CHAPTER 4

A Maritime Global Commons Power in the Making? On the Characteristics of EU Policies Towards the High Seas: The Arctic and the Maritime Security Strategy

4.1 Introduction

More than 60 per cent of the world oceans are part of the so-called Global Commons. The Global Commons—the high seas, Antarctica, outer space, and the atmosphere (UNEP 2016)—represent areas that are not under the control or jurisdiction of any state (Posen 2003: 8). Instead, they are in principle 'resource domains to which all states have legal access' (Bosselmann 2015: 71). Traditionally, these areas have been practically inaccessible and therefore less regulated than other international areas. Some regulations do exist, based on a general shared understanding that these areas should remain open to all. Examples include the UN Convention on the Law of the Sea (UNCLOS), the Antarctica Convention, as well as a number of regulations from the Cold War period, when the US and the Soviet Union 'were able to gradually develop a robust conceptual foundation for their engagement in these areas' (Denmark 2013: 132). However, in general, since 'economic exploitation of these areas was not yet feasible due to a lack of appropriate technology', the Global Commons areas have received relatively little attention from states, and these issues have thus remained more or less uncontested and unregulated (Bosselmann 2015: 701. Also, see Shackelford 2008; Bretherton and Vogler 2006). With environmental and technological developments, this is now changing rapidly: Today, the Global Commons areas are becoming increasingly subject to competition over resources, sovereignty claims, and great power rivalry, in particular in the high seas areas (Battarbee and Fossum 2014; Germond 2015; Posen 2003).

M. Riddervold, *The Maritime Turn in EU Foreign and Security Policies*,
https://doi.org/10.1007/978-3-319-66598-6_4

With the ice melting in the Arctic, for example, the prospects of strategically and economically important new sea lines and untapped natural resources are creating conflicts between states who want territorial control or equal access to previously unavailable areas (cf. Battarbee and Fossum 2014; Germond 2015). Disagreement over sovereignty claims is also at the centre of conflicts in the South China Sea. At the same time, many of today's broader security challenges are linked to the high seas, including piracy, immigration, terrorism, and the consequences of pollution and climate change (Bosselmann 2015; Germond 2015).

As issues under the maritime Global Commons climb higher on the international agenda, states are developing new policies and positions. Countries such as the UK, France, China, the US, Russia, and Brazil have, for example, all developed or revised their maritime security strategies and/or Arctic policies in recent years. In this environment, also the EU is developing a maritime Global Commons policy, not least with the EU Maritime Security Strategy (EUMSS) and EU Arctic policy. As the EU maritime 'strategy covers the global maritime domain', much of the EUMSS is directly oriented towards maritime global common areas or issues linked to such areas (Council 2014a). The EU's Arctic Strategy also covers the high seas, maritime Global Commons areas. After all, much of the Arctic remains part of the high seas, which, after all, is why there is such a significant interest in this area—also from states such as China or India, who at the outset may seem rather distant to the Arctic.

This chapter conducts a first attempt at establishing what type of actor the EU is becoming in relation to the maritime Global Commons through an in-depth study of the EUMSS and of the EU's Arctic policies. Although the EU is taking a big step towards becoming a maritime Global Commons actor, no systematic study of what characterizes these policies has so far been conducted. This is puzzling as the maritime Global Commons areas might be precisely the areas where the EU's putative foreign policy ambitions can play out. After all, the future order of the maritime Global Commons is still in the making, and these are therefore areas where the EU might be better able to play a bigger and more significant role than in other, more conventional foreign policy areas. The maritime Global Commons are also areas where one might expect that much of the future of international relations (IR) and conflicts will play out. As the EU is becoming an important actor in this realm, understanding EU policies towards the maritime Global Commons issues will thus be important for our understanding of international security issues more generally.

