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THE EUROPEAN UNION AND NATO MARITIME SECURITY COOPERATION IN THE MEDITERRANEAN

SELEN BALDIRAN

SUPERVISOR: PROF. DR. SINEM AKGUL ACIKMESE

MASTER'S THESIS

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ISTANBUL, JUNE, 2020

I, SELEN BALDIRAN;

Hereby declare that this Master's Thesis is my own original work and that due references have been appropriately provided on all supporting literature and resources.

SELEN BALDIRAN

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DATE AND SIGNATURE

ACCEPTANCE AND APPROVAL

This work entitled **THE EUROPEAN UNION AND NATO MARITIME SECURITY COOPERATION IN THE MEDITERRANEAN** prepared by **SELEN BALDIRAN** has been judged to be successful at the defense exam held on **JUNE 30, 2020** and accepted by our jury as **MASTER'S THESIS**.

PROF. DR. SINEM AKGUL ACIKMESE (Advisor)   Kadir Has University

PROF. DR. SERHAT GUVENC   Kadir Has University

PROF. DR. MUNEVVER CEBECI   Marmara University

I certify that the above signatures belong to the faculty members named above.

SIGNATURE
PROF. DR. SINEM AKGUL ACIKMESE
Dean
School of Graduate Studies

DATE OF APPROVAL:

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ABSTRACT

BALDIRAN, SELEN. *THE EUROPEAN UNION AND NATO MARITIME SECURITY COOPERATION IN THE MEDITERRANEAN*, MASTER'S THESIS, Istanbul, 2020.

Today, Europeans are facing a large migration crisis in the Mediterranean. To tackle this humanitarian crisis, while the European Union (EU) decides maritime security operation called "Sophia" in 2015, NATO has played a supportive and complementary role to Operation Sophia in the Mediterranean with its maritime security operation called "Sea Guardian" since 2016.

In this connection, the objective of the thesis work has tried to answer this research question: *"To what extent is the EU and NATO maritime security cooperation effective with a specific focus on Operation Sophia and Operation Sea Guardian in the Mediterranean?"* In this thesis work, for measurement of this effectiveness, the criteria based on six strategic actions for maritime security operations which are framed by the "Maritime Security Operations (MSO) Concept". In addition, for the answering of this research question, the research has made use of qualitative research methods. The data is derived from primary and secondary resources. Two organizations' official documents and presidents' speeches of both organizations' member states are used as the primary resources. Books and articles from social sciences databases are used as secondary resources.

When the criteria based on six actions for MSO are analyzed, this analysis shows as follows: lack of political willingness; NATO as not the right partner for non-military issues like migration crisis; lack of maximum maritime domain awareness due to the inability of information sharing; lack of consent of the UNSCR or Libyan government for Operation Sophia's deployment from high seas to Libyan territorial waters and so the existence of some problems related to jurisdictional arrangements; and lastly even if both organizations have cooperated with commercial shipping agencies in the Mediterranean, these agencies are not the right partner for the humanitarian crisis in the Mediterranean.

The result is that while the EU and NATO have very ambitions both on declarations and at summits, there are factors limiting their ongoing maritime security cooperation in the Mediterranean. In addition, the limitations of Operation Sophia have a negative effect on the EU's maritime cooperation with NATO.

Keywords: European Union, Mediterranean, Maritime Security, Maritime Security Operation, Operation Sea Guardian, Cooperation, NATO, Operation Sophia.

ÖZET

BALDIRAN, SELEN. *AVRUPA BİRLİĞİ VE NATO'NUN AKDENİZ'DEKİ DENİZ GÜVENLİĞİ İŞBİRLİĞİ*, YÜKSEK LİSANS TEZİ, İstanbul, 2020.

Günümüzde, Avrupalılar Akdeniz'de büyük bir göç krizi ile karşı karşıya kalmaktadırlar. Bu insanı krizle başa çıkmak için 2015 yılında Avrupa Birliği (AB) "Sophia" adında bir deniz güvenliği operasyonu düzenlemeye karar verirken, 2016 yılından itibaren NATO "Deniz Muhafızı" adındaki deniz güvenliği operasyonu ile Akdeniz'deki Sophia Operasyonuna yardımcı ve tamamlayıcı rol oynamaktadır.

Bu bağlamda bu çalışmanın amacı "Avrupa Birliği ve NATO'nun Akdeniz'deki deniz güvenliği operasyonlarına (Sophia Operasyonu ve Deniz Muhafızı Harekâtı) dayanan işbirliği ne ölçüde etkilidir?" sorusuna cevap aramaktır. Çalışmada, bu etkililiğin ölçümü için "Deniz Güvenliği Operasyon" kavramının çerçevelediği etkili deniz güvenliği operasyonları için altı stratejik aksiyon kriterleri kullanılmıştır. Aynı zamanda bu araştırma sorusuna cevap verebilmek için çalışma nitel araştırma yöntemine dayanmaktadır. Veriler birincil ve ikincil kaynaklardan elde edilmiştir. İki örgütün resmi belgeleri ve üye devletlerin devlet başkanlarının konuşmaları birincil kaynak olarak, sosyal bilimler veri tabanlarından ulaşılan kitaplar ve makaleler ikincil kaynak olarak kullanılmıştır.

Deniz güvenliği operasyon konseptinin 6 stratejik aksiyon kriteri analiz edildiği zaman, politik istekliliğin olmadığı; NATO'nun göç krizi gibi askeri olmayan bir sorunda doğru partner seçimi olarak görülmediği; deniz farkındalığı alanında maksimum etkililiğin yakalanmadığı ve bunun bilgi paylaşımı konusunda yetersizliklerden kaynakladığı; Sophia Operasyonu'nun Birleşmiş Milletler Güvenlik Konseyi ya da Libya'dan açık denizlerden Libya karasularına konuşlanabilme konusunda onay almadığı ve doğal olarak gerekli olan yasal arka planda sorunlar olduğu; ve son kriter olarak hem AB hem NATO ticari denizcilik acentaları ile işbirliği yapmaya çalışsa da bu gemi topluluklarının bölgedeki krizde uygun partner olmadığı sonuçlarına ulaşılmıştır.

Bu doğrultuda görülmektedir ki, her iki uluslararası örgüt deniz güvenliği alanında işbirliklerini hem resmi dokümanlarda hem de zirvelerde hırslı bir şekilde dile getirse de, şu anda Akdeniz bölgesinde deniz güvenliği alanında işbirliklerini sınırlayan faktörler vardır. Aynı zamanda Operasyon Sophia'nın kendi sınırlamaları NATO ile yaptıkları işbirliği üzerinde etki yaratmaktadır.

Anahtar Sözcükler: Avrupa Birliği, Akdeniz, Deniz Güvenliği, Deniz Güvenliği Operasyonu, Deniz Muhafızı Harekâtı, İşbirliği, NATO, Sophia Operasyonu.

LIST OF ABBREVIATIONS

AMS	Alliance Maritime Strategy
CSDP	Common Foreign Defence Policy
CFSP	Common Foreign Security Policy
CPG	Comprehensive Political Guidance
ECSA	European Community Ship-Owners Association
EDC	European Defence Community
EEAS	European Union External Action Service
EMP	Euro-Mediterranean Partnership
ENP	European Neighbourhood Policy
ESS	European Security Strategy
EU	European Union
EUMSS	European Union Maritime Security Strategy
EUROMARFOR	European Maritime Force
EUROPOL	European Police Office
FRONTEX	European Border and Coast Guard Agency
HOSG	Heads of State and/or Government
HR	High Representative (Union for Foreign Affairs and Security Policy)
ICI	Istanbul Cooperation Initiative
IMO	International Maritime Organization
IMP	Integrated Maritime Policy
IR on ESS	Report on the Implementation of the European Security Strategy
ISR	Intelligence, Surveillance and Reconnaissance
MARCOM	NATO Maritime Command
MD	Mediterranean Dialogue
MENA	Middle East North Africa
MSO	Maritime Security Operation
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
OAE	Operation Active Endeavour
OSG	Operation Sea Guardian
PSC	Political and Security Committee
SAR	Search and Rescue
SHADE MED	Shared Awareness and De-Confliction in the Mediterranean
SLOC	Sea Lines of Communication
STANAVFORMED	Standing Naval Force Mediterranean
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNDOC	United Nations Office on Drugs and Crime
UNHCR	United National High Commissioner for Refugees
UNSC	United Nations Security Council
UfM	Union for the Mediterranean
USA	United States of America
WMD	Weapons of Mass Destruction

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INTRODUCTION

The maritime domain is an important part of the globalization process. While the sea has importance from the point of economic perspective, it may be a vector for threating of one state's territory. The maritime domain is vulnerable, so maritime security is important from past to present. And actually, maritime security is the latest buzzword in today's world. The maritime domain in the 21st century has several threats that are transnational. To tackle these threats and reduce the risks of illegal or threatening maritime actions, maritime security operations are performed by suitable civilian or military authorities and international organizations (Kościelski, Miler and Morskich, 2008, p. 121).

Giovanni Grevi and Daniel Keohane (2009) marked that the maritime dimension of the Common Security Defence Policy (CSDP) had mostly been overlooked in the framework of the European Union (EU) institutional structure. From this viewpoint, the area of maritime operations is usually ignored in a CSDP debate regularly that revolves around political will, bureaucratic incoherence, and military interoperability. Nevertheless, maritime operations have gained an importantly increasing model in the last years and deserve extensive analysis. First, maritime operations can identify a dynamic change in world policy. Second, they propose the circumstances under which the EU can and cannot perform the Brussels leadership's stated role as a global security actor. And thirdly, they demonstrate the EU's leading role when it comes to external challenges: between rhetoric and action, institutionally with NATO, and of the changing political priorities among member states. (Dombrowski and Reich, 2018). These are my answer to why I chose to study the EU maritime operation "Sophia" for my thesis.

Today's maritime security threats cannot deal with one organization and necessitate maritime multilateralism based on effective international cooperation. The EU and NATO as global security providers and as major stakeholders in the maritime domain have actively taken place to tackle maritime security threats. Europeans currently face the largest humanitarian crisis in the Mediterranean since the end of World War II (Belova, 2018, p. 6). The human trafficking and smuggling caused by the illegal migration at the Mediterranean is a serious problem for Europeans and requires effective cooperation. In this direction, the EU and NATO maritime security cooperation based on the EU's

"Operation Sophia" and NATO's "Operation Sea Guardian" is currently taking place to tackle the European migration crisis in the Mediterranean.

EU's CSDP Operation Sophia is included in the scope of this thesis because unlike other EU's operations, Operation Sophia has not drawn enough attention scholarly interest (Riddervold and Bosilca, 2017, p. 3). Empirically, although Sophia has been operated for four years, and despite there are many EU migration policies that are studied by observes and scholars, Sophia has not systematically been examined. At a difference to EU anti-piracy maritime operation off the coast of Somalia "Atalanta" in 2008 who has been studied comprehensively (see, for example, Germond and Smith 2009, Riddervold 2011, 2018, Bueger 2016), Sophia has not been studied in detail (Riddervold, 2018, pp. 159-160). Recent works on internal security and migration in the Mediterranean usually analyze Operation Sophia without deep touching (Marrone et al.2015; Mathew and Harley 2016; Koenig 2016). This relevant absence of interest is surprising because Operation Sophia represents a good case to study for a better understanding of EU foreign and security policy (Riddervold and Bosilca, 2017, p. 3). As with Operation Atalanta, Sophia is the noteworthy of the international maritime operation in the out of Libyan waters, and in both operations, NATO and the EU work side-by-side. These maritime operations show that the EU has gained a powerful and more independent foreign and security policy. Thereby, understanding of Sophia's character enables understanding of the EU's foreign policy character.

Due to the continuation of Operation Sophia, only a few publications on this subject are written (Zichi, 2018, p. 139). Research on Sophia is limited in working papers framed by think tanks scrutinizing EU politics and policies (see, for instance, Mortera-Martinez and Korteweg 2015; Roberts 2015; Tardy 2015; Blockmans 2016; Bakker and Zandee 2017; Rasche 2018; Marcuzzi 2018). An important essay, which is written in 2016, is L'approche globale à la croisée des champs de la sécurité européenne, revised by Chantal Lavallée and Florent Pouponneau that tries to explain Operation Sophia in the framework of the European approach to migration (Zichi, 2018, p. 139). Other publications are available in working papers, like that of Marianne Riddervold and Laura Bosilca entitled "Not so Humanitarian After All? Assessing EU Naval Mission Sophia" and published in April 2017. Another important working paper is titled "Assessing the European Union's

Strategic Capacity: the Case of EUNAVFOR MED Operation Sophia", and published in July 2017 by Anne Ingemann Johansen.

One of the most significant books which was revised by Marianne Riddervord in 2018 entitled "The Maritime Turn in EU Foreign and Security Policies: Aims, Actors and Mechanisms of Integration", in which the writer gives a particular chapter on the Sophia named "The EU Naval Mission Sophia: A Humanitarian Operation to Help Refugees in Distress at Sea?", that provides a useful overview about the activity of the EU maritime operation. Moreover, an outstanding article on Operation Sophia, Eugenio Cusumano's article in 2018 entitled "Migrant rescue as organized hypocrisy: EU maritime missions offshore Libya between humanitarianism and border control" explains the division between the Operation Sophia's humanitarian rhetoric and operational conduct as a form of organized hypocrisy related to the decoupling talk and action. Another remarkable article, "The EU's maritime operations and the future of European Security: learning from operations Atalanta and Sophia" was published by Peter Dombrowski and Simon Reich in 2018. They mention that the evolution of maritime operations including Sophia shows an increasing division between the EU's rhetoric of having a global strategy and its regional operational security focus. Niklas Nováky's article in 2018 entitled "The road to Sophia: Explaining the EU's naval operation in the Mediterranean" clearly explains the process of EU anti-smuggling naval operations including Operation Sophia with using of process tracing method. "A humanitarian mission in line with human rights? Assessing Sophia, the EU's naval response to the migration crisis" published by Marianne Riddervold in 2018 is also a basic article which analyses the role of norms in the EU's answer to the migration crisis by managing a critical assessment of the Sophia.

In addition, Operation Sophia has been criticized because of its ambitious intentions and goals (House of Lords, 2016), ambiguity (Bevilacqua 2017), ineffectiveness (Pricoppi 2016), and unintended consequences. One of the main important criticism has been reported by the UK House of Lords (House of Lords 2016; House of Lords 2017), whose latest report is named "Operation Sophia: a failed mission" (House of Lords 2017). Some articles intend to provide an overview of Sophia with its criticism brought against it (see, for instance, Tardy 2017; Rasche 2018; Zichi, 2018; Mantini 2019). Apart from these, research on Operation Sophia has reflected the international law of the sea challenges. They have addressed several legal challenges facing Sophia (see, for instance, Butler and

Ratkovich 2016; Canamares 2016; Fernandez 2016; Gestri 2016; Papastavridis 2016; Ventrella 2016; Strauch 2017; Hudson 2018).

Operation Sophia is also chosen due to its innovative structure in many ways. With the EU Maritime Security Strategy published in 2014, it affirms the maritime turn in the CFSP in the management of new types of security threats (Riddervold, 2018, p. 161). Operation Sophia is the EU's second maritime operation after Operation Atalanta, contributing to a further strengthening of the maritime dimension of the EU (Riddervold, 2018, p. 159). For the past four years, Operation Sophia is the third most important operation in the Mediterranean to fight migrant smuggling and human trafficking. The first was the Italian-led Operation Mare Nostrum and the next, Frontex Operation Triton (Svampa, 2017, p. 7). When compared to the previous two maritime operations, Operation Sophia is the first far-reaching military operation of migration managing in the Mediterranean (Garelli and Tazzioli, 2017, p. 6).

Another important character of Operation Sophia is related to its coercive dimension. Operation Sophia is potentially the first EU military operation with an openly coercive mandate to disrupt smuggling networks at sea (Riddervold, 2018, p.161). Other military operations, like Atalanta, have a coercive dimension, for instance, to destroy pirates in the case of Atalanta. However, these operations do/did not proactively target groups that do not make threats to local actors or the operation itself. In addition, Sophia's mandate related to the deploying assets on the territory of a sovereign state without its consent (if the UN Security Council permits) has never been seen previous the EU's military operations. In other words, while the EU underlines commitments to the consent, limited coercion, and neutrality for its CSDP operations, Sophia's mandate goes beyond these dedications and also marks coming close to a peace enforcement measures. (Tardy, 2015, p. 3). Sophia's coercive mandate can be based on a legal basis which refers to the principle of territorial sovereignty. The boarding, search, seizure, and diversion activities projected by Sophia's mandate are, actually, enforcement measures which may contain the use of coercive powers (Bevilacqua, 2017, p. 176). In short, we can say that when we compared Operation Sophia and other EU military operations like Atalanta, Operation Sophia has a more resistant mandate under UN Chapter VII and its measures can be implemented in the territorial waters of a third state, without the consent of the concerned state, with the help of the existence of a UN permission. This likes more of a peace enforcement mission,

which may be an indication of qualitative shifting related to the in the EU's security and defence stance (Riddervold, 2018, p.161).

Moreover, Operation Sophia is the first operation that clearly bands together internal and external security agendum (Tardy, 2015, p. 2). CSDP was primarily formed as an instrument for crisis management outside of the EU. As such it was conceptually and operationally apart from the range of policy reactions that aim at tackling internal security issues including organized crime or illegal migration. While efforts have been made to the improvement of the links between CSDP and Freedom, Security, and Justice (FSJ) affairs, the two domains have remained operationally distinct (Tardy, 2015, p. 2). However, Operation Sophia clearly unifies both internal and external fields and brings CSDP closer to the EU internal security portfolio and its FSJ agenda (Oude, 2016, p. 36; Tardy, 2015, p. 1). Sophia's mandate includes both the prevention of the deaths at sea and interruption of the smuggling networks (crisis management outside the EU) as part of the EU Comprehensive Approach to Migration (internal issues) (Oude, 2016, p. 36). In the fight against migrant smuggling and human trafficking, Sophia puts into operation the CSDP-FSJ by being law enforcement using military assets, carrying out surveillance, intelligence gathering, and training 23 actions containing means and structures of both fields, coordinating actors of both domains (CSDP and FSJ) (Brandão, 2019, p. 19; pp. 22-23). Reasonably, this link also enables closer cooperation between the military operation and FSJ agencies such as EUROPOL or FRONTEX. In other words, the internal/external security link also creates civilian-military interaction (Tardy, 2015, p. 2).

NATO's Operation Sea Guardian (OSG) which has played a complementary role to EU's CSDP Operation Sophia is studied within the scope of this thesis. NATO member states' naval capacities, both individually and collectively, provide four main tasks, which are listed and developed in the 2011 Alliance Maritime Strategy (AMS). These are collective defence and deterrence, crisis management, cooperative security with partners, and maritime security (Moon, 2016). For the very first time, OSG thereby symbolizes the operationalization of the full range of the fourth element which is emphasized by the AMS to NATO's maritime forces: maritime security operations (Dibenedetto, 2016, p.2).

While research on Operation Sophia and OSG has been done separately, their cooperation in the Mediterranean keeps in the background in the literature. However, NATO's OSG in the Mediterranean which aims support the Operation Sophia in the European migration crisis is unique and important for both the Alliance and the EU because it the first time NATO has used its military instrument to protect the EU's external frontiers from a non-military threat (Weintraub, 2016, p. 2). As it is understood, the EU and NATO have cooperated via their maritime security operations to tackle the European migration crisis in the Mediterranean. At this point, the main question that this thesis tries to answer is *"To what extent is the EU and NATO maritime security cooperation effective with a specific focus on Operation Sophia and Operation Sea Guardian in the Mediterranean?"*

To answer this research question, this thesis is based on a qualitative methodology. The data is derived from primary and secondary resources. Official state and international organizations' documents and speeches are used as primary resources. Articles and books from social sciences databases are used as secondary resources. Maritime Security Operation (MSO) concept is used to analyze the effectiveness of maritime security operations of both organizations and to explain the limitations of the EU and NATO maritime security cooperation in the Mediterranean. MSO concept indicates that MSO requires six strategic actions to accomplish the synergy of civilian and military maritime security activities to handle all threats at sea. These actions are political willingness at national and international level; cooperation with international organizations; maximum maritime domain awareness; the deployment of layered maritime security from the high seas to territorial waters; the cooperation with commercial shipping agencies; and the need to promote the necessary jurisdictional arrangements for effective MSO (Kościelski, Miler and Morskich, 2008).

When the criteria based on six actions for MSO are analyzed, this analysis shows as follows: lack of political will; NATO as the not right partner for non-military issues like migration crisis; lack of maximum maritime domain awareness due to the inability of information sharing; lack of consent of the UNSCR or Libyan government for Operation Sophia's deployment from high seas to Libyan territorial waters and so the existence of some problems related to jurisdictional arrangements; and lastly even if both organizations have cooperated with commercial shipping agencies in the Mediterranean, these agencies as a not right partner for the crisis in the region. The result demonstrates

that while the EU and NATO have very ambitions both on declarations and at summits, there are factors limiting their current maritime security cooperation in the Mediterranean. In addition, the limitations of Operation Sophia has negatively affected the EU's maritime cooperation with NATO.

This thesis is organized in 4 major chapters, an introduction, and a conclusion chapter. The first chapter is based on a conceptual framework including the concept of maritime security, maritime safety which is often difficult to distinguish from maritime security. Especially after the 9/11 terrorist attacks in the USA, maritime security has become one of the main issues on the international agenda (Sadovaya and Thai, 2012, p.1). In this direction, the first chapter evaluates the evolution of maritime security as a concept and also explains migrant smuggling and human trafficking which are contemporary maritime security challenges, especially in today's Central Mediterranean.

The second chapter focuses on NATO as a maritime security actor in the Mediterranean. In this direction, this chapter firstly emphasizes the breaking point of NATO's maritime dimensions by referencing their maritime strategies and summits indicating the importance of maritime security. In the scope of this thesis, the maritime security dimension of NATO's Mediterranean initiatives including the Mediterranean Dialogue and Istanbul Summit is also explained by drafting the relevance of the research topic. Following these initiatives, the chapter goes on to examine NATO's maritime operations in the region "Operation Active Endeavour" and its successor "Operation Sea Guardian".

In similar to the design of the second chapter, the third chapter touches on the EU as a maritime security actor in the Mediterranean and reviews the maritime security dimension of the EU Mediterranean initiatives: Euro-Mediterranean Partnership, European Neighbourhood Policy, and Union for the Mediterranean. And this chapter analyses the process through which Operation Sophia came into being under the title of "The Road to the European Union Naval Force Mediterranean - Operation Sophia" in which briefly explains previous EU maritime operations in the Mediterranean: the Italian-led search and rescue operation "Mare Nostrum" and Frontex "Operation Triton". Operation Sophia is also detailed from the point of its phases, mandate, and technical background.

