

ATLANTIC  
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07

**Maritime Territorial Delimitation and Maritime Security in the Atlantic**

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**ABSTRACT**

The present paper aims to assess how a redefined Atlantic space, based on common opportunities and challenges, could reinforce the maritime security status of the region. Far from being homogeneous, the Atlantic Basin (AB) combines different historical and cultural backgrounds, diverse natural features, and distinct levels of development. While these favour numerous economic and political opportunities, they may represent an obstacle in tackling maritime security issues. Through the present study, maritime border disputes are identified and mapped, and a further analysis about its impacts on interstate relations is developed. We conclude that, although there are obstacles fostering cooperation on maritime security, such cooperation is becoming increasingly relevant to the North and South Atlantic in terms of management of territorial disputes, impacts of climate change, resource protection, regulation of the maritime system and prevention of international crime.

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# ATLANTIC FUTURE SCIENTIFIC PAPER

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# 1. Introduction

The present study looks at the continuities and changes in the security landscape of the Atlantic with a special focus on maritime territorial delimitation disputes and its impacts on interstate relations in the Atlantic. The paper is part of a comprehensive scientific analysis, which aims to look at the wider Atlantic as a region of study for the international relations.

The power shift occurring in the world drives the United States (US) and the European Union (EU) to redesign their strategic partnerships, looking at an enlarged Atlantic region as a key cooperation space. Common challenges emerge in the region, threatening human security and resource control asking for an integrated regional response. However, are the US and the EU - the traditional AB powers - willing to recognise new actors? Also, are AB countries willing to make the Atlantic a priority when formulating their foreign policies?

Despite the recognition of the potential benefits from closer cooperation towards a safer and more stable ocean, it does not seem reasonable to expect that AB countries will place the Atlantic at the core of their security policies. Instead, it seems more likely that the topic will be introduced in the broader context of foreign policy formulation. This may be explained by the absence of strong regional relations in the Atlantic, which is reflected in the lack of political will for strengthening cooperation links in the region.

Additionally, it is still possible to observe North/South identities. These identities certainly have an impact in the handling of any issues placing North and South at the opposite side of the table, when the division becomes clearer.

The project "*Toward an Atlantic Area? Mapping trends, Perspectives and Interregional Dynamics between Europe, Africa and the Americas*" - which this paper is part of - looks at potential cooperation in the Atlantic Basin (hereinafter, "AB"). The initiative aims to suggest strategies to the European Union on how to draw cooperation strategies with regional partners.

The analysis developed here is based on the concept of the AB that includes not only coastal countries in the Atlantic but also the EU-27 and Switzerland. Accordingly, this paper does not consider countries located in other areas, regardless their potential to influence in the Atlantic region.

The author recognises some shortcomings of such a scope; this analysis includes European countries with no maritime links or tradition, such as Luxembourg and Switzerland. These are obviously less affected by maritime issues than coastline countries and, therefore, place less value in maritime security strategy than countries such as Portugal or Cape Verde. However, the focus of the project is to consider how the European Union in its entirety can reform its position to favour a future Atlantic dynamics. For this reason, it is imperative that all EU countries be considered.

Also, there are countries bordering two or more oceans, as is the case of the US, South Africa and Colombia. This fact has consequences on the formulation of their maritime strategies, which in turn makes it more difficult to conceive an Atlantic community identity. Nevertheless, an analysis, which did not encompass these countries, would be pointless.

First, we consider why the broader Atlantic perspective proposed is normally questioned since relations between countries in the Atlantic region are not a new trend. We also discuss what has changed in the North-South and South-South dynamics.

Second, we demonstrate why it is relevant to consider the AB region in maritime security terms. The challenge is to identify strategic security objectives within the Atlantic Basin countries, which qualify as common security interests.

Third, an analysis of maritime border delimitations is developed, considering the changes in the United Nations Convention on the Law of the Seas (UNCLOS) as a response to technological development.

Finally, we identify maritime disputes in the AB region and make some comments on the existing mechanisms of management of border conflicts.

## 2. A redefined Atlantic Space

The AB is being reshaped by a number of economic, political and security trends. While interstate relations across the ocean are not a new development, the present study looks at the power shift in the region as well as at the increasing value given by the main stakeholders of the region to the maritime sector as a component of states growth.<sup>1</sup>

The term “transatlantic relation” has been linked to and shaped by the northern hemisphere dynamics, due to the decades of cooperation between the United States and Europe. This alliance has, for many decades, greatly influenced international relations, economic growth rates, and security operations in the AB.

Such relation was until recently based on a security cooperation structure, covered generally by the North Atlantic Treaty Organization (NATO) (Guedes, 2012). However, new powerful actors are emerging in Africa and Latin America, contributing to the strengthening of the economic, security and institutional links in the Atlantic.

The reduction of trade barriers and the decrease in transportation costs have favoured the fragmented production of manufactured goods across borders, shifting the established economic roles among countries. Emerging economies’ share of global imports of raw materials and exports of finished goods is growing at an increasing rate. As a result, production capacity and infrastructure have been created in regions, including some Asian, African and Latin American developing economies, enabling those countries to seize new opportunities for trade and services.

The US and Europe have become less competitive vis-a-vis these new global actors, a problem exacerbated by the 2008 financial crisis. Initiatives for further economic integration between the two powers are underway. These are based on the perception that trade liberalization between the US and EU countries could help resume growth by promoting their export sectors and generating new employment. Both the US and the EU are extending this rationale to other countries in the wider Atlantic region (Alcaro and Alessandri, 2013).

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<sup>1</sup> In the US the Commission on Ocean Policy on September 20, 2004 advanced “An Ocean Blueprint for 21st Century” outlining a national agenda for protecting and restoring the oceans. The European Union developed an Integrated Maritime Policy, (Commission of the European Communities 2007) to account of the inter-connectedness of industries and human activities centred on the sea and to build up close cooperation between decision-makers in the different sectors at all levels of government. (EU Maritime Affairs)

Regional dynamics and bilateral partnerships are redefining the geopolitical Atlantic, including the proliferation of south-south links. A distinct southern identity is being reshaped on the international stage, including an intensification of contributions by southern countries to the dialogue on the appropriate provisioning of global public goods, such as curbing climate change, developing rules for stable financial markets, advancing multilateral trade negotiations and agreeing on mechanisms to finance and produce green technologies (UNDP Human Development Report 2013). Countries seek greater political recognition, participation in world trade and a more significant role in global governance. The current number of governance and trade groups confirms this: G20<sup>2</sup>, BRICS<sup>3</sup>, IBSA<sup>4</sup>, CIVETS<sup>5</sup>, MIST<sup>6</sup>.

