

MSA as the Aspect of European Maritime Security

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Fear of terrorist interruptions has already affected the marketplace. Before 9/11, inventory had consistently trended downward as technology enabled just-in-time manufacturing and delivery of products. A significant breakdown in the maritime transport system would send shockwaves throughout the world economy. In fact, under the worst-case scenario, a large attack could cause the entire global trading system to halt as governments scramble to recover. Drastic and inefficient solutions may be put in place, such as the complete closure of some ports and duplicative and lengthy cargo checks in both originating and receiving ports.

The size of the maritime security challenge is as daunting as the terrible consequences of a serious attack. Maritime security involves hundreds of ports, thousands of miles of coastline, tens of thousands of commercial and private crafts, and millions of shipping containers. The maritime domain is truly global in nature, encompassing every ocean and the peoples and property of many nations.

This paper presents the idea of Maritime Security Operations (MSO) as an European inter-agency (military – civilian) latest response on maritime threat seen from wider perspective. Six strategic actions MSO requires to achieve synergy of civilian and military maritime security activities to address all maritime threats are pointed as well as four related Lines of Development (LoDs) to be taken forward by a partnership of European military and civilian authorities in order to create MSO Standard Operational Procedures.

INTRODUCTION

Maritime Security Operations (MSO) are defined as those measures performed by the appropriate civilian or military authorities and multinational agencies to counter the threat and mitigate the risks of illegal or threatening activities in the maritime domain. They may be acted upon in order to enforce law, protect citizens and safeguard national and international interests¹.

Developing these operations will focus on terrorism, proliferation, narcotic trafficking, illegal migration, piracy and armed robbery. They might also include smuggling, the protection of national resources, energy security, the prevention of environmental impact and safeguarding sovereignty². In defining these activities, it is to be understood that the lead in the majority of issues is not a military remit but that a successful strategy for an increasingly secure maritime domain lies in a coherent civilian and military partnership³.

¹ <http://tide.act.nato.int/mediawiki/index.php> - 10.09.2007.

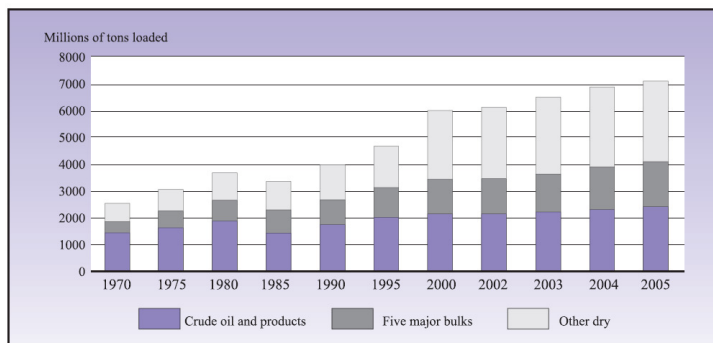
² White House, Office of Homeland Security, National Strategy for Homeland Security, 2002, at www.whitehouse.gov/homeland/book/nat_strat_hls.pdf (October 29, 2004), pp. 15–46.

³ Bill Coffin, "Rough Water," *Risk Management*, Vol. 50, No. 3 (March 2003), p. 10.

