The Global Commons – Maritime Workshop
USS ENTERPRISE, 30 Sep 2010

The below overview is provided to create a common frame of reference from which to begin our discussion on the Maritime Domain of the Global Commons.

*The Global Commons Initiative is an ACT think tank topic.*

The *ACT think tank activity provides NATO with innovative thinking that increases situational awareness, and encourages the development of new ideas through the advancement of innovative policies and concepts in order to develop extensive understanding of the way warfare is evolving and how to respond.*

**Global Commons Overview:**

The problems associated with emerging hybrid threats and weak or failing states are well known, as they are central features in today's wars. Less obvious are the growing challenges to Alliance powers and influence that are associated with how we perceive and use the global commons. Termed the “connective tissue” of international security, the global commons, comprised of air, maritime, space and cyber components, constitute a global public good that serve as a crucial enabler of international security and trade. The architecture of the modern international system rests on a foundation of free and fair access to a vibrant global economy that requires stability in the global commons (Air, Sea, Space, and Cyberspace in this initiative). Alfred Thayer Mahan was perhaps the first strategist to coin the term, describing the world's oceans as "a great highway... a wide common" in his classic 1890 work, The Influence of Sea Power Upon History. Ensuring relative stability throughout the global commons remains an Alliance concern. However, there is a growing consensus that rising state and non-state powers, combined with continued globalization, will put great pressure on the international system as a whole. While assessments point to a changing world, relatively little analysis has addressed when and how such changes will materialize. We are likely entering an era in which a series of strategic trends will make it more difficult for NATO to sustain stability within the global commons. While the issues at stake are not driven by their potential for immediate conflict and NATO faces an era of austerity and defence cuts, ACT, as a military think tank, has a role in enabling NATO by building consensus within member states to create platforms of shared interest.

**Aim of the Global Commons Initiative:**

To identify vulnerabilities and challenges affecting assured access to the global commons for NATO and to make recommendations for NATO’s way ahead.
The Maritime Commons

No one nation has the resources required to provide safety and security throughout the entire maritime domain. Increasingly, governments, non-governmental organizations, international organizations, and the private sector will form partnerships of common interests to counter these emerging threats.

Brooke Smith-Windsor
“Securing the Commons: Towards NATO’s New Maritime Strategy”

Background

In his 1890 work, *The Influence of Sea Power Upon History*, Alfred Thayer Mahan referred to the ocean as, “a great highway...a wide common” when describing the significance of critical trade routes of international commerce and the strategic importance of a nation’s maritime dominance.

As defined by the World Conservation Strategy in a report published in 1980 by the International Union for Conservation of Nature and Natural Resources (IUCN), in collaboration with UNESCO, the United Nations Environment Program (UNEP) and the World Wildlife Fund (WWF), “The global commons includes those parts of the earth’s surface beyond national jurisdictions - notably the open ocean and the living resources found there.”

The exact definition of the roughly 139 million square miles of ocean, ports, and littoral waterways is, however, contested. As defined in the UN Convention on the Law of the Sea (UNCLOS), a nation has sovereign control of waters 12 nautical miles from the baseline, or low-water line on its shores, and the sole right to resources within the Exclusive Economic Zone (EEZ) or 200 nautical miles from baseline. To date, the agreement has been joined by 158 countries, including the vast majority of coastal nations. Although the United States signed the convention in 1994, the Senate has yet to ratify the agreement. In accordance with UNCLOS, warships may make innocent passage through this zone; yet China contends that permission must be obtained prior to transiting its EEZ. China also claims, along with five other countries, waters in the South China Sea, including those surrounding the strategically located Spratly Islands. Similar contests have risen over Arctic waters and the resources contained within. As previously unnavigable maritime passages open, Russia, the United States, Canada, Norway and Denmark have made competing claims to the region.

Global Supply Chain

Unfettered access to maritime commons is essential to the health of the global economy. Over 90% of all raw commodities and merchandise travel by sea, 75% transiting through international chokepoints, such as a canal or strait. From 1970 to 2006, the amount of goods transported via the oceans of the world has increased from 2.6 billion tons to 7.4 billion tons, an increase of over 284%. More than 50% of the world’s oil demand travels through the maritime commons, with China and Japan receiving 80% by sea.

The oceans provide one of the most widely consumed proteins, with the worldwide fisheries’ capture estimated at over 90 million tons a year. New technology has allowed deep water drilling and undersea mining to access unexploited resources. Undersea cables provide an
infrastructure for transcontinental communications. Information such as orders, inventories, and the tracking of assets constantly flows through these links and are critical enablers to today’s “just in time” business models.

Globalization continues to bring together the interests of nations with a corresponding increase in economic interdependency. As this globalized interlocking web that brings together finance and logistics in almost real time continues to tighten, redundancy in the system has become unaffordable; and a disruption at a critical node, such as a port, canal or strait, whether intentional or unintentional, can cripple the system.

**Threats to Maritime Security**

Rising tensions caused by disputed territorial claims and obtaining sea superiority, non-state actors with economical or ideological intentions, and natural phenomena all pose threats to maritime access.