Following conventional IR perspectives, one would expect the EU to become a traditional global maritime commons actor. More precisely, fol-

lowing such perspectives, one would expect the EUMSS and Arctic policies to be oriented towards safeguarding access to the Global Commons high seas areas for economic and/or security-related reasons (Hyde-Price 2008; Mearsheimer 2001; Moravcsik 2010; Walt 2014; Waltz 2000). This is perhaps particularly likely in the field of maritime foreign and security policy. After all, as discussed above and in many other chapters in this book, many of today's international conflicts have a maritime imprint. By becoming collectively stronger, the EU could thus not only more effectively balance an increasingly aggressive Russia but also better protect and promote the member states' security-related and economic interests in the maritime Global Commons more broadly, including in the Arctic. At the same time, however, the EU itself claims that all its foreign and security policies—including in the maritime field—are based on norms. For example, according to the Union, the new EU global strategy 'represents the EU's shared vision and the framework for united and responsible external engagement in partnership with others, to advance its values and interests in security, democracy, prosperity and a rules based global order, including human rights and the rule of law' (Council 2016). Perspectives linking the EU's security policies to the member states' interests and relative powers cannot explain such behaviour. Thus, in order to investigate what characterizes the EU's maritime Global Commons policies, this chapter also discusses the relevance of an alternative hypothesis suggesting that the EU's maritime Global Commons policies are in line with a humanitarian foreign policy model (Eriksen 2006; Sjursen 2007. Also see Riddervold 2011 and Chaps. 1, 2, and 3 in this book).

The remainder of the chapter has three sections. In the second section of the chapter, I develop the two hypotheses of EU maritime security policies and set out what one would expect to find if any of these hypotheses are substantiated, before briefly presenting the methodological approach. Thereafter follows the analysis, exploring the relevance of the two alternative hypotheses. The conclusion sums up the findings and discusses their broader empirical and theoretical implications.

4.2 Framework, Hypotheses, and Operationalization

Hypothesis 1: A Traditional Maritime Great Power?

A first hypothesis of what characterizes the EUMSS and EU Arctic policy builds on a neo-realist perspective and suggests that EU maritime Global Commons policies are oriented towards better promoting the member

states' strategic interests in line with what one would expect of a traditional realist great power (for more on this foreign policy model, see Chap. 1 and the introduction to part I of this book). This behaviour is according to a realist perspective particularly likely in an increasingly insecure environment (Kluth and Pilegaard 2011; Mearsheimer 2014; Walt 2014). Not least Russia's invasion and annexation of Crimea but also other factors such as the rise in China's power and the fear of international terrorism are factors that affect and change the EU's geopolitical environment, making it more uncertain. In this environment, any common EU foreign and security policies would be oriented towards better securing the member states' common interests. In relation to the Global Commons, one would thus expect the EU member states to join forces and develop common policies to better balance other powers and be relatively stronger in the competition for natural resources and control on the high seas. As discussed in the introduction, areas that are part of the Global Commons are increasingly subject to competition over resources, sovereignty claims, and great power rivalry, not least in the Arctic and in the South East China Sea (Battarbee and Fossum 2014; Germond 2015; Posen 2003, 2006). By becoming collectively stronger, the EU could thus not only balance an increasingly aggressive Russia more effectively but also better protect and promote the member states' security-related and economic interests in the maritime Global Commons. According to a neo-realist perspective, the EU might claim to promote norms and environmental protection, but such actions would be by soft power means or will at least be secondary to common security interests (Hyde-Price 2008). As underlined by a number of realist scholars, strategically rational foreign policy actors promote non-security goals only as long as this does not conflict with other more important economic or strategic interests (Hyde-Price 2008; Mearsheimer 1995). A traditional great power's main priority is always to protect its territorial sovereignty and its citizens' security and well-being. Thus, regarding the maritime Global Commons, 'from a security perspective, the primary concern is safeguarding "access" to these domains for commercial and military reasons' (Stang 2013: 1).

Hypothesis 2: A Humanitarian Global Commons Power?

In light of previous studies and other findings in this book, it might however also be that the policies the EU is gradually developing towards the Global Commons are more in line with a humanitarian foreign policy

model. In the existing literature, a particular perspective on global environmental policies has been part of the description of the EU as a humanitarian/normative actor. As Falkner (2007: 509) sums up in a study of the EU as a green normative power, 'the central role it played in creating the climate change regime (Vogler and Bretherton 2006) and promoting sustainable development at the UN (Lightfoot and Burchell 2005) arguably lends support to the claim that a commitment to global environmental norms is integral to the EU's unique foreign policy identity… the EU has emerged as a pivotal actor in global environmental policy-making'.

