



## **Maritime Surveillance Regimes as a Facilitator for Maritime Regime Building to Initiate a Process for a Joint Activity: A Contribution Well-Built on European Experiences**

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### **Abstract**

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The headline describes already the goal of this article. The Maritime Domain has reached a greater awareness and its importance for the well being of our societies is better understood. Maritime Surveillance Regimes are existent, mostly in Europe and the United States of America, covering the Atlantic and the adjacent seas quite well. The Process has started in the European Union by focussing on social, environmental and economical issues and has been extended to all maritime aspects including the security and defence capabilities. The Union's Maritime Security Strategy and its implementation are completing the process. The different steps mentioned in the article are key findings to improve Maritime Regime Building and their value could be used as principle approaches in order to improve information sharing and maritime surveillance regime building. A crucial development is the Common Information Sharing Environment, CISE, which makes Maritime Surveillance more effective, less expensive and more comprehensive. All processes are based on trust and confidence on one hand, but they are fostering trust and confidence on the other hand.

### **About ISPSW**

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The Institute for Strategic, Political, Security and Economic Consultancy (ISPSW) is a private institute for research and consultancy. The ISPSW is objective and task oriented and is above party politics.

The increasingly complex international environment of globalized economic processes and worldwide political, ecological, social and cultural change, brings with it major opportunities but also risks: thus, decision-makers in the private sector and in politics depend more than ever before on the advice of highly qualified experts.

ISPSW offers a range of services, including strategic analyses, security consultancy, executive coaching and intercultural competency. ISPSW publications examine a wide range of topics connected with politics, economy, international relations, and security/defense. ISPSW network experts have worked – in some cases for several decades – in executive positions and thus dispose over wide-ranging experience in their respective fields of expertise.



## Analysis

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We are all aware of the fact, that the maritime domain, that means all areas and things of, under, related to, adjacent to, or bordering on the sea or ocean including all maritime-related activities, infrastructure, people, cargo and vessels and other conveyances, is an extremely complex domain. We can agree upon the fact that it has become more diverse and much more fragile, unpredictable, intertwined and the tempo of fundamental changes has increased thus leading to fast paced fundamental changes.

Against this background, I would like to address two fundamental questions:

What is the contribution of a Maritime Surveillance Regime to advance the security and stability of the maritime domain?

And what are the changers of the domain as a whole and specific Maritime Regimes in particular?

The threat posed by international terrorism is an important game changer: preventing terrorists from attacking at or from the sea and securing critically exposed maritime infrastructure deserve top priority. But we have been preoccupied with “threats from the sea” while neglecting “threats at sea”. I think this is of particular relevance in the Asian- Pacific part of the global maritime domain. Illegal movement of drugs, human beings, the modern form of slavery, and small arms are important factors as well.

Piracy and armed robbery at sea is an old threat that we have forgotten for too long. It is now back on the agenda, but this time it is a regional threat that is becoming increasingly global. It has created a much greater awareness about the need for maritime safety and security as all other threats: it was well understood by most citizens. It was and still is a facilitator of maritime surveillance and information sharing.

The threat to the oceanic environment by marine pollution, by the depletion of marine resources and illegal and unregulated fishing is an additional factor that we need to take into account.

Climate change has a direct and an indirect impact on maritime security and defence: As the North-East and North-West Passages are becoming trafficable, new options open up, but new challenges need to be addressed as well: What does it mean for an SAR operation in the High North to rescue several hundreds of passengers from a cruise liner in distress?

Given the specific conditions in the High North, SAR operations need to be considered as one of the most demanding challenges that need much more attention to develop adequate capabilities.

We have to deal with asymmetric threats, caused by terrorists and non-state actors, with the impact of climate change and the lack of good governance at sea: And we have to answer the question who is enforcing the Law of the Sea? And we have to take into consideration that most of these risks and threats pose not only challenges to the sea and all stakeholders and maritime services at sea: they pose a threat to economic welfare, the environment and the integrity and stability of societies.

There is a fundamental aspect of security, which we need to clarify: Security is as much an activity and a process as it is a condition.

