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The EU and the governance of the Maritime Global Space

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ABSTRACT

This article investigates the extent to which the European Union (EU) contributes to the governance of Global Spaces by exploring its policies towards the maritime domain. In a more competitive and uncertain geopolitical setting, are the EU's policies changing and becoming more strategic? Or does the EU continue to promote multilateral cooperation and regulation of the maritime Global Space, and if so, what type of governance regimes does it promote? Developing and applying three analytical models of Global Space policies, the article finds that the EU has been consistent in its approach, which reflects a combination of its strong interest in free navigation and an attempt to achieve sustainable growth through climate regulation. Despite more geopolitical conflict in these areas and in international relations more broadly, the EU's approach to the maritime Global Space is to promote international governance regimes.

Introduction: the high seas as a Global Space

In the early 17th century, European nations competed for territorial control over the world's oceans. Today, still more than sixty percent of these oceans are international high seas and as such part of what this special issue refers to as Global Spaces: largely 'unappropriated spaces beyond the jurisdiction of any state and for which it is difficult to exclude others from access' (Brimmer 2016). They include the high seas and the deep seabed, parts of the polar regions, outer space, the atmosphere and cyberspace (Gstöhl and Larik, in this issue). Since Hugo Grotius' 'Mare Liberum' book of 1609, a largely respected principle of international law has been that these areas should remain open to all, thus reducing the level of conflict between states over territorial control. Perhaps equally important for understanding what used to be a relatively low level of conflict in these areas, like other Global Spaces, much of the high seas were practically inaccessible and hence difficult to control and exploit economically. However, due to technological and environmental developments, this is now rapidly changing. Today, the high seas are increasingly contested and subject to competition

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over resources, sovereignty claims, and great power rivalry, for example in the Arctic Ocean, the Black Sea and the South China Sea (Germond 2015; Govella 2021; Riddervold and Newsome 2021).

As issues related to the Maritime Global Space climb higher on the agenda in an increasingly uncertain and unstable international environment, all major powers, including the United States (US), China, Russia, India and Brazil, are revising their policies and positions towards this Global Space. In this environment, the European Union (EU) is also becoming an important maritime actor. Since the launch of the EU's Integrated Maritime Strategy in 2007, it has become one of 'the key global entrepreneurs of the contemporary maritime security agenda' (Bueger and Edmunds 2023, 2). The EU has developed an extensive Maritime Security Strategy and Action Plan (Council of the EU 2014, 2018; European Commission and High Representative 2023), a distinct Arctic policy (see Gstöhl and Larik, in this issue) and an Indo-Pacific Ocean strategy (European Commission and High Representative 2021), it plays an active role in international and regional organizations dealing with Maritime Global Space issues, and it has launched several naval missions on the high seas, just to mention a few examples. As a consequence, the EU 'is recognized increasingly as both a pioneer and a major international actor' regarding global and regional maritime issues (Bueger and Edmunds (2023, 67; see also Fiott 2021; Germond 2015; Riddervold 2018). This is also the case in relation to the governance of the Maritime Global Space, where the EU, as argued in the introduction to this special issue, is 'attempting to position itself as a key actor alongside major powers such as the United States, China and Russia' (Gstöhl and Larik, in this issue).

This article contributes to the special issue's main aim of investigating the extent to which the EU contributes to the governance of Global Spaces by exploring EU foreign policies towards the maritime domain, defined here as the high seas, including the seabed and the species living in it (Gstöhl and Larik, in this issue). By EU foreign policy/ies, I understand all common policies agreed under the EU's Common Foreign and Security Policy (CFSP). The EU has traditionally been a strong promoter of diplomacy and international cooperation and is often referred to as a multilateralist (Kissack 2010; Smith 2011) or a normative (Manners 2002) or civilian (Duchêne 1972) power, due to its promotion of peaceful cooperation through common norms and institutions – including in the maritime domain (Gstöhl and Larik, in this issue; Riddervold 2018). Nowadays, however, the EU is not only facing a much more aggressive Russia but is also caught up in global rivalries between its traditional ally, the US, and the emerging superpower China – challenges that increasingly also play out in the Maritime Global Space. In the Arctic, climate change creates prospects for new sea lines and untapped natural resources, leading to a number of competing sovereignty claims from Arctic states and claims from others, including China, to get a seat at the table. Russia's strategic interest in accessing the Black Sea and the high seas beyond it was a key reason for its annexation of Crimea (Mearsheimer 2014). Meanwhile, US–China disagreement over sovereignty claims is at the centre not only of conflicts in the South China Sea but also in their broader global power competition. Many of today's broader security challenges, often referred to as 'blue crimes', such as piracy, migration and illegal fishing are also linked to the high seas (Bueger and Edmunds 2023). Finally, the Maritime Global Space has reached the top of the climate agenda due to the very visible consequences of pollution and climate change (Bosselmann 2015; Germond 2015; Gstöhl and Larik, in this issue).

