



ATLANTIC FUTURE

SCIENTIFIC PAPER

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.

The first draft of this Scientific Paper was presented at the ATLANTIC FUTURE Workshop, University of Pretoria, June 2014.

ATLANTIC FUTURE – Towards an Atlantic area? Mapping trends, perspectives and interregional dynamics between Europe, Africa and the Americas, is a project financed by the European Union under the 7th Framework Programme, European Commission Project Number: 320091.



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1. Introduction

The redistribution and rebalancing of power occurring in the world drive US and EU to redesign their strategic partnerships, looking at the wider Atlantic region as a potential space of cooperation. In the redesign of the security agenda, based on old and emerging maritime security threats, demands a comprehensive Atlantic involvement. However, are the traditional AB powers (the US and the EU) willing to recognise these new actors? Also, are AB countries willing to make the Atlantic a priority when formulating their foreign policies?

Despite the acknowledgement of the potential benefits from more cooperation towards a safer and more stable ocean, it does not seem reasonable to expect that AB countries, and in particular the US and the EU, will place the Atlantic at the core of their security policies. Instead, it seems more likely that the theme will be introduced in the wider context of foreign policy formulation. This may be explained by the absence of an Atlantic regional integrated dynamic, which is reflected in the lack of political will for strengthening cooperation links in the region.

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

The project “Toward an Atlantic Area? Mapping Trends, Prospective and Interregional Dynamics between Europe, Africa and the Americas”, in which this paper is inserted, looks at potential cooperation in the Atlantic area and aims to suggest strategies to the European Union on how work together with regional partners. The scope of this project is to define a possible new delimitation of the Atlantic relations based on a common natural resource, the sea.

For this reason, the analysis developed here is based on the concept of the Atlantic Basin (hereinafter, “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 the shortcomings of such a scope. This analysis includes European countries with no maritime links or tradition, such as Luxembourg and Switzerland, which are obviously less affected by maritime issues than coastline countries - and therefore place less value in maritime security strategy than countries like Portugal or Cape Verde, for instance.

However, as mentioned above, the focus of the project is to consider how the European Union as whole can redesign its position to favour a future Atlantic dynamic and, therefore, it is imperative that all EU countries be considered.

Also, there are countries bordering on two or more oceans, as is the case of the US, Mexico, South Africa, Canada, Colombia, Norway, Costa Rica, Nicaragua, Panama and Argentina. 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 wider 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 North-South and South-South dynamic.

Second, we demonstrate why it is relevant to consider the Atlantic Basin 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 regarding legal continuities and changes of border delimitation is developed, bearing in mind changes in the United Nations Convention on the Law of the Seas (UNCLOS) as a response to technological development, which allowed the exploration of natural resources previously out of hand.

Fourth, an analysis regarding legal continuities and changes of border delimitation is developed, with a special focus on maritime territorial border disputes in the region and its impacts on interstate relations.

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 term “transatlantic relation” has been linked to and shaped by the northern hemisphere dynamic, 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 is based on a security cooperation structure, covered, generally, by the North Atlantic Treaty Organization (NATO) following the two World Wars (Guedes, 2012).

The last decade of globalisation, however, has brought a number of changes worldwide, which will have an enduring impact on international relations generally. New powerful actors are emerging in Africa, Latin America, contributing to the creation of strong 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 political and 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.

Recently, 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 countries in the wider Atlantic region (Alcaro and Alessandri, 2013).

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: G20¹, BRICS², IBSA³, CIVETS⁴, MIST⁵. 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. Moreover, a rising number of developing countries are providing aid to other developing and less developed countries. As a consequence, international relations configuration in the Atlantic is being redesigned.

Southern Atlantic countries are today reshaping the economic, political and energy relations in the Atlantic, tightening existing interregional links (UNDP Human Development Report 2013).

The international development paths are changing and 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 like 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 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 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 (Guedes, 2012).

