial civil-military approach is maritime surveillance information exchange – simply because maritime security is highly dependent on such data. Because of stove-piped approaches in the past there exists today a multitude of information exchange networks. Navies, fisheries, environmental agencies, customs, police, port authorities and the transport sector – very often they communicate data in stand-alone networks which are also separated across national borders. According to research conducted by the European Commission there are about 400 public authorities across Europe responsible for maritime surveillance data exchange, handled by 20 different systems. As data exchange between the different user communities is limited, some

40 to 90 percent of the information is not yet made available to all of them. The consequences are easy to predict: none of the actors has a complete picture, actions by the relevant authorities remain often uncoordinated and taxpayer's money is wasted by overlapping investment in radars, ships or surveillance aircraft (European Commission 2012).

Equally, there is a multitude of national and multinational pilots, projects and initiatives for connecting different maritime surveillance data networks. Since 2009 the European Commission is working on the establishment of a *Common Information Sharing Environment* (CISE), which should be operational by 2020. In the CISE context pilot projects have been conducted in the Baltic area and the Mediterranean. EDA has developed a Marsur network, which was tested in 2011 by six participating countries (Finland, France, Italy, Spain, Sweden and the UK). A year later, other EU coastal states and Norway joined the six originators in a project aimed at further developing the technical elements required to use the Marsur network in a fully operational context. In the course of 2014 the network should reach its operational phase. Examples of existing efforts are the Sea Surveillance Co-operation Baltic Sea (SUCBAS) and the Virtual Regional Maritime Traffic-Centre in Rome for the Mediterranean and the Black Sea. At the European level EMSA – the European Maritime Safety Agency, located in Lisbon – has several data exchange networks in place for vessel tracking. SeaSafeNet distributes information on vessel movements gathered from coastal stations able to pick up signals from ships equipped with Automatic Identification System (AIS) responders. EMSA has also constructed the EU Long Range Identification and Tracking (LRIT) system, which makes use of satellite information. It allows for vessel tracking beyond Europe's immediate surrounding waters and it is connected to a world-wide LRIT system under the International Maritime Organisation (IMO). Thetis is the third element of EMSA's vessel tracking system, exchanging data that can help port authorities to target their inspections. The Lisbon Agency aims to integrate the three parts into an Integrated Maritime Data Environment (IMDATE). Finally, EMSA has developed CleanSeaNet, an oil slick detection system which uses satellite imagery and, when required, surveillance aircraft or ships of the member states for on-the-spot checks.

The challenge is now to connect all these data exchange networks into one overarching network. As the EDA Wise Pen Team of five retired admirals concluded in 2010, this is not so much a technological challenge but an issue of mind-set. The major requirement – according to the admirals – is to change mentality from a "need to know" to a "need to share" attitude (The Wise Pen Team, 2010). This principle has also been accepted in the CISE context. On several occasions the Council has endorsed the aim of connecting already existing networks instead of building a completely new structure. EMSA has already proven to serve as the hub for maritime surveillance data exchange across Europe. It has also created the Marsurv-1 system

for exchanging maritime surveillance data with the EU naval anti-piracy operation Atalanta and vice versa. This proves that EMSA can be connected to maritime surveillance information networks of European navies - even with secure data handling restrictions. But Marsurv-1 has been the exception, based on an ad hoc decision. The Council would have to take a specific decision to allow for structural maritime surveillance data exchange between EMSA and the navies. This brings the matter back from the practical level to the political strategic level.

Other Practical Cooperation Potential

In many other areas practical cooperation between the different civil and military maritime security actors could be enhanced. European navies, now contributing to operations of the EU border control agency Frontex on an ad hoc basis, could coordinate the availability of assets, for example in stand-by readiness rotation roosters like they exist for EU Battlegroups. European coastal states could also increase their bilateral and regional defence cooperation to step up integration for maritime security purposes. One could imagine civil and military maritime patrol aircraft being pooled for areas like the Baltic Sea, the North Sea, the Atlantic Approaches and the Mediterranean. For air policing several countries (the Baltic States, Island) are dependent on other countries' air forces flying to protect and monitor their air space. Belgium, Luxembourg and the Netherlands have agreed to integrate air policing. In the future, on rotation Belgian and Dutch F16s will cover the whole Benelux air space. If such far-reaching cooperation models are already under construction for air policing, comparable integration should be possible for maritime surveillance by air assets.