From a neorealist perspective, in this setting, one would expect the EU's policies to change: rather than focusing on establishing and consolidating binding global regimes in line with its traditional more normative, multilateralist foreign policies (Gstöhl and Larik, in this issue), EU policies towards the Maritime Global Space would be increasingly oriented towards bolstering the member states' strategic interests, drawing on all means necessary (Hyde-Price 2008; Mearsheimer 2001; Waltz 2000). This article explores the relevance of this claim. In a more uncertain setting, is geopolitical conflict spilling over to the EU's high seas policies, with the EU consequently increasingly treating this Global Space as a strategic arena? Or does the EU continue to promote multilateral cooperation and regulation of the Maritime Global Space, and if so, what type of governance regimes does it promote?[1]

To address these questions, I develop and apply a framework that combines insights from the EU foreign policy literature, Lambach's (2022) theory of territorialization of the Commons, and Riddervold and Newsome's 2021 international relations (IR) theory-based framework developed to explore actors' policies and interactions in the Global Spaces. On this basis, three analytically distinct models of an EU approach to the Maritime Global Space are set out. While the first suggests an EU policy that increasingly treats the Maritime Global Space as an arena for great power conflict with potentially less room for cooperation and common governance structures, in line with a neo-realist approach, the two others suggest that the EU's high seas policies in different ways may contribute to the development of global or regional regimes and regulations.

The analysis finds that the EU has been consistent in its approach to the Maritime Global Space, which reflects a combination of a strong interest in creating a stable environment for EU sea-based trade and the need to preserve the oceans from the negative effects of climate change and human activity. Despite more geopolitical conflict playing out both in these areas and in international relations more broadly, the EU's main approach to the Maritime Global Space shows a preference for cooperation and for global and regional governance. However, rather than seeking protection of the Maritime Global Space for the sake of all of humanity, the EU is mainly driven by its own interests in free trade and fighting various forms of 'blue crimes' that threaten the free movement at sea (Bueger and Edmunds 2023).

To make this argument, the article is organized as follows. I first present the analytical framework and methods applied. The analysis then explores the relevance of the three different models for understanding EU Maritime Global Space policies. The conclusion sums up the findings and discusses some of its implications.

Studying EU policies towards the Maritime Global Space: analytical framework and methods

According to UNCLOS (1982, Article 86), the 'high seas' are 'all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State', i.e. all the saltwater around the globe beyond states' territory. States exert control of the sea up to 12 miles from their territorial borders. Some also have economic zones 200 miles off their coasts, but they do not have sovereign rights in these areas. Ships flying other flags can pass through these zones, based on the right of 'innocent passage'. But beyond these boundaries, the ocean becomes part of the high seas, where the freedom of

the seas has been respected to a large degree. The delimitation of maritime borders is, however, often a matter of contestation between states. More than 200 disputes have already been solved under various international mechanisms, and many cases are pending decisions (Riddervold and Cross 2019). More importantly, although there are several regulations of the high seas in various international conventions, the high seas are less regulated than the territorial areas of the world (Riddervold and Newsome 2021). There is thus a higher risk of conflict between states over access and control as well as over-exploitation and collective neglect, or what Hardin (1968) referred to as 'the tragedy of the Commons'.

Drawing on various strands of literature, Riddervold and Newsome (2021) suggest that there are three analytically distinct ways of overcoming these challenges through different types of international arrangements. The first two are also in line with the traditional solutions to 'the tragedy of the Commons' dilemma: 1) sovereign territorialization by some states (Lambach 2022), or a neorealist 'balance of power' game where the great powers keep each other in check; 2) the establishment of multilateral governance/regulatory regimes to secure economic access and long-term gain, that is, an extension of the interest-based, liberal international order to cover Maritime Global Spaces in greater detail; and 3) strong global governance regimes focused on protecting these areas for the good of all humankind, that is, a sustainability-focused approach like in Antarctica. Combining this with insights from Lambach's 2022 theory of territorialization, I develop three analytically distinct models as a framework offering a better understanding of EU Maritime Global Space policies than relying on only one or two perspectives. While the analytical difference between a neorealist model and the two other models is rather obvious, it might be more difficult to distinguish empirically between different policies and practices that envisage an international, regulatory outcome. By distinguishing between three rather than two models, I am however able to tease out whether EU policies focus on international cooperation mainly due to its own interests, or whether they are inspired by more norma-based considerations (Riddervold 2023). This distinction helps me explore a second key topic of the special issue, namely 'the extent to which the EU serves its own interests … , rather than solely acting in the service of an alleged common global interest' (Gstöhl and Larik, in this issue).

Neorealist model: a strategic balancing arena?

