Policy Perspectives on the EU in Today's Complex World:
Promoting Holistic Security

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Rooted in original scientific research, AGORA© Fora endeavour to improve policy making by fostering suggestions based on academic research and effective dialogue among a limited number of participants hailing from the research, policy making and civil society communities.

The rationale behind the GEM-STONES AGORA© Fora is to foster two-way interactions between the GEM-STONES's academic research and policy-making in the fields broached by the GEM-STONES' research agenda. This enables the GEM-STONES PhD Fellows to jointly reflect on their research in an inter-sectoral environment as they will be confronted by representatives from both the academic and non-academic sectors.

Roundtable 3 of the 2018 AGORA© Forum on **«The EU in Today's Complex World: Promoting Holistic Security»** discussed the ways in which European institutions' manage the articulation between development and security espoused by the EU's 'comprehensive security' principle. Accordingly, It assessed the EU's security and external action provisions amount to a "conscious efforts [by the EU] to address and improve institutional interactions" within a variety of security complexes, both in its near and far abroad.

The following briefs, prepared by three MSCA-funded GEM-STONES Early Stage Researchers served as reference documents for discussions on cases where the EU has actively sought to expand its role beyond its immediate neighbourhood and into non-traditional security fields, specifically considering the EU's initiatives towards Africa and South East Asia with regards to:

- The heightening of maritime security (ESR-10 Dominik Giese);
- The promotion of R2P (ESR-11 Jochem Rietveld);
- The fight against human trafficking (ESR-14 Elisa Narminio)

ROUND TABLE 3 – Promoting Holistic Security

Deep Trouble – Holistic Maritime Security and the Importance of the Seabed

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Dominik's theoretical research contributes to the growing literature that re-visits 20th century Classical Realism and applies this to current theoretical debates in the IR literature on regionalism. His empirical research focuses on two regions, Europe and Southeast Asia, in which he analyses regional security governance policies (e.g. maritime security) through the lens of Hans J. Morgenthau's 'Political Realism'.

BACKGROUND OF THE STUDIED POLICY FIELD

There are three strategic implications that call for the EU to employ a holistic maritime security approach to the seabed. These concern the resource mining of rare-earth minerals, the securing of the continent's key digital communication infrastructure, and deep sea warfare.

First, the seabed, which has been traditionally exploited for oil and natural gas reserves, is also source to an immense amount of copper, manganese, cobalt and rare earth metals. Such minerals are essential for the technological progress and supply of raw materials for European industries included in the production of smart-phone screens, batteries, magnets, as well as in the development of green technologies such as photovoltaics, fuel cells and wind turbines. The exploitation of scale of such resources is likely to provide for substantial economic growth and secure jobs for future generations. For now, 77% of these critical raw materials are imported into the EU, with half of them sourced from China.[1, 2] The 'exploration' of mineral deposits in international waters is regulated by the Internal Seabed Authority (ISA), founded in 1994 as part of the United Nations Convention on the Law of the Sea (UNCLOS). A quarter of a century later, steps for concrete regulation of deep sea mining (read 'exploitation') is still in draft stages.[3] Besides geopolitical challenges arising from claims to lucrative and untapped mineral deposits beyond Exclusive Economic Zones (EEZ), the mining of the seabed also entails yet unforeseeable environmental and ecological consequences.[4, 5]

Second, about 97 percent of the world's data traffic and $10 trillion in daily financial transactions are not carried by satellites but a submarine cable infrastructure, most of which runs through the bottom of the sea at depths of up to 8000m.[6, 7] Whilst cables are protected against extreme environmental conditions and interferences by the deep sea's inhabitants, they are vulnerable to human interference, such as attacks on cables to disrupt communication networks vital not only for the internet and international commerce, but also military communication.[8, 9] In fact, the cable infrastructure closer to coastlines is even vulnerable to civilian interference requiring little more than a scuba gear and adequate cutting utensils.[10] For now, seabed cables have little to no legal protection, as most of them are situated outside the jurisdiction of any state.[11]