THE MARKET

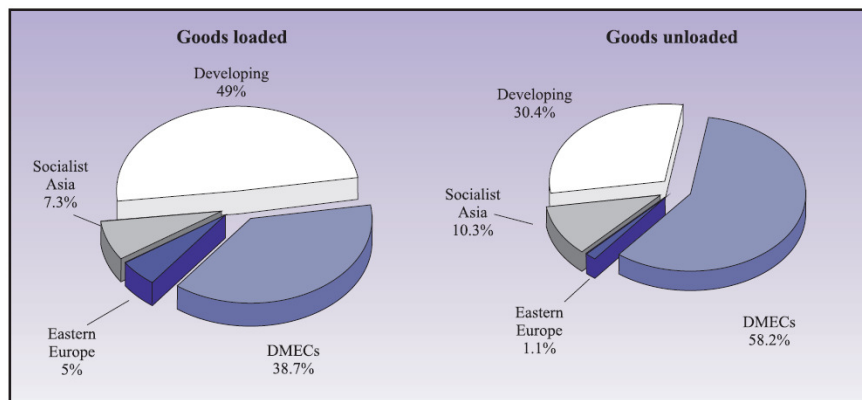
Maritime transport is of fundamental importance to Europe and the rest of the world. To put this in perspective, over 90% of European Union external trade goes by sea and more than 1 billion tones of freight a year are loaded and unloaded in EU ports. This means that shipping is the most important mode of transport in terms of volume. Furthermore, as a result of its geography, its history and the effects of globalization, maritime transport will continue to be the most important transport mode in developing EU trade for the foreseeable future¹. Below are listed some of the most important EU maritime transport indicators.

Table 1. International Seaborne Trade In Selected Years



Source: *Review of Maritime Transport*, various issues.

Table 2. World Seaborne Trade By Country Groups (percentage share in tonnage, 2006)



Source: Compiled by the UNCTAD secretariat on the basis of data supplied by reporting countries and other specialized sources.

¹ Review of Maritime Transport, 2006. Report by the UNCTAD sekretariat, UN, New York and Geneva, 2006 pp. 16-69

Table 3. Estimated Cargo Flows In Major Trades Routes (millions of TEU)

Year	Trans-Pacific		Asia-Europe		Transatlantic	
	Asia-USA	USA-Asia	Asia-Europe	Europe-Asia	USA-Europe	Europe-USA
2004	12.4	4.2	8.9	5.2	1.7	3.2
2005	13.9	4.3	9.9	5.6	1.8	3.3
% change	12.1	2.4	11.2	7.7	5.9	3.1

Source: Compiled by UNCTAD secretariat from *Containerisation International*, October 2005, p. 5.

In this context, European citizens have the right to expect their maritime passenger and goods transport to be safe, secure and clean. So, in support of these goals, and particularly in the wake of the *Erika* and *Prestige* oil tanker accidents, the set up of EMSA¹ (under Regulation (EC) N° 1406/2002 of 27 June 2002) is one of the key EU level initiatives aimed at improving the situation.

There has always been a requirement for appropriate levels of security on board ships and in ports. However, since the attacks on September 11th 2001 in New York, and following subsequent major incidents in Madrid and other cities, protection against terrorist actions has become a major concern around the world, including in many EU Member States. This concern has resulted in the allocation of significantly more resources and expertise to security issues than in the past.

The majority of terrorist surveillance, and response measures, set in place throughout the EU have been as a result of action at Member State level. These include measures to protect against terrorism in the maritime sector which vary significantly across the EU. In order to address the main issues for the EU as a whole, Directive 2005/65/EC was approved by the European Parliament and Council in October 2005. The primary objective of the Directive is to ensure that, as far as possible, appropriate levels of ship and port related security are provided in all Member States².

The new International Maritime Organization's (IMO) International Ship and Port Facility Security (ISPS) Code became effective July 1, 2004—the first multilateral ship and port security standard ever created. The code requires all nations to submit port

¹ EMSA – European Maritime Safety Agency is the EU level provider of technical support in implementing Directive 2002/59, and this includes the following responsibilities: Provision of support to the European Commission in the development of the SafeSeaNet project, which is a pan-European electronic information system which deals with ship movements and cargoes. Management of SafeSeaNet and organisation of follow-up issues in cooperation with Member States' maritime administrations. Coordination of activities aimed at organising places of refuge around the EU coastline for ships in distress. Provision of technical support to the European Commission in its work in proposing amendments to Directive 2002/59. Monitoring of developments in IMO and IALA on long distance Automatic Identification Systems (AIS). Participation in regional meetings concerning the above items (eg HELCOM, Bonn Agreement, etc.). Participation in the work of the IMO ad-hoc working group on the engineering aspects of Long Range Identification and Tracking of Ships (LRIT). Access to the Shore based Traffic Monitoring Infrastructure Database (STMID).