Another trend favouring the integration of the South Atlantic is the amount of state and private initiatives of cooperation between southern countries, in fields such as investment, security, health, education, and technology transfer.

The increase of economic relations in the region is making the countries of the AB to look at the ocean as an integrated component of their economy, development and stability. The world's oceans are appearing more and more at the centre stage of international debate (such as at Rio+20); there is more concern over issues such as ocean temperatures and rising sea levels, which have direct impacts on peoples' lives and on present and future economic development.

With the challenge of sustainable energy supply as a long-term political, economic, environmental and social concern worldwide, today's states are prioritising relations with oil and gas-producing countries when formulating their foreign and security agendas. The Atlantic is emerging as a unique region in the globe, with its countries accounting for over a third of global oil and gas production and hosting 60% of the world's recoverable shale gas reserves, as well as 40% of the world's petroleum reserves (Centre of Transatlantic Relations, 2014).

The increased production from oil reserves in the coastal sedimentary basins of South America and West Africa is contributing to the reduction of the dependence of Western countries on oil from the Middle East, assigning a new relevance to the South Atlantic region. The US and Europe have been looking to diversify their source of hydrocarbons, which is making the Gulf of Guinea, for instance, increasingly relevant. It is expected that in less than a decade the Gulf of Guinea surpassed the Arabian/Persian Gulf as the biggest US energy supplier, representing 15 percent of US imports. (Guedes, wtsp.30. 2012).

The new geopolitical and economic dynamics are also redesigning the security scenario of the AB countries. Common challenges emerge for both traditional and new regional actors, as trafficking, piracy, robbery, and arms race concerns intensify, high level of societal violence, humanitarian crisis and violent conflict emerge, asking for an integrated regional response.

Over recent years the Brazilian government has increased the attention and resources dedicated to the South Atlantic. The 2008 National Defence Strategy, 2012 White Paper on Defence, lays out the steps for securing the South Atlantic through a mix of

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<sup>2</sup> G20, Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Republic of Korea, Mexico, Russian Federation, Saudi Arabia, South Africa, Turkey, United Kingdom, United States and European Union.

<sup>3</sup> BRICS Brazil, Russia, India, China and South Africa.

<sup>4</sup> IBSA Dialogue Fórum, Índia, Brasil and South África.

<sup>5</sup> CIVETS Colombia, Indonesia, Vietnam, Egypt, Turkey and South Africa.

<sup>6</sup> MIST Mexico, Indonesia, South Korea and Turkey.

unilateral moves and international cooperation, not only with other South American countries, but also with states along the western coast of Africa. In addition, as a result of the Arab Spring, NATO and some of its partners have been developing strategic actions south of the Tropic of Cancer. The Chicago Summit offered an opportunity to reaffirm the cooperative security objective through partnerships; as a consequence NATO allies are committed to reinforce both the Mediterranean Dialogue (MD) and Istanbul Cooperation Initiative (ICI) (Alessandri, 2012). Finally one might also consider the activation of the Fourth Fleet as the result of an administrative step to organize the United States Southern Command (USSOUTHCOM), naturally motivated with the increasing economic relations with the south. Needless is to say that the question of the viability of the "pre-salt oil" will be followed by USSOUTHCOM very carefully (Poggio and Silva).

A redefined concept of the Atlantic Space is above all the transformation of the conceptualization of Atlantic interstate relations since the rise of several southern countries role on the global dynamic is changing the balance of power in the region. Moreover, the Ocean is naturally gaining a major significance for the interstate relations enabling through strong interstate relations the economic, social and technological development.

### **3. Maritime Security as a Natural Common Priority for the Region**

States' primary security concern has historically been defending borders and preserving sovereignty, as well as expanding its power over adjacent areas.

The definition of maritime borders is part of the process of state formation, directly linking the interests of state sovereignty and ocean use. The opportunities presented by technological developments have enabled the exploitation of ocean resources in extended areas of the coast. As a consequence, the coastal state motivation stands not only for gaining access to such areas but also to protect them, both the resources themselves and information regarding their economic potential.

Security interests in the oceans are also developed as a response to the link between maritime activities and those on land, which often have an impact on territorial security. Transnational crime, piracy and terrorist attacks have taken place in the ocean producing high economic and social losses for various countries worldwide. The international scope of such activities is inevitable, given the absence of physical delimitations of territory connecting countries; more than one vessel may be used to advance criminal activities; the vessels may transit the waters of various states and call at different ports before reaching the final destination (Klein, p.17 2011).

Looking at the AB it is possible to identify patterns of continuity in terms of maritime security risks in the region, generally associated with threats to human security and resource control, rather than threats of formal interstate conflicts. The political, economic and social structures of certain countries may limit their operational capacity to assure the rule of law of the sea and favour illegal activities, in particular violent competition for natural resources, adding to regional instability (Onuoha, 2012).

While a country's military concerns are predominantly domestic, the nature of emerging threats in the AB, combined with the possible implications for states' stability and

development of economic activities, has led to requests for a comprehensive consideration of such threats.

To this end, is it possible to identify common strategic security interests for the AB countries? Can we place maritime security in the Atlantic at the core foreign agendas?

The idea of the Atlantic Ocean as a platform for international trade and energy resource flows, and international relations more broadly, also asks for strategic adjustments in response to the economic and political dynamics that would stem from closer interaction between and among private and public actors in the Atlantic space. These actors would have major advantages from a more secure Atlantic Ocean, which include developing the economic potential of some disrupted areas, fighting against illegal activities and the preventing armed conflict.

The complexity of the patchwork of countries' social, political and economic structures implies dramatic security challenges in the region. The lack of governance and rule of law in some countries, as it is the case of some East African countries represents an important limitation to the development of the region and may have a negative impact on regional security status. Thus, maritime security plays an important role not only in the economic development of these countries but also in social terms. Looking for instance to the information collected from the International Maritime Organization (IMO), the East Africa region is the centre of pirate attacks in the Atlantic. The area around the African shore is largely most vulnerable than the others. The Caribbean and the Atlantic shore of South America have been alternating as the second most vulnerable place in the region. The North Atlantic, is the area with the lowest number of incidents.