Third, even though warfare conducted beneath the seas' surface is not new, it is evolving to involve a wider grid of unmanned maritime operations.[12] Newest developments see unmanned underwater vehicles (UUV) and autonomous underwater vehicles (AUV) being deployed at the seabed with the potential to, amongst others, deploy and/or discharge mines, disrupt submarine cable infrastructure and support nuclear attack submarines.[13] Similarly, legal issues remain as to whether it is possible to classify said vehicles as ships, making them fall under the regulation of UNCLOS.[14]

The challenges outlined above give the seabed geopolitical, economic, environmental and military-strategic relevance. This gives reason to consider how holistic EU actions in maritime security can extend to the seabed.

BACKGROUND OF EU ACTIONS IN THE STUDIED POLICY FIELD

The EU is aware of the importance of the 'blue economy'.[15] In contrast, substantial knowledge about what happens deep below the surface of the worlds' oceans is largely absent.[16]

The European Commission Framework 7 initiative funded the MIDAS (Managing Impacts of Deep-seA reSource exploitation) project from November 2013 for a period of three years to investigate into the environmental impacts of seabed mining.[17] The transference of this research into concrete actions is still outstanding. For instance, concerning seabed mining, the EU's Maritime Security Strategy and its concomitant Action Plan fail to mention it. With regards to the protection of the submarine cable infrastructure, there is no mention of it beyond a desire to expand this network.[18] Similarly, the EU's cyber security strategy fails to incorporate submarine cables under its 'critical information infrastructure protection' scheme.[19]

Turning to seabed warfare, AUVs and UUVs find no concrete mention in CSDP measures. However, the Council's list of projects to be developed under PESCO do mention Maritime (Semi-) Autonomous Systems for Mine Countermeasures (MAS MCM).[20]

STRENGTHS AND WEAKNESSES OF EU ACTIONS IN THE STUDIED POLICY FIELD

With the three strategic implications of the seabed highlighted above, EU actions are most visible in deep sea mining. The strength of current EU actions entails a strong commitment to invest into research that investigates the environmental and ecological consequences for the exploitation of resources located at or close to the seabed. Such studies are in turn likely to provide a substantial opportunity for the EU and its member states once deep sea mining of scale commences: by giving insights on how to exploit deep sea resources in an sustainable manner to prevent further detriment to the planet's natural environmental and ecosystem.

However, among the upcoming challenges the EU and its member states are likely to face for seabed mining is the yet unregulated distribution of geographical areas that resources are located. This situation has the potential to result in geopolitical struggles with other powers over whom gets what, when and how. Similarly, the EU's member states' current technological superiority for deep sea mining gives it a relative (and competitive) advantage over less technologically developed countries. However, the seabed is non-sovereign territory and thus could classify as a 'global common'. Therefore, if the EU and its member states desire to further a policy that circumvents disputes with developing and rising powers, access to seabed resources should be equally distributed.

Little awareness is shown by EU actions with regards to the protection of submarine cable infrastructure. This plays into maritime asymmetric warfare technology such as AUVs and UUVs that can present a threat while being used to disrupt the cable infrastructure. An opportunity presents itself to include both issues within the recently launched projects following Permanent Structured Cooperation (PESCO) in defense.

RECOMMENDATIONS

In coming to terms with promoting a holistic security agenda, and in order to secure continued access to next generation resources, protect digital communications infrastructure, and modernize military strategy, the EU and European member states' policy-makers are advised to pay closer attention to the seabed. If the EU does not follow to take concrete actions to extend its strategic maritime interests to the seabed, it may well find itself in deep trouble in the years to come.

In the short-term, the EU is called upon to...

- consider the economic, environmental and geopolitical security implications concomitant with the exploration of the seabed in its EUMSS Action Plan, with special regards to deep sea mining, the submarine cable infrastructure and new maritime warfare technology

- transfer the conclusions reached by MIDAS to the ISA and call for environmental and ecological protection to form an intricate part of eventual seabed resource exploitation

In the long-term, the EU is advised to...