² In order to achieve the fullest protection possible for maritime and port industries, port security measures should be introduced, covering each port within the boundaries defined by the Member State concerned, and thereby ensuring that security measures taken pursuant to Regulation (EC) No 725/2004 benefit from enhanced security in the areas of port activity. These measures should apply to all those ports in which one or more port facilities covered by Regulation (EC) No 725/2004 are situated.

facility and ship security plans, making port security a shared responsibility of all nations and shipping authorities¹.

Security measures are being layered onto the global maritime industry at significant cost. The burden on owners of ship-related security measures is estimated at over \$1.3 billion initially and nearly \$800 million annually thereafter².

Port security costs have been more difficult to estimate because of the uncertainty regarding the hiring of new security personnel and system-wide procedural changes resulting from advance notification rules recently mandated by United States Customs and Border Protection. Additionally, the industry may see long-term effects if new security requirements make maritime careers seemingly less rewarding, thereby reducing the pool of potential candidates.

THE THREAT

The sea has already been used for terror attacks by boats armed with rockets, machine guns and other small arms, water borne improvised explosive devices and as an enabler for terrorist attacks. It is conceivable that a renegade ship such as an LNG (Liquefied Natural Gas) carrier could even be employed as a weapon near the centre of population. Continued use of the sea for logistic support to terrorism through the movement of arms, personnel or funds is substantiated by evidence. The maritime environment provides a potential conduit for CBRN (Chemical, Biological, Radiological, and Nuclear) material, both for the small high technology items, but also for larger items associated with weapon delivery. Other threats include cross-border illegal migration, which is forecast to increase significantly, and criminal activity including narcotics, human trafficking and piracy, all of which is increasing in sophistication and volume. These factors impact Europe's physical and economic security either directly or indirectly³.

¹ Donald Bowersox and David Closs, "Friction Economy," *Fortune*, February 3, 2003, pp. 104–110.

² Organization for Economic Co-operation and Development, "Security in Maritime Transport." www.oecd.org/statisticsdata/0,2643,en_2649_34367_1_119656_1_1_1,00.html (October 29, 2004)

³ For more information related to the piracy see: Michael Richardson, "The Pirates Who Could Sink East Asia," *South China Morning Post*, January 9, 2004, at www.glocom.org/special_topics/asia_rep/20040113_asia_s45/ (November 2, 2004). For an analysis of possible terrorist threats to one of chokepoints—the Strait of Malacca—see John Brandon, "Terrorism on the High Seas," *International Herald Tribune*, June 5, 2003, p. 1.

Also Bruce B. Stubbs, "The Coast Guard and Maritime Security," *Joint Force Quarterly*, No. 26 (Autumn 2000), pp. 95–99.; Margaret Wrightson, "Maritime Security: Progress Made in Implementing Maritime Transportation Security Act, But Concerns Remain," testimony before the Committee on Commerce, Science, and Transportation, U.S. Senate, GAO–03–1155T, September 9, 2003, at

www.gao.gov/new.items/d031155t.pdf (November 2, 2004), p. 7.

For an up-to-date list of sources about modern maritime piracy, consult the bibliography compiled by the U.S. Naval War College Library, at

<http://www.nwc.navy.mil/library/3Publications/NWCLibraryPublications/LibNotes/libModernMarit>

In the European theatre of operations, nations are conducting MSO today as part of routine, peacetime duties in response to the threats mentioned above. Traditionally referred to as 'Constabulary' tasks, these operations are generally either conducted independently by member states' navies and/or civilian maritime agencies in order to enforce legal powers and safeguard sovereignty or as part of multi-national military operations, which aim to safeguard common defence and security interests. In addition, there are a plethora of military and civilian initiatives at various stages of maturity which are seeking to enhance maritime domain awareness in parts of Europe¹.

A European inter-agency approach to MSO would better safeguard common prosperity and security interests by protecting and supporting legitimate activities while countering the threat of current and emerging terrorist, hostile, illegal or dangerous acts within the maritime domain. By ensuring freedom of navigation and commerce, it would also promote regional, and contribute to global, economic stability and protect maritime trade as the heart of the regional and global economy².