A first model draws on neorealist assumptions and suggests that EU Maritime Global Space policies are increasingly oriented towards better promoting the EU member states' strategic interests in a changing global geopolitical system (Mearsheimer 2014; Walt 2014). Following Lambach (2022, 43), even if the anarchical international structure 'predisposes states towards territorialization' of the Global Spaces, it might sometimes be in the great powers' interest to prevent territorialization. This is, after all, what historically has been the case in outer space, the high seas and Antarctica, where great powers have refrained from seeking sovereign territorialization and instead agreed to and respected (a limited number of) international regulations. Scholars have identified two reasons for this: first, because great powers tend to be *status quo*-oriented; and second, because the most powerful actors/states' 'profit most from unregulated situations', as illustrated for

example by how they agreed to keep the seaways open to secure access for their warships and submarines when negotiating UNCLOS (Vogler 2012, 65).

This situation may now be changing. According to Lambach (2022), the quest for control of the Global Commons will increase when 1) technological and environmental changes make sovereign territorialization possible, 2) the great powers have something to gain economically and/or strategically from acquiring more exclusive control of what are now still Global Spaces, and 3) international norms change towards more contestation of non-territorialized spaces – a scenario that today is not only playing out in the high seas but, for example, also in outer space (Riddervold and Newsome 2021). Although the EU traditionally has been a strong promoter of multilateral cooperation (Manners 2002; Smith 2011), following a neorealist logic, this changing and more competitive environment is likely to also affect EU policies towards the Maritime Global Space. Neorealist accounts focus on how structural pressures and relative power determine foreign policies, thus explaining the CFSP as a 'collective institutional vehicle for the pursuit of its member states' common interests and shared concerns' (Hyde-Price 2021, 157). Russia's war on Ukraine, the rise of China and the US 'pivot to Asia' should thus, following this reasoning, affect the EU's strategic calculations resulting in a stronger focus on maritime security interests. Bueger and Edmunds (2023, 68) refer to this as the two first dimensions of maritime security: 'First, an interstate dimension, which includes militarized confrontations at sea, naval diplomacy and deterrence operations, and disputes over boundaries and resources'. Or second, 'a dimension of extremist violence at sea in the form of deliberate attacks on maritime installations or vessels, the movement of extremists or unlawful material by sea, and the spillover of violence from land into the maritime domain' (Bueger and Edmunds 2023). If this is indeed the case, one would expect the EU to justify its Maritime Global Space policies by reference to the increasing military strategic importance of the high seas and how the EU member states need to build naval forces and use these to engage in deterrence and balancing. The EU would refer to the strategic importance of establishing a strong Western force to balance against China and Russia, and to build military capacity to deal with various security threats that spill over to the sea, such as terrorism. One would also expect EU policies to reflect changing geopolitical realities in other areas of the world, so that important events, such as Russia's 2014 annexation of Crimea and 2022 invasion of Ukraine, would be followed by an increased EU focus on its strategic interests and the need to address these also through military and hybrid means rather than through global or regional governance regimes.

The two other models instead suggest that the EU promotes governance of the Maritime Global Space but differentiates between two types of policies that may be conducted, relying on different motivations.

Neoliberal institutionalist model: pragmatic multilateralism?

The second model is based on neoliberal institutionalism and would expect the EU to promote the international regulation of the Maritime Global Space mainly for self-interested reasons. The expectation that common institutions and rules enable a stable economic and strategic environment is, according to a neoliberal institutionalist approach, the very reason why the US established and later (increasingly together with the EU) upheld the liberal, multilateral order in the first place (Ikenberry 2018).

International cooperation in common institutions will increase everyone's gains in the long term, which is also why the liberal world order has survived until now (Ikenberry 2018.). In line with this reasoning, the EU was built on the idea that cooperation in common institutions is a way of reducing conflict and increasing mutual economic benefits, a reasoning that has also characterized its foreign policies (Kissack 2010; Smith 2011, 2020).

From this perspective, one would expect that the EU will continue to develop international high seas rules and institutions for economic and other self-interested reasons, both in the International Maritime Organization (IMO) and related to UNCLOS, in regional settings, and in its concrete actions at sea. After all, the EU and its member states have strong economic interests in global shipping (90% of its external trade is seaborne) and in ocean resources and have much to gain from well-functioning international regimes that secure free movement and a stable Maritime Global Space environment free of transnational blue crimes, such as piracy and various forms of smuggling, including sea-based migration (Bueger and Edmunds 2023). One would expect the EU to justify its Maritime Global Space policy by reference to the 'freedom of the seas' principle and its importance in securing the EU's interests in global, sea-based trade and in creating a stable global environment for such trade. The EU would promote rules and institutions, including through the IMO and in relation to UNCLOS, and in other institutions where such issues are discussed. Rather than engaging in military balancing games, it would use its capabilities mainly to prevent or limit the impact of blue crimes, via international organizations and in its concrete operations. It would also favour international court-based and internationally negotiated solutions to maritime conflicts, or what Lambach (2022, 42) refers to as the functional territorialization of the high seas, that is, 'the creation of territories which do not endow states with fully sovereign claims but limited, spatially demarcated rights and obligations'. Contrary to the human heritage model developed below, if interests lie at the core of EU policies, one would expect the EU to conduct such policies towards high seas areas also when this is in breach of normative principles such as human rights.