On this basis, it might thus be that the traditional great power model does not capture the essential features of the EU's policies towards the maritime Global Commons. Perhaps the EU is not developing into a maritime great power in the realist sense but instead remains true to its claim to promote global rules and institutions in the maritime domain even in a more insecure geopolitical environment, in line with what one would expect following a humanitarian foreign policy model. As we recall from the introduction to Part 1 of this book, on a general level, the defining criteria of a 'humanitarian' foreign policy is that it 'subscribes to the principles of human rights, development and rule of law for dealing with international affairs, hence underscoring the cosmopolitan rights of the people' (Eriksen 2009: 102). Today, however, the world order is mainly built around the principle of external sovereignty. Individual rights are not institutionalized as positive legal rights and there is no global system that regulates the use of force in a way that is equally binding to all countries. Therefore, a second defining characteristic of a 'humanitarian actor' is that it promotes a global, rule-based order. In other words, that it promotes a change from power politics and 'an exclusive emphasis on the rights of sovereign states within a multilateral order to the rights of individuals in a cosmopolitan order' (Sjursen 2007: 215). Such a model is particularly relevant in order to study a putative normative maritime security policy towards the high sea, Global Commons areas. By their very nature and in contrast to territorially defined areas under national (or supranational) sovereignty, the Global Commons are also global collective goods (Bosselmann 2015; Held et al. 2011). This is precisely why they are referred to as 'commons' and why the UN refers to them as part of the 'human heritage'. The most obvious example is perhaps the Arctic, where the environmental impact of climate changes affects all individuals across the globe (Bosselmann 2015; Held et al. 2011). Similarly, the high seas

are increasingly affected by climate change and pollution, and open sea lines are key for global transport and trade (Germond 2015). In other words, developments in the Global Commons affect everyone's rights. If the EU is a maritime humanitarian actor it should thus act in a way that promotes binding law and institutions to secure an environmentally sound, sustainable development of the maritime Global Commons. Different from this, a traditional great maritime power would as discussed above rather focus on securing its strategic and/or economic interests and would be concerned mainly with the member states and citizens' well-being and security, rather than with the promotion and protection of a global common good, in line with everyone's human rights. Importantly, a humanitarian model of foreign policy does not imply that the foreign policy actor in question does not also promote particular material interests. All foreign policy actors advance their material interests as well as their particular values and beliefs when acting on the world scene—including humanitarian policy actors. By linking humanitarian behaviour to the importance of promoting and following common, global law as this allows for the legitimate pursuit of self-interests within the limits of law. In practice, as an indicator of a humanitarian foreign policy this means that interests may be promoted but not at the expense of rights.

4.2.1 Methodology[1]

To study the relevance of these two hypotheses and thus tease out a first indication of what characterizes the EU's policies towards the maritime Global Commons, this chapter combines discourse analysis and interviews to explore the justifications given for the EUMSS and the EU Arctic Strategy and other policies. This approach might be questioned on the grounds that one cannot take a policy's justifications at face value. As in several of the other chapters in this book, I seek to control for this possibility by triangulating between different sources and by examining the consistency of the arguments presented across different policy documents, actors from different member states and EU institutions. I also triangulate with findings from other studies (Checkel 2006). Most importantly, however, I make no claims regarding the EU actors' real or true motives for developing the EUMSS and the EU Arctic strategy. As rational choice theorists argue, it is impossible to read the policy-makers' mind and uncover their 'real' or 'sincere' beliefs and convictions. For methodological reasons, rationalist perspectives therefore assume that actors are motivated by the aim of maximizing self-

interest. The approach applied in this chapter instead builds on two alternative assumptions. First, I expect that a particular policy can be understood by interpreting what it is that makes it intelligible to the actors involved (Eliaeson 2002: 52). Second, I start from the assumption that actors are *communicatively* rational, meaning that they have the ability to justify and explain their policies and actions (Deitelhoff 2009; Eriksen and Weigård 2003; Risse 2004; Riddervold 2010; Sjursen 2002, 2006). Applying this approach seems particularly relevant when studying policy strategies. After all, foreign policy strategies are guidelines for behaviour in a particular field, setting out overall aims and tools. They are as such also made for external actors, signalling what type of policies other actors and states might expect the EU to follow in particular fields. Thus, although much of the de facto implementation of the EUMSS and of the Arctic policies regarding the high seas remain to be seen, this analysis is likely to provide a first indication of what characterizes the EU's policies towards the maritime Global Commons and hence what we can expect of EU policies in this field.

4.3 Empirical Expectations

On this basis and in line with the two models and corresponding hypotheses of EU policies, I distinguish between two types or categories of arguments that might have been used to justify and describe EU policies in interviews and policy documents (Fossum 2002; Habermas 1996; Riddervold 2011; Sjursen 2002. Also see Chap. 3, where this approach is applied in a study of EU mission Sophia).