The fourth chapter aims to answer the research question of this thesis. In this direction, the first part of the fourth chapter goes over the EU and NATO maritime security

cooperation concerning the EU and NATO maritime strategies and summits making mention of both organizations' cooperation on maritime security. The second part of the fourth chapter, which is the backbone of this thesis, evaluates the effectiveness of the EU and NATO maritime security cooperation in the Mediterranean with a specific focus on Operation Sophia and OSG. The six strategic actions for effective MSO are analyzed in the case of cooperation based on Sophia and Sea Guardian maritime operations. In this direction, this chapter aims to come the light the factors limiting the EU and NATO maritime security cooperation in the Mediterranean.

CHAPTER 1

MARITIME SECURITY

Chapter 1 gives to enable a brief overview related to the evolution of maritime security as a concept at the global level. This chapter demonstrates the importance of maritime security in general. I aim to show how maritime security has evolved and gained importance as a concept. After the evolution of maritime security is pointed out with breaking points, this chapter specifically focuses on the definition of the concept "maritime security". The definition of maritime security has been taken place as a subject in academic debate. Although there is no internationally agreed definition of maritime security, international organizations, institutions, and scholars have tried to define maritime security. In this direction, these definitions are given under the subtitle of "Definition of Maritime Security".

There are few concepts in this thesis that require to be defined. First of all, it is essential to understand the concept of maritime security which should not be confused with the concept of maritime safety. From this point of view, this part focuses on the differences between maritime security and maritime safety. While the concept of maritime security is only addressed in the scope of the thesis, the concept "Maritime Security Operation" and its six strategic actions for effective maritime operation are explained. These six strategic actions for maritime security operations allow evaluating the effectiveness of maritime security operations with a specific focus on EU's CSDP Operation Sophia and NATO Operation Sea Guardian. The hypothesis of the thesis is thus based on these six criteria.

The last subtitle of Chapter 1 focuses on migrant smuggling and human trafficking as maritime security threats. Thereby, another two concepts in this thesis need to be defined are migrant smuggling and human trafficking. In this direction, smuggling and trafficking are defined with a making reference to differences. In this framework, migrant smuggling and human trafficking as current maritime security threats in the Central Mediterranean are reviewed. This research focuses on the Central Mediterranean as one of the main smuggling and trafficking routes and as an area where Operation Sophia and Operation

Sea Guardian work together to interrupt the business model of human smuggling and trafficking networks.

1.1. THE EVOLUTION OF MARITIME SECURITY AS A CONCEPT

"70% of the world is composed of water, approximately 80% of the world population is living on the coastline and almost 90% of goods imported and exported globally are carried by sea" (Moise, 2015, p. 732). This is a fundamental "Seventy-Eighty-Ninety" rule for the maritime domain (Feldt, 2015, p. 4). Seas and oceans are important for the economy, innovation, and growth. The sea power is also an important part of the globalization concept in a way in which land power and air power are not, basically because the system is extremely based on the sea especially from the point of transportation (Ehrhart, 2013, p. 5).

Apart from these, the sea may be a vector for threatening one's territory (Germond, 2010, p. 44). The global maritime domain is more defenseless and less sturdy. The maritime environment spreads over 70% of the earth, so it is true that to fight maritime challenges is not an easy assignment (Karagöz, 2012, p. 87). Throughout human history, the sea has been seen as an area of risk and insecurity. As the historian John Mack indicates, the seas have been explained as an uninvited and unwelcoming wild when compared to the land (Bueger and Edmunds, 2017, p. 1295). The control of the sea is a difficult issue when compared to the landscape. The sea has traditionally been interpreted as an unknown, hazardous, unpredictable, inhospitable, infinite, unregulated, lawless, and, ultimately, uninhabitable part of the world. Thereby, in other words, the sea can be seen as the land's other. The fluid/liquid nature of water stand against the solid/static structure of the land. As indicated by Anderson and Peter (2014), the sea reflects a fluid word instead of a solid world, thereby our normative experiences in the world enable engagement of a solid world instead of the liquid sea. In other words, the sea has traditionally been expressed as a placeless nothingness and an empty area outside of people and social experience. This answers why human geography as an academic discipline has not been examined sea part of the world systematically, to the point that it has been seen as a landlocked field (Germond and Duret, 2016, p. 124).

Maritime security is a new concept, which is a buzzword in the last years, especially within the maritime community. Before the end of the Cold War, the concept of maritime

security was rarely used, and thus was mostly about sea control over the maritime domain in the context of the superpower confrontation, in other saying in a naval issue. It is thereby not interesting that during the Cold War maritime security was mostly used from the point of geopolitical considerations, which refers to sovereignty demands over maritime territories, the position of coastal waters, and the management of maritime zones than in the 21st century (Germond, 2015, p. 138). In 1991, maritime security was a rarely preferred concept. When preferred, it was an integral part of maritime policies related to naval management of sea lanes for power control and strategic plans, and the provision of national commercial shipping capacity for these ends (Lundqvist, 2017, p.3).

Neglect of maritime security as a concept in these years also can be based on the neglect of security as a concept. The neglect of security as a concept is expressed in security affairs as an academic area. In 1991, Buzan defined security as an unimproved concept and paid attention to the absence of conceptual literature on security before the 1980s. Although Buzan contributed to advancement in the 1980s, there were pointers of neglect of security as a concept (Baldwin, 1997, p. 8). Considering attempts to the redefinition of security since the end of the Cold War, Buzan uses five possible explanations for the neglect of security. The first is related to the difficulty of the concept. As Buzan expresses, however, this concept is a not difficult concept when compared to other concepts. Second is the clear intersection between the concept of security and the concept of power. Since these are easily distinguishable concepts, however, a person can expect such confusion to motivate scholars to explain the differences. The third is the lack of interest in security by many critics of Realism. However, this does not clarify why security scholars neglected the concept. Fourth is that security scholars have mostly interested in the new process regarding technology and policy. This, however, is more an indication that such scholars give low priority to conceptual issues than an explanation for this lack of interest. And the fifth explanation suggested by Buzan is that policy-makers express the ambiguity of "national security" useful, which does not detail why scholars have neglected security as a concept. In short, Baldwin (1997) indicates that none of Buzan's explanations is very convincing (Baldwin, 1997, p. 9).

In academia, the concept of maritime security was not discussed importantly in the framework of the maritime security domain until the beginning of the 2000s (Germond, 2015, p. 137). Since the end of the 1990s and the beginning of the 2000s, maritime

security was increasingly preferred to plan preventative measures set up to react to illegal activities at sea or from the sea (covering the protection of shipping and ports). Before the 9/11 attacks, maritime security, while seen as a necessary part of the management of the maritime community, was a relatively small priority in actual application to the overall design of commercial shipping and port operations. Historically, the two main exceptions to this expression were the two World Wars, where port security and vessel protection were main concerns because of the considerable role the maritime community had in prosecuting the war effort (Hardy, 2006).
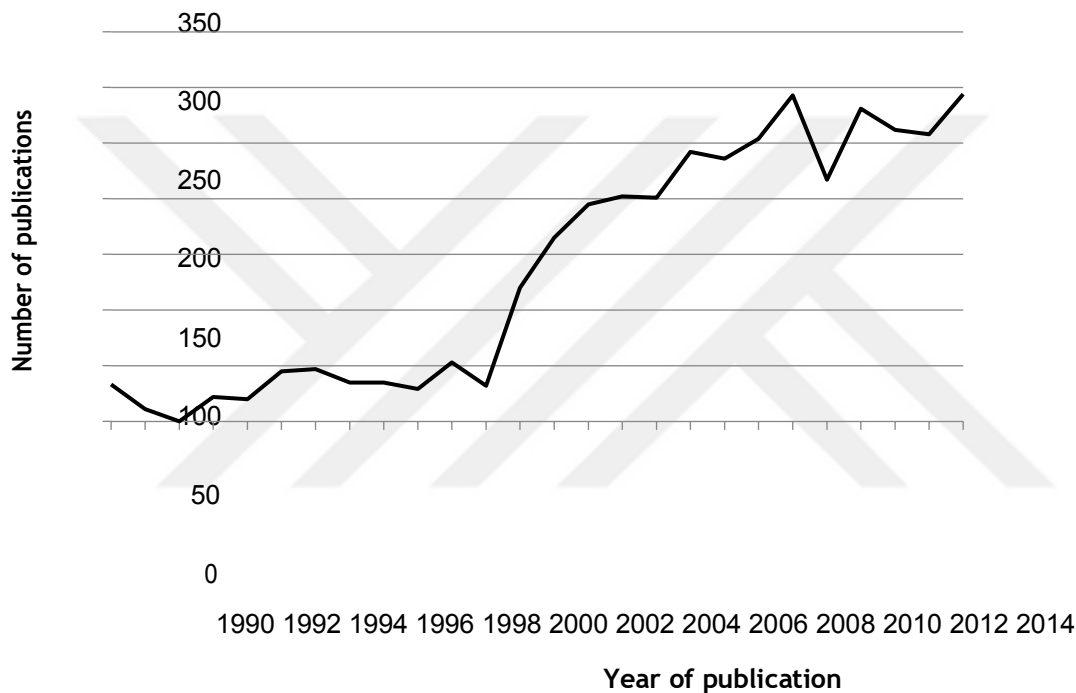
Figure 1.1: The number of books, book chapters, articles, and dissertations which included the words "maritime security" in their title, showed by year of publication 1990–2015 (Lundqwist, 2017, p. 15)

The terrorist attacks in 2001 changed the maritime security perception. Thereby, initially coined in the 1990s, the concept of maritime security gained importance after the 9/11 terrorist attacks and the attacks' fears over the spread of maritime terrorism (Bueger and Edmunds, 2017, p. 1294). The possibility of shipping being used as a weapon of terrorist activity brought maritime security into the forefront (Akpınar, 2014, p. 228). Since 2002, working on papers that refer to maritime security in the academic literature has increased. This increase in the academic literature on maritime security can be expressed by the

conjunction of the four situations: i) the impacts of the 9/11 terrorist attacks (especially the launch of counter-terrorist operations at sea); ii) the happening of three high profile terrorist acts against ships (USS Cole in 2001, French tanker Limburg in 2002 and Filipino passenger ship Super Ferry 14 in 2004); iii) the increasing number of piratical attacks in the Strait of Malacca at the beginning of the century; and lastly (iv) the rise of piracy at the Horn of Africa between 2007 and 2012 largely provided to forming academic debates beyond strategic and security studies, with scholars from many disciplines discussing the legal, criminal, cultural, economic, military, environmental and energy dimensions of piracy in particular and maritime security in general. Between 1989 and 2014, Google Scholars presented more than 16,000 references consisting of the precise expression "maritime security" compared to only 218 between 1914 and 1988 (Germond, 2015, p. 137).

These factors brought the maritime dimension of security to international consciousness (Bueger, 2015, p. 159). All of them proved the importance of maritime security and the necessity of tackling the new threats and challenges in the maritime domain. Major maritime actors started to interest in maritime security by using maritime terms in their mandate and their policies. They put maritime security high on their security agendas. For instance, NATO emphasized maritime security as one of its goals in its 2011 Alliance Maritime Strategy. In 2014 the United Kingdom, the EU, as well as the African Union, prepared ambitious maritime security strategies (Bueger, 2015, p. 159).

The new security challenges of the 21st century are complex, and maritime security challenges have already become a global concern in today's world (Yüce and Gazioğlu, 2006, p. 234). The new nature of maritime security is reshaped by the rise of new powers (BRICS), climate change, growing non-state actors at seas, deep sea-mining, territorialization of the seas, and growing competition and commercial interest at seas. The new nature of maritime security is thus in a multipolar and complicated world (Behr, Aaltola, and Brattberg, 2013, pp. 3-5).

1.2. DEFINITION OF MARITIME SECURITY

The latest buzzword of international relations is maritime security. It is also remarkable from the point of absence of international consensus over its definition. In general,

maritime security can be evaluated in a combination of its relations to other concepts like marine safety, sea power, blue economy, and resilience (Bueger, 2015, p. 159).

From the point of the traditional approach, the maritime security concept is defined in a naval context related to the defence of national maritime frontiers and defenceless maritime trade choke-points (Mudric, 2016, p. 5). While there is the pessimistic traditional approach of the concept, which argues that protection of power to maintain order at sea, there is also the optimistic approach of the concept which is related to the international maritime law (Bueger and Kapalidis, 2017).

From the point of the classical military perspective, maritime security is defined as the defence of the homeland and nation's commercial activities from conventional seaborne military attacks. This definition can be widened to include security from any hostile force on the seas such as military, pirates, or terrorists. Maritime security can also be explained as the safety of life and possessions at sea, whether the challenge is habitual or manmade. It can be considered from the law enforcement standpoint, drug trafficking at sea is a threat to the state's security, as is the maritime trafficking in human beings. It also references to the preservation of the natural marine environment. From the point of national security perspective, maritime security can be broadly defined as the protection of all of the state's interests on the seas (ONI and U.S. CGICE, 1999). Moreover, maritime security is understood as the security and safety of maritime shipping lanes and all the vessels using them. Maritime security touches upon the issues related to coastlines and territorial waters that each government is exclusively permitted to control by jurisdiction (Bruns, 2009, p. 174). In this direction, the core dimensions of maritime security are national security, maritime environment, economic development, and human security (Bueger and Edmuns, 2017, pp. 1299-1300).

Maritime security draws attention to new security challenges. Debates on maritime security usually are shaped by threats at sea. These are such as maritime inter-state conflicts, maritime terrorism, piracy, human trafficking and drug trafficking, arms proliferation, illegal fishing, environmental crimes, or maritime accidents and disasters. The statement is that maritime security can be defined as the absence of these threats at sea. This definition of maritime security has been criticized because of insufficient explanations, also this definition does neither prioritize issues, nor provides clues of how

these threats are linked, nor drafts of how these threats can be tackled. Others prefer a broader definition of maritime security which is expressed as a good or stable order at sea. In contrast to the negative definition of maritime security as the absence of kinds of threats at sea, this understanding enables a positive conceptualization. In this approach, there is however discussion about what good or stable order is assumed to mean, or whose order it is proposed to be (Bueger, 2015, p. 159).

As it is seen, there are various meanings of maritime security. The meaning depends on who is using the concept or in what context it is being used (Klein, 2011). It has no definite meaning and its practical meaning always changes depending on actors, time, and space (Bueger, 2015, p. 163). The United Nations Secretary-General (2008) has said that "there is no agreed definition on maritime security, and instead of trying to define it, he identifies what activities are commonly seen as threats to maritime security" (Fransas, Nieminen, Salokorpi and Rytkönen, 2012, p. 16). The international organizations generally followed the statement that maritime security should be defined as the absence of threats at sea (Piedade, 2016, p. 76). In short, the analysis of the concept of maritime security indicates that there is no international consensus over the definition of the concept, however, it is mainly defined as the absence of threats in the maritime domain.

1.3. MARITIME SECURITY VERSUS MARITIME SAFETY

Maritime safety is mostly studied. For example, maritime safety risks are studied and analyzed in detail. In contrast, maritime security issues are not analyzed as much, and security challenges in the maritime domain are not defined and explained systematically, except some threats caused by terrorists and piracy (Fransas et al., 2012, p. 5).

The words of safety and security are synonymous in general terminology, but the distinction is needed between safety and security when it comes to studying the maritime domain. These two concepts are often difficult to distinguish between each other (Li, 2003, p. 2). The International Maritime Organization (IMO) has been interested in questions of maritime security under the auspices of its Maritime Safety Committee since the 1980s. In this context, a difference is indicated between maritime safety and maritime security. Maritime safety means the prevention or reduction of the accidents' happening at sea that may be occurred by substandard ships, unqualified crew, or operator problem, whereas maritime security refers to protection against unlawful and intentional actions.

The difference is not clear in all platforms, for example, the same word is used for safety and security in other languages, such as Spanish and French (Klein, 2011, p.8).

Del Pozo, Dymock, Feldt, Hebrard, and Monteforte (2010: 45-46) explain maritime security and safety as follows; "security is the conjunction of preventive and responsive measures to control the maritime domain against challenges and intentional unlawful actions. Safety is interpreted as the mix of preventive measures aimed to protect the maritime area against accidental or natural actions, harms, damage to the environment, risk, or loss" (Fransas, Nieminen, and Salokorpi, 2013, p.10). According to Mallia (2010), maritime security can be explained as "a package which includes the protection of territorial integrity and sovereignty, and the continuation of peace and order, and also the creation of the safe maritime domain and protection of ships together with their passengers, crews, and cargoes, and the protection of property and the environment" (Fransas et al., 2012, p. 12).

In short, as defined above, maritime security and maritime safety differ from each other by the issue of the willfulness of the act. In this scope of the thesis, maritime security is only addressed. We can identify two main part of maritime security. The first includes the traditional threats which are mostly related to states, such as maritime territorial disputes, geopolitical rivalries with maritime implications and dimensions, and naval blockades as part of UN sanctions, etc. The second part looks into the "contemporary" challenges to human security where non-state actors are mainly covered. This includes threats such as human trafficking and smuggling by sea. Both smuggling and trafficking are accepted as international organized crimes and are categorized as a maritime security threat (Chapsos, 2019). Trafficking and smuggling by sea come into existence with intentional unlawful acts, are not arisen by the effect of accidental or natural danger, harms. In this direction, the thesis is concentrating on the study of maritime security issues in the context of the Mediterranean as the hottest route of smuggling and trafficking. Mediterranean migration is not an ordinary situation favoured by geographical proximity, but it is importantly a structured one, with organized crime planning. 90% of migrants who come from Africa have preferred the Mediterranean route for their dangerous journey. Migrants' journeys are extremely expensive, thus generate enormous profits for the smugglers (Panebianco, 2016, p. 4).

1.4. MARITIME SECURITY OPERATION (MSO)

Maritime Security Operation (MSO) is defined as an operation performed by suitable civilian or military authorities and international organizations to tackle the threats and reduce the risks of illegal or threatening maritime activities. The MSO can be operated to enforce the law, protect citizens, and preserve national and international interests. MSO concept includes many issues like terrorism, proliferation, drug trafficking, illegal migration, piracy, and armed robbery (Kościelski, Miler, and Zieliński, 2008, 121-122).

The EU also defines Common Security Defence Policy (CSDP) MSO concept issued in 2012 as the operation performed by EU maritime forces in the CSDP framework in coordination with other EU specialized actors/ instruments or alone to tackle the threats and reduce the risk of illegal or threatening maritime activities. These operations aim to consolidate maritime security focus on the unlawful use of the global maritime domain (Council, 2012, p. 8). The MSO concept contributes alternatives on how maritime forces can support to deterring, preventing, and countering unlawful activities (Council, 2014, p. 9). The MSO concept has also explained and furthered responsibilities that maritime forces can and should be able to achieve during a CSDP operation in coordination with civilian actors to enable maritime security (Council, 2015, p.15). It indicates that the member states' maritime forces absorbing in CSDP operations should be able to fulfill five main responsibilities (maritime surveillance, maritime protection, maritime control, maritime counter WMD and counter-terrorism, maritime law enforcement) and three additional tasks (maritime presence, maritime security sector reform, contribution to operations ashore) (Council, 2012, p.12). Many of them are appropriate for tackling illegal migration and the problems which are caused by it. For example, the EU can use naval forces to hold the migration routes under surveillance. In this way, smugglers and traffickers are deterred, and any vessels which are used for trafficking or smuggling that EU forces encountered can be attached (Novaky, 2018, p. 200).

NATO's MSO concept was confirmed in the spring of 2009. While the NATO's Alliance Maritime Strategy (AMS) intends to form a long-term structure for NATO's role and operations in the maritime domain over the next 20-30 years, as well as lead the development of new capabilities, its MSO concept provides an important operational plan to use of Allied naval forces in support of maritime security operations. The MSO concept

needs to be interested in the evolving security environment which covers the new maritime threats and challenges and to analyze those that are relevant for Alliance security and where the Alliance can add effective value. Maritime security operations, such as counterterrorism, counterpiracy, anti-trafficking, or counter-proliferation operations, creates many questions which the MSO concept needs to address (Jopling, 2010, pp. 8-9). Also, the MSO concept does not address the full range of joint operations that can be performed on and from the sea supported by the AMS. Humanitarian assistance, disaster relief operations, and other operations can be classified under collective defence or permanent tasks (NATO, 2011).

Kościelski, Miler, and Zieliński (2008) indicate that the MSO requires six strategic actions to create a harmony of civilian and military maritime security activities in a coordinated effort to tackle with all maritime threats. First is a political willingness at the national and international levels. This is necessary to develop an interagency and international approach to MSO. Secondly, there is a need for international and interagency cooperation. The coordination of an inter-agency approach needs detailed work but it necessities to involve international actors such as the EU, NATO, UN as well as law enforcement authorities. Their involvement must be in line with their responsibilities. Also, the commercial sector can be involved. Thirdly, maximum maritime domain awareness is necessary and needed.

There are several initiatives within Europe, from the point of civilian and military perspective, which intend to design a comprehensive maritime surveillance capability and to share information. In addition, multinational cooperation on maritime domain awareness is another important part of this process. Fourth is the deployment of maritime security operations from the high seas to territorial waters, including littoral areas and port facilities. States normally control and act primarily in their territorial waters but many of the threats are seen in international waters where surveillance and powers to react are more restricted. Thus, effective MSO depends on the coordinated ability to maintain a comprehensive picture of maritime activity in both territorial and international waters. There is a need to promote the necessary jurisdictional arrangements for effective MSO. National authorities have not the authority to enter another nation's territorial waters without obtaining permission. Outside territorial waters, UNCLOS permits nations' military and law enforcement vessels powers to act in specific examples. And last is

related to the need to embed security into commercial practices. With most of the world trade traveling by sea, the maritime environment carries many goods and services that are important for society's needs. Cooperation and partnership with commercial shipping agencies are also essential to progress a holistic approach to MSO which meets mutually agreed aims (Kościelski, Miler, and Zieliński, 2008, pp. 124-125). In a similar vein, the EU's CSDP MSO principles are based on prevention, comprehensive approach, multilateralism, unit of political guidance, legal authority, public information, and credibility, supported and supporting, global presence, enhanced information, and intelligence sharing. They provide appropriate adequacy and legitimacy of the CSDP MSO (Council, 2012, pp. 13-15).

1.5. MIGRANT SMUGGLING AND HUMAN TRAFFICKING AS CONTEMPORARY MARITIME SECURITY CHALLENGES

Globalization has become so important in today's world. While globalization usually refers to economic development and increased financial profit, maritime trade is often expressed as a vital part of this multi-level concept. However, globalization is also related to the significant expansion of transnational crime such as the illegal trafficking of goods and humans (Şeker and Dalaklis, 2016, p. 135). The sea is an essential route for transportation not only for goods but more significantly for human lives. The increasing loss of lives at sea during the smuggling and trafficking process directly affects maritime security. States start to strengthen their efforts and plans in the fight against irregular migration because migrant smugglers and human traffickers have been threatened more life at sea and means of transport. Migration by sea has taken place on states' priorities especially related to maritime security because some migrants, which are trafficked or smuggled, may also be a terrorist (Şeker, 2017, p. 2).