Constructivist model: protecting the heritage of humankind?

The third, human heritage model links EU policies less to its strategic or economic interests but more to its role as a normative actor whose policies are oriented towards protecting a global common good – a sustainable maritime global environment for the good of all individuals – through the establishment of binding regulations and institutions, in line with international human rights (Riddervold and Newsome 2021). This model rests on several strands of literature. First, it draws on the philosophical discussion of existing generations' commitment to the rights of future generations when dealing with environmental challenges. As Takle (2021, 365) elaborates, 'any use of natural resources needs to be assessed in relation to what is left to future generations, and that the contemporary way of life in large parts of the world will lead to escalating global environmental damage'. The high seas and the marine environment are increasingly affected by climate change and pollution, and open sea lines are key for global transport and trade (Bosselmann 2015; Germond 2015; Held, Fane-Hervey, and Theros 2011). Second, the model rests on the legal claim that the Global Spaces already have a particular

standing in international law (Garcia 2021). By their very nature and in contrast to territorially defined areas under national (or supranational) sovereignty, the Global Spaces are largely *res communis*: they are global collective goods and do not belong to any state, but rather to all individuals, independent of state belonging (Bosselmann 2015; Held, Fane-Hervey, and Theros 2011). This is why the UN refers to them as part of the 'common heritage of humankind' (Garcia 2021). And third, the model starts from the constructivist assumption that foreign policy actors may act on considerations other than their immediate interests, allowing for a more norm-based and Other-regarding policy, in this case concerns for the rights of future generations and the marine environment (Cross 2021). While also the second model is linked to international norms, this model is analytically distinct by suggesting that actors may promote common rules not to secure their own interests, but rather to secure the rights of all individuals by protecting the Global Spaces.

There is no reason to disregard this possibility as naïve. After all, there are already parts of the high seas such as in Antarctica where areas have remained governed by special regulation rather than being the subject of territorialization. This model may be particularly relevant for understanding EU policies, which, based on empirical and legal studies, have been described as norm-based and 'Other-regarding', by promoting issues such as human rights and environmental protection even at the expense of its own immediate interests (Manners 2021; Sjursen 2006). If substantiated, one would expect the EU to justify its Maritime Global Space policies by reference to the *res communis* (owned by everyone, including future generations) status of the high seas, and the need to regulate it accordingly. It would actively promote stricter regulations in the UN and in other organizations for climate reasons while focusing on establishing governance regimes that ensure that these areas remain internationalized (Lambach 2022, 43), i.e. part of the Global Space. Various forms of trusteeships under the UN or regimes such as those in the Arctic could be empirical examples (Bosselmann 2015). This model would expect the EU to stand firm on these principles and actions even in periods of geopolitical tension. It would also prioritize sustainable development and act in accordance with human rights, even if this comes with economic or strategic costs.

Method and data

To explore the relevance of these three models and tease out whether the EU promotes global governance regimes in the Maritime Global Space (and if so, what type), I explore the EU's own justifications. Applying an interpretative methodology in the Weberian sense, I assume that social action can be understood by interpreting what it was that made it intelligible to the actors involved (Eliaeson 2002, 52). An often-heard critique against this type of methodology is that one cannot always take actors' own justifications at face value – perhaps particularly not in the foreign policy domain. To deal with this, an important part of the analysis is therefore to control for consistency by triangulating data from different sources, across different aspects of the EU's Maritime Global Space policies. I also control the EU's justification against parts of its behaviour.

It is not possible to explore all EU policies that somehow relate to the Maritime Global Space, as this would involve a study of everything from international maritime labour standards to various trade issues, fisheries policies, a large number of IMO regulations, to

naval missions. Since the aim here is to understand whether and in what way the EU's policies contribute to the governance of these areas, I focus on exploring key aspects of the policies conducted under the EU's CFSP framework. As discussed, from a neorealist perspective, one would expect the EU's polices to change and become more strategic, in line with the first model, in a more uncertain geopolitical environment. Hence, if the EU continues to contribute to the governance of the Maritime Global Space also in its CFSP policies in spite of changing geopolitics, it is likely that it will continue to do so also in other maritime areas that fall under other EU competences.