<b>Piracy attacks against ships; committed</b>						
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
East Africa	61	59	48	47	14	8
North Atlantic				2	1	
South America (A)	4	14	17	8	1	1
South America (C)	6	6	3	3	6	6
<b>Total Atlantic</b>	<b>71</b>	<b>79</b>	<b>68</b>	<b>60</b>	<b>22</b>	<b>15</b>

Source: Data take from International Maritime Organization, the combination of the indicator Piracy attacks against ships; committed from 2008 to 2013 by region.

Indeed, maritime security may have a significant impact on food security and coastal economy's development insofar as several coastline countries have their primary source of protein in the ocean, and people can rely on it for subsistence and employment. The reduction in energy production caused by the lack of security in some areas, such as oil theft and the resulting increase in insurance rates, has been affecting an important source of government's income, much needed to their development. Nigeria, for example, has oil as the source of 95% of its foreign exchange earnings and approximately 80% of budgetary revenues (UNODC Transnational Organized Crime in the Gulf of Guinea 2013).

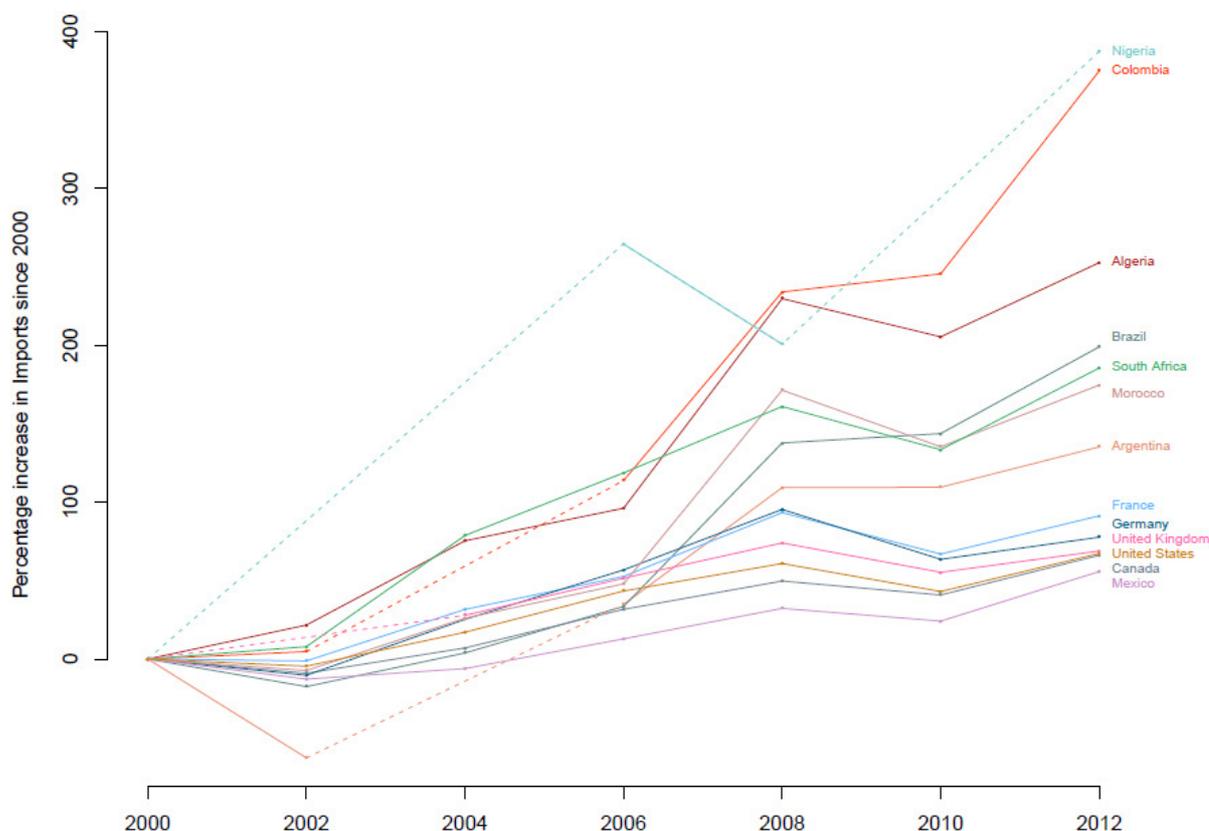
Certainly, maritime transport handles over 80 percent of the volume of global trade and accounts for over 70 percent of its value. According to the UN's World Economic Situation and Prospects 2012, global seaborne trade has expanded on average by 3.1 percent every year since 1970, reaching an estimated 8.4 billion tons in 2010. Barring a major change in the trend of world economic activity, global seaborne trade is

expected to increase by 36 percent by 2020 and double by 2033 (UN World Economic Situation and Prospects 2012).

Today, in spite of the rise of the Pacific Rim, the Atlantic occupies a leading position in terms of finance and trade. The flows across the Atlantic account for 2 trillion, in a cumulative foreign investment alone (Lesser, 2010).

We consider the group of the largest regional economies, consisting of the largest countries by GDP from each continent within the Atlantic Basin. The figure shows the increase in trade between each of these countries and the other members of the group, between 2000 and 2012.

**Figure 1 - Percentage increase in imports from 2000 to 2012**



Source: Developed by Timothy Hobson, International Intelligence Unit FGV, based on UNCOMTRADE.

While the general increase in the volume of trade flows is clear, the differentiation between countries of the North and South Atlantic is particularly striking. All of the southern states have seen imports more than double over the twelve year period, whereas none of the northern economies has experienced this level of increase in imports. The broad intensification of maritime flows inevitably leads to an increase in the relevance of maritime security; particularly for certain southern countries, which may have limited operational law enforcement capacity.

The development of the regional economy is also fostered by the improvement of regional infrastructure; effective and peaceful waters will much add to the development

and enlargement of the economic activities in the region. Although existing ports in the AB will continue to be central in supporting regional trade, the emergence of new ports will have a great impact in promoting the development of several sub-regions. The new deep-water facilities being constructed in Santos, Suape and Açú ports, in Brazil, in Lobito port, Angola, and in Walvis Bay port, in Namibia; as well as the expansion of the Panama Canal - which will create a new route to larger vessels - are examples of initiatives that could potentially play an key role in the economic dynamic of the region.