The Atlantic is emerging as a unique region in the globe, with the AB 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 new geopolitical and economic dynamics of the ocean are redesigning the security scenario of the AB countries. Over recent years the Brazilian government has increased the attention and resources dedicated to the South Atlantic. The 2008 National Defense Strategy, 2012 White Paper on Defense, lays out the steps for securing the South Atlantic through a mix of unilateral moves with international cooperation, not only with other South American countries, but also with states along the western coast of Africa. On the other hand, 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

¹ 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.

² BRICS Brazil, Russia, India, China and South Africa.

³ IBSA Dialogue Fórum, Índia, Brasil and South África.

⁴ CIVETS Colombia, Indonesia, Vietnam, Egypt, Turkey and South Africa.

⁵ MIST Mexico, Indonesia, South Korea and Turkey.

Fleet as the result of an administrative step to organize the 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 accompanied by USSOUTHCOM very carefully (Poggio and Silva).

The perspective of a redefined Atlantic space goes beyond a wider geographic consideration, as the interstate relations between north south countries in the region are not new. The idea of an "Atlantic Future" area is also based on the reinforcement of the interstate relations as a platform of pacific and sustainable international relations, in which north-south and south-south dynamics open a new balance of power in the region.

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

A state's primary security interest has historically been related with defending state 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 from 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 oceans 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, 2011).

Potential instability and economic losses make maritime security a natural priority for the development of the region, thereby proving an important stimulus to the European Union to consider the Atlantic structure as a potential area of cooperation.

To this end, can we identify common strategic security interests for the AB countries?

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

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 since 1970 on average by 3.1 percent every year, reaching an estimated 8.4 billion tons in 2010. Considering no

major changes in the world economy takes place, global seaborne trade is expected to increase by 36 percent in 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.

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 a key role in the economic dynamic of the region.

The AB is, simultaneously, a place of wealth and of extreme poverty. 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 of the AB area 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.

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).

Additionally the effects of climate change in the maritime security of the Atlantic 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. Researchers at Harvard University have been showing that the increased levels of carbon dioxide emissions related to a warming planet will weaken nutrition levels in some of the world's core foods like corn and wheat (Myers et, al. Nature, 510, 2014).

The risk that the melting Arctic represents to the security status of the region is important and needs to be considered from a comprehensive Atlantic perspective. US Defence Department Secretary, Chuck Hagel, confirmed the possibility of conflicts in the region, in the first week of May, 2014 recognizing that the opening of sea lanes in the Arctic could lead to friction among competing nations. It is a northern hemisphere issue but that will naturally impact in the AB countries stability.

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, have led to requests for a comprehensive consideration of such threats.(Klein, 2011)

Weak governmental security structures in the south Atlantic may encourage criminal activities, such as piracy or drugs and arms trafficking, however such activities ultimately have an Atlantic scope, as they develop circles of lucrative activities between countries (IMO, 2012). Consequently, it is necessary to understand the extension of these threats. How are pirates in Gulf of Guinea able to operate on such a scale, for instance, with the capability to steal and dispose of enormous quantities of oil? How is it being transported? How is it being paid for? From where do the arms trafficked in

Nigeria originate? How could the major drug-consuming countries prevent effectively the passage across their borders? The incentive and structure of such threats to security and human rights need to be approached from its sub-regional and regional dynamic. As traffic grows along the Atlantic sea-lanes, such threats gain an Atlantic scope, as in the case of drug trafficking, for instance, which has within the Atlantic ocean space its main producers, consumers and lucrative markets. Such activities place maritime security in a regional category, a priority for north and south Atlantic countries.

One may consequently consider that there would be advantages to think about the Atlantic maritime security from a regional perspective since one can always gain from differentiating global from regional security dynamics. A regional 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, 2003).

While globalization is changing the nature of state interdependence, there remain clear structural differences in security between the north and south Atlantic, moreover 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, within their notion of multilateralism, 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, but cannot also be transferred or 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, for instance, the South Atlantic Peace and Cooperation Zone (ZPCAS) which is composed of twenty-four states of the observed AB and promotes cooperation for peace and security in the Atlantic South. Their objective is to cooperate and support each other for the development of their political and military capacities so that they are able to protect the South Atlantic without the need from external actors in the region.