China and Russia look to extend sovereign rights past the UNCLOS conventional definition as stated above. Increases in procurement and development of Chinese and Indian naval weapon systems that can be used to support anti-access strategy are worrisome.\(^{vi}\)

More immediate threats are posed by non-state sponsored activities such as terrorism, piracy, and organized crime. Al Qaeda’s attacks on the *USS Cole* in Aden in 2000 and the *MV Limburg* in 2002 demonstrate the organization’s will and capability to disrupt maritime operations. Since 2003, there have been over 2,000 attempted or successful acts of piracy. Most recently, Nigerian pirates attempted to take over an off-shore oil platform in the Gulf of Guinea.\(^{vii}\) The combination of conventional weapons systems and irregular tactics by state or non-state actors, has given opponents the ability to disrupt the system through ever cheaper anti-access capabilities, e.g., Hezbollah’s attack of an Israeli corvette at sea using an Iranian supplied anti-ship missile or Russia’s attempt to sell anti-ship missiles in a shipping container on the open market.\(^{viii}\)

**Law of the Sea and NATO**

Over the past 20 years, NATO, a regional organization, through its more than 40 partners has become global in its interests. While the main threats to maritime commons are outside of the North Atlantic Treaty area as stated in Article 6, the key question for the Alliance is where to deploy naval forces, with most ships based in the Western Hemisphere and the main demand for maritime security in the Eastern Hemisphere. NATO cannot lead maritime security operations everywhere; therefore, national and regional cooperation is essential to global maritime security.

Current NATO operations such as Ocean Shield off the Horn of Africa and Active Endeavor in the Mediterranean Sea are models of security cooperation with non-Alliance members, notably Russia. These operations use monitoring and intelligence sharing to provide a larger picture of activity, known as Maritime Domain Awareness. The Regional Agreement on Combating Piracy and Armed Robbery (ReCAPP) in Singapore and the Sea Surveillance Cooperation Baltic Sea (SUCBAS) are other models of regional maritime security agreements.

In the future, the Alliance should continue to encourage its partners to participate in multilateral operations. In addition, NATO might consider various requests to provide technical assistance
and training to nations with common interests in promoting maritime security. As stated by Brooke Smith-Windsor in *Securing the Commons: Towards NATO’s New Maritime Strategy*, the Alliance must maintain the ability to project sea power, “ideally in concert with friends and allies, but by ourselves if we must.”

Additionally, the Alliance must continue in developing a comprehensive approach to include partnerships with international organizations and the private sector. Currently there are numerous initiatives including, the UN International Ship and Port Facility Security Code (ISPS Code), the US Department of Homeland Security Customs Trade Partnership Against Terrorism (C-TPAT), the European Union Authorized Economic Operator (AEO), and the Asian Pacific Economic Counsel Secure Trade in APEC Region (STAR). Industry initiatives such as Container Security Devices (CSD) and in-transit visibility, as well as the scanning of containers are all an important part of the overall aim to ensure maritime security.

The maritime domain is the oldest and most regulated of the four domains; however, increasingly, unfettered access to the commons of air, outer space and cyberspace is vital to the security of the maritime commons.


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6 Hoffman, 55.
7 “Pirates Take Hostages in Attack on Oil Platform,” *Norfolk Virginia-Pilot*, 22 September 2010.
8 Hoffman, 59.
10 Smith-Windsor, 3.
Maritime Commons Workshop - Points to Ponder

Threats to the Maritime Global Commons

- Will emerging powers/current powers plunder other countries' resources through invasion, colonization, expansion, or even large-scale wars of aggression?

- Foreign Policy Choices: aggressive nationalism and hegemony, utilitarian realism, or cooperative internationalism

- Asymmetric warfare

- Access to resources: constrict the world’s access to rare earth metals, supply chains, access to resources

- Emerging Nations policies and strategy (Brazil, Russia, India and China)

- Anarchy on the High Seas: Core Maritime Threats to NATO Security (Aggressive Nationalism and Hegemony, Power Projection Standoff - preservation of national regimes, Exploitation of resources, Failed /Failing States, Counter-Terrorism, Counter-Insurgency, Illicit trafficking, Piracy, Environmental Disasters, Mass Migration, Global pandemic, Organized crime etc)

Role of International Organizations

- International governance based on the rule of law, in particular United Nations Convention on the Law of the Sea (UNCLOS)

- Ambiguities in International Law

- NATO maritime security policy complementing regional approaches to maritime affairs

- Extended Integrated Maritime Policy (UN, NATO, other) based on Rule of Law to the global arena to develop International Community higher sense of ownership

- Alliance building, cross sector collaboration and expansion

- Economic growth, employment and innovation

- International initiatives on environment, marine biodiversity, climate change, maritime safety and security
Strategic Engagement Requirements

- Cooperative Strategy - Main Thrust
- Containment Strategy - Contingency Planning
- Reform of NATO/UN and/or creation of other multilateralism international bodies including US involvement
- Rapid Response Capability:
  - Maritime Mobilization: crisis response, planning process
  - Article V Operations, Peacekeeping, Peacemaking
  - HADR operations: coordination of Government and Non-Government
  - Coalition operations strategic objectives and standardization (UN, NATO, EU, US led, other)
  - Force readiness baselines, procurement and interoperability issues (military and civilian)

Maritime Security Operations

- Develop a strategic framework for Maritime Security Cooperation (confidence and trust building)
- Maritime spatial planning, comprehensive maritime situational awareness (knowledge and data sharing), integrated maritime surveillance and transparency.
- Integration/alignment of maritime surveillance capabilities
- Common Information Sharing Environment emanating from coordinated surveillance assets providing access to maritime monitoring data to member state authorities and alliances
- Involvement of the comprehensive maritime communities: maritime transport safety and security, weather services, fisheries, Search and Rescue, marine environment protection organizations, defence (Navies, Coast Guard), border control and immigration, law enforcement, drug enforcement agencies etc.
- Enhancement of maritime awareness picture and a more accurate (comprehensive) package of information (decisional support).