Moreover, the effects of climate change in the maritime security status of the AB must not be underestimated. The Centre for Naval Analyses (CNA) Military Advisory Board warned in the report – titled 'National Security and the Accelerating Risks of Climate Change' that climate change will cause or exacerbate regional and ethnic conflicts over food and water in the developing world. (Alexandria, VA: CAN Corporation, 2014). Global climate change poses enormous, complex security risks, especially given the inevitable competition for resources amid rapid population growth.

The security risk represented by the melting Arctic to the region is significant and needs to be considered from a comprehensive Atlantic perspective. In a speech delivered in May 2014, US Defence Department Secretary Chuck Hagel confirmed the possibility of conflicts in the region, recognizing that the opening of sea lanes in the Arctic could lead to friction among competing nations. Although this is a northern hemisphere issue, it will naturally have an impact on the AB countries stability.

Based on the reasons laid down above, one will conclude that there would be advantages to think about the Atlantic maritime security from a regional perspective since this perspective would give a standing to the local developments of security and force an evaluation of how global and local trends interplay with each other. Such a perspective would help to define a possible policy structure for the current maritime security context (Buzan and Wæver, p.27. 2003).

While globalization has been changing the nature of state interdependence, clear structural differences between the north and south Atlantic remain. There exist obstacles for further cooperation. There are still some questions related to opposing north-south interests and even unresolved issues between the US and Central American states.

The still present division in the region reflects the historical development in the past centuries. Thus, the political and military perspectives of north and south countries are, too often, opposing. For instance, Europeans and Americans stand united in defending the International Responsibility to Protect principle, that is, they defend the military intervention in extreme cases of massive violations of Human Rights. Brazil and South Africa have a more cautious approach, defending the principle of non-intervention as a core foreign policy value. Indeed, the vast number of Atlantic countries, each in different stages of development, brings about distinct internal and external security challenges and political responses.

The concept of military alliances within the region cannot be ignored, nor should it be accepted without reservation. There are old and new security alliances, forums and institutions across the region, which already contribute in different ways to the security structure of the Atlantic. One must consider initiatives such as the South Atlantic Peace and Cooperation Zone (ZPCAS), which is composed of twenty-four states of the observed AB, promoting cooperation for peace and security in the Atlantic South.

In a globalized world, the possibility of losing out as a result of maritime threats elsewhere reinforces the need for a broader outlook when designing national strategies for security policies. Under the scope of the present research it is important to

recognise not only that there are common strategic security interests for the region, but also that the main stakeholders, such as the European Union, must consider and promote such potential advantages if they are to be realised. This will require a maritime security perspective which includes the analysis of vulnerabilities across the Atlantic and promoting the engagement of emerging actors with political, diplomatic and economic weight in the region.

## 4. Water Borders Delimitation

The delimitation of maritime borders involves a complex net of legal, scientific and political issues. It could be a simple process, if the notion of who dominates the land, dominates the sea held true (Anderson, 2001). However, there are numerous nuances, which may affect the process with implications for the limits of national borders and for the relation between contiguous countries.

Such discrepancies may be based on legal or natural realities, and may change in time. Uncertainties also arise as a result of the geographic peculiarities and coastal characteristics. Legal changes both in national and international levels may occur, such as the new possibility to claim maritime rights up to 350nm from the countries' baseline recently introduced in the United Nations Convention of the Law of the Sea (UNCLOS). Finally, ambiguity could also emerge from variations in the methodologies used in the preparation of charts (Anderson, 2001).

In short, delimitating geographically distinct and unique region according to a single set of rules is a complex exercise – and, even when possible, different technical and/or legal interpretations still leave room for undesired discretion.

The rising of sea level much adds to the already entangled circumstances – the emerging dispute over the melting Arctic region being an emblematic example of the challenges to be faced in the future.

In legal terms, the process of border delimitation and ocean uses has evolved through decades of work, developed by the international community, and is outlined in the UNCLOS (Carlson; Hubach; Long; Minteer; Young 2013). The Convention defines fundamental legal principles for the oceans' governance, supporting a maritime security legal system.

Since the seventeenth century, states with coastlines traditionally perceived a three nautical mile rule over what was considered territorial waters, beyond this national boundary all water was considered under the principle of *mare liberum*.

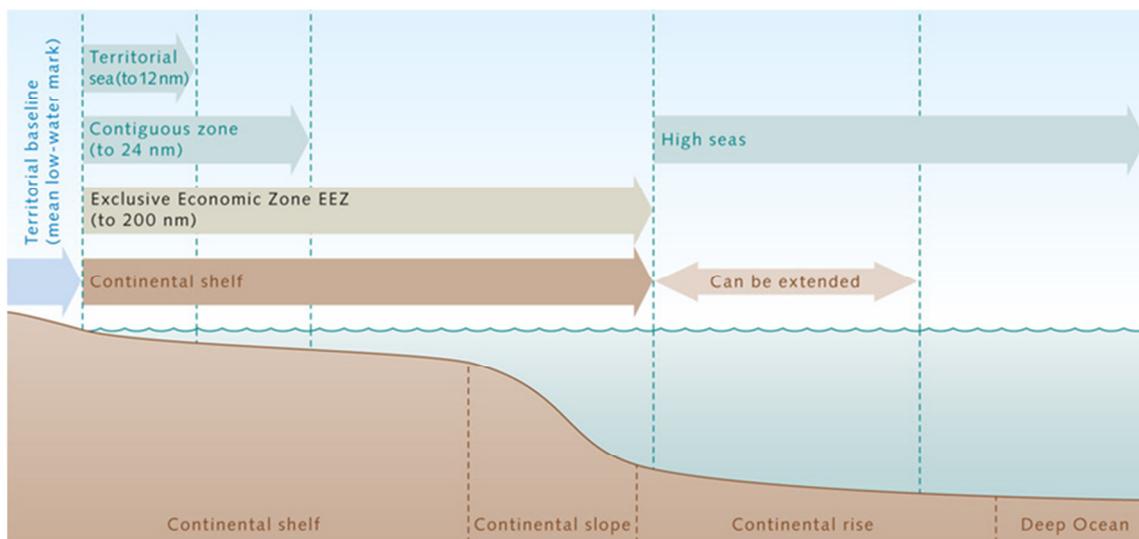
As countries sought to extend control over proximate maritime natural resources UNCLOS has evolved to reflect states' motivations towards additional ocean uses in extended areas. As a result of multiple Law of the Sea conferences and nearly a century's worth of modification of the previous 3nm standard, UNCLOS nowadays recognizes the division of territorial baseline into different maritime zones in which countries have different political and economic rights and responsibilities.