In a globalized world dynamic, 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 an analysis of vulnerabilities across the Atlantic and an engagement with emerging actors with political, diplomatic and economic roles 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 arise 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 rising 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; Minter; 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*.

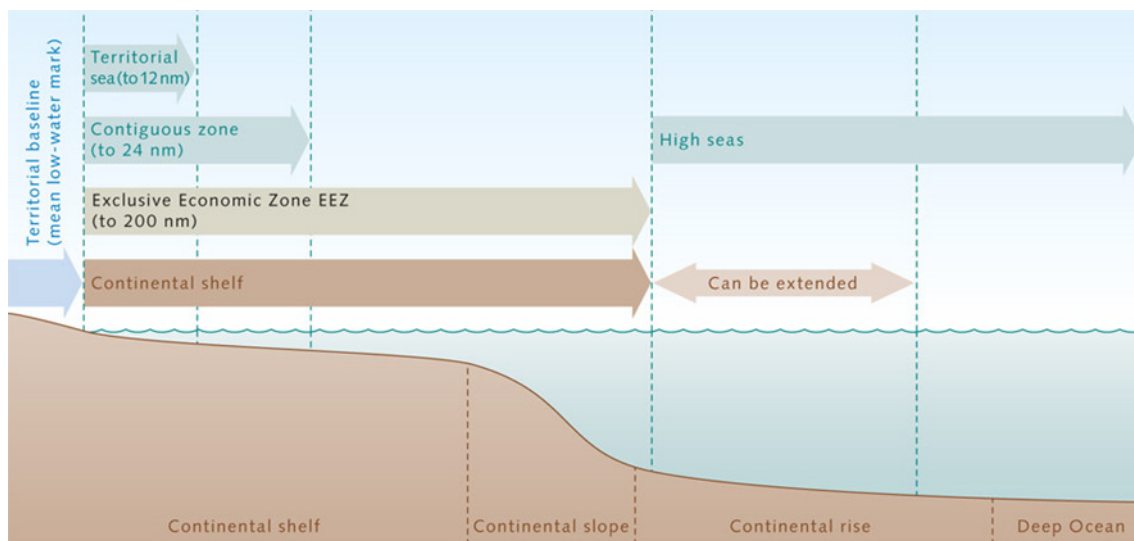
As countries sought to extend control over proximate maritime natural resources UNCLOS has evolved to reflect states' motivations towards additional ocean uses in extended areas. As a result of multiple Law of the Sea conferences and nearly a century's worth of modification of the previous 3nm standard, 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 rising 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.

As of June 2013, the Commission on the Limits of the Continental Shelf received 66 submissions pursuant to article 76, paragraph 8 of the UNCLOS. It can be considered that there are an increasing number of coastal states applying for the legal procedure.

The first submission was made by Russia in 2001, followed by Brazil in 2004. The most recent one was by Nicaragua in June 2013. 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 and Nicaragua (UN Commission on the Limits of the Continental Shelf).