It is crucial to state that after the drug trade, migrant smuggling and human trafficking are two of the important growing transnational organized crimes and most moneymaking illegal businesses around the world (Shelley, 2014, p. 2). Smugglers and traffickers make a profit from a high number of migrants, refugees, and asylum-seekers who try to gain improved opportunities, qualified living standards, and protection in countries other than their own. These types of crimes are complex and are always evolving in various forms in different areas of the world. Smugglers and traffickers have become increasingly

organized and have created a complex transnational link in order to effectively control every part of the smuggling and trafficking processes. These criminal groups are very difficult to pull down because of their effective transnational capacities and strategies (Aziz, Monzini, and Pastore, 2015, p. 11).

1.5.1. Migrant Smuggling

While there is a certain accepted definition on migrant smuggling, according to the UN Protocol Against the Smuggling of Migrants by Land, Sea, and Air, an annex to the UN Palermo Convention against Transnational Organized Crime (2000) modify the legal definition and define smuggling as "the procurement, in order to get, directly or indirectly, a financial or other material benefit, of the illegal entry of a human into a State Party of which the human is not a national or a permanent occupier" (Triandafyllidou and McAuliffe, 2018, p. 4). The UN Protocol (2000) underlines that all signatories guarantee their commitments to the implementation of all necessary legal procedures for the prosecution of human traffickers and migrant smugglers.

Other legal definitions are in harmony with the UN Protocol. For instance, the Human Smuggling and Trafficking Centre of the USA State Department (2006) defines smuggling as "the facilitation, transportation, attempted transportation or illegal entry of persons across an international border, in violation of one or more countries laws". As indicated by the USA State Department, the smuggling journey is usually arranged to gain a financial or other material profit for the smuggler (Aloyo and Cusumano, 2018, pp. 2-3). Gallagher and David (2014) define migrant smuggling in their book "The International Law of Migrant Smuggling" as the illegal action of people outside of national borders for the financial or another profit of the smuggler (Elserafy, 2018, p. 3). Salt and Stein's research on migrant smuggling in 1997 involves the definition of smuggling as an illegal section of the international migration business. Smuggling is framed as a profit-driven action within a wider business arena, thereby the smugglers' main aim is based on the profit motive, and their common connection with migrants is financial. Salt and Stein's expression refers to the definition of smugglers who are taken in service through the "exploitation of legal as well as illegal methods and channels of entry". Other definitions are broader. For instance, the English Oxford Dictionary defines smuggling as to transferring of someone or something in somewhere secretly and illicitly

(Triandafyllidou and McAuliffe, 2018, p. 4). Also, it is good to indicate that the existing legal definitions do not all have financial motivation as a primary precondition (Aloyo and Cusumano, 2018, p.3).

According to the report of the DG Migration & Home Affairs of the European Commission (2015), migrant smuggling is a very well organized crime where criminal groups are hierarchically designed and linked with other criminal groups such as the Italian mafia. However, the Migration Envoy Europe Directorate and Foreign & Commonwealth Office in the United Kingdom reported that currently, no large-scale organized criminal groups are not serving as migrant smugglers. For that reason, we can say that the inconsistency of this information shows that migrant smuggling is not yet well-known. The lack of information makes a difficult connection between trafficking and smuggling (Ventrella, 2017, p. 70).

Irregular migration by sea is one of the important contemporary political problems and leads to many challenges. Human smuggling by sea is only one part of irregular migration that shows a specific challenge for states because sovereignty and security interests usually contrast with the principles and obligations of human rights and refugee law. In handling the issue of migrant smuggling by sea, states have conflicting responsibilities such as sometimes rescuing migrants and sometimes the protection of their national borders. Management of migrant smuggling by sea requires consideration of both transnational criminal law and justice, as well as a clear understanding related to the legal framework and the interaction between overlapping legal regimes (Elserafy, 2018, p. 1).

In short, while it is difficult to generalize migrant smuggling by sea, two points are important. Firstly, migrant smuggling at sea is the most hazardous category of smuggling for the migrants' concerned, making it a priority concern for states' response. Secondly, efforts to fight against smuggling will not be successful without regional and international cooperation (UNODC, 2011, p. 8).

1.5.2. Human Trafficking

Human trafficking is a multi-billion dollar business that affects and involves citizens from nearly all countries in the world (IFPA, 2010, p. 25). It is strictly checked by the transnational criminal manufacture. On the other hand, human trafficking is the third

biggest revenue source of organized crime after drugs and weapons trafficking, profits made by this illegal activity under discussion have been quite often bolstering other illegal acts of these criminal syndicates. This connection is also a big threat to global security (Şeker and Dalaklis, 2016, pp. 135-136).

Human trafficking is a transnational crime which is defined in Article 3 of the "Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Human Trafficking, in particular, Trafficking Involving Women and Children" (IOM, 2017, P. 4). In line with the suggested definitions in the Convention and two protocols, the UN Global Programme against Trafficking in Human Beings (2000) defines human trafficking as "the recruitment, transportation, transfer, harbouring of migrants by threat or use of force or other forms of abusing, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a human having control over another human, for the aim of exploitation". Exploitation has to include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the cut of organs (Aronowitz, 2001, p. 165).

At the European level, human trafficking is defined by the Convention on Action against Trafficking in Human Beings. The EU has put out two directives about human trafficking, the Council Directive 2004/81/EC of 29 April 2004, on the stay allow issued to third-country nationals who are sufferers of human trafficking, or who have been the matter of activity to ease illegal immigration, who work together with the competent agencies; and the Directive 2011/36/EU of the European Parliament and of the Council, of 5 April 2011, on preventing and fighting human trafficking and protection of its victims, and changing Council's Framework Decision 2002/629/JHA (IOM, 2017, p. 4).

Human trafficking is a modern form of slavery; it is directly associated with the intensive exploitation of those persons who hope for a better future. Because of their socio-economic difficulties, people either by deceit or by their own will are forced into illegal activities such as sexual exploitation, provision of cheap labour, servitude, or even removal of organs for medical purposes. Trafficking is a global phenomenon and threat

which violates basic human rights. Being a global threat, it requires cooperation and intervention (Şeker and Dalaklis, 2016, p. 135).

1.5.3. Differences Between Smuggling and Trafficking

Both trafficking and smuggling include the recruitment, movement, and bringing of migrants from a host to a destination state (Shelley, 2014, p.3). Smuggling linkage do often performs also as trafficking networks and vice versa; both of them are seen in organized criminal networks and they are both highly profitable criminal job.

At the regional stage, some blurring of the frontiers between smuggling and trafficking has been emphasized in, for instance, the progress report of the United National High Commissioner for Refugees (UNHCR) on its strategy, as well as its Regional Plan of Action on Smuggling and Trafficking from the East and Horn of Africa, which indicates that "risks of human trafficking, abduction, and abuse are extensively indicated along the routes taken by refugees and migrants alike." However, from an international law point of view at least, there are important differences between smuggling and trafficking (Aziz, Monzini and Pastore, 2015, pp. 12-13).

Although they have similarities, some key differences between migrant smuggling and human trafficking are important to be underlined, such as the nature of the crimes, the characteristics of the recruited people, the control that those criminals have over the situation among other relevant differences. Human trafficking is a crime against the victim and the state(s), is not always a transnational crime (it can be done within one country), victims are seen by perpetrators as their property, and thus personal characteristics such as gender, age among others are important. On the other hand, migrant smuggling is a crime against public order and it is always a transnational crime, the victims are called customers and, for the perpetrator, their identity is almost irrelevant as long as there is a payment of the negotiated price to be secreted across borders (Şeker and Canca, 2016, p. 7).

According to the UN definitions, differences between the two include the following: (i) Smuggled people move across an international border for the benefit, while trafficked people move across and in internal borders, and usually face exploitation (ii) The UN smuggling definition does not address a migrant's consent. Concepts regarding force

mostly about the human trafficking process where a person is moved against his or her will or deceitfully (iii) In smuggling, the state's border has been violated by irregular border crossing, while in trafficking, a person faces violations. Even though the State's border has been crossed irregularly by smugglers, under the Smuggling Protocol smuggled migrants are not called criminals. However, states can charge people under domestic law for other offenses than having been smuggled. In contrast to trafficked persons, smuggled migrants do not face victims of crime. They may be suffered no harm or injury in the migration action. However, like any other migrant or indeed any other person, they can be a victim of crime. Migrants can face many risks in the smuggling process. These are theft, extortion, rape, assault, and even death at the hands of smugglers. Some smuggling situations change with becoming trafficking situations (iv) Migrants in smuggling situations receive and are legally due to very little assistance or access to remedies, while trafficked persons can usually access these more readily. Migrants in smuggling situations are often criminalized, facing arrest, detention, and deportation. In addition, it is important to note that national definitions of these concepts may vary (Moore, 2011, pp. 7-8).

Himmrich (2018) mentions that although the concepts "trafficking" and "smuggling" are often used interchangeably, there are distinct differences. Himmrich clarifies differences between the two including the following: Smuggling can be seen as an action based on financial stuff from people who seek to move beyond borders illegally. Trafficking has included the coercion and exploitation of people. In other words, trafficked people move forcibly without their will or false pretences. While both smuggling and trafficking are often managed by a connection, a connection to organized crime and violent actions are mostly seen in the trafficked process. In contrast, smuggling is defined in many ethnographic disciplines as a relatively positive part of organized crime. It often integrates into communities and social linkage which enable protection of migrants, especially from exploitation. Smugglers are usually called service providers by migrants, support them to run away from the dangerous or insecure environment in their home country to go save place. When the two concepts are taken place in the context of irregular migration it makes the victims of trafficking more vulnerable, criminalizes the activities of smugglers to the same dimension as traffickers, and rejects the legitimate assertions for asylum of smuggled people (Himmrich, 2018, p. 7).

Bajrektarevic (2000) differentiates smuggling from trafficking under the four factors: (i) Smuggled persons travel voluntarily while trafficked persons can either begin their trip voluntarily or may have been coerced or kidnapped (ii) Trafficked persons face exploitations over a long period and also are used like as a means (iii) An interdependency can be seen between the trafficked person and organized crime groups (iv) Trafficked persons are eligible for further networking (recruitment for criminal purposes) (Aronowitz, 2001, p. 165).

To understand the difference between smuggling and trafficking, The Victims of Trafficking and Violence Protection Act of 2000 underlines the repeating and important question of trafficking of persons to commit commercial sex acts, or to matter them to involuntary servitude, peonage, debt bondage, or slavery. Unlike smuggling, where after the transfer of the human the transaction is finished, trafficking specifically intends the trafficked person as a subject of criminal exploitation (Lulla, 2016, p. 9).

Although human smuggling and trafficking have different legal definitions and are handled in different legal means, in practice the line differentiating these crimes is becoming increasingly cloudiness (Aziz, Monzini and Pastore, 2015, p. 15). Also, researches have shown that migrant smuggling can associate with human trafficking (Ventrella, 2017, p.69) It is possible the crime may start with smuggling but quickly turn into trafficking (ICE, 2017). A people's migrant journey can cover both smuggling and trafficking, faced at the same time or at different times (Moore, 2011, p. 5).

IOM (2017) reported that events in Libya have presented that migrants who have been smuggled and/or who may have aimed to use smugglers to reach Europe by sea have been imprisoned against their will, with some reportedly being sold into slavery (Triandafyllidou and McAuliffe, 2018, p. 6). In Libyan cases, the terms of smuggled and trafficked people can be used interchangeably, almost synonymously, because of the high number of deaths and the brutality and exploitation that people have experienced (Reitano, McCormack, Micallef and Shaw, 2018, p. 2).

1.5.4. Migrant Smuggling and Human Trafficking in the Central Mediterranean

The Mediterranean Sea witnesses the highest number of irregular migrants who try to reach the EU's states. A significant number of smuggling networks are seen from North

Africa to Italy. Irregular migrants also reach from the Western Mediterranean route to Spain. However, this route is less remarkable than the Eastern and Southern Mediterranean routes (EUROPOL, 2016, p.5). After the March 2016 deal between the EU and Turkey, the Central Mediterranean route has become the most preferred route for human smuggling. Thus, the Central Mediterranean is currently the deadliest migratory route. Due to smugglers' use of increasingly unseaworthy boats, deaths increased extremely (Aloyo and Cusumano, 2018, p.12). The year of 2018 has been characterized by the increasingly urgent efforts by European states to limit the flow of irregular migrants across the Mediterranean, put to sea in deadly ways by human smugglers in Libya (Reitano, 2018, p. 321). Although there are more important efforts to disrupt smuggling and trafficking networks, the destruction of boats after the rescue of migrants through EU's Operation Sophia, and the active presence of the Libyan Coast Guard in dangerously intercepting migrant boats, the Central Mediterranean have faced increasingly high numbers of smuggled and trafficked people and casualties (Albahari, 2018, p. 6).

Maritime threats in the Central Mediterranean route are often referred to as trafficking (Sahan Foundation and ISSP, 2016, p. 13). The Central Mediterranean has become the major route by the sea in the last two years (Sánchez-Montijano and Arcarons, 2018, p.109). Migrations along the Central Mediterranean route, where migrants depart from Libya seek to reach the EU's states, attract attention importantly from the point of trafficking and smuggling. The instability of Libya has caused to force the mobility of people by sea using unseaworthy vessels that lead to overset most of the time (Şeker and Canca, 2016, p.4). The European Commission (2006) emphasized that illegal immigration at sea is a key issue in the Mediterranean and the Southern part of the Atlantic external sea border. Illegal migrants usually pay very large sums of money to smugglers for transport and untrue paperwork and often journey to the EU in small, bad, and unhealthy vessels or boats. As a result, there have been many accidents where those boats have sunk, with the causing loss of life (Carpenter, 2013, p. 3).

The smuggling of migrants via the Mediterranean Sea causes important security fears not only for the EU but also for the international community. Because of the extensive measures of vessel interdiction in the Mediterranean Sea, vessels, boats, or crafts used for migration smuggling are usually managed by incapable people and often by the migrants themselves, because the smugglers themselves do not want to risk getting caught. This

situation may jeopardize the lives of smuggled migrants and also create a threat to commercial shipping, maritime navigation, and maritime safety and security (Elserafy, 2018, pp.4-5). Today, intelligence agencies working in the arena underline the complication of smuggling networks, the linkage between people smuggling and other forms of smuggling, and the many brutality people on the move often face during the smuggling journey (Perkowski and Squire, 2018, p. 3). States and international organizations such as the UN, the EU, and NATO must pay attention to all forms of smuggling and trafficking activities at or from the sea. In this direction, there is a need to integrate maritime surveillance means and to exchange intelligence, and data is also recognized, but the unwillingness among partners to share sensitive information and turf wars can still restrict actions' efficiency (Germond, 2015, p.84).

CHAPTER 2

NATO AS A MARITIME SECURITY ACTOR

2.1. THE MARITIME SECURITY DIMENSION OF NATO

NATO has an overwhelming sea power superiority. Maritime security is thus one of the key subjects and vital player domain of NATO. The Alliance has the resources for rapid responses in crises, the capability to monitor the oceans, and keep the sea under safe (Alderwick and Giegerich, 2010, p. 13).

During the Cold War, NATO's maritime security was perceived generally in the framework of the collective defence, so NATO's first maritime strategy in 1984 Maritime Strategy was a strategy which refers to mostly conflict on the high seas. However, after the break-up of the Soviet Union in 1991, and following the 9/11 terrorist attacks in the USA in, it was seen that the 1984 strategy needed to renew process to deal with a new international security environment including new different threats ((Jopling, 2010, p. 4; Soula, 2015, p. 6). The new security environment has enabled the Alliance to take on a wider responsibility in the maritime domain, ranging from confidence-building and partnership to higher-end maritime interdiction, counter-terrorism, and counter-piracy operations (Jopling, 2010, p. 4).

Post 9/11 attacks period has furthered maritime security through acceptance of the new international standards, enhanced and more widely speeded information on maritime threats, and underlined security awareness among all actors in the maritime domain (Johnstone, 2015). For example, Operation Active Endeavour (OAE) in 2001 was started the immediate after the 9/11 attacks to deter, defend, disrupt, and protect against terrorist activity. It supported to build a picture of maritime activity in the Mediterranean. The OAE aimed protecting shipping and keeping seas under safe, controlling of suspect vessels, and closer cooperation with NATO's partners. The OAE was succeeded by Operation Sea Guardian (OSG) in 2016 (NATO, 2016).

NATO's Strategic Concept in 1999 does not explicitly mention piracy and other maritime challenges by non-state actors. It mentions that "Alliance security interests can be damaged by other risks of a wider nature, covering actions of terrorism, sabotage, and organized crime, and by the cut of the flow of main resources". The Comprehensive

Political Guidance (CPG) was endorsed in 2006. Like the Strategic Concept in 1999, the CPG in 2006 only refers to the threat posed by the cut of the flow of main resources as one of the key challenges for the Alliance over the next 10 to 15 years.

Maritime security has gained importance within the Alliance in the later years. The Military Committee's Guidance for the military implementation of the CPG of September 2008 remarked the need for a plan on maritime security operations as a potential future responsibility for NATO. The April 2009 Multiple Futures Project (MFP) aimed to improve the Alliance's future security in many ways and at many levels and informing discussions among Allied governments on future threats especially from the point of the new Strategic Concept. The MFP underlined many references to maritime security, both in the framework of non-combat missions regarding the conflict prevention, resolution, and management, and related to the need for empowerment of the Alliance's expeditionary designs. The development of a new Alliance Maritime Strategy (AMS) and a Maritime Security Operations (MSO) Concept was approved by the North Atlantic Council (NAC) in the spring of 2009. The AMS aims to form a long period role for NATO's role and missions in the maritime domain over the next 20-30 years, as well as plan the development of new designs. On the contrary, the MSO Concept aims to contribute immediate operational structure on the use of Allied naval forces in support of maritime security operations (Jopling, 2010, p. 8). The process related to the maritime domain was followed by the maritime operation. For example, in August 2009, Operation Ocean Shield was initiated which is part of NATO's contribution to international action to fight piracy off the Horn of Africa and Gulf of Aden. Operation Ocean Shield developed a distinctive NATO role related to the empowerment of the Alliance by adopting a wider and effective approach to counter-piracy actions (Karagöz, 2012, p. 88).

A new AMS released in 2011 is much broader than the 1984 Strategy. It regulates the parameters for NATO's maritime activities and defines four cases in which NATO must be ready to perform maritime operations. The first three involve NATO's main responsibilities mentioned in the 2010 Alliance Strategic Concept. These are collective defence, crisis management, and cooperative security. The fourth is related to the support of maritime security in detail. Maritime security is seen as an appropriate concept for cooperation with partners (Soula, 2015, p. 6). Thus, we can see that the 2011 AMS is also full harmony with the 2010 Strategic Concept. The freedom of navigation, sea-based trade

routes, critical infrastructure, and energy flows are vital to the Allies' security interests as defined in this strategy (Chapsos, 2015, p. 1). A paper helping the conceptual framework for maritime security operations was also set in 2011 as a supplement to AMS, and it listed the seven types of maritime security responsibilities NATO should be able to take responsibility. The first is related to maritime security awareness. NATO must help maritime situational awareness, which means knowing what is going on under, above, and on international waters. Second is the freedom of navigations. NATO has responsibility for upholding freedom of navigation for all. The third task refers to maritime interdictions. NATO must conduct maritime interdiction. Forth is fighting against the proliferation of weapons of mass destruction. The fifth type of maritime security task is the protection of critical infrastructure. The sixth task gives to responsible for NATO tasking with supporting counter-terrorism efforts. And last is about capacity building activities. NATO contributes to the maritime security capacity building (Soula, 2016, p. vi).

2014 NATO Summit in Wales underlined the operationalization of the AMS as a key matter for the Alliance (Chapsos, 2015, p. 2). The importance of the maritime domain was indicated by NATO's Heads of State and Government (HOSG) in the Declaration proclaimed in this summit. The Declaration underlined that the geopolitical and economic importance of the maritime domain in the 21st century becomes important (Soula, 2015, p. 5). In addition, the value of the maritime security operation was stressed with a reference to the Operation Active Endeavour (OAE). The Wales Summit mentioned continuances of the OAE to fight evolving security threats in the domain of essential strategic interest to the Alliance (NATO, 2014).

At the 2016 Warsaw Summit, the maritime security dimension was also emphasized. On 8 July 2016, at the NATO summit in Warsaw, a "Joint Declaration" was announced, signed by the President of the European Council, Donald Tusk, the President of the European Commission, Jean-Claude Juncker, and the Secretary-General of NATO, Jens Stoltenberg. In December 2016, the EU and NATO published a "Statement on the Implementation of the Joint Declaration" which lists 42 proposals in which the two organizations are actively cooperating. One of the specific cooperative projects refers to maritime security (Howorth, 2017, p.455). This is a crowded list of topics on wider cooperation including the maritime domain. In this direction, Allies decided to launch a

new maritime security operation in the Mediterranean, "Operation Sea Guardian (OSG)" which aims to strengthen maritime situational awareness, counter-terrorism at sea, and maritime capacity-building. OSG has also a broader task, including freedom of navigation, maritime interdiction, countering the WMDs, and protecting critical infrastructure (NATO, 2018). In addition, at the Warsaw Summit, NATO moved its relationship with the EU to the next level. NATO-EU clarified the main areas for expanding their cooperation, including increasing maritime security. In this direction, OSG supports the EU's Operation Sophia in the Mediterranean in terms of logistical support and information sharing (both organizations' cooperation based on maritime security operations will be analyzed in detail in Chapter 4). Thus, NATO is developing its cooperation with the EU in the Mediterranean, thus their sharing and coordination are important to fight illegal migration, terrorism, and other threats (NATO, 2017). NATO showed that its attention to the growing complexity of the Southern flank challenges, paying attention to the ontogenesis instability in the Middle East and North Africa (MENA) (Mesterhazy, 2017).

At the 2018 Brussel Summit, NATO and the EU emphasized ongoing cooperation actions that underline a common set of 74 proposals on seven areas including maritime issues. Generating additional 30 major naval combatants, 30 heavy or medium manoeuvre battalions, and 30 kinetic air squadrons, with authorizing forces, at 30 days' readiness or less, were also underlined. This offers a wider area of cooperation between NATO and the EU for countering conventional threats (Blockmans et al, 2018). The Alliance acknowledged developments in areas such as common border security and mentioned the continuation of the EU and NATO maritime security operation in the Mediterranean with a reference to the cooperation between Operation Sophia and OSG (Pkhaladze, 2018). As things stand, maritime security is high on NATO's agenda past to present.

2.2. NATO INITIATIVES IN THE MEDITERRANEAN

During the Cold War, the world security system was based on the concept of the "Balance of Fear". According to the NATO strategy, the main danger was awaited in both Central Europe and the "Western Wing" of NATO. Afterwards, the Mediterranean region, which is accepted as the "Southern Wing" of NATO, has less importance in general according to NATO war policy during the Cold War (Sotirović, 2018). While some scholars express

that during the Cold War, the Mediterranean was not extremely important from the point of strategic position to the Atlantic space, its importance had continued from the point of the line of communication and of a section of interest between the North and the South (Germond, 2009, p. 66).