The UNCLOS divides the continental margin into four different areas:

- Territorial Sea – established at 12nm from the baseline. Coastal States sovereignty is extended into the territorial sea.

- Contiguous Zone – established at 12 to 24 nm from the baseline. It is the zone contiguous to its territorial sea, within which coastal States may exercise some controls.
- Exclusive Economic Zone (EEZ) – established from the outer limit of the territorial sea to 200nm. Within the EEZ, States have rights over the exploration and use of marine resources, including fishing and energy production from water and wind.
- Continental Shelf - established at 200nm from the baseline. Coastal States have rights over all resources on or under its continental shelf, living and not, but no control over any living organisms above the shelf that are beyond its exclusive economic zone. The Convention establishes the possibility of extending the 200nm-limit up to 350nm from the baseline. In order to be granted this extension, coastline States must submit a request to the Commission of Limits of Continental Shelf (CLCS) through the Secretary-General of the United Nations, presenting charts geodetic data, describing the outer limits of its continental shelves. If extension is granted, the State has its right over the seabed and subsoil non-living resources expanded beyond the 200nm limit to up to 350nm.

**Figure 2 - Maritime Zones**



Source: *World Ocean Review*

Considering the growing concern over fish stocks and the development of new technologies - which enabled the exploration of natural resources, located offshore - coastal States' efforts to acquire exclusive rights to manage and exploit living and non-living resources in the EEZ are increasing.

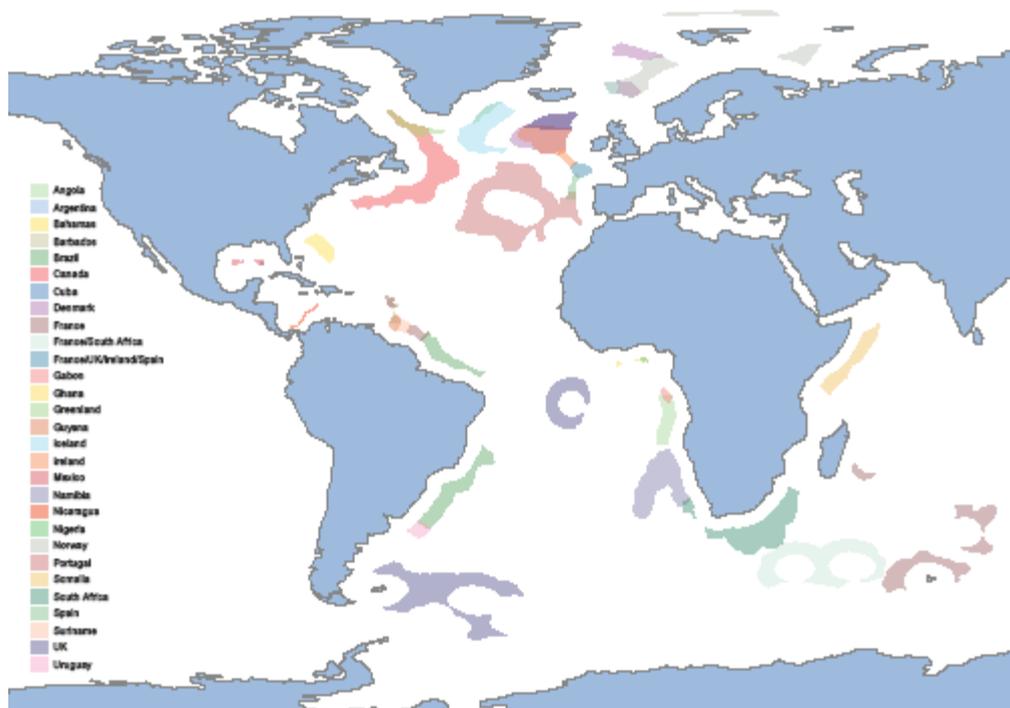
The procedure represents a manifest benefit for coastline countries as it enables them to have their rights extended.

As of July 2014, the Commission on the Limits of the Continental Shelf (CLCS) received 74 submissions pursuant to article 76, paragraph 8 of the UNCLOS and recourse to the procedure is increasing. The first submission was made by Russia in 2001, followed by Brazil in 2004. The most recent one was by Somalia, July 2014.

Among the AB countries, the following have applied for extension of the continental shelf: Brazil, Ireland, France, Spain, United Kingdom, Norway, Mexico, Barbados, Suriname, Uruguay, Argentina, Ghana, Iceland, Denmark, South Africa, Nigeria, Portugal, Namibia, Cuba, Guyana, Gabon, Canada, Angola, Nicaragua and Bahamas (UN Commission on the Limits of the Continental Shelf).

Looking at Figure 3 below, it is possible to see that a few coastline African states have applied to the use of this right to the CLCS. These countries are, perhaps, the ones that need to rely on their national maritime resources capacity most. They are also the ones that would benefit from regional cooperation which provided assistance for the use of this legal resource.

**Figure 3 - Map of Continental Shelf Claims in the Atlantic Basin on 21 July 2014**



*Developed by Timothy Hobson, International Intelligence Unit, FGV using data taken from the Commission on the Limits of the Continental Shelf*

In spite of the recognised advantages of this prospect, in terms of maritime security balance, tensions may emerge in several occasions; EEZ may overlap when states are less than 400 nm apart or when they have adjacent economic zones. Tensions may also emerge from an attempt of territorialisation of the EEZ, motivated by the fact that the rights and jurisdiction exercised in the EEZ by coastal states are not absolute. Unresolved boundaries issues may provoke conflicting relation between coastline countries or significant economic losses. While such tensions have more impact in specific sub-regions, the Atlantic potential volume of natural resources demands careful consideration.

## 5. Maritime Border Disputes in the Atlantic Basin

The increasing economic and political interdependence among countries in the AB assigned a higher relevance to the ocean, amplifying the weight of security tensions for the countries in the region.

Based on the World Fact Book, disputes international, an exercise mapping the maritime border disputes and its impacts on interstate relations was developed. Twenty disputes were identified, and categorized according to their cause: ten are due to issues around the definition of maritime boundaries; six arose from overlapping territorial claims and four from situations of contested sovereignty.