- create binding guidelines on how European corporations can exploit seabed resources on the basis of the conclusions reached by MIDAS. This is essential to avoid further detriment to the planet's natural environment and ecosystem

- include a focus in PESCO projects that tackle the potential subversive impact of AUV and UUV technologies on the submarine cable infrastructure which connects the European continent with the rest of the world.

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ROUND TABLE 3 – Promoting Holistic Security

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BACKGROUND OF THE STUDIED POLICY FIELD

The Responsibility to Protect (R2P) was developed against the backdrop of the heated debate on humanitarian intervention in the 1990s. This decade was characterized by both flagrant inaction in the face of genocide, such as in Rwanda, and by intervention outside the UN legal framework, such as in Kosovo (Schrijver 2013). These dramatic events led former UN Secretary- General Kofi Annan to ask the following question in his 2000 Millennium Report: "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?" (UN 2000) Annan's call proved to be the starting point for a long process that eventually resulted in the development of the principle of the Responsibility to Protect. With R2P, norm entrepreneurs such as the International Commission on Intervention and State Sovereignty (ICISS) aimed to reframe the debate on sovereignty and intervention "by making respect for sovereignty conditional on the responsible exercise of sovereignty by a government" (Schrijver 2013, 318-319). The principle of R2P was eventually adopted at the UN-level at the 2005 World Summit. Here, states subscribed to the notion that "each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UN 2005). Second, the international community should, as appropriate, assist states to exercise this responsibility and, in case national authorities would manifestly fail to protect their populations from mass atrocity crimes, it should be ready to take action to remedy the situation, with all necessary means at its disposal (UN 2005)." Since 2005, the norm has served as a basis for action on multiple occasions. In Kenya in 2008, preventive efforts were taken to make sure the country would not lapse into violence after disputed elections, whereas in Libya in 2011, a more reactive response in the form of the enforcement of a no-fly zone to protect the Libyan people against Gadhafi's army (Crossley 2016). The criticism that this intervention- authorised by the UN Security Council and executed by NATO- stretched its protection-mandate, has, however, posed a significant challenge to the norm of R2P (Bloomfield 2016).

BACKGROUND OF EU ACTIONS IN THE STUDIED POLICY FIELD

Accounts of EU action on R2P show a mixed picture. Whereas some authors see the EU as supportive of the norm, evidenced by endorsements of R2P in international fora (Brockmeier et al. 2014), others argue it received the norm with considerable scepticism, especially as its emergence coincided with the US' War On Terror (Widmaier et al. 2015). On the policy level, it seems that the EU has chosen to implement R2P through external rather than internal policies (focusing on protecting populations in non-EU countries to avoid sensitive internal political debate) and to subsume mass atrocity prevention under a general conflict prevention approach (De Franco et al. 2016). Concerning specific cases, the EU played some role in the Kenyan post-election crisis in early 2008, when EU election observers refused to sign off on an election they saw as flawed (Crossley 2016, 155). The handling of the crisis was seen as a first successful case of 'R2P-prevention', but the EU as such was not very active in it. In the Libyan crisis in 2011, an early common EU approach ended when the debate about the use of more forceful measures divided EU-member states. Notably, Germany abstained from UNSC1973, which called for the enforcement of a no-fly zone, while the UK and France actively contributed to the subsequent mission (Brockmeier et al. 2014, 447). In 2013, the European Parliament (EP) endorsed R2P in a recommendation to the Council, with seemingly limited follow-up (De Franco et al. 2016). In 2016, however, an EU R2P Focal Point was appointed (Christian Leffler), the EP called upon the Council to continue to work on the operationalisation of R2P and the EU Global Strategy referred to the norm (EU Global Strategy 2016, 42). The European External Action Service (EEAS) has also become more active in the implementation of R2P in recent years. All in all, it seems justified to conclude EU action on R2P has been mixed: strong on endorsement, but not always persistent in implementation. The latter challenge is currently being addressed, with the EEAS in the lead.