In particular, military experts tend to consider security as a condition, rather than as an activity implying that no action is required unless the condition or status quo has been disrupted.



By contrast, security is defined as an activity, requiring constant attention and effort, not just in face of hostile action, but when confronted by all types of illegal, illicit and criminal actions, which occur continually in peacetime. In light of what I have said so far, I suggest interpreting security as an activity and a process.

This leads us to the first fundamental aspect of maritime regime building: Maritime regimes established to provide security need to be seen as continuous processes that require “whole-of-government” approaches.

In order to deal with risks and challenges successfully, maritime cooperation needs to be built on a recognized maritime picture outlining strategic and operations aspects – depending on the tasks that need to be accomplished. This leads to a crucial question:

What kind of Maritime Surveillance do we need to facilitate Maritime Regime Building?

For all activities to secure the sea and its littorals, we need an actual and reliable picture of the situation at sea. This requires the responsibility to share all relevant and available information and to establish a regime to disseminate the information.

This “responsibility to share information” is another step for Maritime Regime Building.

Europe’s approach to think about oceans and seas was laid down in the 2007 “Integrated Maritime Policy” (IMP), which was updated by progress reports dated 2009 and 2012. The policy covers maritime issues emphasising social, environmental and economic policy. The IMP did not attempt to take a fully comprehensive approach to maritime policy. It is fruitful to look into the issues of the IMP to better understand the development of the policy and its changes towards a comprehensive understanding. The programme of work focused on a huge number of detailed topics, such as:

- Maritime Transport without borders
- National integrated Maritime policies
- Strategy for maritime research
- Maritime Surveillance Network
- Network of Maritime Clusters
- Strategy to mitigate the effects of climate change

Since its creation the IMP has initiated a number of development processes to enhance the sustainable development of the European maritime economy, to better protect the marine environment by beginning to facilitate cooperation of many maritime stakeholders across sectors and borders. All of these activities are building blocks in order to achieve Maritime Regime Building. And the mentioning of Maritime Surveillance Networks was the most suitable aspect to link this policy with Security and Defence matters.

In establishing links for IMP to take into account security and defence affairs, the “Heads of the European Navies” and the “North Atlantic Coast Guard Forum” played very instrumental roles. Both are informal assemblies but they helped strengthen Maritime Situational Awareness to facilitate a better and more comprehensive approach. During the process from 2007 until today, one crucial change occurred: On 1 December 2009, the “Treaty of Lisbon” entered into force. It amends and does not replace the already existing treaties.

This is the third step: A joint approach, namely a comprehensive or inter-agency approach for Maritime Regime Building is essential.

Under the civilian umbrella of the IMP, Maritime Security Regimes have been developed.



For a better understanding, a Maritime Security Regime (MSR) can be understood as a group of states and/or organisations acting together, with an agreed upon framework of rules and procedures, to ensure security within the Maritime Domain.

All MSRs are based on Maritime Surveillance. So my understanding is, that “MSR” has a “dual purpose” meaning.

One of the very successful MSRs is “Sea Surveillance Cooperation Baltic Sea” (SUCBAS). Let us briefly look into the history and the structure of SUCBAS.

The SUCBAS letter of intent (LOI) was signed in 2009 by Denmark, Estonia, Finland, Germany, Lithuania, Latvia, Poland and Sweden. The United Kingdom has joined SUCBAS in March 2015 as a full member.

At the beginning of SUCBAS, information was shared by manually exchange reports only. But since then, all eight SUCBAS countries have implemented automated solutions to support sustainable solutions to provide multinational Maritime Situational Awareness.

Overall SUCBAS aims at improving the information exchange between Finland, Sweden, Denmark, Germany, Estonia, Latvia, Lithuania, Poland and the United Kingdom and therefore, the enhancement of the Maritime Security Environment; this is beneficial to Maritime Safety, Security, Environmental and Economic matters because knowledge in sea surveillance between the relevant authorities of the participating nations is shared.