With the end of the Cold War, the importance of the Atlantic Ocean geopolitically decreased, because the Euro-Atlantic SLOCs were not anymore under threat (Taufer, 2015, p. 49). For that reason, a maritime geopolitical shifting from the Atlantic to the Mediterranean keep up with the end of the Cold War (Germond, 2015, p. 154). After this, the Mediterranean became cherry of USA strategy' cheek. Since 1949, the noteworthiness of the Mediterranean has increased for NATO because of the existence of many Mediterranean states in NATO (Taufer, 2015, p. 47).

After the Cold War, NATO decided transformation which covers a range area from a military alliance focused on collective self-defence to a multi-dimensional alliance that enables to handle of the emerging security environment especially out of area operations. With the collapse of the Soviet Union and the Warsaw Pact, NATO needed to search a place for a purpose of existence and a strategic framework to carry it into the 21st century. NATO member states tended towards the Mediterranean, and they realized that NATO needed to have the new capacity to handle different security threats. In this direction, NATO started to focus on the Mediterranean as one of the starting points for security and stability building initiatives (Stivachtis and Jones, 2009, pp. 5-6). The growing instability in the South seriously affects Alliance interests. In addition, the growing initiatives of the EU in the South such as the Barcelona Process have an indirect impact on NATO. As the EU starts to more actively take place in the Mediterranean, Mediterranean issues become an important part of the European security agenda, and constantly part of NATO's agenda. The Mediterranean Sea is thus likely to become more important for NATO (Larrabee, Green, Lesser and Zanini, 1998, p.iii; p.xi).

Mediterranean region is central and important to NATO's strategic future. To name just three examples; the Strategic Concept in 1999 directly refers to the Mediterranean as a region of interest for NATO and strengthen of Mediterranean Dialogue's two pillars "political dialogue and practical cooperation" (Dokos, 2012, p. 581; de Santis, 2010). Moreover, in the Strategic Concept adopted by the Alliance members at the 2010 Lisbon

Summit, there are no geographic but there are also many related thematic points related to the Mediterranean (Dokos, 2012, p. 581). Another example, Secretary-General Jens Stoltenberg (2016) expressed NATO's broader aim for the South. He underlined protection of their territory, willingness to stability beyond their borders, and security link among neighbours (Becker, 2018, p. 3). In this direction, securitization of the South is also linked to the security of Europe. NATO has actively been involved for security and stability in the Mediterranean. When one looks at the regional security environment in the Mediterranean, five sections of missions, where NATO contribute and assist, can be identified: (i) peace-making operations, humanitarian intervention and post-conflict stabilization; (ii) security sector reform; (iii) maritime security; (iv) combating WMD proliferation; and (v) energy security (Dokos, 2012, p. 580).

NATO has needed changes from the point of its capabilities and activities to tackle threats in the Mediterranean. NATO's partnership initiative can be considered as a supportive instrument to the adaptation of NATO in the region. In this direction, NATO's partnerships such as Mediterranean Dialogue (MD), and Istanbul Cooperation Initiative (ICI) in different geographic areas confirms the NATO's role as an alliance that has wanted to be ambitious security actor beyond the treaty area (Bağbaşlıoğlu, 2010, p.50). This part examines NATO's MD and its upgrading process in the 2004 Istanbul Summit with aiming to respond to how the NATO initiative in the Mediterranean is related to the maritime security as a vehicle for addressing maritime security in the region. After touching briefly on NATO's initiative in the region, this part focuses on NATO's maritime operations in the Mediterranean. NATO's existence in the region is not only related to the partnership initiatives but also related to the military (Puebla, 2018, pp. 3-4). NATO has made an important effort in the maritime domain with its previous "Operation Active Endeavour" and currently "Operation Sea Guardian" in the Mediterranean (Puebla, 2018, pp. 3-4). We can say that both partnership and military pillar can be seen as a complement to the maritime security dimension of NATO in the Mediterranean.

2.2.1. Mediterranean Dialogue

Mediterranean is strategically substantial for NATO to be involved in the region because many NATO member states are taken place in the Mediterranean Sea. The emergence of

new security threats and existing conflicts has caused instability for not only region states but also NATO members located in the region.

NATO became more engaged in the Mediterranean and started attempts towards the Mediterranean Dialogue in the early 1990s. At that time, the so-called "Ad-Hoc Group" on the Mediterranean which had been monitoring Soviet-related issues in the region since the 1970s, started to focus on new security challenges emerging in the Mediterranean. The WMDs and growing concerns about the transfer of missile technology from the Soviet area directly affected MENA countries, so Alliance wanted to undertake a more active role in the Mediterranean (Thiele, 2005, p.58). In addition, Southern European states -especially France, Italy, and Spain- were main drivers behind the launch of the "Mediterranean Dialogue (MD)". They had concern mainly about economic security issues and also migration from North Africa (Smith and Davis, 2011). In this direction, NATO Foreign Ministers decided to launch of the MD as a part of NATO's external adaptation. NATO Foreign Ministers declared their readiness to the creation of contacts between the Alliance and Mediterranean non-member countries to aim to the strengthening of regional stability (de Santis, 2010, p. 140). Thereby, at the end of 1994, NATO launched a Mediterranean initiative "MD" to strengthen the relationship with its southern neighbours. Six countries joined this initiative initially: Egypt, Israel, Mauritania, Morocco, and Tunisia in February 1995, and Jordan, in November 1995. Algeria became a member in February 2000 (Kecskemethy, 2012, p. 63). The MD can be seen as the main component of its post-Cold War strategy and as a NATO's official activities in adapting to the Post-Cold War security environment (Stivachtis and Jones, 2009, pp.6-7).

The MD is based upon a number of elements: (i) Non-discrimination, which means that MD partners are offered the equal opportunity for cooperation activities and discussion with NATO (ii) Self-differentiation which allows for a tailored approach to the specific demands of each of NATO partner countries (iii) Inclusiveness means that all MD countries can be seen themselves as an equal partner with a same cooperative effort (iv) Two-way engagement indicates that the MD is a "two-way partnership" in which NATO looks the partners' contribution for its success through a regular consultation process; (v) Practical cooperation; (vi) Non-imposition states that MD partners are free to select the pace and dimension of their cooperation, NATO does not want to impose anything upon

them; (vii) Complementarity and mutual reinforcement means that efforts of the MD and other international institutions for the region are complementary and mutually reinforcing in nature (de Santis, 2010, pp. 140-141; Stivachtis and Jones, 2009, pp.7-8).

The MD's overall aim is to contribute to and promote regional security and stability by enhancing effective mutual understanding between NATO and the Dialogue countries (Leyde, 2016, p. 6). The guiding principles are as follows: gradual approach, mutual benefit, taking into account Mediterranean partners' expectations and interests (Kecskemethy, 2012, p. 63). Exchanges of views and information are formed to create transparency and a better realization of security issues of mutual interest. These aims correspond to NATO's 1991 Strategic Concept, which states that three mutually reinforcing factors are linked to the security policy of NATO. These are dialogue, cooperation, and the maintenance of a collective defence capability (Larrabee et al., 1998, p. 46). According to Alberto Bin (2002), it is an important means in support of the Alliance's overall policy of partnership, dialogue, and cooperation (Stivachtis and Jones, 2009, p.7).

The MD has two main pillars which are political and practical. On the political pillar, the MD enables a mechanism which includes regular ambassadorial meetings, and working community on a host of topics related to the security of the Mediterranean to contribute cooperative security (Kfir, 2015, p. 235). The practical pillar for MD countries includes border control, counterterrorism, and counterinsurgency training (and equipment, and funding), intelligence sharing, cybersecurity, civil protection, and reach to NATO courses and science for peace and security designs. In these areas, border control as a part of practical pillar refers to maritime security. Border control and the general challenge of surveillance across a complicated maritime field is related to precedence for partner countries. The MD has been active in the maritime domain. The nexus of migration and people smuggling is an area that will remain at the top of the NATO and MD partners' agenda for practical cooperation in the future (Lesser et al., 2018, p. 29; p. 31).

Since 1997, measures of practical cooperation between NATO and MD countries are taken place in an annual Work Programme, which aims to create several cooperation fields. These are information and press, civil emergency planning, air space management, science and the environment, small arms and light weapons, crisis management, and

military activities. Over the years, and in line with its progressive character, NATO's MD has gradually bolstered up. At the 1999 Washington Summit, NATO's HOSG, in approving the NATO's 1999 Strategic Concept, agreed to strengthen the MD's two pillars: political dialogue and practical cooperation (de Santis, 2010, p. 141).

While the MD received little attention in beginning, the 9/11 attacks raised the interest and concern of NATO members through its Southern flank (Kaim, 2017). The 9/11 attacks led to the main shift in the MD's direction by locating it at the forefront of NATO's strategic principle. Additionally, the attacks showed the need for Mediterranean partners to create closer actions together (Stivachtis and Jones, 2009, p. 13). After 9/11, the NAC agreed to a series of actions aimed at strengthening the MD (de Santis, 2010, pp. 140-141). The MD became more significant than ever since the necessity to shape a conflict prevention structure is even more immediately after the 9/11 attacks. NATO and its members became conscious that MD needed to changes as a result of 9/11, so the renewed MD was a necessary step for NATO to make sure that the region can handle the security threats that appeared after 9/11. They highlighted the need for closer cooperation to face common challenges that can emerge in the maritime domain (Stivachtis and Jones, 2009, p. 13).

The 9/11 attacks showed that the Alliance needed to enhance its role in the Mediterranean and strengthen cooperation with countries in the region (Gürel, 2005). In this direction, in the 2002 Prague Summit, NATO's HOSG decided to renewed MD with implementing new areas of practical cooperation (de Santis, 2010, pp.140-141). During the NATO Summit in Prague, a so-called substantial "package" was approved to increase the political and practical pillar of the MD. This should be achieved by strengthening high-level contacts, conducting more regular consultations, allowing MD partners to participate in selected activities, and further intensifying practical cooperation. NATO allies agreed that it was necessary to be able to tackle emerging threats in the Mediterranean region (Leyde, 2016, p. 6). Thus, a comprehensive proposal for expanding the MD was confirmed by NATO members at the 2002 Prague Summit. This proposal underlined better cooperation in a number of practical domains including effective information sharing, maritime cooperation and promoting cooperation in the field of border security (Gürel, 2005). Thus the maritime dimension of the MD started to come into prominence.

Another upgrading of MD was decided at the 2004 Istanbul Summit. NATO looked into developing what they called a more enthusiastic and developed framework for the MD (de Santis, 2010, p. 141). Consequently, NATO Foreign Ministers looked for new progress for upgrading the MD (Stivachtis and Jones, 2009, p. 13). This new process of the MD also covered new progress related to the maritime domain.

2.2.2. Istanbul Summit in 2004

The global security environment NATO faced in 2004 was significantly different from the security environment NATO faced in 1999. The 9/11 attacks shocked terribly not only for the USA but for the entire world. In consideration of this changing security environment, NATO faced new security threats that can affect both land and sea. NATO was engaged in fighting these threats and in strengthening security and stability in many regions in the world. NATO started to respond to these threats and challenges by the conduct of military operations and activities, the engagement with partners, and the transformation of military capabilities. It was agreed at the 2004 Istanbul Summit that relationships with those partners should be made strong to cooperate effectively to tackle new security threats (Leyde, 2016, pp. 29-30).

At Istanbul Summit, NATO's HOSG invited Mediterranean partners to shape a more enthusiastic and developed framework for the MD, listed by the principle of joint ownership and keeping in the view of their specific interests and needs. This summit aimed at the creation of regional security and stability with effective practical cooperation which includes reinforcing the existing political dialogue, acquiring interoperability, improving defence reform, and contributing to the fight against terrorism (NATO, 2015).

NATO Foreign Ministers tried to find additional advancement beyond that achieved since the 2002 Prague Summit in upgrading the MD (Stivachtis and Jones, 2009, p. 13). NATO decided to deepen the MD by promoting greater political cooperation, cooperation in the field of border security, achieving interoperability, fight against terrorism, and complement other international efforts (Jorgensen, p. 2). The new framework for the MD reflects more military cooperation than ever before (Stivachtis and Jones, 2009, p. 13). Although NATO, through MD, has been developing cooperation with Mediterranean partners, NATO's main action area is in practical cooperation since 2004 (Prestat, 2006, p. 8). Over the years, MD has become more structured in the cooperation field on defence

and military issues (Kecskemethy, 2012, p. 64). We can say that the practical pillar of the MD had been given greater emphasis when compared to the political pillar of the MD. At the Istanbul Summit, NATO leaders accepted the enhancement of the MD's practical pillar by assisting the military to military cooperation to accomplish interoperability (de Santis, 2010, p. 142). One key domain was military to military cooperation focused especially on enhancement the ability to participate countries' army to perform with those of the Alliance through participation in selected military and training activities. Important priorities for cooperation were listed in the field of information sharing and possibly maritime cooperation (Bin, 2008, p. 728). Thereby, the MD has developed toward genuine active collaboration, sanctioned at this Summit, cooperation on maritime surveillance (Moran and Russell, 2016).

In this direction, another issue mentioned Istanbul Summit was enhanced maritime cooperation to fight against international terrorism at sea by NATO's Operation Active Endeavour (OAE). In March 2003, OAE was expanded to include a supplement of the escorts through the Straits of Gibraltar to non-military ships. After 4th March 2004, NATO extended its operational area to all Mediterranean. Allied leaders decided to enhance OAE, and made participation possible for MD partners in the maritime operation (Kecskeméthy, 2012, p.64). Thus, OAE is one concrete example of interoperability, and cooperation between NATO and MD partners are the participation of Israel and Morocco in NATO's OAE (Jorgensen, p. 2). OAE proved that there was a useful tool for effective practical cooperation and interoperability with a number of NATO's MD partners. Thanks to this situation, NATO gained important experience from the point of conducting multilateral maritime operations in today's security environment and acceleration of information sharing between various actors. In addition, OAE was upgraded significantly over the years and it transformed from a platform-based operation to a network-based one that concentrated on the gathering and processing of information that helped to target specific vessels of interest (Soula, 2015, p. viii). OAE became network-based operation thanks to the closer cooperation and information sharing with MD partners (Safety4Sea, 2013).

In April 2011, NATO Foreign Ministers decided a new partnership policy (Berlin Partnership Package) which provides new mechanisms for existing and potential partners and allows them to form their relationship with NATO. With the extension of NATO's

MD toolbox, the existing partnership framework of the MD is furthered (Kecskemethy, 2012, p. 65). The number of joint activities have increased significantly and ranged from ordinary military contact to maritime security (Leyde, 2016, p. 8). In short, the level of activities has increased since the Istanbul Summit. There are more than 30 agreed areas of cooperation to the MD countries. While there were 100 activities in 2004, the number of available actions increased from 600 in 2011 to some 1,000 in 2015, with roughly the same number today. Ongoing activities have included maritime and port security (Jorgensen, p. 2; Lesser et al., 2018, p. 22). Today, maritime security and the primacy of migration in the Mediterranean have become central to the Alliance agenda, so building a security community among NATO and MD countries is important and necessary.

2.2.3. Operation Active Endeavour

With the Mediterranean Dialogue (MD), NATO has strengthened its engagement and cooperation approach to security in the Mediterranean region. For effective cooperation in the region, NATO's MD partners have wanted to learn from and to work with NATO. At this point, NATO also needs this political and practical support from the MD partners because NATO performs major operations in its neighbourhoods. In this direction, Operation Active Endeavour (OAE) which was NATO's maritime counter-terrorism operation in the Mediterranean can be taken as an example (Robertson, 2003, p.51). It is also a crucial state that the most significant example of effort against international terrorism at sea was OAE taking place in the wider Mediterranean (Germond, 2015, p. 157).

After the 9/11 attacks, NATO decided on several initiatives on a multinational basis (Germond and Grove, 2010, p. 12). OAE was one of the collective defence scope determined by NATO in order to support the USA. Because of the rise of new asymmetric threats from non-state actors, the collective defence has gained importance. This has also followed in new tasks for NATO especially in the maritime domain, as shown by OAE. OAE was the Alliance's Article 5 operation which enshrines collective defence (Jopling, 2010, p.5). It was related to both with a fight against terrorist activity in the Mediterranean and with the creation of a comprehensive frame of maritime activity (Soula, 2015, p.viii). The aim of the OAE, which was performed from 2001 until 2016, was to advance to the exploration and determent of terrorist activities in the Mediterranean Sea and tracking and

controlling suspected vessels (Kaim, 2017, p. 12; Umlaufová, 2016, p.11). NATO aimed to show solidarity, cohesion, and steadfastness of Alliance in fighting asymmetric threats and operating a believable deterrence against any possible terrorist activity in the Mediterranean (Taufer, 2015, p.56).

OAE had evolved significantly with the passing years. OAE started on October 4 using Standing Naval Force Mediterranean which was undergoing exercises off the Southern coast of Spain was sent to the Eastern Mediterranean to start monitoring shipping (Germond and Grove, 2010, p.12). From October 2001 until March 2003, OAE had an authorization to observe the ships in the Eastern Mediterranean (deterrence) and from March 2003 OAE's authorization was widened to onboard inspections (and from February 2003 until May 2004 to escorting civilian ships through the Strait of Gibraltar). After March 2004, OAE was extended to the entire Mediterranean. It provided not only deterrence but also direct involvement to maintain and exert command of the sea. This operation represented an idealist form of complex naval cooperation within a multilateral composite network gathering national units, and on-call and standing naval forces (Germond, 2015, p. 157). Since October 2004, OAE was redesigned into an information-based and intelligence-led operation, concentrating on gathering and transforming information to aim specific vessels of interest rather than patrolling (Jopling, 2010, p.5). Also, European Maritime Force (EUROMARFOR) supported the OAE in 2002, and some non-EU and non-NATO countries had taken part in OAE (Germond and Grove, 2010, p.12). In 2006, NATO expanded OAE politically, by inviting countries outside the NATO framework, to build an interoperable force by offering training for those willing. Specifically targeted were non-NATO countries willing to aid in the counter-terrorism efforts. By including these countries the Allies not only gained additional forces to share the burden of the mission but also to provide and share valuable intelligence data. In January 2010, OAE had a change, this time operationally, shifting "from a platform-based to a network-based operation" focusing on intelligence sharing between its participants (Wenzel, 2018, pp. 23-24).

Appointed forces and NATO Standing Naval Forces on a rotating basis had been monitoring, collecting information, controlling, and boarding merchant ships crossing the Mediterranean waters. There were surface units, submarines, maritime patrol aircraft, and two high-readiness frigate forces for counter-terrorism activities (Dibenedetto, 2016, p.8).

Two Standing Naval Forces did some border security work on the side-line of their main responsibility, patrolling under the framework of the OAE (Akkerman, 2017). In addition to NATO's Standing Naval Force, a number of the member had supported in OAE (NATO, 2006, p.169). OAE was supported by eleven NATO members (Denmark, Estonia, Germany, Greece, Italy, the Netherlands, Spain, Turkey, the UK, and the United States), two countries from the MD partners (Israel and Morocco), three countries from the Partnership for Peace (Georgia, Ukraine, and Russia), and New Zealand (Wenzel, 2018, p. 22).

For the technical part of the operation, NATO allies Germany, Greece, Italy, the Netherlands, Spain, Turkey, the UK, and the United States provided forces to Standing Naval Force Mediterranean on a rotating basis. Denmark, Germany, Norway, and Spain donated forces specifically for Strait of Gibraltar escorts. Estonia also participated in OAE by providing naval personnel (Wenzel, 2018, p. 25). As of November 2001 Task Force Endeavour was commanded by Commodore Angus Somerville, UK Navy, and was comprised of: HMS Chatham, frigate, UK (Flagship); FGS Bayern, frigate, Germany; HS Formion, destroyer, Greece; ITS Aliseo, frigate, Italy; HNLMS Van Nes, frigate, The Netherlands; SPS Santa Maria, frigate, Spain; TCG Giresun, frigate, Turkey; USS Elrod, frigate, US. (Pike, no date). According to NATO literature, OAE was formed by Greek, Italian, Spanish and Turkish warships as well as Danish, German, and Norwegian patrol boats (Rettman, 2016).

With the extension of the OAE's areas to the whole Mediterranean in 2003, the scope of potential multinational support for OAE had been expanded to include NATO's partner countries and MD partners (NATO, 2006, p. 169). Thus, there were non-NATO contributors in OAE. These were MD members including Israel and Morocco and the Partnership for Peace contributors including Georgia, Ukraine, and Russia. From 2004, these countries started offering their support. Exchanges of Letters had been ratified between NATO and Albania, Georgia, Israel, Morocco, Russia, and Ukraine. Following an exchange of letters in 2006, Israel supported OAE by having a liaison stationed permanently at OAE headquarters in Naples. Israel did not provide any ships. Like Israel, Morocco had not provided any ships to support OAE. However, Morocco hosted ships from the SNFM in Casablanca, particularly in 2004, when four ships were in port (Wenzel, 2018, p. 26). Russia and Ukraine had contributed ships to support OAE. Russia

deployed vessels twice. The first was the Russian frigate RFS *Pytliviy* in 2006; the second was the Russian frigate RFS *Ladniy* in 2007. Also, Ukraine contributed naval assets a total of four times. It followed the two-month deployment of the frigate Hetman Sagaidachny, and two other deployments in 2007 (the Ternopil and the corvette Lutsk). Ukraine also supported OAE through information exchange (NATO, 2008). Additionally, New Zealand provided a vessel in April - May 2015.

Participating countries made it possible for OAE to, in the first three years, conduct surveillance on 41,000 vessels, board 47 vessels, and escort 414 ships through the Straits of Gibraltar; and by December 2008, to hail 100,000 merchants and board 148 of those. During the period from 2012 to 2016, the number of boardings was as follows: 1 in 2012, 1 in 2013, 5 in 2014, 3 in 2015, and 1 in 2016. During the period from 2014 to 2016, the number of vessels hailed was as follows: 3,571 in 2014, 5,940 in 2015, and 3,135 in 2016 (Wenzel, 2018, p. 22; pp. 25-26). Since OAE's beginning, the operation had addressed over 124,000 merchant ships, escorted several hundred, and boarded over 170 suspicious vessels (Moon, 2016, p. 11). Thus, OAE showed the transformation of operation from a traditional security operation to a mechanism that contributes protection and as an instrument to strengthen relations between the NATO members and the other countries, with emphasizing on NATO's commitment to develop and build partnerships (Kfir, 2015, p.235). And, thanks to the contribution and support of the many countries in operation, NATO's prestige and legitimacy were strengthened in the international arena (Akar, 2015, p.32).

In addition, OAE provided NATO with significant knowledge in operating multilateral maritime operations in today's security environment, and it developed information-sharing between several actors which include law enforcement agencies. It also had an important effect on security and stability on NATO's Southern flank (Soula, 2015, p.viii). OAE also contributes to the trade and economic activity in the Mediterranean thanks to them having an effect on the safety of NATO's Southern flank. Most significantly, NATO gained invaluable experiments in fighting terrorist maritime activity, preventing the proliferation of WMDs, and developing information sharing. (Umlaufová, 2016, p.12).