Focusing on policies conducted under the CFSP is, however, not to say that EU member states agree on all the many policy fields that are somehow linked to the Maritime Global Space, nor that they coordinate all their policies in this domain. To the contrary, several EU member states have distinct maritime policies, including towards various high seas issues. Some have established different forms of bilateral or minilateral cooperation between them, and they often disagree on what policies to collectively conduct on the international scene. This notwithstanding, I start from the assumption that the EU is a Maritime Global Space actor in its own right, and then seek to understand what type of policies and in particular governance structures the EU promotes by exploring the justifications it gives for the policies that all member states have agreed to, controlling for consistency and actual behaviour. More precisely, to explore the EU's current positions and strategies in the maritime domain, I analyze the four main strategies comprising the EU's foreign policies towards the Maritime Global Spaces, namely the EU's Maritime Security Strategies and Action Plans (Council of the EU 2014, 2018; European Commission and High Representative 2023), the EU Global Strategy (European Union 2016), the Strategic Compass (European Union 2022) and the EU's Indo-Pacific strategy (European Commission and High Representative 2021). I also discuss the Joint Communication on the EU's International Ocean Governance agenda (European Commission and High Representative 2022) and explore some of the EU's concrete actions in the domain. Regarding EU action, I discuss the EU's main approach to the IMO and UNCLOS, under the CFSP structures, and look at its naval mission. The findings are triangulated with relevant secondary sources.

Analysis of the EU Maritime Global Space policy: geopolitics, pragmatic cooperation, or protecting the human heritage?

In this section, I explore the extent to which the expectations derived from each of the three models are evident in the EU's discourse and action.

Neorealist model: towards a more geostrategic EU policy?

Against a backdrop of crises and more great power conflicts at sea and beyond, the EU is increasingly presenting itself as a geostrategic power. Both the EU's High Representative (HR) Borrell and Commission President von der Leyen have repeatedly stated that the EU must 'learn to speak the language of power' (Borrell 2020). The EU has taken big steps towards further developing and better coordinating its security and defence policies, with the Permanent Structured Cooperation (PESCO), the Coordinated Annual Review on Defence (CARD), the European Defence Fund (EDF), and several initiatives described in

the Strategic Compass (European Union 2022). Maritime security forms a key component of these developments, also involving the willingness to use maritime military force to defend the EU's strategic interests abroad. The EU has so far conducted two naval missions – Atlanta, to fight piracy off the coast of Somalia, and what is now called Irini off the coast of Libya, focused on deterring and stopping human smuggling. It also has maritime awareness and coordinated maritime presence missions in the Strait of Hormuz and the Gulf of Guinea, respectively (see Bueger and Edmunds 2023 for an overview). In 2021, the EU launched both a new EU Arctic policy and an Indo-Pacific strategy that also cover parts of the high seas. The 2022 Strategic Compass and the updated Maritime Security Strategy from 2023 equally have a strong maritime dimension, including various areas of the high seas (Bosilca and Riddervold 2021; Bueger and Edmunds 2023; European Commission and High Representative 2023; Fiott 2021).

Several developments thus seem to suggest that the EU is becoming more of a traditional neorealist maritime power. The member states have explicitly agreed on new, far-reaching maritime initiatives in the area of security and defence. Both the Maritime Security Strategy and the Strategic Compass were drafted and updated in response to geopolitical crises, as one would expect of a neorealist actor. The member states were literally sitting down and discussing whether to adopt a first EU maritime strategy when Russia annexed Crimea in 2014, which did not only lead to consensus but also to a more security and defence-focused text than initially suggested by the Commission and the European External Action Service (Riddervold 2018). Similarly, the Russian invasion of Ukraine in February 2022 helped forge a consensus on the Strategic Compass and served as a strong impetus for revising the Maritime Security Strategy and Action Plan to be better equipped to deal with a changing world. The Strategic Compass, for example, uses the word 'maritime' 38 times, often in relation to core security and defence issues and with reference to the high seas (European Union 2022). It explicitly refers to the need to strengthen the EU's role as a maritime security actor, and maritime capabilities and missions are part of the EU's attempt at becoming a more geopolitical actor, also globally and in the high seas.

To illustrate this development, the Global Space-specific objective in the 2014 Maritime Strategy is 'to promote better rules-based maritime governance and make effective use of the EU instruments at hand' (Council of the EU 2014, 10). By contrast, the 2022 Strategic Compass underlines that more capabilities and actions are required 'to ensure a more assertive Union presence at sea as well as the ability to project power' (European Union 2022, 32), and that 'with the maritime domain becoming increasingly contested, [the EU] commit[s] to further asserting [its] interests at sea and enhancing the EU's and Member States' maritime security' (European Union 2022., 15). While the EU is very much focused on securing cooperation, it also claims to be willing to use force if needed. As argued by Pejsova (2019, 3–4), the 'EU Maritime Security Strategy explicitly encourages member states to use their military forces to defend freedom of navigation and fight illicit activities worldwide'. In line with a more geostrategic perspective, the updated EU Maritime Security Strategy of 2023, which builds on the 2022 EU Strategic Compass, also explicitly aims to enhance the EU's maritime capabilities, both in its near and far abroad (European Commission and High Representative 2023). The strategy, for example, calls for achieving surface superiority, projecting power at sea, enabling underwater control and contributing to air defence (Ibid: 13). It also includes plans to conduct annual naval exercises from