SWOT ANALYSIS OF EU ACTIONS IN THE STUDIED POLICY FIELD

Strenghts:
• The EU expresses formal support for and endorses R2P in international fora
• The EU is considerate of protection needs outside its own region
• The European Parliament keeps R2P on the political agenda in Brussels

Weaknesses:
• Disagreements between member states undermine an EU consensus on R2P
• The EU tended to subsume mass atrocity prevention under a general conflict prevention approach, which runs the risk of missing out on the nuance of the former. Improvements have been made, but it will take some time before these changes will be reflected in practices 'on the ground'
• Addressing potential protection concerns within the EU are given existing policies a blind spot

Opportunities:
• The challenges to the liberal order also offer opportunities to the EU to present itself as new defender of that order, for instance by defending and promoting norms like R2P.
• The uncertainty about R2P's current position opens up avenues for norm entrepreneurship to the EU as well.
• The EU's qualified understanding of state sovereignty (due to decades of sovereignty-pooling in the context of EU integration) and its strong emphasis on human rights make it uniquely positioned to lead the defense of R2P.

Threats:
• Challenges to the liberal order in general (e.g. by the policies of the Trump-administration) and the EU in specific (by Brexit; the EU's authoritarian neighbours) are undermining global liberal principles and norms characteristic of the post-WWII order. R2P may be one of the victims of these challenges.
• There is uncertainty about where R2P as a norm is heading globally, especially after the backlash against NATO's operations in Libya in 2011, which some saw as stretching a 'protection-mandate.'
• The Security Council is frequently deadlocked. This also affects the handling of 'R2P-situations' and 'R2P-conflicts', of which Syria is the most obvious example. This global paralysis narrows the room for manoeuvre for the EU to address R2P.

RECOMMENDATIONS

• Keep working on intra-EU consensus on R2P and its underpinning principles such as 'human security', 'mass atrocity prevention' and 'civilian protection'.
• Ensure that the improvements that the EEAS has made in distinguising between mass atrocity prevention and conflict prevention in general are also reflected by practices 'on the ground' (i.e. in the work of EU delegations)
• Explore how an internal 'protection-agenda' can be developed in a constructive way and through which institutional channels this should be initiated. An emphasis on prevention is key to enable progress in this area.
• Aim to seize the opportunities that accompany the US' (partial) retreat from the liberal order. Norm entrepreneurship on R2P can be one way for the EU to defend and (re-)shape that order.

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ROUND TABLE 3 – Promoting Holistic Security

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Élisa Narminio's research engages with child trafficking in Europe and South-East Asia. In addition to her research activities, she is an Adjunct Professor in European Studies and English at the Sorbonne University (Paris, France), and an advisor in politics and public policies for the private, public and non-profit sectors.

BACKGROUND OF THE STUDIED POLICY FIELD

Child trafficking is one of the most acute transnational issues in need of a robust international legal and policy response. Although trafficking in human beings is not a new phenomenon, it has in recent years acquired grave dimension worldwide in the context of globalisation. All countries in the EU are affected by child trafficking, be it as states of origin, destination or transit. Governmental and non-governmental institutions are starting to assess the gaps of child victims' protection in the face of this increasing human rights concern. Although interest in the issue of human trafficking has been on the rise in the past decade, the study of sexual exploitation, and more recently forced labour, have been favoured, leaving other trafficking phenomena in the dark and failing to address the specificities due to gender and age. Hence, whilst the international community is starting to take forward legal and policy responses to trafficking, accompanied by regional efforts, for instance in the EU and ASEAN, to give a practical grounding to international treaties, these measures often lack anchorage, due to the absence of holistic, evidence-based studies linking theory with practical responses.