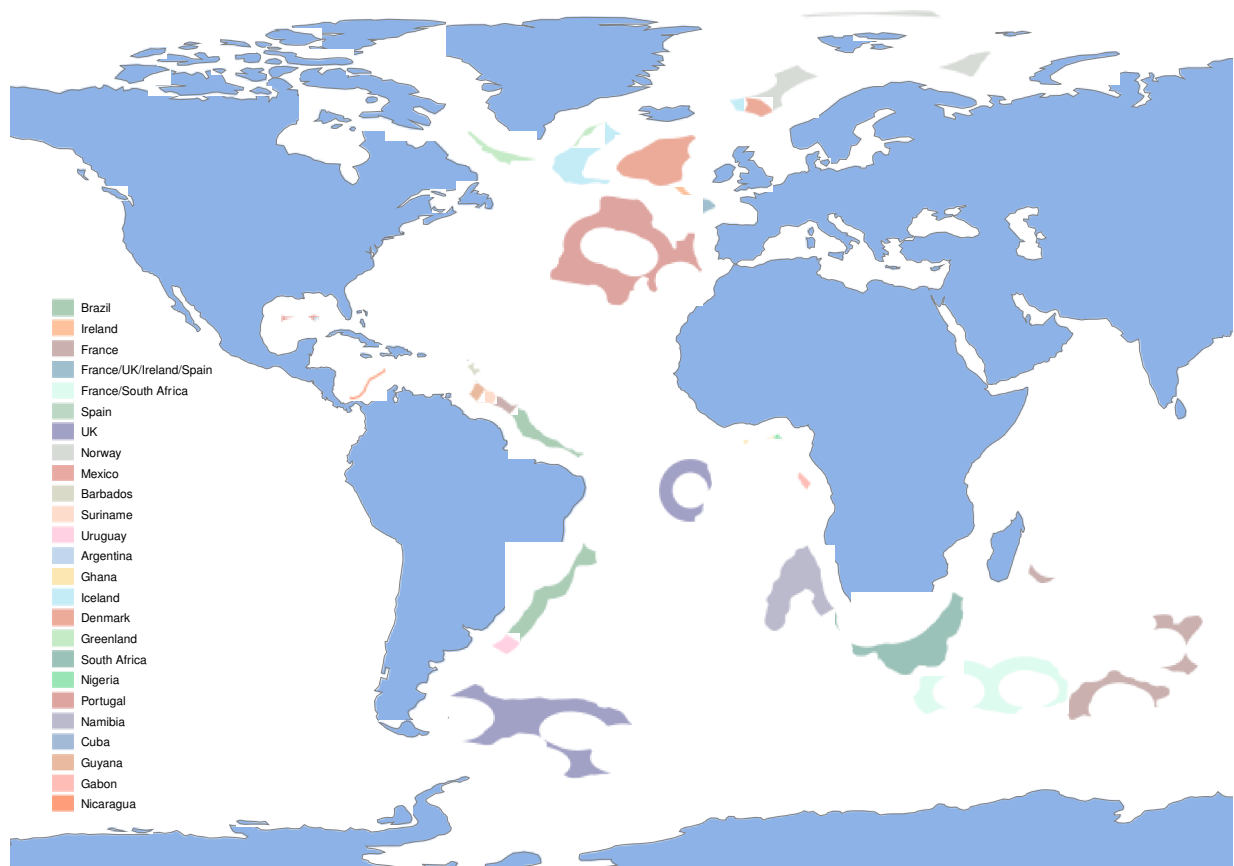
The procedure represents a manifest advantage for coastline AB states as they see their sovereign rights extended.

However, in the context of a maritime security balance, tensions may emerge as the EEZ either overlaps when states are less than 400 nm apart, or when two states have adjacent economic zones. Moreover tensions could emerge from an attempt at

territorialisation of the EEZ, owing to the fact that the rights and jurisdiction exercised by the coastal state in the EEZ are not absolute, they are rights for functional purpose.

Ongoing unresolved boundaries issues may implicate conflicting relation between coastline countries or simply important economic losses as a result of the impossibility of exploration, caused by lack of agreement. Although such tensions have more impact in specific regions, the Atlantic actual potential volume of natural resources asks for the international consideration in terms of stability of the region.

Figure 3 - Map of Continental Shelf Claims in the Atlantic Basin on 24 June 2013



Developed by Timothy Hobson, International Intelligence Unit, FGV

5. Maritime Border Disputes in the Atlantic Basin

The increasing economic and political interdependence among countries in the Atlantic imputed a higher relevance to the sea and amplified the weight of security tensions.