In some cases national law or regulations will have to be adjusted, but this should not be used as an argument to do nothing. The Dutch coastguard is a civil-military mixed organisation and relays maritime surveillance data from all available sources, including the law enforcement ministries and agencies. An underlying information-sharing protocol has been signed by all participating ministries, including Defence. The Dutch case proves that legal barriers can be overcome to share information between civil and military actors. The experience could be used to further increase cooperation between national coast guards, to start with between countries bordering the same sea areas. Naturally, this should include search and rescue services.

Way Forward

Europe's security is upside down, inside out. Crime, terrorism and illegal immigration are the major challenges today, not the threat of massive armed force. Internal security is directly related to instability and conflict in the European neighbourhood and beyond. The comprehensive approach for EU external crisis management in

the Sahel and elsewhere has to be integrated with the activities inside the Union to counter spill-over effects stemming from such conflict zones. Currently, this is not the case as the external and internal actors, both in EU capitals and in Brussels, continue to operate along separate tracks.

In December 2013 the European Council has called for "increased synergies between CSDP and Freedom/Security/Justice actors to tackle horizontal issues such as illegal immigration, organised crime and terrorism." (European Council, 2013). Cyber and maritime security have also been mentioned as priority areas. In reality, the EU has separated strategies, structures and arrangements for 'the external' and 'the interior', reflecting the existing legal division of responsibilities between the EU's intergovernmental and communitarian institutions. In many EU capitals stove-piped approaches of the Foreign Affairs and Defence ministries on the one hand, and of the Justice and Home Affairs ministries on the other hand continue to exist. These legal and bureaucratic nuts are hard to crack. Therefore, a step-by-step approach is more likely to succeed than a giant leap forward through Treaty change. What should happen? On strategy, the European Council tasking to assess the impact of changes in the global environment for the Union should be used to merge the European Security Strategy and the Internal Security Strategy into an Integrated Security Strategy. It has to provide clear guidelines for tuning policies, tools and instruments of the CSDP and Justice and Home Affairs actors in order to maximise their effect. Integrated security requires from the military to support civil internal security actors, not only at the national level but also at the level of EU agencies like Frontex, EMSA and others. Vice versa the JHA sector should be more closely and more structurally engaged in external action. Combined meetings of diplomats, experts or even ministers are welcome but more is needed to realise this objective. Regional EU strategies, such as for the Sahel, have to be done commonly. The planning and conduct of operations and other activities of CSDP and JHA actors have to be brought together in order to ensure consistency and effectiveness of both external and internal security objectives.

Successful national models of government-wide, civil-military coordination or even integration should be used at the EU level. Legal barriers, such as for maritime surveillance information exchange, should be slashed by dedicated Council decisions, not by ambitious Treaty change. Practical civil-military cooperation in dual-use technologies should be expanded. The Commission's offer on co-funding dual-use defence research by groups of member states should be turned into reality as soon as possible. Pooling and sharing needs to become a civil-military matter for dual-use capabilities and assets like satellites, drones and transport aircraft. The comprehensive approach in operations has to be applied to capabilities as well.

Europe has entered a new era. Without guaranteed American leadership in a world where the geostrategic focus is moving in the direction of Asia, Europe will be

forced to take more responsibilities for safeguarding its own security. Armed forces will still be needed, but the external-internal security nexus has to be taken into account. Europe's armies, navies and air forces will increasingly have to operate with civilian actors, not only in Africa or elsewhere but also at home in support of wider security interests.

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