First, pragmatic arguments refer to a policy's expected material output and is what one would expect to find if the EU followed a *traditional great power* model. More precisely, for the maritime *great power hypothesis* to be supported, one would expect EU policies to be oriented towards better securing the EU's and the member states' strategic and economic interests. One would thus expect EU actors across institutions and member states to refer to the increasing strategic and economic importance of maritime issues in the high seas, including in the Arctic region, not least in light of geopolitical factors. The EUMSS and the EU's Arctic policies would be oriented towards identifiable security threats to the member states' territories or their strategic and/or economic or energy security interests and how common EU policies will help the member states better achieve these aims. This focus on access to resources such as open shipping lanes or energy sources would also be the main reason why the EU would

promote some sort of common rules and institutions. After all, common international rules are the only way for the EU member states to secure access to areas where they do not have direct territorial claims. As a realist great power, the EU might also justify its right to access to a particular area on the basis of some sort of territorial belonging. The EU may refer to environmental concerns following climate change and may advance multilateral solutions, but such norms would not be promoted consistently and would be sidestepped if in conflict with strategic interests.

Second, *moral arguments* are characterized by reference to justice and rights—to what is good for all—independent of material interests. If instead the humanitarian global common power hypothesis is substantiated, one would thus expect EU Arctic policies and the EUMSS to be oriented towards addressing climate change through multilateral institution building and binding global regulation. When justifying the need for a common EU approach, EU actors across different institutions and member states would refer to the importance of environmental protection and sustainable development. The means to achieve this would be global regulation through multilateral institutions, that everyone, also the EU and the member states, is bound by. This focus must also have been followed up consistently, even when colliding with material interests, such as when conflicting with economic interest or when faced with uncertainty—such conflicts between material interests and the promotion of norms/environmental protections are the real tests of the EU's humanitarian power. This means that we would expect the EU to stand firm on these principles and actions in periods of more tension. If the EU's maritime security policies are driven mainly by considerations for the environment and the protection of the Global Commons, one would not expect this to vary according to security or economic consideration.

4.4 Analysis: What Characterizes EU Global Commons Policies?

4.4.1 The EU Maritime Security Strategy

The policy aims and means described in the EUMSS are not in line with a neo-realist great power model. Rather than focusing on particular territorial security threats and related military responses, the main aim and tool referred to in the EUMSS is to establish binding rules, enforced through common institutions, in line with what one would expect of a humanitarian actor. The overall external objective is 'to promote better

rules-based maritime governance and make effective use of the EU instruments at hand' (Council 2014a: 10). 'Respect for international law, human rights and democracy and full compliance with UNCLOS, the applicable bilateral treaties and the values enshrined therein are the cornerstones of this Strategy and key principles for rules-based good governance at sea' (Council 2014a: 5). In line with this, 'maritime security is understood as a state of affairs of the global maritime domain, in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected' (Council 2014a: 3).

In comparison, the revised US Maritime Strategy (USMSS) instead 'describes how the Navy, Marine Corps, and Coast Guard will design, organize, and employ naval forces in support of national security interests and homeland security objectives' (US Defence 2015). Although also underlining the duty to conduct humanitarian operations and the need to cooperate with allies and partners, the USMSS states that the naval forces' main priority is the 'continued commitment to maintain the combat power necessary to deter potential adversaries and to fight and win when required' (USMSS 2015: i). In line with what one would typically expect of a traditional realist great power, 'forward-deployed and forward-stationed naval forces use the global maritime commons as a medium of manoeuvre, assuring access to overseas regions, defending key interests in those areas, protecting our citizens abroad, and preventing our adversaries from leveraging the world's oceans against us' (USMSS 2015: 1). As commented by Till (2015: 36), the USMSS puts 'muscular emphasis on the defense of U.S. national interests at sea'. For this reason, 'the first iteration of the fact sheet that accompanied the strategy' was 'Defending our Nation' (ibid.). And in line with this, 'winning its wars is the core task of the U.S. Navy and U.S. Marine Corps' (ibid.). Due to this focus, the 'humanitarian assistance and disaster response' (HADR) 'is now relegated from being one of the six main functions of the U.S. Navy to being a subset of the capacity to project power ashore' (ibid.). The US strategy is indeed very much in line with what one would expect on the basis of the realist great power model described above, where all other concerns, including of a more normative character, always come secondary to strategic interests. This approach is also explicitly linked to the US behaviour in and towards the maritime Global Commons. To quote Till again, the 'shift towards war-fighting and hard-power thinking emerges in the appearance of a new major function of maritime power, that of assuring "all domain access", which now comes first in the list of the U.S. Navy's maritime func-