We summarise below disputes in the AB region, which could have an impact on maritime security. These are categorized either as disputes caused by maritime boundaries, overlapping territorial claims or contested sovereignty.

i. Disputes caused by maritime boundaries

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

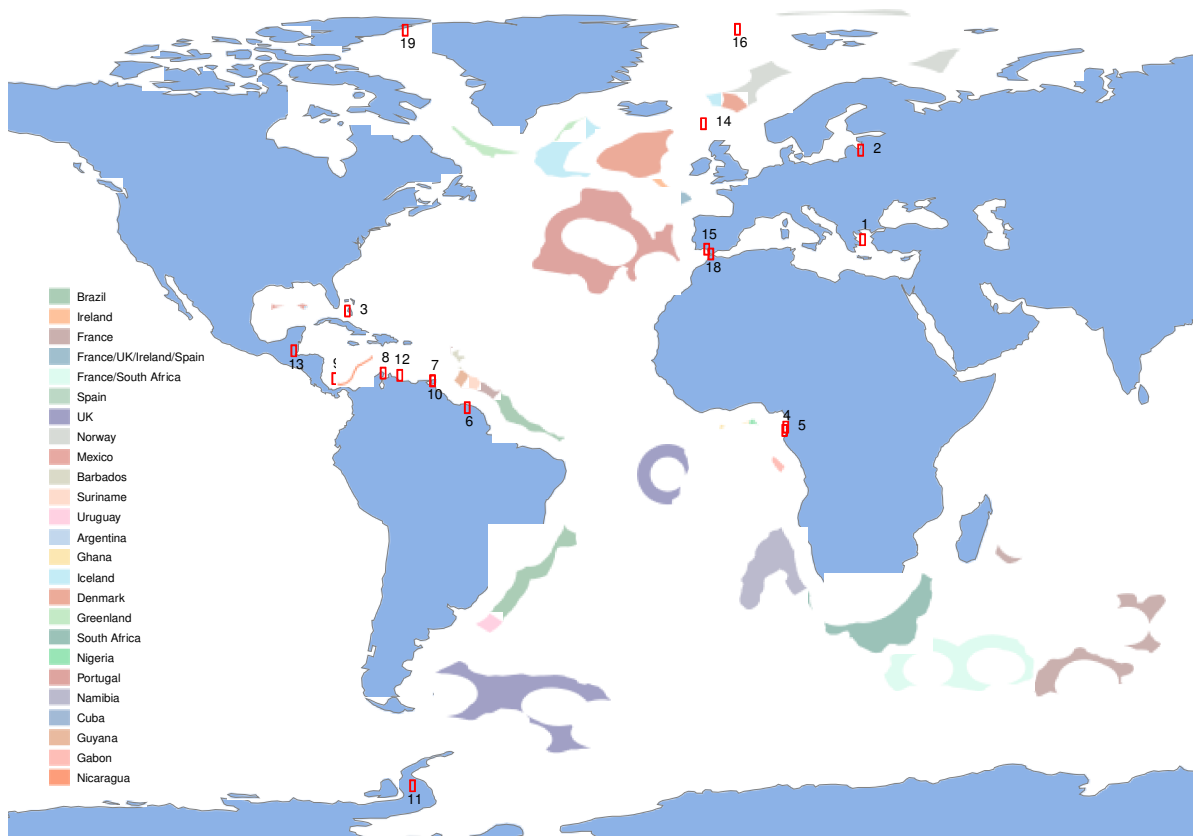
Venezuela to extend its Economic Exclusion Zone/continental shelf over a large portion of the eastern Caribbean Sea;

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

6. Managing Border Conflicts in the Atlantic

The historical construction of the Atlantic interstate relations reflects the variation of state power across the ocean. In what concerns maritime borders, pairs of independent states have settled most maritime borders naturally by adjacent proximity, as opposed to being drawn by colonial powers as often occurred in the case of terrestrial boundaries.