This approach will permit broader understanding of the region, as well as a perspective over potential impacts of disputes in interstate relations, since the security concerns of a state are intimately related to defining and defending rights over maritime areas.

### i. Disputes caused by maritime boundaries definition

1. The Aegean Sea Basin dispute, where Greece and Turkey have constant quarrels to find a resolution to their complex maritime, air, territorial, boundary disputes;
2. The ongoing situation in Latvia, where the Parliament has not ratified its 1998 maritime boundary treaty with Lithuania due to concerns over oil exploration rights;
3. The issue between Bahamas and US, who have not agreed on a maritime boundary yet.
4. The dispute between Cote d'Ivoire and Ghana because of the Corisco Bay boundary, where the UN urges Equatorial Guinea and Gabon to establish a maritime boundary in this hydrocarbon-rich area;
5. The conflict between Mbane and Lesser islands, where the International Court of Justice (ICJ) ruled on an equidistance settlement of the Cameroon/Equatorial Guinea/Nigeria maritime boundary in the Gulf of Guinea, but a dispute continues between Equatorial Guinea and Cameroon over an island at the mouth of the River and imprecisely defined maritime coordinates in the ICJ decision delayed final delimitation;
6. The ongoing issue between Guyana and Suriname over the territorial sea boundary in potential oil-rich waters, where Guyana pursues arbitration under provisions of the UNCLOS to resolve the long-standing dispute;
7. Barbados abides by the April 2006 Permanent Court of Arbitration result concerning the delimitation of a maritime boundary and limitation of catches of flying fish in Trinidad and Tobago's exclusive economic zone, which creates tensions between the two countries;

8. The maritime boundary between Colombia and Nicaragua is still waiting to be settled by ICJ, who after it allocated San Andres, Providencia, and Santa Catalina islands to Colombia, under 1928 Treaty, did not rule on 82 degrees W meridian as maritime boundary with Nicaragua;
9. Nicaragua institutes proceedings against Colombia asking the Court to definitively determine the question of the delimitation of the continental shelf between Nicaragua and Colombia in the area beyond 200 nautical miles from the Nicaraguan coast.
10. Guyana has expressed its intention to join Barbados in asserting claims before UN Convention on the Law of the Sea (UNCLOS) that Trinidad and Tobago's maritime boundary with Venezuela extends into their waters.

**ii. Disputes related to territorial claims in the region.**

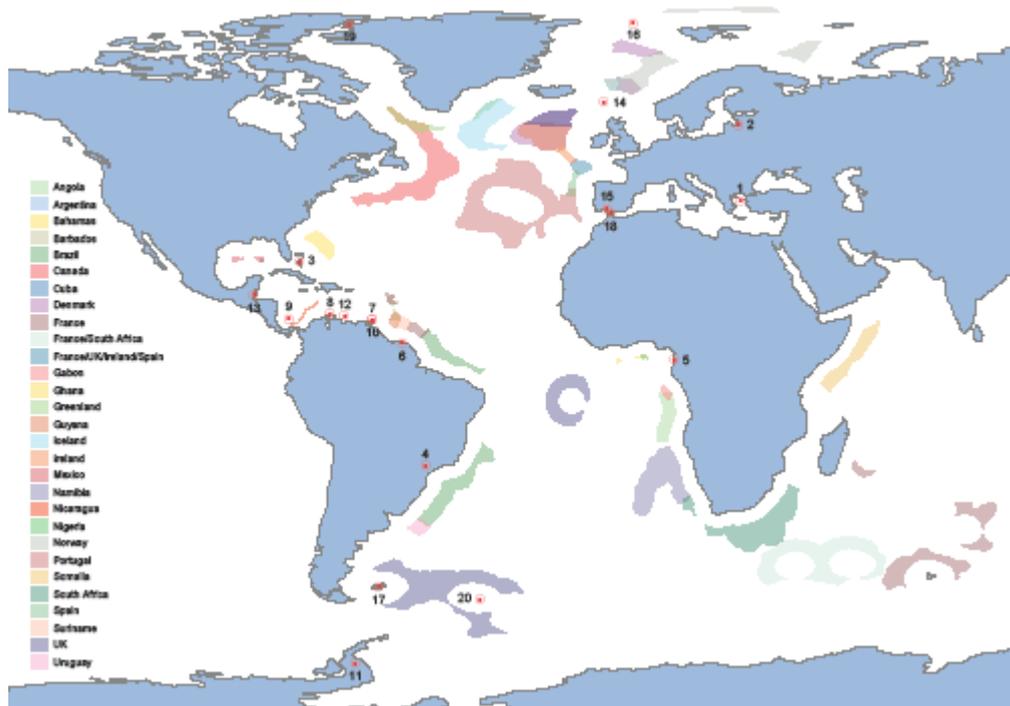
11. The territorial claim of Argentina partially overlaps UK and Chilean claims;
12. Aves Island in Barbados joins other Caribbean states in questioning Venezuela's claim that Aves Island sustains human habitation, a criterion under the UN Convention on the Law of the Sea, which permits Venezuela to extend its Economic Exclusion Zone/continental shelf over a large portion of the eastern Caribbean Sea;
13. The Belize Caribbean Sea annual ministerial meetings, under the Organization of American States-initiated Agreement on the Framework for Negotiations and Confidence Building Measures, continue to address Guatemalan land and maritime claims in Belize and the Caribbean Sea;
14. The UK and Iceland dispute Denmark's claim that the Faroe Islands' continental shelf extends beyond 200 nm;
15. El Salvador continues to claim tiny Conejo Island that was not mentioned in the ICJ ruling, off Honduras in the Gulf of Fonseca;
16. The melting Arctic will implicate new transit routes, where new emerging frontier delimitations will cause several geopolitical changes in the region. As a consequence overlapping territorial claims in the Arctic embrace countries such as Canada, Denmark, Norway and United States. The question here is less about whether it is possible to create this dynamic in the region but rather about if it can be done in a peaceful and sustainable way.

**iii. Issues regarding contested sovereignty situations**

17. Argentina continues to assert its claims to the UK-administered Falkland Islands (Islas Malvinas);
18. There is the case of Gibraltar, which is disputed by the UK and Spain, residents in the latter voted by referendum to reject any shared sovereignty arrangement; the Government of Gibraltar insists on equal participation in talks between the UK and Spain; Spain disapproves of UK plans to grant Gibraltar greater autonomy;
19. Canada has a sovereignty dispute with Denmark over Hans Island in the Kennedy Channel;

20. In South Georgia and the South Sandwich Islands, the UK has continuously rejected sovereignty talks requested by Argentina.