tions…(a) precondition for both sea control and maritime power projection ashore' (Till 2015: 37). This is in line with the realist argument that US hegemony rests on control of the Global Commons. In the words of Barry Posen (2003: 8): 'command of the commons is the key military enabler of the U.S. global power position'. In the USMSS, the maritime Global Commons is a way to project US power and material interests.

Without conducting a systematic, comprehensive comparison of the two strategies, these examples shed light on the differences between the EU and the US approach: While the US maritime Global Commons policies are in line with a traditional realist great power model, the EUMSS is more in line with a 'humanitarian', norm-oriented foreign policy model. The main indicator of a humanitarian foreign policy actor is as argued above precisely that it promotes a change from power politics and 'an exclusive emphasis on the rights of sovereign states within a multilateral order to the rights of individuals in a cosmopolitan order' (Sjursen 2007: 215)—in the case of maritime policies operationalized into a global system for the protection and sustainable development of the maritime Global Commons. Further underlying the relevance of the Global Commons foreign policy model for describing the EUMSS, the rule-oriented EU approach was emphasized by the participants themselves, both from the member states and from the EU institutions, when interviewed during the EUMSS policy-making process (Comm#3; EEAS #4; NatDel#8-13). In between negotiations, several member states referred to how 'the EU is a different type of global actor' who focuses on 'law enforcement and the environment' rather than 'geopolitics and power projection' (NatDel#9). According to an interviewee, the fact that maritime foreign and security policies 'can be linked to regulation' is even a main reason why it has become popular among member states, as this is a policy field where the EU both has the potential and has the ability to exert a global influence. And for this reason, 'if the EU wants a global ambition, it is natural that it comes here, in the maritime sector' (NatDel#9). Similarly, another interviewee compared the EU to NATO when explaining the EU's maritime Global Commons approach and its emphasis on creating a regulated order with a focus on the environment, in addition to the more classical defence perspective: 'while NATO is a military organization, the EU is a political and a military organization. Like a country, defence is a small part of it. NATO is military driven, but for the EU, one should think of the environment, fisheries, etc.' (NatDel#11).

Also, the Commission—the EU actor traditionally most focused on EU policies' economic aspects—argued that although the 'maritime strategy makes sense from a military economic perspective, the starting point is a military perspective. But the military EU perspective is different from a traditional geopolitical military focus. The military perspective of the EEAS is one that promotes global regulation of the maritime Global Commons' (Comm#2). The reason being that 'when a particular maritime space is not particularly governed, you can't enforce rules', making it unstable and unpredictable (Comm#5). This is also how the EU's maritime security policies are justified on the Commission's web page (DG Mare). 'We all depend on safe, secure and clean seas and oceans for prosperity and peace. It is through adequate maritime security that we can maintain the rule of law in areas beyond national jurisdiction and protect the EU strategic maritime interests' (Commission, DG Mare's webpage/https://ec.europa.eu/maritimeaffairs/policy/maritime-security_en). Lastly, the new EU Global Strategy makes reference to the way in which the EU is concerned with developing a stronger and more coherent global voice towards Global Commons issues. In particular, the EU Global Strategy refers to the broad global maritime role the EU is prepared to take, linking this role explicitly to global regulation, whether this is linked to 'ensuring open and protected ocean and sea routes critical for trade and access to natural resources' (Council 2016: 41) or to territorial disputes in East and Southeast Asia. In relation to the latter, the EU claims that it 'will uphold freedom of navigation, stand firm on the respect for international law, including the Law of the Sea and its arbitration procedures, and encourage the peaceful settlement of maritime disputes' (Council 2016: 38). Also, the EU will act through international cooperation: 'On maritime multilateralism, the EU will work with the UN and its specialised agencies, NATO, our strategic partners, and ASEAN' (Council 2016: 44). In general, 'as a global maritime security provider, the EU will seek to further universalise and implement the UN Convention on the Law of the Sea, including its dispute settlement mechanisms. We will also promote the conservation and sustainable use of marine resources and biological diversity and the growth of the blue economy' (Council 2016: 41. Also see Council 2016a).