In sum, significant achievements can be succeeded with the OAE. First, it furthered information-sharing which covering with other law enforcement agencies and also

commercial shipping agencies. Second, OAE proved itself as a very useful initiative to strengthen practical cooperation and interoperability with a number of NATO's partners and MD countries. Third, although OAE was performed against terrorist threats, the existence of NATO in the Mediterranean and the data collected by it also provided Mediterranean countries to deal with other criminal activities at sea such as illegal trafficking of drugs, people, and arms (Jopling, 2010, p.5). In truth, NATO showed its evolving role in the MENA region with the OAE (Marrone and Nones, 2016, p.76).

However, due to the geographical expansion of OAE, it became impossible to effectively controlling the maritime domain with a naval force. As a result, the new OAE focused on building a network of nations, making the operation more cost-effective. A result of the change was that NATO could rely less on having forces deployed in the Mediterranean. Thus, OAE shifted to the use of surge forces that may have already been in the area for other purposes. Additionally, OAE headquarters shifted from Naples to Maritime Command Headquarters, Northwood, England, in February 2013. Because it was now an intelligence operation, there was no longer a need for a naval commander in the Mediterranean. At the end of this process, NATO ended OAE in 2016 in order to also strengthen relations with the EU through the sharing of Intelligence, Sharing and Reconnaissance (ISR), air, and naval assets (Wenzel, 2018, pp. 23-24). When OAE was disappeared in 2016, NATO's new maritime operation "Operation Sea Guardian" was born in 2016 at NATO's Warsaw Summit.

2.2.4. Operation Sea Guardian

NATO aims to stability beyond its borders to safeguard security at home by supporting countries in the Mediterranean. In this direction, Operation Sea Guardian (OSG), NATO's ongoing maritime security operation in the Mediterranean, is one of the important initiatives of NATO in order to ensure stability and security in the Mediterranean (Holland, 2018, p.3).

With the launch of OSG in 2016, NATO changed the mandate of its previous OAE, which was performed from 2001 to 2016. For 15 years, OAE aimed to contribute to the exploration and determent of the terrorist activities in the Mediterranean via surveillance of civilian sea traffic (Kaim, 2017, p. 21). Among the Member States, Italy can be seen as a key driving force for the launch of OSG. It is worth note that the Italian government

was behind the EU decision to start both Frontex Operation Triton and Operation Sophia, as it requested the EU's support in dealing with the migration problem. Additionally, Italy is the important country in all activities taking place in the Southern flank, given not only its history and geographical location, but also considering that it has most of the burden of the crisis in the Southern-Central Mediterranean (Dibenedetto, 2016, p. 8). At the Warsaw Summit in 2016, NATO was agreed to end OAE and to start the new OSG with a much broader mandate from the point of maritime security (Marrone, 2016, p.3). Therefore, NATO member states have agreed to transition OAE from an Article 5 operation to a non-Article 5 maritime security operation (such mission handle with issues such as piracy, terrorism, and human trafficking) (Umlaufová, 2016, p.12). OSG was created as a non-article 5 maritime security operation which aims to cooperate with Mediterranean stakeholders (Drake, 2018). According to NATO's website, "OSG is a flexible maritime operation which can operate the full range of maritime security criteria if so determined by the North Atlantic Council (Wenzel, 2018, p. 25).

We can say that the end of OAE saw the beginning of OSG which is a similar operation but has greater scope and scale. Despite this transition, the mission of OAE remained part of OSG's mandate: to identify and disrupt terrorist operations in the Mediterranean (Wenzel, 2018, p. 25). However, OSG has a wider scope than OAE, including situational awareness, capacity building, and other tasks as needed (Umlaufová, 2016, p.12). *Figure 2.2* shows a comparison of NATO's maritime operations in the Mediterranean "previous OAE and ongoing OSG". OSG's operational tasks include backing up maritime situational awareness, maintaining freedom of navigation, managing interdiction responsibilities, maritime counter-terrorism, promoting capacity building, fighting the proliferation of weapons of mass destruction, and saving critical infrastructure (Drake, 2018). With the OSG, NATO is also providing to the securitization of the maritime domain while realizing Alliance's three core tasks which are collective defence, crisis management, and cooperative security (NATO AMC, 2016).

In addition, this operation has a broader scope of activity than NATO's mission in the Aegean Sea. Operation in the Aegean Sea has a concrete task related to dismantling migrants' routes. On the contrary, OSG has a broad scope of activity to ensure stability in the Mediterranean and support the EU's Operation Sophia. In comparison with Operation Sophia, this ongoing NATO operation addresses not only the migration

challenge but maritime security in general. Accordingly, NATO's operation does not have a narrow mandate to counter illegal migration. It is not directly about the problem of illegal migration, because it aims to strengthen maritime security in general, including the protection of the EU's external borders. *Figure 2.2* compares NATO's OSG and EUNAVFOR Operation Sophia. However, this operation indicates the intention and readiness to jointly act together at the operational level against a security challenge, which was prescribed at the 2016 Warsaw Summit. It is necessary to mention that there is also criticism over NATO's measures and maritime operations (Belova, 2018, pp. 43-44). Criticism over NATO's measures and its OSG in the Mediterranean will be argued in detail in Chapter 4.

NATO's encouragement to law enforcement under OSG aims to contribute to reducing the space in the capacity of individual countries to implement civilian and military law at sea. The NATO contribution is supplementary to activities by other actors (Drake, 2018). It has been made clear that OSG also coordinates all naval operations in the region to keep from redundancies and to allow mutual benefits (Marrone and Nones, 2016, p. 3). NATO's Warsaw Summit in 2016 underlined NATO's intentions to proceed cooperation with Operation Sophia, Frontex, and Europol (Belova, 2018, p.8). The 2016 Joint Declaration emphasizes the necessity of the expanded operational cooperation in the maritime domain and on migration issue with the help of mutual support of the actions in the Mediterranean. In Warsaw Summit, NATO defined its possible role in the Central Mediterranean as a complementary and suitable partner to the EU's Operation Sophia with the help of the using of NATO's a range of capabilities including ISR, logistic, capacity building of Libyan Coast Guard, and navy if requested by the legitimate Libyan government and/or the EU; and in the framework of the implementation of UNSCR 2292 on the situation in Libya, in close coordination with the EU (Umlaufová, 2016, p.12).

When we look at the technical part of the operation, NATO began the OSG with three NATO ships and two submarines on November 9, 2016. These were the Italian frigate ITS Aviere, the Bulgarian frigate BGS Verni, the Turkish frigate TCG Gemlik, the Greek submarine HS Papanikolis and the Spanish submarine ESPS Mistral. There was also air

	NATO		EU
	Operation Active Endeavour	*Operation Sea Guardian*	*Operation Sophia*
Mission	*Stand over the Mediterranean and observe shipping to help deter, defend, disrupt and protect against terrorist activity.	*Provide situational awareness, counter-terrorism, contribute to regional capacity building. *Be prepared to conduct maritime interdiction operations, act against threats to energy security, protect critical infrastructure and freedom of navigation. *When directed, complement the EU's Operation Sophia, providing surveillance, reconnaissance and logistic support.	*Take responsibility on systematic efforts to identify, capture and dispose of vessels used – or suspected of being used – by migrant smugglers, to assist to wider EU actions to disrupt the business model of human smuggling and trafficking networks and prevent the further loss of life at sea.
Area of Operation	The whole of the Mediterranean Sea	Central and Eastern Mediterranean	Southern-Central Mediterranean
Means	NATO standing naval forces: surface units, submarines, maritime patrol aircraft, and two high-readiness frigate forces.high- readiness frigate forces	3 surface units, 2 submarines, maritime patrol aircrafts.	7 ships, 4 organic helicopters, and 3 air assets.
Duration	October 2001 - October 2016	9 November 2016 – ongoing	22 June 2015 – ongoing

Figure 2.2. NATO and the EU Maritime Security Operations in the Mediterranean (Dibenedetto, 2016, p. 13)

support to this operation including rotational patrols by Maritime Patrol Aircraft from Portugal, Spain, Italy, Greece, and Turkey[1]. In April 2017, OSG was operated by Greek frigate HS Salamis, Portuguese frigate NRP Bartolomeu Dias, Italian frigate ITS Euro, and Turkish frigate TCG Gemlik[2]. On April 21, 2017, the Portuguese frigate NRP Bartolomeu Dias and the helicopter from the Italian frigate ITS Euro operated joint training activities while patrolling in the Mediterranean[3]. NATO ships, supported by Greece, Italy, Portugal, and Turkey, conducted focused security patrols in international waters of the Central Mediterranean Sea as part of OSG on April 14-30, 2017. This focused security patrol focused on gathering patterns of life information about the shipping routes in international waters off the coast of Libya. While directing this focused security patrol, NATO ships had created interaction with smaller fishing vessels as well as large commercial shipping vessels[4]. On June 1, 2017, three NATO ships, French frigate FS Guepratte, Italian frigate ITS Scirocco, and Spanish off-shore patrol vessel ESPS Serviola plied the waters of the western Mediterranean, training together to join in OSG[5]. Four NATO ships, supplied by France, Italy, and Spain, conducted focused security patrols in international waters of the western Mediterranean Sea as part of OSG May 28 to June 11, 2017[6]. NATO ships supported by Italy, Greece, and Turkey, supported by Allied Maritime Patrol Aircraft, conducted focused security patrols in international waters of the Central and Eastern Mediterranean Sea as part of OSG 27 November-13 December 2017[7].

In 2018, NATO ships, aircraft, and submarines conducted focused patrols in the Central and Western Mediterranean February 12th to March 4th to get information and observe

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[1]https://mc.nato.int/media-centre/news/2016/nato-operation-sea-guardian-kicks-off-in-the-mediterranean.aspx

[2] https://mc.nato.int/media-centre/news/2017/operation-sea-guardian-receives-support-from-standing-nato-maritime-group-2.aspx

[3]https://mc.nato.int/media-centre/news/2017/operation-sea-guardian-ships-conduct-joint-training.aspx

[4] https://mc.nato.int/media-centre/news/2017/nato-operation-sea-guardian-maps-activities-in-the-central-mediterranean.aspx

[5] https://mc.nato.int/media-centre/news/2017/nato-maritime-task-group-in-western-mediterranean-for-operation-sea-guardian.aspx

[6] https://mc.nato.int/media-centre/news/2017/nato-operation-sea-guardian-observes-western-med-in-focused-security-patrol-.aspx

[7] https://mc.nato.int/media-centre/news/2017/nato-operation-sea-guardian-operating-with-nato-shipping-centre-support.aspx

patterns-of-life to detect suspicious activities at sea[8]. Three NATO ships, and a submarine, in cooperation with maritime patrol aircraft, E3 airborne early warning aircraft, and numerous associated ships and submarines, conducted a focused security patrol in the central and western Mediterranean Sea February 14th to March 4th, 2018[9]. Thus, since the beginning of OSG, more than eight Allied navies had provided ships, aircraft, and submarines in direct support of the operation. On September 7, 2018, the Croatian Navy and Royal Navy joined the effort by producing direct support with a ship each. This is the first time for the Croatian Navy to participate in a NATO operation. Croatian Navy vessel HRMV Vukovar (RTOP-41) and Royal Navy vessel HMS Echo joined OSG flagship Italian Navy frigate ITS Espero and various other associated vessels and aircraft in patrolling the Central Mediterranean Sea to help Maritime Situational Awareness (MSA)[10]. The OSG concentrated on security patrol operated from 5th September together with the Royal Navy ship HMS Echo and Croatian ship HRVS Vukovar, supported by submarine and maritime air assets from various countries, to patrol the Mediterranean Sea in order to get information, observe patterns-of-life, and to discover suspicious activities at sea[11]. Thereby in September 2018, the patrol involved NATO ships supplied by Italy, Croatia, and the United Kingdom operating in the Central Mediterranean Sea. The ships were supported by Maritime Patrol Aircrafts from Allied Nations[12]. October 3 to 17, 2018, NATO ships supported by submarines provided by Turkey, Italy, Romania, Spain, and Greece in cooperation with maritime patrol and airborne early warning aircraft, conducted a focused security patrol in the Central and Eastern Mediterranean Sea. The focused patrol Task Group was led by Captain Erdinc Altiner (Turkish Navy) and included the flagship, Turkish frigate TCG YAVUZ, the

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[8] https://mc.nato.int/media-centre/news/2018/osg-coord-with-eus-operation-sophia-in-the-central-med.aspx

[9] https://mc.nato.int/media-centre/news/2018/nato-operation-sea-guardian-shape-waters-of-western-and-central-med.aspx

[10] https://mc.nato.int/media-centre/news/2018/croatian-navy-and-royal-navy-ships-join-nato-operation-sea-guardian.aspx

[11] https://mc.nato.int/media-centre/news/2018/italian-leadership-in-mediterranean-security-highlighted-as-nato-eunavfor-med-operation-sophia-meet-at-sea.aspx

[12] https://mc.nato.int/media-centre/news/2018/operation-sea-guardian-italian-frigate-espero-engages-the-fishing-community-in-the-mediterranean.aspx

Italian frigate ITS SCIROCCO, and the Romanian frigate ROS REGELE FERDINAND, all three of them were backed by ship-based helicopters[13].

In June 2019, three NATO ships, a submarine and several air assets including maritime patrol aircraft, E3 airborne early warning aircraft supported by numerous associated ships and submarines, were conducted a focused security patrol in the central and western Mediterranean Sea[14]. To date, 12 nations have sent assets such as ships, aircraft, and submarines for OSG. Maritime security in the Mediterranean is a NATO wide effort and all NATO units operating through the Mediterranean, including SNMG2 and Standing NATO Mine Countermeasures Group 2, with their 5 minehunters also contribute to that aim (NATO, 2019).

By the end of this chapter, it is important to note that the transformation from OAE to OSG shows good adaption process of NATO and proves its global maritime security actor to address maritime security threats which shows up in the new security environment. NATO's existence in the Mediterranean has gained importance in the last years and NATO not only try to build a safe maritime picture in the region as a maritime security actor, but it has also given the Alliance rewarding information in operating multilateral maritime operations in the growing complexness of today's security surroundings (Moon, 2016, pp.11-12).

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[13] https://mc.nato.int/media-centre/news/2018/nato-operation-sea-guardian-patrols-the-mediterranean.aspx
[14] https://mc.nato.int/media-centre/news/2019/nato-continues-its-focused-patrols-under-operation-sea-guardian.aspx

CHAPTER 3

THE EUROPEAN UNION AS A MARITIME SECURITY ACTOR

3.1. MARITIME SECURITY DIMENSION OF THE EUROPEAN UNION

Europe's maritime concerns are generally about the welfare, wealth, and security of EU citizens and communities. Approximately 90% of the EU's foreign trade and 40% of its internal trade depends on maritime transport. The EU is listed as the third-largest importer and fifth largest producer of fishery and aquaculture in the world. More than 400 million travellers travel through EU ports every year (Moise, 2015, p. 732). Although maritime issues are not a topic of special attention in general, the maritime security risks and threats are an important topic for international relations. The maritime security threats identified in the national and international organizations' strategy documents demonstrate the importance of the maritime dimension (Ehrhart, 2013, p. 3). The EU - as an international actor and global security provider- has given importance to the maritime domain because the sea links people, economies, and cultures more than ever.

The maritime policy is not a new topic in the EU. For many years, the EU has been interested in maritime issues like common fisheries policies, marine environmental protection, aquaculture, coastal tourism, education and training, and so on. When we go back to the Cold War period, the maritime security cooperation in Europe was also seen as a tradition with the institutionalized model of bilateral and multilateral contacts among European states. For example, bilateral cooperation contacts between the Dutch and Belgian navies since 1948, the Franco-German reaction force cooperation created in the 1990s, and the Swedish-Finnish task group. Many of the member states also cooperated on maritime security topics in the previous WEU (Riddervold, 2018, p. 6).

From its beginnings in the late 1990s, the CSDP has always had a naval part, at least one document. Since the December 1999 Helsinki Summit, the importance of projecting forces and power, especially the deployment of rapid reaction forces has been asserted by the Council. Related to the possible higher intensity CSDP operations in the future, the Council has underlined the value of European naval forces. As mentioned in the 2010 Headline Goals, this requires capabilities which include maritime strategic transport (sealift) and effective operations. Although maritime power and forces have been mostly

associated with NATO as a naval power, the EU has been increasingly interested in maritime issues since the 1999 Helsinki Summit. At this point, the final decision about maritime which is called the "EU Maritime Dimension Study" (2005-2006) was given by the Council. This study foresees that the naval forces are essential as a guarantee of the freedom of the seas, as a part of diplomacy and as an enabler of the rapid deployment of forces (Germond, 2011, p. 566).

The EU did not have an official maritime strategy covered security challenges for many years unlike NATO (Solana, 2008, p. 8). Since 2003, the EU's maritime dimension has mostly been developed in the EU's institutions. In December 2003, the European Security Strategy (ESS) was approved. The ESS is a provisional strategic paper, very vague and consensual. The ESS does not clarify the maritime dimension of EU security but there is one exception "piracy". This strategy indirectly emphasizes the importance of the EU's maritime frontiers (Germond, 2011, p. 566; p. 575). The ESS is the most authoritative strategy dealing with security challenges. After mentioning briefly upon global challenges like underdevelopment, global warming, and interconnected infrastructures, it explains five main challenges. These are terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure, and organized crime (Ehrhart, 2013, p. 6). Although the 2003 ESS is worded as a strategy, it is not more than a pre-strategic concept (Masala and Tsetsos, 2013, p. 20).

A first big step came with a more coherent and wide-reaching EU maritime policy "the Integrated Maritime Policy of the EU (IMP)" published in 2007 (Riddervold, 2018, p. 7). Thus the EU's first step in the maritime security domain was started with the development of the IMP, which has limited security dimensions. The IMP includes several aspects of maritime policy, including the sphere of all EU agencies and programs involved, from marine pollution and safety to illegal fishing and counter-narcotics. However, the IMP is mostly about economic development and the promotion of sustainable use of maritime resources also about protecting the marine environment. Indeed, maritime security issues take place in a small part of the IMP (Metaxas, 2014). In other words, the IMP mostly focuses on economic outcomes rather than security (Germond, 2011, p. 568).

Although the CFSP had a maritime part from the very beginning with the Maastricht Treaty, this was not implemented into common EU policies until 2007-2008. With the

launch of EU's maritime operation "Atalanta" in Somalia and the external aspects of the IMP, new breaking points in the EU' maritime dimension was in sight. Since the adoption of the IMP in 2007 and the EU's first maritime operation "Atalanta" in 2008 which was launched as a result of growing piracy on the coast of Somalia, maritime security has increasingly taken place as a growing domain in the EU security integration. Before this, the EU member states did not take into consideration maritime security as an area in the scope of CFSP (Riddervold, 2018, pp. 6-7).

In 2008, Report on the Implementation of the ESS (IR on ESS) basically defines the main threat analysis but adds climate change and energy security as extra main challenges. While maritime security is not expressed clearly, the challenge of piracy is briefly taken place as a new extent of organized crime and seen as a threat for EU activities and stability beyond its borders (Solana, 2008, p. 8). The IR on ESS highlights the challenge of piracy at the Horn of Africa and only explains the need to reveal maritime surveillance at the European level (Germond, 2011, p. 575). The 2003 ESS and the 2008 IR on ESS do not have a concept for when, why, where, and against whom the EU should act during a crisis (Masala and Tsetsos, 2013, p. 20).

In time, the EU started to attract more importance to the Union's maritime strategy and governance. Major turning points of the European Union Maritime Security Strategy (EUMSS) are the EU Council conclusions of 26 April 2010, the EU Council conclusions on maritime surveillance of 23 May 2011; Limassol EU Declaration of 7 October 2012; the EU Council conclusions of December 2013 and Communication common European Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 6 March 2014. The common conclusion was the importance of better maritime governance which stressed increased cooperation (Moise, 2015, p. 732).

The Council embraced its first conclusions on maritime security in April 2010 following an enterprise by the then Spanish Presidency. In this main conclusion, the High Representative had a responsibility to work together with the Commission and the member states in arranging alternatives for the possible elaboration of a Security Strategy for the global maritime domain, including the possible creation of a Task Force. The Council also underlined that effort will happen in the context of CSDP. In December 2013, the European Council called for the EUMSS by June 2014. The communication

"For an open and secure global maritime domain: elements for a European Union maritime security strategy" was published in March 2014. The final EUMSS was unanimously approved by the EU member states at the General Affairs Council in June 2014. The EU thus welcomed the adoption of the EUMSS (Riddervold, 2018, p. 11). Since the declaration of the EUMSS, the EU has importantly called itself as a global maritime security actor (Flynn, 2016, p. 10). The EUMSS intends to promote the maritime security interests of the EU and the protection of EU's member states against risks and threats in the global maritime environment (Germond, 2018, p. 90). The EUMSS reflects both the internal and external dimensions of the EU's maritime security. It has a comprehensive structure which aims to contribute to a stable and secure global maritime environment, in accordance with the ESS, while creating harmony with EU policies especially with the IMP and the Internal Security Strategy. In addition, the EUMSS in 2014 defines maritime security as a state of affairs of the global maritime environment in which there are enforcing international law and national law, effective freedom of navigation and protection of citizens, infrastructure, transport, the environment, and marine resources. (Council, 2014, pp. 2-3).

For the EUMSS to be actionable, the Council adopted the EUMSS Action Plan on 16 December 2014. The Action Plan is organized around five key policy areas: (i) External Action; (ii) Maritime Awareness, Surveillance, and Information Sharing; (iii) Capability Development; (iv) Risk Management, Protection of Critical Maritime Infrastructure and Crisis Response and (v) Maritime Security Research and Innovation, Education and Training. Also, the EUMSS is based on the four following grounds: cross-sectoral approach, functional integrity, respect for rules and principles, and maritime multilateralism (Council, 2014).

The importance of maritime security in the EU's new Global Strategy in 2016 also reflects the maritime turn in the EU's foreign and security policy. The Global Strategy underlines the EU as a global maritime security actor (Council, 2016, p. 41), and also emphasizes deepened partnership between the EU and NATO with a reference to coordinated defence capability development, and mutually reinforcing activities to shape the capacities of EU partners, fight against cyber threats, and enhancement of the maritime security (Riddervold, 2018, p. 9).

On 26 June 2018, the Council adopted conclusions on the revision of the EUMSS Action Plan for more secure seas and oceans. This Action Plan updates and revises the EUMSS Action Plan, dated 16 December 2014. The revised Action Plan puts together both internal and external dimensions of the EU's maritime security. The actions indicated in the Action Plan support to the implementation of the EU Global Strategy, the renewed EU Internal Security Strategy 2015-2020, the Council Conclusions on Global Maritime Security, and the Joint Communication on International Ocean Governance (Council, 2018, p. 6). All of them confirm that the EU has strengthened its commitment to maritime security both at home and around the world and defines itself as a global maritime security actor.