The concept is based on the technical approach to facilitate interaction by using existing sources and procedures build on common standards and distribution principles. Interference with national systems is kept minimal. (By sharing services depending on national and international agreements, laws and regulations with priority given to locally and nationally available track history, notifications and alerts from well managed and sustainable data bases will enhance the individual nation Recognized Maritime Picture (RMP).)

The initiative is lead by the Navies and/ or Coast Guards of the respective countries.

This step favours the principle: think globally but act regionally.

And so does MARSUR: This networking has been created by the navies and is meant to enhance the exchange of data and information to conduct European maritime operations. In relation to the “Integrated Maritime Policy” of the Commission, the network can be connected to the Common Information Sharing Environment (CISE), as yet envisaged.

The 15 initial participating Member States are: Belgium, Cyprus, Germany, Spain, Finland, Greece, France, Ireland, Italy, Lithuania, The Netherlands, Poland, Portugal, Sweden and UK. Bulgaria, Latvia and Norway joined this community in October 2012.

The MARSUR network has been designed in collaboration with EU agencies. It is important to note, that MARSUR is not a specific solution that only works in the military context. Rather it allows for the interconnection among a broad group of stakeholders thus leveraging specific contributions by each partner. Establishing a common data model and data semantics may be one of the requirements for the future, though presenting significant challenges this can be achieved by building on the firm foundations of the MARSUR network. The key enabler for data exchange is trust. If there is no trust among participants, no data will be exchanged, even if a good technical solution is available.

Another step is to build trust and confidence: this can be enforced through pilot projects and by respecting cultural differences and existing surveillance systems.



A different and remarkable European MSR is “EUROSUR”, the European Border Surveillance System. It was developed on the basis of the “Schengen Agreement”. The purpose is Europe without border controls. Internal borders may be crossed at any point without any checks on persons. When entering into force in 1993, nobody expected the need for integrating maritime surveillance as a major data source into EUROSUR and aligning the respective developments. The practical application of the necessary technical and legal requirements, creation of databases and the resources for Data Protection Authorities took place on 26 March 1995.

This Agreement governs the compensatory measures to ensure a single area of security and justice. Here it means

- To unify the rules of entry and short stay of foreigners in the "Schengen area" (uniform Schengen visa);
- Asylum (determining responsibility for asylum Member State);
- Measures against cross-border drug trafficking;
- Police cooperation (hot pursuit) and
- Cooperation between the Schengen States in the judiciary.

For different reasons not all European Member States participate. The UK, Ireland, Cyprus, Romania and Bulgaria are not members, but Norway, Iceland and Switzerland as non-EU Member States do participate.

This proves both the strength and the weakness of the EU: The sovereignty and the “traditional” national perception of domestic issues are respected by the Union on one hand, and on the other countries which wish to apply to this specific agreement are welcome even though they may not be a member of the Union: This flexibility is one of the fundamentals of Maritime Surveillance and Maritime Regime Building.

This translates into the next building block: respect for sovereignty and the existing surveillance system: A family of existing systems is an advantage.

Another example, which has been developed by the Italian Navy, is the “Virtual Regional Maritime Traffic Centre”, V-RMTC, a virtual network that links the operational centres of the participating Navies. This is not an EU initiative, but it has been inspired by EU activities. Compared to the EU-MSRs it assembles in a centralised way the data from a “coalition of the willing” well beyond EU borders instead of being related to mandatory EU reporting.

On this network, which exploits Internet connectivity, unclassified information related to merchant shipping composed by units greater than or equal to 300 tons are shared. The information, with a maritime picture, is collected by an Operations Centre located at the Navy Fleet Command that makes them available to all participants.

The system, using Internet, through a secure protocol and software developed by the Navy, is efficient, easy to manage and "guaranteed" in the sense that information originated from a “safe” source that has been certified by member Navies. The V-RMTC Data Fusion Centre is located at the Fleet Command (CINCPNAV) of the Italian Navy. Since 2010, the V-RMTC is linked with similar systems of countries bordering the Atlantic and Indian Ocean. Brazil has joined the V-RMTC as well.

It was initialised in the Mediterranean and Black Sea but could possibly be extended to any nation/region and handles ever-increasing ship positions.