Several studies contend that the industry of human trafficking operates with impunity a multibillion industry , benefitting from "merchandise" that can be sold numerous times. The scope of the phenomenon of child trafficking is difficult to measure precisely due to its hidden nature and the lack of reliable, consistent data. Existing data is often difficult to compare due to methodological differences and is not systematically disaggregated by age of the victim, however sources such as UNICEF estimate that there are over one million children trafficked annually representing up to 50% of all trafficking victims and that this number is increasing. Trafficking in human beings is the third largest, second most profitable and fastest growing criminal industry globally. Although the push and pull factors are largely the same for minor and adult victims, children often experience several risk factors at the same time, termed "poverty plus" by a joint consultation of ILO and UNICEF (2009): it describes a situation in which an additional factor to poverty, such as illness, triggers increased vulnerability to trafficking.

BACKGROUND OF EU ACTIONS IN THE STUDIED POLICY FIELD

The fight against child trafficking is spread across a variety of instruments and public policies, embedding it in a layer-cake of administrative, social and criminal law. It does not benefit from a single, streamlined set of legal provisions. Human trafficking was first defined in international law in 2000 through the UN 'Palermo Protocol'. This is the most widely endorsed definition, which provides an essential basis for national law reform and has largely inspired the EU instruments. Another key source of provisions concerning a child's right to safety is the 1990 UN Convention on the Rights of the Child. The EU is attempting to put in place emergency measures to combat child trafficking on its territory and outside through Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. Three elements are constitutive of the trafficking offence: action, means, objective of exploitation (almost same as international definition in UN Protocol). With specific regard to children, it is noted that since children cannot consent under international law, it is a case of trafficking if the victim is a child regardless of whether or not fraud and deception are used.

At the policy-level, the office of the EU Anti-Trafficking Coordinator (currently Dr Myria Vassiliadou), is tasked with improving coordination and coherence among EU institutions, EU agencies, Member States and international actors.

SWOT ANALYSIS OF EU ACTIONS IN THE STUDIED POLICY FIELD

Child trafficking is useful as a policy matter precisely because it is hard to define. It can serve as a consensus device for vastly disparate measures and policies precisely because it cannot be unquestionably identified.

The EU faces a set of challenges to be expected with the development of a complex policy-measures: it still grapples with issues of identification of child victims, specification of their status, and effective protection mechanisms; but also with data protection legislation and the provision of safeguards for the upholding of fundamental rights (see especially the Aranyosi and Caldararu case, 2016, on return policies).

Strenghts - increased awareness amongst various professionals (social workers, border guards, policemen, …) and the general public; driver of legislation.
Weaknesses - difficulties to grasp what amounts to a case of child trafficking; invisibility of the victims; lack of efficient, coordinated actions to protect victims on the long-term.
Opportunities - The upcoming renewal of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016
Threats - Lumping together criminals/migrants/trafficking victims; subsuming the issue of child trafficking under general criminal and administrative categories of migration and asylum; debates about identification (for instance scientific measurement of age, or lowering the age of fingerprinting) risking to endanger individual liberties.

Researchers stress that the misunderstanding of child trafficking has led to a policy response endangering the children involved even further, instead of protecting them. As a result, there appears to be a clear absence of concerted, systematic action on the global level to address child trafficking.

RECOMMENDATIONS

Efforts should be:
1)   Targeted – to address the specific needs of children v. adults;
2)   Systematised – Berman and Friesendorf (2008) accuse the EU governance of having "failed to use internal and external policy systematically to fight [trafficking in human beings], relying instead upon coercive practices to create a counter-trafficking narrative that secures anti-crime and often anti-immigrant approaches to the problem";
3)   Given clear direction – to avoid divergent interests taking over, e.g. interests in securing international funding, curbing emigration, or as a tool of humanitarian diplomacy;
4)   Coordinated – involving adequately trained staff v. "good (but often unqualified) Samaritans";
5)   Standardised – to follow standard protocols;
6)   Holistic – taking stock of the fact that child trafficking needs not only be addressed through the fight against exploitative practices, but must be seen as embedded in general socio-economic issues such as the alleviation of poverty, access to education, safe migration options, or access to secure livelihoods.

As a follow-up to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, the next EU Strategy could reflect on these elements.

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