3.2. THE EUROPEAN UNION INITIATIVES IN THE MEDITERRANEAN

The end of the Cold War created the new international security environment which is transnational and shaped by enemies without territory, borders, or fixed bases. The threats in the new environment include terrorism, the proliferation of weapons of mass destruction, drug and human trafficking, uncontrolled refugee flow, illegal immigration, and piracy on the seas. While transnational threats have been come into being for a long time, they have adversely affected the security and economic prosperity because of the changing environment of the international economic and political system (Boyer, 2007, p. 77). In this direction, the Mediterranean finds itself a more difficult situation to compete globally. Unless Mediterranean states start a process of regional and sub-regional integration, they face the danger side of the post-Cold War international environment (Calleya, 2013, p. 97). In addition, the Mediterranean area has been defined as the main security region. In terms of security, the Europe and the Mediterranean are more strongly interlocked today than during the Cold War period, because most of the new security threats identified by the Europeans are taken place in this region, so the Mediterranean is the main route including transnational threats for the Europeans (Germond, 2009, p. 68).

In this direction, several initiatives have been put forward to the prosperity and security of the Mediterranean. The most outstanding of them are the Euro-Mediterranean Partnership (EMP) and European Neighbourhood Policy (ENP) and the Union for the Mediterranean (UfM) (Calleya, 2013, p. 97). In addition to these initiatives, maritime operations have been activated because, from the point of the Europeans, the

Mediterranean has gained importance in terms of maritime security because of its mixed maritime margin. The Mediterranean is the center of a security nexus between the EU and NATO security interests, so it has been faced both many operations and activities in the field of power, maritime security, marine environment and resource protection (Germond, 2015, p. 162). Especially with the migration crisis in the South-Central Mediterranean and the Aegean Sea, maritime security has both been guarded by Frontex border missions and supported by military operations (Blockmans, 2016, p. 8). The migration crisis in the Mediterranean has caused a criminal network of human trafficking and migrant smuggling. Operation Sophia is the EU's second maritime operation contributing not only to tackling of this criminal network but also to the strengthening of the EU's maritime dimension (Riddervold, 2018, p. 159), and for the past four years, "Operation Sophia" is the third most important operation in the Mediterranean to tackle with these criminal activities. The first was the Italian-led "Operation Mare Nostrum" and the next, Frontex "Operation Triton" (Svampa, 2017, p. 7). All of them were/are operated to the securitization of the Mediterranean. They also demonstrate that the security of the Mediterranean is directly linked security of European states.

In the view of such information, this part firstly examines EMP, ENP, and UfM with aiming to respond to how the EU initiative in the Mediterranean is related to the maritime security as a means for addressing maritime security in the region. These initiatives can be seen as a complement to the maritime security dimension of the EU in the Mediterranean. After touching briefly upon these initiatives, this part analyses the change through which Operation Sophia came into being under the title of "The Road to the European Union Naval Force Mediterranean - Operation Sophia" in which briefly explains previous EU maritime operations in the Mediterranean: the Italian-led search and rescue operation "Mare Nostrum" as a first attempt and Frontex "Operation Triton" as a second attempt. After the explanation of the development of an EU anti-smuggling naval operations, Operation Sophia is detailed as a third maritime security attempt from the point of its phases, mandate, and technical background.

3.2.1. The Euro-Mediterranean Partnership

The Mediterranean is highly vulnerable to transnational security threats requiring effective responses. Security threats in the Southern and Eastern Mediterranean can

rapidly become security threats for the EU, and can directly affect Southern Europe countries. (PRIO, 2010, pp. 4-5). The intricate and volatile Mediterranean area causes instability which includes ongoing conflicts, terrorism, the spreading of weapons of mass destruction, and extensively high illegal migration (Ion, 2015, p. 492). This instability as a source of fear to EU states has compelled them to search for solutions and effective efforts to improve the situation in the region (Bernatowicz, 2005, p. 31). The Euro-Mediterranean Partnership (EMP) also known as the "Barcelona Process" appeared in a context of these security threats to tackle them with embracing multilateral cooperation (PRIO, 2010, pp. 4-5).

In accordance with both the new international security threats and the modern development of the EU, the EMP, which was created in November 1995 in Barcelona Conference of Foreign Ministers of EU and the Mediterranean countries, plays a key role with its ambitious aims. The EMP can be seen as the beginning of a new strategy of the partnership between EU and Mediterranean partners (Lachova, 2017, p. 131). A combination of three reasons can be seen as a reason of the launching of the EMP in Brussels: reorganized and reforming the EU's Mediterranean policy; improvement of the growing demands and expectations of Mediterranean countries and communities; creation of balance on the EU's eastward proposal with a comparable policy for the South. Awareness of the failure of all previous European project can be also one reason. For bridging the economic gap among Mediterranean states and for building close relations with neighbouring Arab countries, and also for decreasing the impact of demographic growth and mass migration in the South, the EMP was launched (Attina, 2004, p. 142).

In addition these factors, Jean Pierre Derisbourg sums drivers of the launching of the EMP: the importance of regionalism in globalization world; European public's concerns related to the chaos and conflict in Algeria, Palestine, and Egypt; increasing chemical, biological and nuclear weapons in the Middle East; imperilment of businessman and tourist who travelled the Mediterranean countries; uncontrolled drug trafficking and illegal migration (Uzun, 2003, p. 8). Thereby, illegal migration and organized crime in the Mediterranean is also one reason for the launching of the EMP (Bernatowicz, 2005, p. 16).

To the South, the EMP is the most important initiative in the Mediterranean because it brings together EU member states and Eastern and Southern Mediterranean countries (Cottey, 2013, p. 105). The EMP includes both EU member states and countries of the Eastern and Southern Mediterranean (Uzun, 2003, p. 1). Libya was not invited for this partnership due to its policies and the UNSC sanctions imposed in consequence (Bernatowicz, 2005, p. 20). It is crucial to state that Libya has had observer status since 1999 (Ion, 2015, p. 493; Boening, 2007, p. 8).

The EMP indicates cooperation with Mediterranean partners in a broad range of political, social, and economic areas (Attinà, 2004, p. 140). In this direction, the EMP designs a cooperation program in three main chapters: (i) a political and security partnership to create a common domain of peace and stability; (ii) an economic and financial partnership to form a domain of shared prosperity; (iii) a partnership in social, cultural, and human affairs to advance understanding between cultures and exchanges between civil societies (Calleya, 2013, p. 104). The three chapters of the EMP cannot be accepted separately. Trade, economic assistance, and immigration of the population are linked. In other words, political stability and security in the region are directly linked to the successful resolution of socio-economic problems in individual Mediterranean partner countries (Lachova, 2017, pp. 131-132).

The first chapter "Political and Security Aspect" aims to work halting the proliferation of nuclear, chemical, and biological weapons; and various arms control and weapons reduction agreements. Moreover, cooperation in the field of illegal immigration, the fight against terrorism, narcotics trafficking, and international crime are emphasized (Bhutto, 2013, p. 64). In this direction, this chapter underlines fighting together against the expansion and variegation of organized crime (Commission, 1995).

The second chapter "Economic and Financial Partnership" emphasizes common prosperity, social, cultural and the human aspect focusing to take appropriate action for rules of origin certification, protection of intellectual and industrial property rights and competition; to following the fundamental law of market economy; the correction and advancement of economic and social structures prioritizing the private sector, the improving of the productive sector and creation of an appropriate institutional and controlling mechanism for the market economy (Bhutto, 2013, p. 64). This chapter refers

to the maritime issue in the scope of economy and finance. This reference is related to the responsibility to the commitment of the principles of international maritime law especially from the point of freedom of services in international transport and free access to international cargoes for implementation of this chapter purpose (Commission, 1995).

The third chapter "The Social, Cultural and Human Partnership" aims to bring people close together in the social, cultural, and human affairs and to the improvement of their perception of each other (Bhutto, 2013, p. 64). This chapter has a broader scope. Its main aim is the inclusion of civil society in shaping the Euro-Med relationship. As well as culture, this chapter reflects some of the aims set in the first chapter including cooperation over human rights and migration and against terrorism and international crime (Edis, 1998, p. 98). In the field of partnership in culture, social and human affairs, the meeting of expert and officials on areas including migration and organised crime are expected (Attina, 2004, p. 144). In this chapter, the importance of migration as a phenomenon in their relationships and empowerment in their cooperation to decrease migratory pressures are expressed. In this direction, the third chapter underlines that protection of migrants' all rights which are defined in existing legislation for legally resident in partner countries respective territories. In the area of illegal immigration, the necessity of closer cooperation is emphasized. In this context, the partners accept an agreement to adopt the relevant provisions and measures to readmit their nationals who are in an illegal position. To that end, strong cooperation among partners through various measures to fight jointly and effectively against international crime is put into words (Commission, 1995). This part does not extensively focus on the handling of migration, it is not the aim here to tracing of migration. However, this part observes one problem related to the persistence of a deeply-rooted security approach to migration faced by the EU. Such a security-oriented approach is represented by the decision to place issues related to illegal migration under the third chapter of the EMP, along with other 'transnational risks' such as terrorism, organised crime and drug trafficking, instead of in the political and security section (Pace, 2013, p. 18).

After the Barcelona Conference, the participants implemented Work Programme including many areas such as energy, free trade, fisheries, education, science, environment to achieve the aims of the Barcelona Declaration and to consider its principles, through regional and multilateral actions (Kahraman, 2008, pp. 1734-1735).

One area in the Work Programme which partially refers to the maritime domain is related to transport. Under the title of the Economic and Financial Partnership, "Transport" subtitle mentions that free access to the market for services in international maritime transport is important to the development of trade models and the smooth operation of the EMP. Cooperation is based on the development of an efficient Trans-Mediterranean multimodal combined sea system, through the improvement and modernization of ports, the improvement of maritime safety (Commission, 1995).

Another area in the Work Programme is related to the migration issue. Under the title of the Partnership in Social, Cultural and Human affairs, "Migration" subtitle gives the importance of the issue of migration for Euro-Mediterranean relations. In this direction, MED-Migration programme is underlined to the improvement of the living conditions of migrants legally established in the Union (Kahraman, 2008, pp. 1734-1735). In order to combat illegal immigration and organized crime including smuggling, practical measures -which can be taken to reform cooperation among police, judicial, customs, administrative and other authorities- are also mentioned (Commission, 1995).

Considering that EU's documents regarding irregular migration, as the crucial issues of maritime security, this issue is here used to see a linkage between migration and maritime security in the Mediterranean. Migration issues are taken dominantly place in the maritime security agenda. Irregular migration across the Mediterranean has a risky dimension from the point of humanitarian challenge and a security risk (Panebianco, 2010, p. 8). In particular, after the 9/11 attacks, European concern over terrorism and illegal immigration weakened social, human and cultural dialogue (Süel, 2008, p. 101). In the wake of 9/11, the EMP mostly emphasizes some issues related to the justice and home affairs, border control, the fight against terrorism, and organised crime (Panebianco, 2010, 6). This emphasis explicitly shows some of the EU members' concerns related to the immigration originating from the MENA region. Although immigration is stated as an issue for attention in all three chapters of the EMP in 1995, it has become security threats which require more concentration since 1995 and is perhaps one of the most resounding of the EU's security concerns (Abbott, 2018). Thus, the Euro-Mediterranean relation has been shaped towards to securitization of various policies especially of the migration policy (Tasche, 2010, p. 54). The most recent studies on the EU and migration remark that migration is considered as a security problem more than a

socio-economic one. In fact, the migration issue is currently testifying a "securitisation process" (Panebianco, 2010, p. 8).

As a consequence, the EMP can be accepted as an assertive initiative which is one of the main milestones for EU's relations with the Mediterranean countries (Bal, 2012, p. 110). For the very first time, the political, economic and social dialogue is activated in an institutionalized and structured way (PRIO, 2010, p. 4). In addition, from the point of maritime dimension, the EMP reflects maritime security issues on the basis of illegal migration, organized crime and transport at sea. However, it can be seen that the outcomes are neither promising nor assertive. I would also like to point out that scholars, who research on Mediterranean studies, have expressed that EU's initiatives in the region are not realistic (Uzun, 2003, p. 2). The next initiative in EU relations with the Mediterranean region is the European Neighbourhood Policy (ENP). It is the EU's reaction to the new challenges caused by enlargement to the East and the neediness of defining relations with old and new neighbours and delimiting the EU's future borders (Bernatowicz, 2005, p. 24).

3.2.2. The European Neighbourhood Policy

With each enlargement of the EU, it has new neighbours and sometimes lost the old ones (Lippert, 2008, p. 2). Before the big-bang enlargement of the EU in 2004, the EU needed to implement effective policy towards its new neighbours. (Marcinkowska, 2016, p. 27). The important enlargement by 12 states carried out in 2004 and 2007 led to the EU to think more consistently about re-ordering its relations in the South and East neighbours (Lippert, 2008, p. 2). The EU enlargement in 2004 not only expanded the European integration process to ten new members but also directly influenced the priorities and attitudes of the EU foreign policy (Marcinkowska, 2016, pp. 27-28). After the especially fifth enlargement round of the EU in 2004, its external borders changed importantly and new security threats emerged with the new enlargement. In response to these threats in the near abroad, the EU needed to create a unified policy towards its new neighbours (Wesselink and Boschma, 2012, p. 5). Thus this new policy was a reaction to the new security situation evolved in the EU's near abroad and support the EU efforts to accomplish the aims of the ESS in 2003. The 2003 ESS defines the neighbourhood as the main geographical precedence of EU external action (Stivachtis, 2018).

In preparation for these new neighbours and response to new security threats, the European Commission prepared communication in 2003 which is called "The Wider Europe Neighbourhood, A New Framework for Relations with Eastern and Southern Neighbours". In this communication, the EU brought out a recommendation to unite the EU's extensive range of policies towards its neighbouring countries. This process was concluded with the new policy so-called the European Neighbourhood Policy (ENP) (Wesselink and Boschma, 2012, p. 6). Thus, the ENP is originally started to set up an area of security, stability and welfare around the EU following the enlargement in 2004 (Hahn, 2016, p. 1). Under the title of the ENP, the EU expects to coordinate its relations with six Eastern European countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine) and ten Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Autonomous Territories, Syria, Tunisia) (Lippert, 2008, p. 2). Belarus, Libya and Syria do not fully participate in the structures of the ENP due to their internal situations and non-compliance with the main values supported by the EU (Marcinkowska, 2016, p. 28). Belarus, Libya, and Syria were proposed the possibility of participating the ENP as soon as they accomplished the internal political improvement that would enable them to endorse Association Agreements for the Mediterranean countries or Partnership and Cooperation Agreements for the Eastern ENP countries (Wesselink and Boschma, 2012, p. 8).

Actually, the ENP was initiated by two complementary documents, outlined in March 2003 and May 2004, both wanted to keep from the further separation of the continent, and reinforcement of relations between the EU and its neighbouring countries. By contributing aid, ENP enables accession of the European market and cooperation in many fields. Amongst fields, mobility and migration have been accepted as an alarming issue of concern. The 2003 Communication from the European Commission, while marking that "the EU and the neighbours have a common interest in cooperating, both bilaterally and regionally", called the EU to "help in bolstering the neighbouring countries' efforts to fight against illegal migration and to institute efficient mechanisms, particularly on illegal migration" (Radeljić, 2014, p. 193).

In 2004, the list of priorities was expanded by the Council with more emphasis on security issues (illegal migration, illegal trafficking, and cooperation on security threats), and diminished the incentives for economic integration into the EU and the possible funding

available (Balfour and Missiroli, 2007, p. 16). Like in the 2003 ENP, the 2004 ENP strategy paper underlined the importance of the cooperation in the fight against illegal immigration, and management of illegal migration and implementation of migration plans (Radeljić, 2014, p. 193). Moreover, the 2004 ENP added a security element, which was linked to the changing nature of global terrorism, organised crime and illegal immigration (Triantaphyllou, 2010, p. 132). The ENP envisages the neighbouring partners to better border control and management, and to cooperate with pertinent authorities in the EU in order to cut down the security risks (Radeljić, 2014, p. 199). It, along with Euromed, comprehends the political dialogue, economic cooperation and trade, migration and the problems associated with it, regional and sector focus on partnership, cooperation in the financial, energy and information areas. In this connection, the scope of the ENP in the southern dimension can be seen as a new policy initiative that ratifies, bolsters and complements the EMP in 1995 (Lachova, 2017, p. 132). Eneko Landaburu, Director General of External Relations of the EU at the time, describes the ENP as a tool of Europeanization of the neighbourhood which provides mechanisms to address and reduce security threats such as organized crime (Radeljić, 2014, p. 198).

In 2006, the Commission suggested empowerment of the ENP and bringing more motivations for the "privileged partners". The clearest issues regarding the ENP were the gradual opening up of community establishment and platforms to the ENP, free trade, reform of financial institutions, illegal migration and counter-terrorism (Süel, 2008, p. 104). Commission (2006) expressed that a number of cross-cutting issues where the EU and its ENP partners, both South and East, divide up the same interests and concerns can usefully be addressed in a multilateral environment. The areas including transport, the environment, border management, migration, and maritime affairs were accepted areas requiring common argument, movement, and cooperation between the EU and all or most ENP partners. In 2006 "Communication on Strengthening the ENP", under the title of "Mobility and Migration", the package approach ensuring well-managed mobility and migration was based on cooperation on illegal immigration, especially at sea, fight against human trafficking and smuggling, efficient border management, readmissions agreements and noticeable return of illegal migrants, and adequate processing of requests for international protection and asylum (Commission, 2006, pp. 6-8).

In 2007, negotiations with the EU were also started with a reference to the security, illegal immigration, and human rights protection (Wesselink and Boschma, 2012, p 37). The European Council permitted the joining of MENA countries in activities of several EU agencies, like FRONTEX, EUROPOL, CEPOL, EEA, EFSA, and EMCDDA. The relevant Agencies' regulations offer several options for participation, permission for different levels of engagement, and work orders. All MENA countries have some form of cooperation with these EU agencies (Stivachtis, 2018).

In 2008, almost all negotiations that were already initiated had been progressed consistently. Important strategies were implemented against illegal migration at borders (Wesselink and Boschma, 2012, p 37; p. 41). Under the framework of the Euro-Mediterranean political agenda, the concept of security was redefined in new cooperation issues including maritime security. The EU has given increasing importance to maritime security especially its relations with third countries in the Mediterranean, thus it has shaped suitable cooperation frameworks on maritime security. The Mediterranean is seen as an important region which can be wanted the cooperation in the field of resource management and maritime governance to share a common responsibility for the seas. In this direction, since its adoption in 2003/2004, the ENP shapes framework based on maritime security cooperation and thereby it intends to confirm the enhancement of the cohesion between EU's actions internally and action accepted by EU's neighbours (Panebianco, 2010, p. 6).

In May 2011, following the Arab uprisings, the EU published a Joint Communication by the EU External Action and the European Commission "A New Response to a Changing Neighbourhood" indicating the need for a new approach to strengthen the partnership between the EU and the ENP countries (El-Zoeiry, 2015, p. 67). The 2011 Review was adapted to organize more support to achieve its aims. It hopes to the creation of perspective related to the integration of the Southern Mediterranean states in all areas of cooperation without, however, offering them membership. This review emphasized enhanced cooperation on issues related to legal migration; improvement of cooperation to fight against drug and human trafficking, and organized crime, assisting for border management and cross-border cooperation; and enhanced cultural cooperation, mutual understanding, and people-to-people contact (Calleya, 2013, pp. 114-115). When the Arap Spring started, the EU's first response was directly about the migration issue. In this

direction, the Commission defined migration as the main domain in which it wishes to cooperate for progress with its ENP partners. The Commission suggested the conclusion of mobility partnerships which would reinforce legal migration while steps to fight against irregular migration were boosted (Pace, 2013, p. 18). For the European Commission, securitization and management of migration flow in the South is a necessary cooperation issue, because the high number of illegal migrants reach the Eu's Southern member states, and its ENP partner countries are transit countries for illegal migration from Sub-Sahara Africa. The Commission has emphasized the importance of ENP and other initiatives to control this illegal entrance. In this direction, these EU's neighborhood policies aim especially the management of illegal migration with the help of the readmission settlement with neighbouring countries, while they try to the creation of legal barriers for legal migration with the help of visa facilitation agreements (Wesselink and Boschma, 2012, p. 22). While the visa policies and practices are often implemented to enable to legitimate travel, the ENP has underlined such concerns in the context of broader lists to address related issues such as cooperation on illegal immigration, in particular by sea, fight against human trafficking and migrant smuggling, effective border management, readmissions agreements and effective return of illegal migrants, and adequate processing of requests for international protection and asylum (Radeljić, 2014, p. 195).

Despite its 2011 Review, the ENP was successful to define and address the nature of economic and political challenges facing the region as a whole (Stivachtis, 2018). Also, 2014 was a year of major threats. These were armed conflicts in Ukraine, atrocities, and human rights violations by terrorist groups in the MENA, and the Israeli-Palestinian conflict increased irregular migration and human trafficking to Europe. These challenges brought a test for the ENP (EEAS, 2015). As a result, in 2015 the EU developed a new policy to review of the ENP with the European Commission tagging for "a need to understand better the different aspirations, values, and interests of our partners" (Stivachtis, 2018). This review aims to strengthen the security dimension of the ENP. Under the overarching aims of stabilization, the Communication on the review of ENP in 2015 starts how the EU offers to cooperate with its partner countries on their mutual interests (Hahn, 2016, p. 2). As in the previous Communications, good governance, democracy, the rule of law and human rights; economic development for stabilization;

security; and migration and mobility remains the key areas of the ENP, while the 2015 Communication lists the differentiation amongst partner countries, flexibility, joint ownership, greater involvement of the EU Member States, and shared responsibility are identified as the main principles of the 2015 Review of ENP. The 2015 Review indicates that cooperation between the EU and its MENA partners on migration-related issues should be improved to promote mobility and at the same time prevent irregular migration (Stivachtis, 2018). The 2015 Review gives attention to promote mutually beneficial migration and mobility. Much work in this review is related to cope with the basic causes of irregular migration and forced displacement. The 2015 Review confirms that continuing to support countries that host refugees and supporting those countries with internally displaced people always remain a key concern for the EU (Hahn, 2016, p. 3).

The Mediterranean is a region that hosts the differences between North and South, the lack of common interests and priorities among the states, existing security issues, and the absence of real regional leadership in the South (Triantaphyllou, 2010, p. 133). Today's security threats in the region including the migration crisis urgently require rethinking the EU's policies towards the Mediterranean. All of them show that the ongoing review of the ENP provides an opportunity to re-organize the EU and Mediterranean relations (El-Zoheiry, 2015, p. 74).

3.2.3. The Union for the Mediterranean

The Union for the Mediterranean (UfM) and Eastern Partnership (EaP) are two dimensions of the ENP (Marcinkowska, 2016, p. 27). The UfM is the Southern regional cooperation branch of the ENP while its Eastern equivalent is the EaP (Bhutto, 2013, p. 69). In the scope of the thesis, the maritime security dimension of the UfM will be touched briefly.