In the previous exercise we mapped the disputes over maritime borders in the AB, in order to form a regional perspective of the ongoing tensions across the region. Some disputes take place between neighbouring countries, as in the US and Bahamas case, and others between North and South, as in the case of the UK and Argentina's opposing claims over ownership of the Falklands. There are more recent disputes – the latest overlapping territorial claims in Antarctica, for instance – whereas others are historical disputes, such as the maritime boundary between Colombia and Nicaragua. In the course of the present analysis we will look at one dispute in the North and a second one in the South Atlantic, in order to assess how they have an impact on regional interstate relations.

The long-lasting diplomatic dispute concerning the Falkland Islands between the UK and Argentina, for example, represents a major issue to the Atlantic; its historical character rekindles old colonial resentments in several countries in the South. The Argentine government continues to request a dialogue with Great Britain in order to reach an agreement on the sovereignty of 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 Islas Malvinas. 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 dispute over the Falklands. As a response the UK sent the warship HMS Dauntless to patrol the South Atlantic.

This kind of tension has repercussions and creates instability both in the Northern and Southern Atlantic. In case of escalating tensions, regional alliances are formed and the North/South division of the Atlantic may intensify, raising questions of whether it is possible to draw a single Atlantic response to the security challenges in the AB. Although the North/South sentiment seems to be stronger in Southern countries, as in the Falklands example described above, the existence of de facto (such as UK/US and EU/US) or institutionalised alliances (NATO) discourage Northern countries from taking a stronger position against their allies.

The sea area around the islands is rich in natural resources, introducing high economic stakes to a political dispute.

It can be expected that agreements that cover areas where the probability of finding oil is either high or confirmed, to be more sensitive to future conflicts and hence to include a more institutionalized legal conflict resolution mechanism. Although it is hard to imagine military conflicts between countries in the AB region, especially if 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". 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. Tensions concerning the control over areas rich in oil, natural gas, and fisheries, as well as shorter trade routes, are potential causes of future sovereign and exploration rights conflicts.

In this regard, the dispute concerning the Arctic is becoming increasingly relevant for the security status of the region. It is estimated that 30 percent of the world's undiscovered natural gas and about 15 percent of its untapped oil lies in the Arctic. However the majority, 84 percent, of the estimated 90 billion barrels of oil and 47.3 trillion cubic meters of gas remain offshore. This will implicate conflicting interest for unexploited natural reserves. There are three groups of countries with an interest in the Arctic. First, five 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 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 a weight in the process of managing border disputes. As a result, the stronger economic and political countries might be unwilling to define the terms of boundary agreements; this will implicate a break in the process (Asgeirsdóttir, Steinwandd, 2013).

On the other hand, unequal negotiation conditions may arise based on the level of economic development of the countries involved. From this perspective there are advantages to bilateral negotiations, since they are less costly than legal disputes and there is no interference from a third party. While wealthy countries can afford more institutionalized conflict resolution mechanisms, poor states will want use less institutionalized procedures.

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 coastline 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 can use bilateral direct negotiation or, they can settle for a more institutionalized legal mechanism, provided by the Law of the Sea.

They can send disputes to the International Tribunal for the Law of the Sea, to the International Court of Justice in the Hague, appoint an arbitral tribunal on the basis of Annex II to the Convention, or 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 owing to the lack of state capacity and political will (Council of Foreign Relations, 2013).

Another shortcoming of the UNCLOS is that, although its signatories include 165 countries and the European Union, the US is not a party to 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.

In view of the scope of this paper, the AB, it is relevant to mention that Venezuela has not signed the Convention and Colombia has not ratified it. In other words, all AB countries recognize the UNCLOS role, with the exceptions of US, Colombia and Venezuela. It would be an important step forward if all the AB states were to recognise and accept UNCLOS as the effective framework for establishing, defining, deciding and

resolving disputes on maritime territorial issues, to enable the creation of an Atlantic joint perspective on the subject.

At the moment, countries which have not signed the UNCLOS do not have access to the forum in which potential claims 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 order to try to find an agreement regarding boundaries between states and 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, however at the present moment none have adhered to its provisions or implemented its trust-building proposals.