2024 to improve readiness and interoperability in tackling traditional and emerging maritime threats. This increased focus on security is also evident at the regional level. For example, the 2021 EU-Indo Pacific strategy talks about a 'meaningful' European naval presence in areas of 'intense geopolitical competition' (European Commission and High Representative 2021). When justifying the need for this EU Indo-Pacific strategy, the Commission and the HR underline how

> current dynamics in the Indo-Pacific have given rise to intense geopolitical competition adding to increasing tensions on trade and supply chains as well as in technological, political and security areas. This is the reason why the EU has decided to step up its strategic engagement with the Indo-Pacific region (European Commission and High Representative 2021).

In sum, studying key EU maritime security documents over time, there is evidence to suggest that the EU has clearly become more concerned with its strategic interests in the Maritime Global Space. In a changing and more uncertain geopolitical environment, the EU is more focused on strengthening its core security and defence, something that is also reflected in its Maritime Global Space policies. However, there is little evidence to support that the EU seeks to build up its naval capabilities in order to become a maritime great power that can help the US in balancing and deterring China and Russia in the high seas. To the contrary, the war on Ukraine has undoubtedly led to an increase in the EU's focus on security and defence – and maritime security is key to this development –, a clearer division of labour between the EU and the North Atlantic Treaty Organization (NATO) can be observed. While NATO is concerned with traditional territorial defence and deterrence, the EU uses its resources more in response to other types of threats and challenges, such as piracy, migration and the protection of cables and critical infrastructure. This is also very evident in the EU's naval missions in the high seas, which rather than being used foremost for defence and balancing purposes were launched to fight blue crimes, as further discussed below. The EU aspires to be a maritime security provider, but EU positions and strategies do not suggest that it is developing into a great maritime power on the high seas. In the words of Bueger and Edmunds (2023, 80), '[t]here is an implicit consensus that NATO should focus on tasks such as deterrence, collective defense, and counter-terrorism operations while the EU deals with maritime-policing and crime-fighting tasks'. As further discussed below, there is also no evidence to suggest that the EU is abandoning its traditional focus on promoting multilateral cooperation and governance of the Maritime Global Space. But what type of governance systems is the EU promoting in this space? To understand this, the analysis moves on to explore the two alternative models, first discussing whether the EU is a multilateralist in the liberal sense, promoting governance of the high seas due to economic and other self-interests, or if it instead conducts a policy focusing mainly on the global collective goods aspects of these areas, as one would expect following the constructivist human heritage model.

Neoliberal institutionalist model: a pragmatic multilateralist?

Evidence from various sources suggests that the EU's main aim is to keep the Global Spaces stable to secure its own access to resources and the free navigation of the high seas due to economic and other self-interests. For these purposes, while also increasingly

concerned with building resilience against various threats to these interests as discussed above, the EU's traditional and still dominant way of conducting foreign policy is to create and uphold multilateral cooperation and norms.

The link between multilateralism and stability, on the one hand, and access to the Maritime Global Space on the other, is expressed in the progress report on the EU's international ocean governance agenda of 2019 (European Commission and High Representative 2019, 3): 'Good international ocean governance also means making sure that those operating at sea can do so in a secure environment.' Following the EU Global Strategy, 'ensuring open and protected ocean and sea routes critical for trade and access to natural resources' through global governance is key to trade but also to the very ambition of becoming a stronger maritime power (European Union 2016, 41). The EU also intends to help solve territorial disputes not only in its near abroad but also in East and Southeast Asia within existing multilateral structures, as 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' (European Union 2016., 38). The EU assumes that there is 'a "growing demand for an EU role as a maritime security provider not only in our region, but also further away" – especially in Asia and the Indian Ocean' (Pejsova 2019, 1). It actively follows up on this in practice, by promoting the development of a stable environment through various forms of cooperation, including for example in the Association of Southeast Asian Nations (ASEAN) (Riddervold 2018).

In line with this, the EU is also a strong supporter of what was referred to above as functional territorialization, i.e. the solution of territorial conflicts through legally embedded multilateral forums, such as regional fisheries bodies (Lambach 2022). As 'a global maritime security provider, the EU will seek to further universalise and implement the [UNCLOS], including its dispute settlement mechanisms' (Council of the EU 2016, 41; see also European Union 2016). When presenting coordinated positions in the IMO, the EU also invests significant resources into promoting maritime law that enables seaborne free trade (Pejsova 2019, 2; see also Riddervold 2018).