V-RMTC also provides unclassified chat rooms and forums within the communities for message exchange. Based on V-RMTC Italy is currently developing the System for Inter-agency Integrated Maritime Security (DIIMS) with additional sensor data from satellite, radar, Vessel Traffic Systems and other sources, making data and information exchange available to the Italian authorities (Carabinieri, Coast Guard, State Police, Custom Police and Customs).

This is another step towards Maritime Regime Building. This step includes MSRs from outside Europe on one hand and it proves the fact that one initiative will always create pleasant “side effects” which would not happen without the initial activity.

This step again enforces two aspects: First, trust is a key enabler. Without trust, there will be no Maritime Regime Building. Second, global interconnections need to be kept in mind when creating regional regimes.

A different approach for a typical European MSR is “SafeSeaNet” together with its sister “CleanSeaNet”. Both are EU-wide information exchange networks managed by the European Maritime Safety Agency, EMSA, located in Lisbon.

“SafeSeaNet” is a vessel traffic monitoring and information system, established in order to enhance:

- Maritime safety
- Port and maritime security
- Marine environment protection
- Efficiency of maritime traffic and maritime transport

It has been set up as a network for maritime data exchange, linking maritime authorities from across Europe. It enables European Union Member States, Norway, and Iceland, to provide and receive information on ships, ship movements, and hazardous cargoes. The main information elements that are contained in the system and made available to users are focused on safety aspects. The system functions very well, but it lacks the comprehensiveness and open-minded approach. Its main source of information is AIS, a passive system. SafeSeaNet is based on compliance.

Both systems are born out of the Maritime Safety User Community, even if they become increasingly available to other User Communities. They include alert services to Member States. Each MS Focal Point manages the access rights of its various administrations.

From this it seems clear that one step is to be aware of a well-balanced system of passive and active sensors. This is crucial when it comes to non-compliant actors.

As a kind of conclusion or logical continuation of these developments, the European Commission is designing concurrently a “Common Information Sharing Environment”.

It is a voluntary collaborative process to further enhance and promote relevant information sharing between all authorities involved in maritime surveillance. It does not replace existing systems but builds on national and EU maritime information systems to ensure the optimal use of already collected information.

The ultimate aim is to increase efficiency, quality, responsiveness and coordination of all surveillance activities in the European Maritime Domain and beyond. The CISE is integrated in the European Maritime Security Strategy as one of the essential objectives.



Against this background, the building blocks of Europe's approach in setting up Maritime Surveillance Regimes can be summarized as follows:

- Combine a bold and ambitious vision with a step- by- step approach to achieve tangible results.
- Respect existing and proven systems, but overcome restricted and sectoral activities by transparency and the responsibility to share information.
- Build trust and confidence through regional cooperation, but keep the global maritime domain in mind.
- Even between friends and close neighbours, fostering trust and confidence is a permanent challenge.

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**Remarks:** Opinions expressed in this contribution are those of the author.

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### Über den Autor dieses Beitrags

Vice Admiral (rtd) Feldt served in the German Navy for 41 years and retired in 2006 as Chief of the German Naval Staff in Bonn and Berlin. He was engaged in sea duty assignments for 13 years, which included leadership functions on all command levels and duty assignments in different naval staffs, national and in NATO.

Since retirement, he has occupied several posts of honor. Vice Admiral Feldt was president of the German Maritime Institute until June 2012 and is now a member of its board. From 2008 until 2009, he was working for the European Commission as advisor for the "Instrument for Stability". From July 2009 to December 2010, he served the European Defence Agency as member of the Wise Pen Team, working on topics of maritime surveillance and maritime security.

Since August 2011, Vice Admiral Feldt, in his function as a Director of the Wise Pens International, is working on studies dealing with future maritime safety, security and defence, for example "On the Future of EU Maritime Operations Requirements and planned Capabilities" together with his fellow Directors. Recently they have finalized a study about "Naval Challenges in the Arctic Region". Since November 2013 Vice Admiral Feldt has been President of EuroDefense Deutschland e.V.



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