ACTIONS REQUIRED

MSO requires at least six strategic actions to achieve synergy of civilian and military maritime security activities in a co-ordinated effort to address all maritime threats:

a. Political willingness at the national and international levels to develop an inter-agency approach to MSO. Given the civilian/military nature of this work, it will need to be taken forward outside a single institutional structure with the broad political backing of nations, international organisations and multinational agencies. It will be necessary to invigorate existing national and multi-national governance mechanisms to ensure that the real and potential benefits of MSO to European nations are fully understood³.

b. International and Inter-Agency Cooperation. The benefits or the necessity of an international, inter-agency approach have been demonstrated over the world. The co-ordination of an inter-agency approach requires detailed work but it would need to involve international actors such as the EU (and its constituent agencies), NATO, United Nations International Maritime Organisation (IMO) as well as law enforcement

imePiracy.htm. Political groups commit acts of piracy in order to gain publicity and extort hostage money.;

International Chamber of Commerce, "Piracy Takes Higher Toll of Seamen's Lives," January 28, 2004, at dockwalk.com/issues/2004/march/piracy1.shtml (November 2, 2004). The International Maritime Bureau is a division of the International Chamber of Commerce.

¹ <http://tide.act.nato.int/mediawiki/index.php> - 10.09.2007.

² Organisation for Economic Co-operation and Development, "Security Maritime Transport," at www.oecd.org/statisticsdata/0,2643,en_2649_34367_1_119656_1_1_1,00.html (October 29, 2004). Estimates of global maritime commerce vary. For example, according to Bill Coffin, trade rose from 2.5 billion tons of cargo in 1970 to 5.5 billion tons in 2002, accounting for about 95 percent of international trade. Coffin, "Rough Water," p. 10

³ John C. K. Daly, "The Terrorism Maritime Threat," United Press International, December 29, 2003.

authorities, in line with their responsibilities. The commercial sector would also need to be involved.

c. The need to maximize maritime domain awareness. There are numerous ongoing initiatives within Europe, both civilian and military, which aim to create a comprehensive maritime surveillance capability and to share information. A strongly favoured near term approach for multinational co-operation on maritime domain awareness is to create a simple, unclassified picture of maritime activity based on information easily accessible and disseminated through IMO standards such as among others, the Automatic Identification System (AIS).

d. The deployment of layered maritime security from the high seas to territorial waters, including littoral areas and port facilities. Nations currently monitor and act primarily within their territorial waters. Yet many of the threats originate in international waters where surveillance and powers to act are more limited. Effective MSO relies on the co-ordinated ability to maintain a comprehensive picture of maritime activity which encompasses territorial and international waters, and to act accordingly¹.

e. The need to embed security into commercial practices. With most of world trade travelling by sea, the maritime environment delivers many goods and services that are essential for society's needs. As the need for hydrocarbon-based energy grows, the need to safeguard maritime-related traffic will become more acute. Co-operation and partnership with commercial shipping agencies will be vital in order to progress a holistic approach to MSO which meets mutually agreed aims.

f. The need to promote the necessary jurisdictional arrangements for effective MSO. National responsibilities extend from coastlines to the outer edge of territorial waters with another nation's unit unable to enter territorial waters without obtaining permission. Outside territorial waters, UNCLOS² allows nations' military and law enforcement vessels powers to act in specific instances (e.g. to board vessels suspected of piracy). The Proliferation Security Initiative (PSI) is an example of how nations, through Ship Boarding Agreements, permit the interdiction of Flag State ships in prescribed circumstances. While there is welcome progress in providing greater maritime enforcement powers as part of amendments to the IMO SUA³, the ability of ill-disposed elements to exploit weaknesses in the system remains.