**Figure 4 - Border Disputes in the Atlantic Basin**



*Developed by Timothy Hobson, International Intelligence Unit FGV, using data taken from on the World Fact Book, CIA.*

## 6. Managing Border Conflicts in the Atlantic

The historical construction of the Atlantic interstate relations reflects the variation of state power. Independent states have settled most maritime borders bilaterally innately by adjacent proximity - as opposed to territorial boundaries, which were often drawn by colonial powers. (Asgeirsdóttir, Steinwandd, 2013).

To evaluate how disputes may influence interstate relations it is important to consider the political and security context of each dispute. For the present study two disputes will be analysed.

First, we consider the long-lasting diplomatic dispute between the UK and Argentina over the Falkland Islands. This dispute represents a major issue to the Atlantic; its historical character rekindles old colonial resentments in several countries in the South, especially Argentina. The Argentine government continues to request a dialogue with Great Britain in order to reach an agreement on the sovereignty over the Falklands. These requests have intensified considerably during the last decade.

In 2011, on the 30th anniversary of the war, a diplomatic offensive started, after President Cristina Kirchner, declared that Argentina would reclaim the Falklands. Argentina persuaded its MERCOSUR partners – Brazil, Paraguay and Uruguay – to

ban Falklands' civilian ships from entering their ports. In addition, the 33-country Community of Latin American and Caribbean States CELAC consistently supported Argentina's sovereignty over the Falklands. As a response to these initiatives, the UK sent the warship HMS Dauntless to patrol the South Atlantic.

The political and diplomatic character of such acts has serious consequences to the stability in the relations between Northern and Southern Atlantic. The existence of *de facto* and institutionalised alliances - such as UK/US and EU/US and the NATO - discourages Northern countries directly opposing their allies. Similarly, Southern countries tend to support each other in disputes seen as remnant of the colonial times. In case of escalating tensions, regional alliances would be formed and the North/South division of the Atlantic would likely intensify. Such instances raise questions of whether it is possible to draw a single Atlantic response to the security challenges in the AB.

In this particular case study, the sea area around the Falklands islands is rich in natural resources, which explains both States' efforts to acquire exclusive rights to manage and exploit living and non-living resources in the islands' EEZ, introducing high economic stakes to a political dispute.

Although it is hard to imagine military conflicts between countries in the AB region, especially when compared to the Pacific or Indian Ocean, the discovery of scarce natural resources, such as oil, increases the risk of disputes (Asgeirsdóttir, Steinwandd, 2013). Speaking at China's International Studies Foundation think-tank in 2011, Mr Arguello, Argentina's ambassador to the United Nations, predicted the 21st century would be the "century of the natural resources dispute", adding, "fisheries and oil have much to do with this conflict".<sup>7</sup> While the likelihood of conflict remains small, the recent worsening of diplomatic relations between UK and Argentina represent an important indicator of increasing underlying risk.

The possibility of tensions in the AB region is also being exacerbated by the effects of climate change as the rising of the sea levels is going to change the border lines as we know them. Dealing with the future impacts of rising sea levels in the AB represents a central question for the balance and peaceable development of the region.

In this regard, the dispute concerning the Arctic is becoming increasingly relevant to the security status of the AB. It is estimated that 30% of the world's undiscovered natural gas and about 15% of its untapped oil lie in the Arctic. It should be noted that 84% of the estimated 90 billion barrels of oil and 47.3 trillion cubic meters of gas are located offshore, which adds additional complexity to the issue.

There are different groups of countries with an interest in the Arctic region. First, the coastal states: US, Canada, Denmark, Norway and Russia; second, the coastal states group plus Finland, Iceland, and Sweden, which constitute the eight Arctic nations exercising sovereign rights within the Arctic Circle; and finally, a heterogeneous group including countries such as China, India, South Korea, and several European countries that have asserted interests in raw materials, research, shipping routes, and Arctic infrastructure (Arctic Yearbook 2013).

The escalation of tension is imminent; Russia is increasingly expanding its presence in the region and the CNA report, 'National Security and the Accelerating Risks of Climate

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<sup>7</sup> "Argentina's UN threat: how Falklands diplomatic row has unfolded". The telegraph (electronic edition) article. Andrew Hough 8 Feb. 2012.

Change' states that the potential for conflict in the region is increasing rapidly (Alexandria, VA: CAN Corporation, 2014).

For such a relevant and intricate case of overlapping interests and extended number of actors, more flexibility is required in the formal conflict resolution mechanism, in order to ensure maritime security. The security interest must be given greater scope in the understanding of law of the sea in light of changing dynamics of exclusive and inclusive claims to ocean use (Klein, 2011).

From a realist viewpoint, power differentials have an important weight in the process of managing border disputes. As a result, the stronger economic and political countries implicated in the Arctic dispute might be unwilling to define the terms of boundary agreements; this will implicate a break in the process (Asgeirsdóttir, Steinwandd, 2013).

Moreover unequal negotiation conditions may arise based on the level of economic development of the countries involved. While wealthy countries can afford more institutionalized conflict resolution mechanisms, poor states will want use less institutionalized procedures.

As a result one may conclude that the conflict resolution mechanism, within the existing tensions on North and South Atlantic, has an important impact on the region's stability. The more prolonged the resolution period, the higher the probability of escalation of tension between the parties involved, as unresolved boundary issues may lead to conflicting relations between countries.

The role of the UNCLOS is particularly relevant, for the definition of external limits of the continental shelf. The Convention incorporates a mechanism, within the Commission on Limits of the Continental Shelf (CLCS), for resolving border disputes, the use of which is mandatory in disputes between any signatories to the Convention, in case direct negotiations fail.

According to the UNCLOS, countries have the possibility to choose how to settle disputes by any peaceful means; they may use bilateral direct negotiation or, they may use the legal mechanisms provided by the Convention. This means that countries may, on the basis of Annex II to the Convention, submit disputes to the International Tribunal for the Law of the Sea, to the International Court of Justice or appoint an arbitral tribunal. Additionally, countries may appoint a special arbitral tribunal under Annex III.