Another alternative could be the creation of discussion commissions or forums that promote and mediate the dialog between the parties involved. In this context the Arctic Council should be followed closely.

From an Atlantic perspective, it can be said that there are positive aspects to the current context. It is to be expected that bilateral negotiation and peaceful resolution are 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 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 the AB countries may be positive to the development of peaceful settlements of maritime borders

Although there are competing interests for valuable resources in the region, it is important to acknowledge the value of the Ocean as a balanced and 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 have been highlighted as well as existing obstacles for further cooperation. The value of the ocean as natural platform for interstate relations is demonstrated and, as a consequence, the delimitation of new maritime zones as well as future impacts of rising sea levels emerge as a 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 some cooperation initiatives in the Atlantic suggests some common interests within the region. However, the increase in trade flows, and social links will not necessarily result in convergence of values and in automatic security alliances in the Atlantic. Neither does the predominance of democratic governments in Africa and South America imply that there are common security objectives within the region.

Although there is coordination and cooperation among countries located in both hemispheres to tackle maritime security issues in the region, as in the case of the piracy in the Gulf of Guinea, our reading is that this type of initiative normally occurs in circumstances where general economic interests are at stake – thus, not indicating the emergence of a wider Atlantic connection. The still present North-South division in the region reflects unequal historical development over centuries.

Despite all this, for the scope of the present project it is important to accept that there are common security benefits around the region that could encourage the main stakeholders to cooperate towards a safer Atlantic Ocean. The report of the European Union Institute for Security Studies, *Global trends 2030*, states 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 to prevent state fragility and armed conflicts. Additionally, if one considers the process of maritime border dispute settlement, much could be gained from a more stable maritime region. This will allow states to have stronger ties in economic and political terms and, consequently, settle negotiations over maritime borders more rapidly, without the need for more institutionalised resolution mechanisms.

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, increasing the regional instability (Onuoha, 2012).

The US and the EU have a major role in reshaping the structure of Atlantic maritime security acting as stakeholders in maritime security (FELDT Lutz, ROELL Peter and THIELE Ralph 2013). However, rising powers in the region are taking on greater responsibility and growing in global influence and recognition. Their diversity, geography and history could help to break stalemates on some of today's global issues and lead to more development-friendly regional agreements. Brazil and South Africa are acknowledged on both sides of the Atlantic as important actors for security; the two countries are very active in their respective continents and have a large number of cooperation initiatives. These are closely followed by middle regional players of the AB region, such as Argentina, Colombia, Nigeria, Mexico and Morocco.

Mexico is growing in influence regionally, contributing to a more balanced security agenda. Morocco, on the other hand, in political and security terms, has been setting a diverse set 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 in the region. 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, it would be essential if European Union would place the Atlantic at the core of their security policies.
- Maritime border considerations within the future of the Atlantic Ocean must include the impact of global climate change in the region. In particular, the predicted rise in sea levels will have direct impacts on peoples' lives, on economic development, interstate relations and even on border definitions themselves. The change of geographic configuration of the ocean represents an enormous security risk, which must be considered for the formulation of future policies for the region.
- Alternative management solutions must be found to ensure maritime security in the Atlantic region; it is important to provide a forum where potential territorial claims could be discussed, for countries which are not current signatories of the UNCLOS.
- The formulation of a maritime security perspective must include an analysis of vulnerabilities across the Atlantic.
- The European Union needs to acknowledge the limitations and fears towards a wider Atlantic cooperation in order to assure a feasible cooperation for security.
- It is important to investigate to what extend do maritime security threats such as transnational crime, including drugs, weapons and human trafficking and terrorism have an Atlantic scope, and consequently design an integrated and common solution mechanisms to fight them.
- Looking at the Atlantic from a regional perspective in terms of maritime security dynamics is a joint construction process between and among the AB countries. Currently, the AB cannot be regarded as a security community as conceived by Buzan and Wæver. 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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