4.5 The EU's Arctic Policies

To sum up the analysis so far, the analysis of the EUMSS suggests that the EU has ambitions of becoming a stronger not only regional but also global maritime power. However, different from what one would expect of a

traditional realist great power, the interests it seeks to promote are not simply linked to territorial defence or economic interests. Instead, the EUMSS is oriented towards ensuring the sustainable development and equal access to the maritime Global Commons. What then about the EU's Arctic policy? Do we see a similar pattern there? After all, the material interests at stake in the Arctic are even more evident than in the more general policies expressed in the EUMSS: Studies show that the Arctic is warming two to three times faster than other places (Kraska and Baker 2014) and that it may become nearly ice free within the next 40 years (EEAS 2015). Economically, this opens up both for accessing potentially huge gas and oil supplies and for new and more efficient routes for international sea-based trade. Geopolitically, the prospects of new strategic routes and positions and access to new and untapped natural resources are therefore attractive both to bordering states and to others in search of energy security or increased influence on international geopolitical developments—including the EU member states. The geopolitical importance of the Arctic is even more pressing for the EU which faces an increasingly aggressive Russia. In territorial terms, Russia is by far the biggest of the Arctic states. And to Russia, the Arctic is of great economic and strategic importance: 'The Arctic region provides 20 percent of Russia's gross domestic product and 22 percent of its exports, primarily energy and minerals. Just as important is the reality that its "strategic deterrent is based in the Arctic" with the Northern Fleet, headquartered at Severomorsk' (Germond 2015; Grady 2015; Mearsheimer 2014). On this basis, it thus seems almost intuitively right to suggest that the EU's Arctic polices are oriented towards securing the EU and the member states' strategic and economic interests in the region: to better balance a less predictable and more aggressive Russia who makes claims over large areas of the Arctic region, which in turn makes the EU vulnerable in terms of energy security and access to key strategic maritime routes.

However, the data suggest that the EU's Arctic policy's aims and means are more in line with a humanitarian than a realist foreign policy model. While Chap. 8, as we will see, suggests that EU member states responded to geopolitical events and tensions in another part of the world when agreeing on taking EU Arctic policy a substantial step forward in 2014, they did so in a way that emphasized global governance to secure sustainable development. In the foreign ministers' 2014 conclusions, member states argued that the EU should get access and influence over Arctic developments 'to assist in addressing the challenge of sustainable development in a prudent and responsible manner (…); to find common solutions to challenges that require an international response (…); to securing access to, and promot-

ing safe and sustainable management of raw materials and renewable natural resources (…) [and;] to develop joint approaches and best practice to address the potential environmental impact and safety concerns related to increasing activities in the region' (Council 2014c). The EU needs to get involved to help find 'common solutions to challenges that require an international response' (Council 2014c: 1). This does not imply that the EU lacks economic or other interests in the Arctic. To the contrary, the data suggest that the EU indeed wants to take part in socio-economic developments, for example, arguing that a 'prosperous Union also hinges on an open and fair international economic system and sustainable access to the Global Commons' (Council 2016b: 8). Actually, in both cases and as discussed in Chap. 8, data suggest that the parallel need for increased energy security and energy independence from Russia has affected EU policies. In the Arctic policy, securing access to raw materials is increasingly becoming one of the most common justifications given for common EU policies, both in documents and in interviews (Council 2014c; European Parliament 2014; Interviews 2016). Moreover, there is some evidence to suggest that the EU increasingly is trying to justify its claims for access to the Arctic area on the basis of a territorial argument. Concepts and terminology such as the 'European Arctic' or the 'European part of the Arctic' are often used in EU official documents from the different institutions. Although lacking an internationally recognized meaning, this concept was first introduced by the Commission and the HR in their 2008 Communication, where it was used as much as seven times. However, it was not adopted and used by member states and the European Parliament until 2014. And in the 2016 Joint Communication from the EEAS and the Commission, the concept of the 'European part of the Arctic' or the 'European Arctic'/the 'European Arctic region' is mentioned 16 times. Although not really defined, this suggests that the EU seeks to justify its claims for influence also on a territorial basis by suggesting that parts of the Arctic are 'European' and thus legitimate areas of EU influence. In the Arctic strategy, the Arctic is, for example, 'compared with other parts of Europe' (Commission and EEAS 2016: 8); the strategy suggests that 'the European part of the Arctic also has significant potential to support growth in the rest of Europe' or refers to how 'the EU can play an influential role in shaping the future development of the European part of the Arctic through the application of EU rules relevant for the EEA and the deployment of financial instruments' (ibid.: 9). In line with this reasoning, the EU Institute for Security Studies (EUISS) refers to the need 'for common action in what actually is another important segment of the Union's 'neighbourhood'. According to the EUISS, there is indeed a