This concern with securing a stable environment through international cooperation is strongly linked to the EU's economic dependence on free and safe shipping on the high seas. How much global trade depends on the free passage of goods was clearly illustrated by the challenges caused by the COVID-19 pandemic, and the trade implications of the 'Evergreen' being stuck in the Suez Canal in 2021. The same link between stability and multilateralism is evident in the revised 2018 Maritime Security Action Plan (Council of the EU 2018). It starts by referring to the link to the CFSP and how the maritime dimension is key to enhancing 'the EU's capacity to act as a security provider and its strategic autonomy' (Council of the EU 2018., 2). However, here, it is also argued that EU security and economic interests are arguably best served by multilateralism.

In line with this reasoning, all the concrete actions that refer to the high seas in the Maritime Security Strategy Action Plan of 2018 are linked to ensuring a secure environment and hence safe access to these areas: the EU will 'promote the countering of illegal exploitation of natural resources and illegal activities in the high seas' (Council of the EU 2018, 12); and 'promote the application of agreed frameworks (in particular UNCLOS) to ensure continued uninhibited access to high seas areas' (Council of the EU 2018., 29). The same justification and focus are evident in the

Strategic Compass, where a main aim is to 'ensure unfettered access to the high seas and sea lanes of communication, as well as respect for the international law of the sea' (European Union 2022, 24). Also, the 2023 updated Maritime Security Strategy starts by underlining that the EU's 'economy depends greatly on safe and secure oceans' (European Commission and High Representative 2023, 1). It acknowledges that '[t]he overall strategic environment is experiencing drastic changes' that 'demand … more action from the EU as an international security provider' (European Commission and High Representative 2023, 1.). However, of the ten EU interests listed in the strategy, one is more defence-related; 'ensuring the capacity to act promptly and effectively in the maritime domain, and in other operational domains' (European Commission and High Representative 2023., 4) and one is to protect 'natural resources and the marine environment' (European Commission and High Representative 2023, 4.). All the others are linked to various forms of blue crimes such as piracy and smuggling, the importance of keeping sea lines open and upholding international law, in particular UNCLOS, and secure ocean governance (European Commission and High Representative 2023: 3–4. Also Bueger and Edmunds 2023). Similarly, studies of the EU's naval missions conducted in the high seas also find that they were launched mainly to fight various forms of blue crimes that threaten EU interests. Actually, while the EU's missions to fight human smuggling in the Mediterranean initially focused a lot on search and rescue, the EU has increasingly met criticism for being in breach of international human rights and refugee conventions in its attempt to limit migration to Europe through its naval missions (Cusumano 2019). Lori and Schilde (2021) even suggest that in its migration policies the EU is in fact 'outsourcing' refugees to the high seas for political and security reasons, circumventing its international obligations by using agreements with third countries to stop migrants from reaching European waters. Similarly, although the EU has been less in breach of human rights in its anti-piracy missions on the high seas, there is scholarly agreement that the economic interest in keeping sealines open is a key reason why the EU continues to use its naval resources for this purpose (Bueger and Edmunds 2023). The EU has also taken a lead role in promoting effective international cooperation and governance, for example regarding the issue of piracy in international organizations such as the IMO (Bosilca and Riddervold 2021).

In sum, the EU indeed seems to be increasingly strategically oriented, as discussed above, but it mainly focuses on ensuring its aim of a free movement on the seas and a stable and secure Maritime Global Space through building resilience against blue crimes and by continuing to support international cooperation, in line with neoliberal expectations. In this sense, it continues to be what scholars have referred to as a multilateralist – international governance is indeed the EU's main approach to the high seas. It has been consistent in its approach to the Maritime Global Space, including in periods of higher geopolitical tensions. At the same time, a wide number of studies have shown that the EU is not only a trade power but also a champion of environmental protection (Bäckstrand and Elgström 2013; Groen 2015, 884), especially on climate change (see Gstöhl and Larik, in this issue). Is this also reflected in the EU's high seas policies? And if so, is the EU promoting a governance system that explicitly secures the 'human heritage' of the Maritime Global Space?

Constructivist model: a protector of the heritage of humankind?

The EU's oceans governance agenda is an integral part of its response to the United Nations' 2030 Agenda, which 'reflects the EU's preference for strong partnerships, multilateral dialogue and international cooperation as a way to raise the urgent need for action to ensure the conservation and sustainable use of our oceans' (European Commission and High Representative 2019, 1). The EU is very active in dealing with these challenges in practice, in international climate negotiations, and in its own very ambitious European Green Deal, which comprises a strong external dimension. The Green Deal includes several actions targeting international shipping, such as extending the emissions trading system to shipping emissions (European Commission 2021).

Furthermore, the EU has been a promoter of a system that ensures better protection of the oceans and the marine environment in global climate negotiations. To mention a few examples, in preparation of the 2022 climate conference of the parties (COP) in Sharm El-Sheik (COP 27), the Council conclusions underlined 'the fundamental role that sustainable ocean and water management and healthy water-related ecosystems play in overall climate resilience' (Council of the EU 2022, 16). The EU also organized events and drew attention to this link during earlier climate negotiations, although in the end, 'the ocean was not a central topic in the discussions carried out by the Parties' (Tronci 2022). Similarly, in the capacity of holding the rotating presidency of the Council of the EU in the first half of 2022, and with the backing of the EU, France organized a One Planet Summit on the oceans in February 2022 to find global governance solutions to the environmental challenges facing the seas (Presidency 2022).