THE STRATEGY

The proposed approach for implementing a European, inter-agency strategy to MSO envisages four related Lines of Development (LoDs) to be taken forward by a partnership of European military and civilian authorities. LoDs respectively address inter-government, inter-ministry and multinational co-operation including as follow:

- Legal issues - Diplomatic and Co-operation LoD;

¹ U.S. Congress, House of Representatives, "Maritime Transportation Security Act of 2002," Conference Report 107-777, at thomas.loc.gov/cgi-bin/cpquery/?&db_id=cp107&r_n=hr777.107&sel=TOC_1236& (October 29, 2004), p. 4.

² United Nations Convention on the Law of the Sea.

³ Convention on the Suppression of Unlawful Acts at Sea

- Information exchange and maritime picture sharing - Information LoD;
- the operational contribution - Operational LoD;
- the participation of the commercial shipping sector - Economic LoD¹.

The aims of mentioned above LoDs are:

- **Diplomatic and Co-operation LoD** - to promote national inter-ministry, inter-governmental and multinational co-operation for MSO in support and in the remit of UN, EU and NATO endeavours along with other actors involved - taking full advantage of existing frameworks.

- **Information LoD** - to ensure that existing maritime-related information exchange initiatives, both national and organisational, and at all levels, are examined to explore how networks might be linked, relevant information exchanged, and maritime pictures improved through a more coherent and efficient approach.

- **Operational LoD** - to contribute towards existing Security Strategies, encouraging maritime domain awareness, mutual understanding and the capability development required within nations in order to deliver an optimised operational contribution to MSO.

- **Economic LoD** - to encourage a better mutual awareness and understanding of how the commercial shipping sector might contribute to and benefit from MSO, most notably in the energy sector.²

And the objectives for the aims are:

- **Diplomatic and Co-operation LoD** - to create the appropriate environment to promote the civilian-military aspects of co-operation, information sharing and maritime surveillance and to co-ordinate the participation and actions of all organisations and member states. `

- **Information LoD** - to transform live data into an information-led approach facilitating decision-making by appropriate national authorities responsible for and directing MSO.

- **Operational LoD** - to achieve a common concept of use of military assets in MSO amongst European maritime nations.

- **Economic LoD** - to embed necessary enabling elements of MSO within commercial practices³.

¹ "Marine Insurers Contemplate Increased Security Regulations," Claims Magazine, December 1, 2003, at static.highbeam.com/c/claims/december012003/marineinsurerscontemplateincreasedsecurityregulations/index.html (October 29, 2004), p. 12.

² <http://tide.act.nato.int/mediawiki/index.php> - 10.09.2007.

³ Donald Bowersox and David Closs, "Friction Economy," *Fortune*, February 3, 2003, pp. 104–110.

CONCLUSION

To meet the threats of the global security environment it needs a strong and enduring partnership between civilian and military authorities. This approach would build on separate initiatives already in place and the respective strengths of countries, NATO and the EU as well as any other relevant body such as the IMO. Of course, there are numerous hurdles to overcome in bringing such an approach to fruition such as gaining agreement on the perception of the threat, the scope of MSO activities, the willingness to share information and the international jurisdictional arrangements required for effective action.

However, the timely fusing of maritime information, much of which is unclassified, would be the initial priority. Incremental gains in information sharing could allow operational co-operation to develop in shorter time as mutual confidence builds. For an inter-agency approach to work it must draw together the strengths of the numerous organisations involved in addressing maritime security. The output would need to be seen as a valuable data to Governments, the commercial sector and the public. It must enable better use of limited resources to address the omnipresent, multi-national threat in the maritime domain.

During the next 20 years, maritime commerce will likely become an even larger and more important component of the global economy. The main elements of this transformation will probably include continued growth in the seaborne shipment of energy products, further adoption of containerized shipping, and the continued rise of mega ports as commercial hubs for transshipment and deliveries.

The challenges for maritime security are complex and growing. Addressing vulnerabilities, ensuring access to the maritime domain, and maintaining economic competitiveness while protecting “western world” interests from sea-based attacks will be no easy task for EU civilian and military authorities. The strategic nature of the challenge requires a strategic response. The next steps in that response must include further development of the MSA concept and maximizing the number of participating nations.

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