The latest EU initiative in the Mediterranean was born with the idea of the French President François Sarkozy to establish a Mediterranean Union (Lachova, 2017, p. 133). The suggestion to create a Mediterranean Union was one of the aims expressed by Sarkozy during the French presidential election campaign in 2007 (Casablanca, 2015, p. 2). He stated that the future of Europe is in the South and the European dream needs the Mediterranean dream (Reiterer, 2009, p. 320). In 2007, Sarkozy also argued that this new initiative would aim to replace the EMP, but aimed at giving the Mediterranean countries

new energy to go further, faster, and to move to another level, to another section (Tasche, 2010, p. 56).

The Mediterranean Union was not supported as France's competing organization in respect of the EMP and ENP, especially because it altered political energy and credibility from ENP. Also, the Mediterranean Union suggested that the EU as a whole or in part wanted to shape a constant communion with the Mediterranean countries (Lippert, 2008, p. 15). The form in which it was launched in January excluded the joining of the EU or provided for a minimum of its joining. Therefore, the initiative negatively responded from some of the leading countries in the EU (Lachova, 2017, p. 133). Although some of the EU countries and the EU's southern neighbours had stood as a neutral, the majority of countries interpreted this situation as France's ambitions and its unilateralist tendencies, thus they opposed these tendencies. Especially Germany had concerns over a policy for the Mediterranean which let for the coastal states only. Chancellor Angela Merkel evaluated this situation as a potential risk that creates two poles, one with Germany affiliating to Central and Eastern Europe and another with France that is drawn to the Mediterranean (Tasche, 2010, p. 66). Sarkozy's motives related to this initiative were driven by domestic strategic and political interests, and they did not run parallel to the geostrategic interests of the EU as a whole. Merkel expressed her criticism over the initiative presented by Sarkozy and stated her fear that the Mediterranean Union would struggle with the existing EU institutions (Wodka, 2010, p. 152). Eastern EU partners also had a concern because it was made out as a threat to their foreign policy schedules (Casablanca, 2015, p. 2). In this direction, Sarkozy was forced to make changes to the initiative. With the deal of the leaders of the governments, adjustment to the name was made and thus the Mediterranean Union becomes the UfM (Lachova, 2017, p. 133).

In 2008, the UfM was formed in Paris to connect the countries of the Mediterranean region. The UfM incorporates the 28 EU Member States, the European Commission, and 15 Mediterranean countries which are Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, Palestine, Syria, Tunisia, Turkey, and Libya as an observer (Casablanca, 2015, p. 1). Thereby, the most comprehensive organization is arguably the UfM with its 43 Member States (Hadria, 2015, p. 246).

The UfM aims to provide stability and prosperity in every parcel of the Mediterranean region (Bhutto, 2013, p. 69). The UfM underlines increasing cohesion among Euro-Mediterranean countries and the transformation of the Mediterranean into a region of peace, democracy, cooperation, and welfare (Casablanca, 2015, p. 2). The UfM aims to infuse the partnership with new vitality and to increase the political status of the strategic partnership between the EU and its southern neighbours (Triantaphyllou, 2010, p. 133). The UfM refers to reinvigorating the partnership between the EU, associated countries, and the Southern Mediterranean countries (El-Zoheiry, 2015, p. 65). Supporting of regionally relevant projects is also an important aim of the UfM (Wesselink and Boschma, 2012, p. 23).

At the 10th Anniversary Euro-Mediterranean summit, the 43 Ministers of the UfM member countries identified six solidify projects which focus on the improvement of the visibility of their partnership (Bhutto, 2013, p. 70). The specific six project areas cover de-pollution of the Mediterranean; civil protection; the growth of alternative energies, especially solar energy; higher education, research, and the Euro-Mediterranean University; the Mediterranean business development initiative; and maritime and land highways (Balfour, 2009, p. 103). The Paris Declaration of 2008 lists "Maritime and Land Highways" among the priorities of Euro-Mediterranean cooperation, indicating that "the improvement of motorways of the sea, covering the linkage of ports, throughout the all Mediterranean Sea as well as the creation of coastal motorways, will expand the flow and freedom of the movement of people and goods. The declaration also gives attention to cooperation in the domain of maritime security and safety, from the point of the global integration in the Mediterranean region (Panebianco, 2010, p. 6). We can say that this Joint Declaration of the Paris Summit for the Mediterranean in 2008 underlines enhanced cooperation in areas including the maritime domain.

The new realities and challenges of the 21st century made it necessary to update the EMP. The UfM was based on the successful components of the EMP. The Commission reasserted that the EMP represented the basis of the Euro-Mediterranean relationship, with its objectives and fields of cooperation still being accepted as valid (Süel, 2008, p. 112). Thus the EMP's goals and its cooperation areas remain binding. The EMP's "three chapters of cooperation" (Political Dialogue, Economic Cooperation and Free Trade, and Human, Social and Cultural Dialogue) continue to be an important part of Euro-

Mediterranean relations. The fourth chapter of cooperation on "Migration, Social Integration, Justice and Security" was put forward with the UfM. The UfM thus embraces four areas: (i) Peace, Security, Stability, Good Government, and Democracy; (ii) Sustainable Economic Development and Reform; (iii) Education and Cultural Exchange; (iv) Justice, Security, Migration, and Social Integration (of Immigrants) (Commission, 2008, p. 4). In other words, a distinctive dimension of the UfM is that it combines the three main areas of EMP (economy and trade, security, culture, and humanitarian issues) with a fourth area "cooperation in justice and home affairs" (Lachova, 2017, p. 133).

The UfM provides not only for renewed political dialogue but also a practical element of a joint program on issues such as maritime security, energy, migration, and water (Triantaphyllou, 2010, p. 132). While the ENP contributes a bilateral model of cooperation with Mediterranean neighbours, the UfM contributes an example of a regional partnership aimed at addressing wide-ranging topics that include maritime security and safety, energy security, migration, and terrorism (Panebianco, 2010, p. 13).

In November of 2015, while indicating the 20th anniversary of the Barcelona Declaration, several foreign ministers from UfM countries confirmed their dedication to the UfM and regional cooperation among the EU and MENA states (Abbott, 2018). It is also worth noting that the EU Global Strategy in 2016 has a rather innovative language related to the UfM. This strategy emphasized practical cooperation through the UfM, on topics such as border security, trafficking, water, and food security, energy and climate, infrastructure, and disaster management. Yet, it becomes visible that the UfM Member States are not united in pulling the UfM towards this direction (Hadria, 2015, pp. 246-247). While the member states of the UfM are confirming their support to the EU's efforts and to coordinate cooperation in the region, there are some concerns regarding the viability of the EU's policy and tools in the region (Abbott, 2018).

Despite the similar nature of EMP, ENP, and UfM, in many ways, they are complemental, but different as well. These initiatives in the region have been guaranteed at different levels of development of the EU. Aims and mechanisms used to perform them, despite being close, do not in any case intersect. This is mostly due to the different challenges facing the EU in terms of its policy guided in the Mediterranean (Lachova, 2017, pp. 133-134). However, despite several challenges and difficulties in the region, the EU confirms

committed to the UfM by indicating its effect on the MENA region. The EU has started to think about the EU's security is directly related to what happens in its "sphere of effect." A safe and secure MENA region is the best for the EU's interests (Abbott, 2018). Mogherini (2017) identified the UfM as an important initiative in bringing stability and peace to the Mediterranean region from the point of the EU foreign and security policy (EEAS, 2017).

3.2.4. The Road to the European Union Naval Force Mediterranean "Operation Sophia"

The migration is a serious challenge for the Mediterranean and European security and stability because one of the main sides of the migration challenge in the Mediterranean has a maritime dimension. All the important routes directed to Europe – the Western, Central, and Eastern Mediterranean – exist in this region which hosts both illegal businesses committed to human trafficking and deadly accidents for thousands of migrants (Zichi, 2018, p. 137). IOM (2017) defines Europe's maritime Southern borders as the deadliest border in the world. The EU approaches to large-scale migration across the Southern Mediterranean are based on a mixture of security fears and humanitarian aspects. Since 2013, the increased number of migrants drowned in the Mediterranean made it impossible to continue to ignore. To this end, the EU has developed maritime operations to tackle this challenge in the Mediterranean. EU's maritime operations in the region try to save lives at sea, strengthen border control, and cut off the business model of human traffickers and migrant smugglers. (Fernandez, 2016, p. 97).

In response to the migration challenge at sea, in October 2013, the Italian Navy started the large-scale SAR (Search and Rescue) operation "Mare Nostrum". In November 2014, after the break of Mare Nostrum, Frontex launched the border monitoring operation "Triton". In June 2015, Triton was followed with the CSDP military operation EU Naval Force Mediterranean "Sophia", aimed at the fight against illegal migrations by cutting of smuggling networks (Cusumano, 2018, p. 2). Among the panoply of maritime initiatives, this part aims to outline the activity of the main military operation "Sophia", which is still ongoing. This maritime operation is significant due to the particular nature and timing when it was launched. Sophia symbolizes a European naval military mission that participates almost all Member States and can be seen as an essential initiative of the

migratory answer but also represent an EU's expression about the cooperation on the defence domain. When the number of deadly tragedies in the Mediterranean had reached an extensive level during the dramatic spring weeks, Operation Sophia was launched (Zichi, 2018, p. 138). Before the examination of the Sophia, I will briefly analyze the development of the above mentioned an EU maritime operations in the region to see the process through Operation Sophia started in 2015.

Some of the most critical humanitarian and security issues related to the migration were seen in the Mediterranean before the emergency crisis in 2015. From 2011 to 2013, migration at sea directly affected Southern Europe's coastal states, especially in Greece and Italy (Zichi, 2018, p. 140). Due to the political turmoil in the MENA region after the Arab Springs and the Syrian Civil War, the number of migrants crossing the Mediterranean increased in late 2013. This caused many accidents because the migrants made the crossing in rickety, crowded vessels that could capsize, sink, or catch fire. The worst tragedy happened on 3 October 2013, when a boat sank off the Italian island of Lampedusa. This accident caused the deaths of 366 migrants and 20 missing persons (Svampa, 2017, p. 7). A day later, 36 migrants lost their lives in Malta (Novaky, 2018, p. 200). In short, the reason for Operation Mare Nostrum can be found in two accidents in the Mediterranean Sea (Koller, 2017, pp. 2-3). In 2013, Italy launched a maritime operation with 34 warships and 900 sailors to handle the most serious aspects of the migration issue, especially to save lives at sea and to fight the traffickers in the Mediterranean Sea (Zichi, 2018, p. 138). Mare Nostrum was accepted as a successful and effective operation in saving lives by both Italian and EU officials (Koller, 2017, p. 5). The Italian enterprise was at first praised as a remarkable humanitarian action that rescued over 160.000 migrants at sea, with an average of 400 per day during its ten months of activity (Zichi, 2018, p. 140). However, in its ten months of activities, some lights and many shadows emerged. It did not prevent 2,000 to 3,000 migrants from drowning or disappearing in the Mediterranean (Eisinger, 2015). Italy requested its partners to allocate the burden of dealing with the migration dilemma and to launch of an anti-trafficking maritime operation that would replace Mare Nostrum. However, Italy's request to establish EU anti-smuggling maritime operation and to EU contribute to the high cost of this operation did not get a positive reaction. It was seen as a national issue for Italy to undertake (Novaky, 2018, p. 201).

There were reasons which lied behind Italy's request to the new maritime operation and to EU contribution in Mare Nostrum. This operation was both expensive with costing over € 9 million per month and domestically unwelcome. Mare Nostrum was domestically unwelcome because it was interpreted as a pull factor that encouraged migrants to cross the Mediterranean. Italy could no longer afford to continue the operation by itself (Novaky, 2018, p. 202; Oude, 2016, p. 32). All of them led to Italy's decision to end Mare Nostrum and return to regular operations (Koller, 2017, p. 5). Mare Nostrum was interrupted in 2014 but compression from Italy for a European rescue mission continued. And after a series of shipwrecks, European leaders determined to launch two maritime operations in the Mediterranean Sea: Operation Triton in 2014 and Operation Sophia in 2015. Operation Triton was started with the ending of Mare Nostrum (Jacobs, 2017, pp. 19-20). There was no disagreement of replacing Mare Nostrum because Operation Triton had much more limited funds at its disposal and was deficient in the competence to especially from the point of SAR activities (Novaky, 2018, p. 202).

In this direction, Operation Triton -the first joint operation to a regulation of the sea border- was started to solve the issue between Italy and the EU over Italy's SAR "Operation Mare Nostrum" (Bevilacqua, 2017, p. 169). The EU increased its maritime existence with Operation Triton which regulated border control, surveillance as main tasks and carried out SAR operation as a secondary task in the Central Mediterranean (Bakker and Zandee, 2017, p. 6; Koller, 2017, p. 8). In this direction, Triton was based on the normative obligation to rescue migrants (Cusumano, 2018, p. 8). Triton's operational area covered Italian territorial waters beside partly the SAR areas of Italy and Malta, reaching 138 nautical miles Sicily's south (Drake, 2018). Thereby, it operated in the same area where Operation Sophia currently exists (Bakker and Zandee, 2017, p. 6). The two operations closely coordinated and established a division of labour with the Sophia operating in the south of Triton's operational area (Gestri, 2016, p. 28). It was the CSDP that was moving closer to the area of Freedom, Security, and Justice (Bakker and Zandee, 2017, p. 6).

One can ask that question: why did the EU not easily prefer to provide financial support to Mare Nostrum, which was functioning effectively and gaining important achievement in SAR? The answer is shortly related to the lack of sufficient political willingness on the part of EU member states, the EU's budgetary and project processes, and the

disintegration of EU when it comes to obtaining a common asylum policy (Koller, 2017, pp. 14-19). When we compared Operation Nostrum and Triton, Triton had an activity more narrow to the Italian shores and with a critically small budget of €2.9 million per month (Zichi, 2018, p. 140). It had a budget of less than a third of that of Operation Mare Nostrum and had a narrower patrol range that limited its activities to Italian waters (Koller, 2017, p. 1). The staff was reduced to its minimum and only a third of the vessels were available (Eisinger, 2015). Thus, Triton did not reach the same success rates related to saving migrants' lives as did Mare Nostrum (Koller, 2017, p. 1). Another difference between the two operations was their operating field whereas the humanitarian perspective brought Mare Nostrum's ships to the coasts of Libya, the Triton team was restricted to the borders within the Schengen area, put another way, to only a few kilometres from the Italian coast (Eisinger, 2015). Unlike Mare Nostrum, Triton was mainly an operation to secure the EU's external borders and not clearly formed as a SAR operation. It initially started within 30 nautical miles of the Italian and Maltese coast, had fewer vessels (Cusumano, 2018, p. 7). In short, it had a more limited geographical scope, a smaller budget, and remained dependent on voluntary contributions by EU member states (Dombrowski and Reich, 2018). Although the operational area and main activities of Triton were initially very limited in scope, in the aftermath of two grave shipwrecks in April 2015, Frontex took over a new operational plan. This plan expanded Triton with an increased budget, additional assets, and an extended operational area from 30 up to 138 nautical miles south of Lampedusa, almost reaching the extent that had been included earlier by Mare Nostrum (Bevilacqua, 2017, p. 169).

Currently, Operation Themis is a new operation in the Central Mediterranean replacing Operation Triton to support Italy in border control activities. Themis was started by Frontex in February 2018. It continues to cover SAR activities as a crucial part. At the same time, Operation Themis has an enhanced law enforcement focus (Frontex, 2018). There is a new focus on law enforcement to crack down on criminal activities like drug smuggling. There are also efforts to collect intelligence to stop terrorists and foreign fighters from entering the EU (Drake, 2018). Its operational area is in the Central Mediterranean Sea from waters covering flows from Algeria, Tunisia, Libya, Egypt, Turkey, and Albania (Frontex, 2018). Operation Themis differs from Operation Triton,

as it covers a different and wider area, but it continues to include the Central Mediterranean (Drake, 2018).

In sum, since the illegal migration to the EU has an important maritime dimension, the EU has launched maritime operations in the Mediterranean to deal with migration as a symptom (Fernandez, 2016). After the end of the Operation Mare Nostrum, the EU leaders have decided two European Patrol Network Operations, Poseidon in the Aegean and Triton in the Central Mediterranean, and a military operation, EUNAVFOR Med Operation Sophia. Frontex's new Operation Themis in the Mediterranean is also currently available (Vosyliūté, 2018). To tell the truth, none of these operations has SAR activities as their main tasks, thus none of them has put in place of Operation Mare Nostrum. There is the shifting from saving lives at sea under the Italian's SAR Operation "Mare Nostrum", to border management Operation "Triton", to military action "Operation Sophia" (Meijers Committee, 2015).

The European Union Naval Force Mediterranean "Operation Sophia"

Until April 2015, the problematic dimension of irregular migration in the Central Mediterranean was primarily accepted as Italy's problem as opposed to a European fear. Although Italy had attempted to suggest a maritime operation similar to that of Operation Sophia in late 2013, its proposal was not supported by the other EU Member States (Drent, 2018, p. 1). In 2014, a number of illegal migrants in the Central Mediterranean reached an extreme degree, with more than 170,000 migrants who had arrived in Italy. In 2015, the Central Mediterranean Sea was extremely under migratory pressure. While smugglers have a traditional existence in Libya, with the collapse of the Libyan government, they have continued their works with impunity. In this direction, fighting smugglers has been expressed as a precedence in the EU's agenda (Gestri, 2016, pp. 22-23). On 19 April 2015, the Mediterranean attracted the world's attention when over 800 migrants drowned after the overcrowded fishing boat which was used to travel from Libya to Europe capsized. It was the worst maritime tragedy in the Mediterranean since the Second World War. This unprecedented scale of the tragedy forced the EU into action to prevent further loss of life close to its coastal and thus the EU's stance towards the migration crisis altered considerably in the spring of 2015 (Novaky, 2018, p. 202).

On 20 April 2015, in the wake of one of the worst maritime tragedies which were happened in Libyan waters, a "ten-point action plan on migration" was approved by the EU. Among these, a systematic effort to capture and destroy vessels used by the smugglers was underlined. A few days later, the Heads of State and Government of the EU, at the special meeting of the European Council met on 23 April 2015 to speak this problem in the Mediterranean Sea, dedicated to fighting the traffickers and invited the High Representative of the Union for Foreign Affairs and Security Policy (HR) to urgently start readiness for a possible CSDP operation to this effect. On 18 May 2015, the Council declared Decision 2015/778 on an EU military operation in the Southern Central Mediterranean "European Union Naval Force-Mediterranean (EUNAVFOR Med)", supporting that the EU shall manage a military crisis management operation which supports to the break of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean (Gestri, 2016, pp. 22-23).

This ceaseless illegal migration flow quickly prompted the Council to launch the EUNAVFOR Med as a second CSDP maritime operation after Operation Atalanta (Canamares, 2016, p. 186). Denmark decided not to participate in this maritime operation (Ventrella, 2016, p. 7). It represents a European maritime military operation that includes almost all EU member states and can be seen as a significant step of the migratory reaction but also an expression of EU's cooperation from the point of defence (Zichi, 2018, 138). In this direction, the member states efforts to empower the EU's presence at sea, to fight the smugglers, to stop illegal migration flows, and to contribute internal solidarity and responsibility, including a maritime operation in the framework of the EUMSS in 2014 (Riddervold, 2018, p. 160). EUNAVFOR Med is also known as Operation Sophia (Drent, 2018, p. 1). The Operation Sophia has been named after an immigrant baby born on 24 August 2015 onboard the German frigate Schleswig-Holstein (Drake, 2018). Operation Sophia's mandate is also now running until 31 March 2020 (Council, 2019).

When we compared the Frontex's Operation Triton and the EU's CSDP Operation Sophia, they were both organized in response to large-scale migration in the Mediterranean. However, they are operated by different actors and belong to two different EU policy areas. Frontex "Operation Triton" was a civilian border policing missions related to the Justice and Home Affairs policy area, where Council decisions are based on qualified majority voting. In contrast, "Operation Sophia" is a CSDP military

operation decided in accordance with the intergovernmental procedure, requiring Council unanimity (Cusumano, 2018, p. 2). Like all EU civilian missions and military operations, decisions related to Operation Sophia are under the special CSDP intergovernmental procedures, thus member states determined unanimously on offers from the member states or the HR (Riddervold, 2018, p. 160). In addition, Operation Sophia performs under the political control and strategic direction of the Political and Security Committee (PSC). The PSC manages Operation Sophia under the responsibility of the Council and of the HR. Put differently, the Operation Sophia is obligated before the Council and the HR, which executes their control through the PSC. These institutions are intergovernmental and thus, Operation Sophia is an intergovernmental operation and therefore not obligated to the European Parliament (Ventrella, 2016, p. 8).

Operation Sophia is the first large-scale military operation for irregular migration management in the Mediterranean (Garelli and Tazzioli, 2017, p. 6). The Operation has been extensively supported by EU member states because the EU cannot depend on any military personnel or weaponry on its own, the Operation Sophia relies upon contributing member states (Bevilacqua, 2017, p. 171). Since its beginning, EU's member states have supported, in different ways, to the Operation Sophia. As is the rule for CSDP military operations, member states' commitments to take part are determined at the national level and on a voluntary basis. On the other hand, Article 9 of Decision 2015/778 states that third states can also be invited to take part in the Operation (Gestri, 2016, p. 24).

Operation Sophia's headquarters is placed in Rome which is one of the five Europeanised national headquarters from which the EU can operate an autonomous operation. The other four are established in Paris (France), Ulm (Germany), Larissa (Greece), and Northwood (United Kingdom) (Pricopi, 2016, p. 124). The Rear-Admiral of the Italian Navy has been appointed as the Operation's Commander (Bevilacqua, 2017, p. 171). Italy is a lead state of this operation that has been responsible from the point of strategic and operative level by the European Italian Headquarters. It was started by deploying assets in the operations area of the Central Mediterranean, just in front of the Libyan coasts (Taufer, 2015, p. 58). Operation Sophia's operational area covers South and Central Mediterranean and it works in cooperation with the Libyan Coast Guard. Mogherini expresses the Operation Sophia as a part of a comprehensive approach to solve the migration crisis in the Mediterranean,

and also stresses that the EU works with African and Arab countries and partners to help address the causal factors of the migration crisis in the Mediterranean (Seiti, 2016).

The EU defines Operation Sophia as "an intervention to protect migrants from dangerous waters and criminal traffickers and smugglers and as a humanitarian answer of rescue to the migration issue in the Mediterranean". However more than the SAR mission of Mare Nostrum, the declared aim of Operation Sophia is to cut off the business model of human trafficking and smuggling from Libya to the EU (Garelli and Tazzioli, 2017, p. 6). Operation Sophia thus aims to interruption of the business model of smugglers and traffickers (Seiti, 2016).