In sum, the EU is still a major champion of international environmental cooperation, including in its promotion of sustainable ocean governance. With the Green Deal, the EU is willing to assume at least some of the costs associated with avoiding the environmental tragedy of the Maritime Global Space and is likely to do significantly more in practice than all other actors. EU policies are not, however, fully in line with what one would expect following the third, human heritage model. The EU has so far not promoted an extension of the type of governance regimes as the one in Antarctica to other areas of the high seas, or promoted trusteeship systems under the UN, as one would expect if the human heritage aspect of these areas was its key concern. The importance of climate protection and environmental issues are moreover not fully integrated in the EU's Maritime Security Strategies, suggesting that this is not a consistent, main concern across EU policies. Instead, there is a much clearer environmental focus in the ocean governance agenda than in the other policies setting out the EU's Maritime Global Space policies, suggesting that this is not a main priority across the entire domain. In fact, one might even go as far as Bueger and Edmunds (2023) to argue that environmental and climate issues have long been disconnected from the EU's maritime security agenda. For example, the EU's counter-piracy and capacity-building missions in the climate-stressed Horn of Africa region have not incorporated climate factors into their mandates (Meyer, Vantaggiato, and Youngs 2021). And while the 2023 EU Maritime Security Strategy (European Commission and High Representative 2023, 4) lists the protection of natural resources as an EU interest, climate change is mainly discussed as a factor affecting other threats to EU security and interests, such as transnational crime and climate-induced migration, rather than as a threat to the human heritage. As discussed above, the EU has also met

much criticism for its handling of sea-based migration, both from the UN and from human rights organizations. Lastly, the EU has also met criticism for explicitly seeking to combine an environment-friendly policy with economic aspirations, known as the Blue Economy, i. e. arguing that it is possible to combine economic growth and a sustainable development of the oceans. This combination is referred to across different documents and EU actors. For example, the European Parliament (2022) noted that the EU's integrated maritime policy 'is based on the idea that the Union can draw higher returns from its maritime space with less impact on the environment'. Similarly, the Commission argues that '(t)he European Union's blue economy can help achieve this dual challenge: if put on a more sustainable path, it will become a font of action and ideas creating innovation, spurring fast and lasting recovery and protecting our planet' (European Commission 2021).

Conclusion: a pragmatic multilateralist with a green twist

This article has contributed to a better understanding of EU policies towards the Maritime Global Space. Many of today's conflicts and policies play out in this Space, and as such it helps us understand policies and patterns of cooperation and competition as well as future governance structures more broadly. The Maritime Global Space is also one where the EU is developing a stronger and more unified voice. The article finds that, as geopolitics, interstate relations, and economic opportunities in the Maritime Global Space change, the EU seeks to address these challenges by creating a regulated global order and by increasing its resilience against various blue crimes that threaten its access to and use of the high seas for trade purposes. At the same time, the EU is not moving closer to becoming a maritime power in the neorealist sense. Moreover, although ocean governance is an integral part of the European Green Deal, and it promotes environmental protection of the high seas, the EU does not go as far in transforming the existing system as a policy mainly focusing on green protection would suggest by, for example, proposing governance regimes similar to that in Antarctica, or trusteeships under the UN. Instead, the EU links its green policies clearly to another key aim of its governance focus, which is that of economic growth and the reduction of risks. To conclude, the EU is a pragmatic multilateralist much in line with the neoliberal institutionalist model, but with a green twist. One might argue that this is precisely what it alludes to when it calls itself a 'principled pragmatist' in its Global Strategy.

The framework proved helpful for understanding the EU's Maritime Global Space policies, showing that the EU is indeed contributing to the (future) governance of this Space by continuing to promote multilateral regional and global cooperation. This remains the EU's preferred approach to the Maritime Global Space, also in a more challenging geopolitical environment. How effective the EU will be in continuing to promote such cooperation when other big actors such as Russia and China have other preferences remains to be seen. The framework also proved helpful in addressing the question whether, in doing this, the EU is driven largely by its own interests or mainly by a norms-based concern for the human heritage. In particular, it allowed me to distinguish not only between strategic, balancing behaviour, on the one hand, and policies oriented towards international governance on the other, but also between two different types of governance approaches: the promotion of international cooperation in pursuit of self-interests, as one would expect following a neoliberal institutionalist perspective, and the

governance of the high seas for the sake of humankind, as suggested by a more constructivist approach. This framework may therefore be helpful for understanding the EU's policies and interactions also in other Global Spaces.

Note

1. For a similar discussion on the EU's space policies, see Riddervold (2023).

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