'European Arctic and, with it, shared European interests to be articulated and brought to bear in a multilateral framework' (Missiroli 2015: 3). Similarly, Jokela argues that: 'The basis for the EU's increased engagement with the Arctic is linked to its [member states'] Arctic territories. Iceland and Norway are members of the European Economic Area as well as the Schengen area, and they tend to align themselves with EU foreign policy. This means that the EU norms, legislation and standards encompass the Arctic region' (Jokela 2015: 39).

However, although also clearly having an interest in obtaining access to the Arctic and a voice at the table, a consistent argument is that the EU's priority is to be involved in the Arctic to make sure that developments in the region are sustainable. In line with the EU's particular foreign policy approach, the EU and its member states play a 'central role in supporting sustainable development and innovation' in the region (Council 2016b: 3). The increased strategic geopolitical importance of the region, together with economic opportunities, underline the 'need for urgent global action to reduce and prevent the significant risks posed by climate change and environmental impacts in the Arctic region caused notably by global activities. In particular in the area of climate change mitigation and adaptation, the EU and its Member States must ensure ambitious and coherent solutions with local and global impact, including through the implementation of commitments made in regional and multilateral environmental agreements, not least the Paris Agreement on climate change of December 2015' (Council 2016b: 3). This focus on the EU's duty to get involved to secure a sustainable development is even clearer in the 2016 Joint Communication, which 'sets out the case for an EU policy that focuses on advancing international cooperation in responding to the impacts of climate change on the Arctic's fragile environment and on promoting and contributing to sustainable development, particularly in the European part of the Arctic' (Commission and EEAS 2016: 1–2). According to the European Parliament, the aim of the strategy is precisely to boost 'the EU's profile in the region' (European Parliament 2017). To do this, the Commission has put forward 39 actions 'to structure the EU policy in the region with strong focus on sustainable development, environment and climate change research, and engagement with Arctic states and indigenous people' (ibid.). Today, 'no single international treaty or body addresses pollution, overfishing or the various challenges in the melting Arctic' (Stang 2013: 2). And this is amongst the things that the EU needs to address with its Arctic policy. As argued by a key Commission official when asked about the EU's Arctic

policies 'it is not very legitimate to focus on transport routes. It fits the EU better to have an environmental focus' (Comm#4). The EU also has a clear environmental focus when it comes to the future of the unregulated areas of the maritime Global Commons. As summed up in this quote from the EU Arctic strategy: 'The world's oceans are important resources but are coming under increasing pressure and risk further damage if increased activity is not properly managed. It is in this context that the EU is seeking to advance the agenda on ocean governance. The need for a solid framework for sound stewardship is particularly high in the Arctic: Large parts of the high seas areas beyond national jurisdiction are currently not covered by specific arrangements for managing economic activities nor is there sufficient scientific knowledge about the sea basin. Much work therefore lies ahead to protect the Arctic high seas in view of climatic changes and increasing human activity in the region' (Commission and the EEAS 2016: 4). In comparison, the first ranked objective of US Arctic policies is 'Meeting U.S. national security needs' (US Department of state 2017).

Both EU member states and EU institutions have moreover been consistent in claiming that regulation through common global and regional institutions to protect the environment is the preferred solution for the future of the Arctic, in spite of changing geopolitics. As one of my EEAS key informant sums up: 'The EU has a great capacity of thinking strategically, much more than the member states. But you must not make mistake strategic with security. Here, strategic is about climate change. This is the key frame by which the EU looks at security in the Arctic. Our first, long term strategic focus is on climate' (EEAS#6/NatDel#14). In other words, the long-term EU approach is to promote sustainable development through international regulation. This prospect and focus is also evident in the EU's Global Strategy, where, with a difference to the EU external strategy and implementation report from 2003 and 2008, EU interests and contributions in the Arctic are directly addressed. As summed up by the European Parliament in its report on EU and the Arctic, the focus of the EU Global Strategy is 'on the same primary themes that form the core of EU Arctic policy documents to date – environmental protection, sustainable development, and international cooperation' (European Parliament 2017).