Although UNCLOS represents a remarkable evolution in international relations, its structure is still weak. While various UN bodies support initiatives created by UNCLOS, individual states remain ultimately responsible for the implementation of the system, and for ensuring that the convention rules are enforced. UNCLOS still lacks monitoring and enforcement mechanisms. As a consequence, more effective multilateral coordination will be required to control maritime security threats. (Council of Foreign Relations, 2013).

Another shortcoming of the UNCLOS is that the US has not signed the Convention - even though 165 countries and the European Union have ratified the Convention, the fact that the world's leading naval power is not part of the UNCLOS represents a serious challenge for the effectiveness of the Convention. Indeed, this fact alone considerably weakens the UNCLOS role in maritime security.

It is also relevant to mention that Venezuela has not signed the Convention and Colombia has not ratified it. It would be an important step forward if all the AB states were to be part of the Convention, enabling the creation of an Atlantic joint perspective on the subject.

Furthermore, countries which are not part of the UNCLOS do not have access to the forum in which potential claims of the continental shelf could be protected. However, alternative management solutions must be found to ensure maritime security in the Atlantic region.

An alternative would be to establish cooperation on joint management regimes in an attempt to find an agreement on boundaries between states and on resource sharing.

The development of a multilateral, binding code of conduct between the parties is often cited as a way of easing territorial disputes. An example would be the Declaration on the Conduct of Parties in the South China Sea, signed in 2002 by China and ASEAN states.

Yet another alternative would be the creation of discussion commissions or forums that promote the dialog between the parties involved. In this context the Arctic Council, initiative should be followed closely.

It should also be mentioned that the current situation observed in the AB represents a positive aspect to the maritime security context. Negotiation and peaceful resolution of maritime disputes are considered to be reached more easily between democracies than between authoritarian regimes (Jo & Namgung, 2012). This evaluation relies on the principle that democracies are more transparent, promoting trust and making bilateral settlement of disputes more probable. From such a perspective, we may consider that generally, the AB countries have a favourable outlook.

Furthermore, the role of trade in the process of conflict resolution is very important. The process of settling territorial boundaries has been shown to generate an increase in trade, and, in turn, trade has been shown to decrease the likelihood of conflict between states (Aslauf, Steinwandd, 2013). From this angle, the emerging trend towards deepening trade flows between AB countries may be positive to the development of peaceful settlements of maritime borders

Finally, although there are competing interests for valuable resources in the region, it is important to acknowledge the value of the Ocean as a stable maritime security unit. The parties involved need to be open for committing to a procedure that ensures peaceful resolution of border disputes.

## 7. Conclusions

The current analysis has considered the wider Atlantic structure as potential source of maritime security cooperation for the European Union.

Strategic objectives and existing obstacles for further initiatives were highlighted and the value of the ocean as a natural platform for interstate relations was demonstrated. In this context, the delimitation of new maritime zones as well as future impacts of rising sea levels emerge as central questions for the development of the region.

The conflict resolution mechanism, within the context of existing tensions on North and South Atlantic, has an important impact on regional stability. Territorial disputes are influenced by the character of the parties involved and by the nature of the dispute, whether caused by maritime boundaries definition, overlapping territorial claims or contested sovereignty.

The existence of a number of cooperation initiatives in the Atlantic suggests that at least some common interests between countries in the region have already been identified. These initiatives are of extreme importance since the increase in trade flows

and social links will not necessarily result in convergence of values and in automatic security alliances. Neither does the predominance of democratic governments in Africa and South America imply that there are now common security objectives which were not present before. The still present North-South division in the region reflects unequal historical development over centuries.

Although there is coordination and cooperation among countries located in both hemispheres to tackle maritime security issues in the region we observed that this kind of initiative normally occurs in circumstances where general economic interests are at stake. Despite all this, there is no doubt that there are common security benefits to be obtained from cooperation towards a safer Atlantic Ocean that would encourage main stakeholders to take action.

One may for instance consider the findings of the report of the European Union Institute for Security Studies, *Global trends 2030*, demonstrating that the major global conflict trends in the near future will be driven by global challenges such as weapons proliferation or instability caused by failing states, humanitarian crises, piracy and organized crime (ESPAS *Global Trends 2030*, 2012) In view of the discussion above, the AB has much to gain from engaging in preventing state fragility and armed conflicts. Additionally, in terms of the process of maritime border dispute settlement, much could be gained from a more stable maritime region. Such stability would allow states to strengthen economic and political ties and, consequently, create an incentive for settling any disagreements over maritime borders more rapidly, without having to resort to formal/institutionalised resolution mechanisms. Considering the existing tensions in the Northern and Southern Atlantic, a conflict resolution mechanism would also have an important impact on regional stability.

The US and the EU have a major role in reshaping the structure of Atlantic maritime security. However, rising powers in the region should also take on greater responsibility – and some already are. Brazil and South Africa are emerging as global actors. Brazil has been promoting not only regional South-South security structures like ZPCAS but also initiatives concerned with providing assistance to developing countries, like IBSA and BRICS. South Africa has a major role in the African continent as mediator in regional conflicts. Morocco has also been establishing a large number of strategic partnerships, balancing transnational risks emanating from the south, and benefitting from recognized Euro Atlantic security structures (Lesser, 2010).

The wider pan-Atlantic system of relations is not a reality yet but could be constructed over time, based on cooperation initiatives. It will demand transformations in state relations, and the progressive engagement of a comprehensive number of regional actors.

Having considered the points above,

- Recognizing the potential benefits from more cooperation towards a safer and more stable ocean, the European Union should place the Atlantic at the core of their security policies.
- The consideration of maritime border issues must include the impact of global climate change in the dynamic between and among countries in the region. Indeed, the predicted rise in sea levels will have direct impacts on peoples' lives, on economic development, on interstate relations, and even on border definitions and should not be underestimated. Changes in the geographic configuration of the ocean represents an enormous security risk, which must be considered when formulating future policies for the region.

- The formulation of a maritime security perspective must include an analysis of vulnerabilities across the Atlantic.
- The European Union needs to identify the limitations and fears towards a wider Atlantic cooperation in order to ensure a feasible cooperation for security.
- It is important to investigate to what extent maritime security threats have an Atlantic reverberation so that an integrated and common solution mechanisms can be designed.
- Looking at the Atlantic from a regional maritime security perspective is a joint construction process between and among the AB countries. Currently, the AB cannot be regarded as a security community. Nevertheless, an open dialogue could be successful in persuading AB countries of the advantages of considering the region in the formulation of their foreign policies.

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