The argument that the EU needs to get a stronger voice to protect the maritime Global Commons has in other words been consistent across the two cases. Both EU Arctic policies and the EUMSS are justified by the need for global regulation and protection of the maritime Global Commons and the environment more broadly (Commission 2007;

Council 2014a, b, c; Commission and EEAS 2016). The consistent reference to global regulation as the main aim and mean of EU policies—across member states, institutions, and different documents in both cases—indicates that such normative considerations indeed give a good indication of what characterizes EU policies. That although responding to external threats as discussed in Chap. 8, EU policies are oriented towards global regulation and sustainable development of the maritime Global Commons, in line with what one would expect of a humanitarian maritime Global Commons actor. As summed up in the EU's Global Strategy under the title 'Global Governance for the 21st Century': 'The EU is committed to a global order based on international law, which ensures human rights, sustainable development and lasting access to the Global Commons. This commitment translates into an aspiration to transform rather than to simply preserve the existing system. The EU will strive for a strong UN as the bedrock of the multilateral rules-based order, and develop globally coordinated responses with international and regional organisations, states and non-state actors' (Council 2016: 10. Also see Council 2016a).

4.6 Concluding Remarks

This chapter set out to conduct a first attempt to establish what type of actor the EU is becoming in relation to the maritime Global Commons through an in-depth study of what characterizes the EUMSS and EU Arctic polices. The relevance of two hypotheses building on the two ideal foreign policy models set out in the introduction were explored: First, that EU policies are oriented towards safeguarding access to the Global Commons high seas areas in search for security and/or economic related aims, in line with a realist great power model. Second, that the EU's maritime Global Commons policies are oriented towards a global common good: global regulation to protect the environment and secure a sustainable development, in line with a humanitarian foreign policy model.

The analysis does not support the hypothesis that the EU is becoming a realist great power towards the Global Commons. On the one hand, and as elaborated in detail in Chap. 8, the main developments of EU maritime security policies have followed geopolitical events, in line with what one would expect following a neo-realist, traditional great power model of foreign policy: As external powers become more threatening, the EU member states have joined forces to become collectively stronger too. However, the EU's response is different from what one would expect of a traditional foreign policy power. The EUMSS and Arctic policies' *tools and*

aims do not fit with a neo-realist great power foreign policy model—at least so far, there is no evidence to suggest that it foremost seeks increased territorial control and influence for itself or some or all of the member states. Instead, the EU's position is that the high seas should be regulated and governed by international law to ensure sustainable development and equal access. This is the EU's strategic approach towards the maritime Global Commons. As geopolitics, interstate relations, and economic opportunities change, the EU seeks to address these challenges by creating a regulated global order. The fact that the EU has been consistent in its approach towards the Global Commons even when faced with unprecedented uncertainty following Russian behaviour in Ukraine and beyond suggests that the EU will remain true to conducting such a policy also in the future, as these strategies increasingly are translated into practical policies. For such a proposition to be substantiated, the EU's behaviour must however also continue to be consistent to such norms in its actions, and it must be willing to bind itself to global law, also in concrete cases where this involves costs to the EU or the member states themselves. This will be the real test for the EU's humanitarian maritime foreign and security policy. It is becoming all the more relevant as the US withdraws from the Paris agreement and the EU promises to take the lead in the future development of global climate negotiations (Boffey and Nessen 2017). As the EU's Arctic and maritime security policies substantiate, further studies should thus explore whether its humanitarian aims and tools are also followed up in the EU's actual behaviour. After all, from the Sophia analysis conducted in Chap. 3, there is some evidence to suggest that there is a limit to how much the EU member states are willing to pay in order to be true to its human rights claims. What is clear, however, is that the EU seems to be aware that, indeed, it has an important role to play in the future development of the maritime Global Commons.

Note

1. The analysis relies on the following sources: First, written data, containing all official EU documents on EU Arctic policies and the EUMSS from the different EU institutions (2008–2016), other studies and reports that were conducted, as well as informal working documents from our key informants, both on the broader EUMSS and on specific EU Arctic policies. These data were triangulated with altogether 30 interviews across member states and EU institutions conducted between 2010 and 2016. To trace developments over time, some were interviewed several times.

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