While the Operation Sophia is operated for disruption of migrant smuggling networks by identifying, capturing, and disposing of vessels that are used for human smuggling and trafficking, it also takes actions on the SAR of migrant lives in the Mediterranean Sea. It is a humanitarian obligation of the EU to rescue of migrants at sea (Belova, 2018, p. 27). Although Operation Sophia was launched as a military mission, its naval assets have a positive obligation to rescue migrants in distress at sea. International treaties cover provisions relating to the task to the rescue of migrants and render assistance at sea (Bevilacqua, 2017, p. 179). Although the rescue of migrants at sea is mentioned indirectly in the Operation's mandate, EEAS (2016) underlines that the Operation's humanitarian aspect referred to save lives by reducing crossings. Moreover, a quantitative content analysis shows that Operation Sophia's rhetoric has also emphasized on humanitarian task. Accordingly, Sophia's press releases are disseminated with nouns and verbs such as rescue (194 iterations) and save (122 iterations). In 2015 especially, Operation Sophia's press releases extremely focused on humanitarian tasks. However, the period between 2016 and 2017, the rhetoric of Operation Sophia emphasized words related to border control instead of a humanitarian task. This situation is probably related to the new task the operation was assigned (Cusumano, 2018, p. 11).

Unlike the NATO deployments in the Aegean Sea, Operation Sophia's main task is to identify, capture, and dispose of vessels used or suspected of being preferred by smugglers and traffickers. The operation has four phases. Phase 1 is the detection and monitoring of migration networks on the high seas. Phase 1 focuses on intelligence and gathering information, like surveillance and the assessment of existing smuggling

networks (Umlaufová, 2016, p. 13). The first phase ran until 7 October 2015. After this date, the Sophia transitioned into Phase 2A, which focuses on the boarding, search, seizure of vessels suspected of being used for human smuggling on the high seas. Phase 2B is related to the expansion of this activity to the territorial waters of Libya either under the mandate of UNSC resolution or with the consent of a mentioned coastal state (Drent, 2018, p. 3). Also dependent on UNSC resolution and consent of the states, Phase 3 encompasses all necessary measures against a vessel, including their disposal or rendering them inoperable in the territory of the states. (Umlaufová, 2016, p. 13). Phase 2B and Phase 3 have not been ended up because the EU has not been able to obtain a legal mandate to operate in Libyan territorial waters and on Libyan territory (Drent, 2018, p. 2). Phase 4 refers to the withdrawal of forces and the complementation of the operation. On 20 June 2016, two additional tasks were added to the operation's mandate. These are training the Libyan coastguard and navy, and providing to the implementation of the UN arms and oil embargo on the high seas (Bakker and Zandee, 2017, p. 5). The mandate of Operation has been extended in order to train and assist the Libyan Coast Guard and Navy, take part in the realization of the UN arms embargo on the high seas off Libya's coast, and to promote cooperation with Frontex and Europol by sharing intelligence on human trafficking (Belova, 2018, p. 27). The Operation's training of the Libyan Navy and Coastguard officially was started in late October 2016. The aim of the training of the Libyan Navy and Coastguards on methods is to handle smuggling problem and to reduce migration flows within the scope of international law and search and rescue. In January 2017, European states determined to start funding the Libyan Government to engage in anti-smuggling operations. The training and funding program has been underlined a transition to Phase 2B, which is also required to involve close collaboration with Libya (Strauch, 2017, p. 2426).

Since 2017, Operation Sophia has started to collect information on all illegal smuggling not only migrant but also oil smuggling, etc. in Central Mediterranean. The Operation has also cooperated with certain law enforcement agencies like Frontex, EUROPOL, EUROJUST; non-EU ones like INTERPOL; UN agencies like IOM, and third states like Tunisia, Egypt (Belova, 2017, p. 27) Whereas internal EU agencies had cooperated with civilian CSDP operations before, the Operation Sophia was for most the first military operation with which cooperation agreements were endorsed. Its cooperation with per

organizations is different. For instance, while cooperation between Operation Sophia and Eurojust is only based on sharing non-classified information, Sophia's cooperation with Frontex is much more enhanced and includes the exchange of operational information. These differences provide an important indicator of civil-military cooperation and thus should be a model for future operations (Bakker and Zandee, 2017, p. 7).

In addition, NATO as a maritime security actor supports international efforts in the Mediterranean, in complementarity and cooperation with the EU (Commission, 2016). As mentioned in Chapter 2, NATO with its OSG works closely to cooperate in some way with Operation Sophia, they are coordinated and cooperated for the successful maritime operation (Svampa, 2017, p. 5). The area of NATO's deployment completes the EU's Operation Sophia (Dibenedetto, 2016, p. 5). The EU's Operation Sophia is operated in the Southern-Central Mediterranean, whilst NATO's Operation Sea Guardian is operated in the whole Mediterranean basin. Thus, EU-NATO maritime cooperation is essential to a coordinated response to the Mediterranean maritime security issues (Marcuzzi, 2018, p. 1). The effectiveness of EU-NATO maritime security cooperation in the Mediterranean will be clearly detailed and analyzed in Chapter 4.

From mid of 2015 and until September 2019, the Operation has had some substantial achievements: the arrest of 151 individuals suspected of human trafficking and smuggling, and the destruction of 551 boats used by criminal networks. Operation Sophia has also inspected three ships and seized banned goods; it has made radio contact with 2,462 vessels to check their identity and made 161 friendly approaches. Sophia's main aim is never to rescue people at sea but in these last years, it has saved 45,000 lives, following the maritime obligation to aid people in distress (Blanco, 2019).

Technical Part of the European Union Naval Force Mediterranean "Operation Sophia"

When we look the technical part of Operation Sophia, the deployment of the units started with 14 EU member states involved: Belgium, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, the Netherlands, Slovenia, Spain, Sweden, and the UK, which emphasized its cooperative will as indicated by the Minister of State for Europe Mr. David Lidington, who recognized as the UK supported the Operation, and was contributing a ship, HMS Enterprise, and a Merlin helicopter. Among the European

navies, Italy was the main contributor, with the aircraft carrier Cavour identified as the flagship, led by the Force Commander of the Operation the Italian Rear Admiral Andrea Gueglio (Zichi, 2018, p. 143). There were plus 8 other naval units and 12 air assets at the beginning of the Operation (Marcuzzi, 2018, p.1).

In Operation Sophia's Phase 1, there were 21 EU member states. As the lead state, Italy contributed its aircraft-carrier Cavour as well as a submarine and other maritime assets. Maritime patrol aircraft were provided by Spain, Luxembourg, and France (Tardy, 2015, p. 2). The composition of the Operation varied according to the rotation of ships and assets allocated by the member states, as well as the needs of the Operation as evaluated by the Operation Commander. For Phase 1, starting in June 2015, the Operation based on 4 naval units (1 the Italian flagship Cavour, 2 German and 1 UK ship) and five air assets (one French and one Luxembourg plane, two Italian and one UK helicopter) (House of Lords, 2016, p. 13). Force generation for Sophia's Phase 1 was achieved in a short time. It was made easier by Italy's important donation, which included the aircraft carrier Cavour and two helicopters. On 30 June 2015, Germany also made important assistance by providing the frigate Schleswig-Holstein and the supply ship Werra. Berlin initially did not want to contribute Operation because it had fear about some aspects of the Operational Plan and because it faced legal problems and procedures in its country. However, in a last-minute announcement at the Political and Security Committee, it announced its willingness to assist in the Operation. Thereby, this gave Operation Commander Credendino enough assets to implement Phase 1 (Novaky, 2018, p. 206). Quickly the official document moved on the description of the activity of the Operation during the Phase 1, lasted from June to September 2015, in which the units involved (in particular the Italian Air carrier Cavour, the HMS Enterprise and the FGS Schleswig-Holstein and FGS Werra) were dedicated to «establishing a patrol cycle predominantly located in the South-West of the operating area in what was determined the area of highest migration concentration». The Operation then successfully passed to Phase 2A, with a deployment of a total of 16 vessels that arrested 46 suspected criminals and destroyed 67 boats (Zichi, 2018, pp. 144-145).

For Phase 2A, starting in October, the Operation had 5 surface naval units and 6 air assets including planes and helicopters (House of Lords, 2016, p.13). In total, 10 states contributed surface, subsurface, and air assets from 1 January to 1 October 2016

(Belgium, France, Germany, Greece, Italy, Luxembourg, Portugal, Slovenia, Spain, and the UK) (EEAS, 2016, p. 11). In October, the UK Merlin was withdrawn, FGS Werra was replaced by FGS Berlin, and FGS Schleswig-Holstein departed to be replaced by FGS Augsburg and more latterly FGS Weilheim. On the air front, an ESP P3M Orion joined the force, augmented periodically by a French FRA Falcon 50 MPA. At the height of the surge, 9 surface units, a submarine, 3 fixed-wing maritime patrol aircraft, 5 helicopters, and 1 tactical UAV were deployed to Operation Sophia (EEAS, 2016). From October to November 2015, when the Operation Commander evaluated that the numbers of migrants would be highest, the Operation was based on 9 ships (House of Lords, 2016, p.13). By the end of November, the force had reduced with the withdrawal of HMS Richmond, FS Courbet, and BNS Leopold, with their supporting organic helicopters and UAV. Cavour temporarily handed over the Flag of the Force to Garibaldi. Garibaldi took over the role of mission Flagship from Cavour. Over the winter period, the remaining force continued to provide a presence in the area (EEAS, 2016).

On 12 February 2016, there were 6 vessels from Italy, German, UK, Slovenia, Spain; four air assets from Luxemburg, Spain, Greece, France. In March 2016, the contributing states were 24 of 28 EU member states: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, United Kingdom, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, and Sweden. The composition of the force strength of the operation varied on the frequent rotation and composition of the various warships and other assets assigned to the operation (Oude, 2016, p. 44). In March 2016, Mr. Lindsay confirmed that the Operation Commander was "content with the resources that he has at the moment." The UK provided the survey ship HMS Enterprise to the assessment phase. When the Operation Commander requested a surge of assets in October and November, the UK also contributed the "frigate HMS Richmond with a Lynx helicopter, ScanEagle UAV, and Royal Marines boarding party. This constituted 2 out of the 9 ships at the peak of the surge." Mr. Lindsay added that the UK had also offered HMS Bulwark as a search and rescue asset in advance of the operational stage of the mission (House of Lords, 2016, p.13). Several member states made concrete contributions to help in search and rescue efforts. Germany, for example, offered a frigate and 10 ships, while France committed itself to provide a plane for a fortnight in September and a patrol boat for November. The

UK even offered the Royal Navy's flagship, the HMS Bulwark, despite its earlier criticism of search and rescue efforts (Novaky, 2018, p. 204). On June 2016, Operation counted on 5 ships (1 Italian light aircraft carrier, 1 German auxiliary ship, 1 UK hydrographic ship, 1 Spanish frigate, 1 German frigate), 3 organic helicopters (2 Italian, 1 Spanish), and 4 air assets (Luxembourg, Spain, France, Portugal). In addition, on this date, the Italian aircraft carrier CAVOUR handed on Operation Sophia Flagship's role after almost one year. Thus, the Italian light aircraft carrier GARIBALDI was welcomed as new mission Flagship.[15] On September 2016, Operation Sophia Task Force counted on 7 ships (1 Italian light aircraft carrier, 1 British Destroyer, 1 German auxiliary ship, 1 British survey ship, 1 Spanish frigate, 1 German minehunter, 1 French frigate), 4 organic helicopters (2 Italian, 1 Spanish, 1 British) and 3 air assets (Luxembourg, Spain, and France). Contributing member states were 25 (AUT, BEL, BGR, CYP, CZE, ESP, EST, FIN, FRA, GER, GBR, GRE, HUN, ITA, LAT, LIT, LUX, MAL, NED, POL, POR, ROM, SLO, SVK, SWE) (EEAS, 2016). Ireland, Croatia, and Denmark did not take place in Operation. In July 2017, the Ireland government decided Ireland should participate fully in Operation (Riddervold, 2018, p. 59). There was a common cost of Operation, financed by the Athena Committee of member states, amount to €11.82 million for the one-year mandate (Tardy, 2015, p. 2).

From January to February 2017, Operation counted on a fleet of 8 ships, including the aircraft carrier Garibaldi, Italian flagship, and the ship San Giorgio, 2 German ships, 1 British, 1 Spanish, 1 French, and 1 Belgian. 4 helicopters were also part of the mission – 2 Italian, 1 Spanish and 1 Belgian helicopter – and 3 aircraft, 1 Luxembourger, 1 Spanish and 1 French (Svampa, 2017, p. 4). On 4 April 2017, the Italian Light Aircraft Carrier Giuseppe Garibaldi completed her employment as Flagship of Operation Sophia. The Italian Navy, to continue fulfilling the mission assigned - held by Italy from 22nd June 2015 – passed another their ship, the Landing Platform Dock San Giusto.[16] In June 2017, Operation Sophia accessed to 6 ships (1 landing platform dock, 1 auxiliary ship, 1 survey ship, and 3 frigates), 3 helicopters, and 4 aircraft. 25member states were contributors to

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[15] https://www.operationsophia.eu/the-italian-aircraft-carrier-cavour-handovers-eunavfor-med-operation-sophia-flagships-role-after-almost-one-year/
[16] https://eeas.europa.eu/headquarters/headquarters-Homepage_en/24193/ITS%20Garibaldi%20crosses%20the%20finishing%20line%20of%20Operation%20Sophia

the Operation. Mr. Simon Jones, Deputy Head, Euro Atlantic Security Policy, Foreign and Commonwealth Office, said that the UK had "been a very strong, indeed leading, contributor to Operation Sophia" to date. In this period, 1 British survey ship was deployed to the Operation. The common costs of Operation from 28 July 2016 to 27 July 2017 was €6.7 million (House of Lords, 2017, p. 6).

On August 31, 2017, the Italian Landing Platform Dock ITS San Giusto completed her employment as Flagship of Operation Sophia and the Spanish ship oiler ESPS Cantabria joined the Task Force, taking over her role.[17] From 1 June to 30 November 2017, 27 member states contributed the Operation with assets, personnel, and voluntary financial contributions. During this period, the force received direct support from a total of 14 ships with an average of 4 to 5 ships assigned to the force. 9 nations significantly contributed with surface, subsurface, air assets during this period. These were Belgium, France, Germany, Ireland, Italy, Luxemburg, Portugal, Spain, and the UK. In addition, air operations continued with the employment of shore-based Maritime Patrol Aircraft from Portugal (1 aircraft), Spain (1 aircraft), Luxemburg (2 aircraft), 1 French Maritime Patrol Aircraft that provided a non-permanent contribution (EEAS, 2017). Thus, almost all EU member states contributed to the operation as of November 2017 – 6 ships, 2 helicopters, and 3 maritime surveillance aircraft (Tardy, 2017, p. 2). By the end of 2017, Operation Sophia involved 22 nations. Some contributed maritime assets, including naval vessels and maritime surveillance aircraft. Others sent military and civilian personal to staff the operational headquarters, hosted by the Italian government in Rome (Dombrowski and Reich, 2018). On 20 December 2017, the Operation also welcomed a new flagship as the Italian Navy auxiliary ship ITS Etna took over as flagship from Spanish oiler ESPS Cantabria.[18]

On 1 February 2018, ITS San Giusto replaced ITS Etna, acting as the Operation's new Flagship, operating in the EU task force for the second time, as she was already involved in the operation from the 04th April to the 31st August 2017.[19] The operation's force

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[17] https://www.operationsophia.eu/wp-content/uploads/2017/09/eeas_-_european_external_action_service_-_a_new_force_commander_and_a_new_flagship_for_sophia_-_2017-09-05.pdf

[18] https://navaltoday.com/2017/12/20/italian-auxiliary-etna-becomes-flagship-of-eu-migrant-rescue-mission/

[19] https://www.operationsophia.eu/operation-sophia-welcomes-the-new-flagship/

strength was based on 4 naval units (1 Italian landing platform dock: 1 German frigate: 1 Spanish frigate; 1 French frigate), 2 helicopters (1 Spanish and 1 Italian), and 2 air assets (1 Luxembourg and 1 Spanish). Contributing member states were 26 (all EU member states except for Denmark, which has an opt-out from CSDP, and Slovenia) (Rasche, 2018, p. 2). On 20 April 2018, 27 EU member states were participating in the Operation (Austria, Belgium, Bulgaria, Cyprus, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherland, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the UK) with around 1100 personnel involved.[20] On 1 August 2018, the Italian ship San Marco replaced ITS San Giusto as the flagship of the Operation.[21] On 30 December 2018, the Italian ship Luigi Rizzo replaced the Italian ship San Marco as the flagship of the Operation.[22] The common costs of the Operation budget in July 2017 – December 2018 was EUR 6 million (Rasche, 2018, p. 2).

On 27 March 2019, EU leaders agreed that the Operation would be renewed but deprived of naval assets, while air surveillance capabilities would be strengthened instead. This means that patrols by Operation's warships such as the Italian Navy's FREMM frigate ITS Luigi Rizzo are stopped. The Operation's air patrols and support of the Libyan coastguard and navy continue (Fiorenza, 2019). Operation Sophia is currently being supported by only air assets. Currently, deployed units are Italian aircraft P-72A, Italian aircraft PREDATOR, French aircraft FALCON 50, Dutch aircraft LUX SW3 MERLIN III, Polish aircraft AN-28B1R BRYZA, and Spanish aircraft ESP CN-235 VIGMA D4.[23]

In sum, since 2015, the aim of Operation Sophia has framed through various mandates; from a decisive military instrument to interrupt traffickers, to a capability building aim, to implementing the UNSC embargos related to the oil and arms, to a search and rescue aim and lastly, to a more traditional naval situational awareness operation (Drent, 2018, p. 3). Therefore, Operation Sophia confirms the EU position as a global maritime security actor in the Central Mediterranean (Drake, 2018). Moreover, Operation Sophia is an innovative initiative in many ways. Together with the EUMSS in 2014, it shows the

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[20] https://www.operationsophia.eu/operation-sophia-on-board-italian-ship-san-giusto/
[21] https://www.operationsophia.eu/welcoming-the-new-sophia-task-force-flagship/
[22] https://www.facebook.com/EunavforMed/posts/2026976040711633
[23] https://www.operationsophia.eu/media_category/assets/

maritime turn in the CFSP in the management of new security threats. Sophia also brings the CFSP and CSDP, closer to the EU's internal security policies in the sense that internal security and a societal challenge is partly handled through an action that takes place outside of the EU (Tardy, 2015, p. 2). Moreover, it is potentially the first EU military operation with an openly coercive mandate. When we compare to the Operation Sophia and other EU military operations, it has a more resistant mandate under UN Chapter VII and its measures can be implemented in the third state's territorial waters, even in the lack of the consent of the involved state, provided the existence of a UN mandate (Riddervold, 2018, p. 161). Operation Sophia is operated in keeping with the requirements of international law, requirements of the law of the sea, international human rights law, and international refugee law. (Papastavridis, 2016, p. 59). Thus, it is an active in a complex legal arena of overlapping rules of refugee law, international human rights law, the law of the sea, and international rules on the use of force (Meijers Committee, 2015). These overlapping directly affects the effectiveness of Operation Sophia and their cooperation with other actors in the Mediterranean. For that reason, there are some criticisms related to the legal question raised by Operation Sophia. In this direction, criticism regarding the effectiveness of Operation Sophia and its effect on maritime security cooperation with NATO will be analyzed in Chapter 4.

CHAPTER 4

THE EUROPEAN UNION AND NATO MARITIME SECURITY COOPERATION IN THE MEDITERRANEAN

4.1. THE EUROPEAN UNION AND NATO MARITIME SECURITY COOPERATION

With the end of the Cold War, the concept of security has been referred not only with territorial and military security issues but also has referred to the new international issues which have required multinational and multidimensional measures. The changing world has needed new measures to deal with the emerging new international threats required completely new cooperation between international organizations especially from the point of crisis management. This means that new complex threats cannot be dealt with by one single entity alone, and thereby requires cooperation at an inter-organizational level (Belova, 2018, p. 29).

NATO and the EU are two of the key security providers globally (Koehler, 2017). In this direction, the importance of NATO-EU security cooperation cannot be ignored. Without any doubt, NATO and the EU have common maritime security threats (Zyla 2011, 673). The new threats and challenges in the maritime domain have a transnational nature, so these threats can diffuse beyond national frontiers and have a direct effect on other states (Belova, 2018, p. 30). Thereby, their maritime security cooperation is necessary, because one organization cannot deal with these maritime security threats.

In the last fifteen years, maritime security has been drawn attention among political decision-makers and scholars. In this direction, NATO and the EU as maritime security actors have published documents that have clarified their principles, geographical priorities, interests, threats and thereby have shaped their maritime actor character (Vai, 2016, p. 95). In addition, the maritime dimension of their documents and strategies have clearly underlined the importance of NATO and EU maritime cooperation. When we start the analysis of the EU's strategic documents on maritime security, the importance of the EU and NATO cooperation in the maritime domain is clearly expressed.

Firstly, the ESS in 2003 states that no one country cannot deal with today's complicated issues on its own. In this direction, the ESS refers to an effective multilateral system and NATO as one of the main EU's partners in the international system based on the multilateral system (Council, 2003, p. 9). The ESS in 2003 underlines that multilateral action is necessary to step to tackle emerging security threats. Multilateral action is seen as the most effective way to handle systemic threats that affected maritime security. The EU gives importance to the implementation of the effective multilateralism mentioned in the 2003 ESS (Panebianco, 2010, p. 11). Secondly, the IR on ESS in 2008 puts forward that the EU must guide a refilling of the multilateral system and must renew multilateralism, cooperating with the NATO and other partners in the world. This document emphasizes that the transatlantic partnership is important for the EU due to the both shared history and responsibilities. In this direction, strengthening of the strategic partnership with NATO for effective cooperation in crisis management in full respect of their decision-making autonomy is essential between two organizations (Council, 2008, p.2; p. 11). Thirdly, the EUMSS in 2014 suggests that while the EU acts independently, the EU also cooperates with international partners. At this point, these documents note that the development of partnerships with organizations is essential. In this direction, the EU's capacity to cooperate with NATO has a direct impact on its ability to protect its interests and to strengthen regional and international maritime security. This document suggests that the involvement of the EU and NATO in the maritime domain should be complementary and coordinated in line with the agreed framework of the partnership (Council, 2014, p. 10). Thus, the EUMSS refers to the maritime multilateralism. Also, the EUMSS aims importantly to improve the use of the military maritime capability that the EU has at its disposal, from the point of coordination, interoperability, and standardization between the EU and NATO (Vai, 2016, p. 102).

Apart from mentioning the EU's strategic documents on maritime security, the EU's Global Strategy in 2016 defines multilateralism as the EU's key principle. According to this Strategy document, multilateralism is important and necessary because there is an impossibility of the existence of global policemen and the impossibility of the lone warriors in this complex security environment. This Strategy defines the EU as responsible for global stakeholders, but it adds that responsibility must be shared with regional and international organizations for sustainable peace. For this reason, it

underlines that the EU must work to strengthen its partners including NATO. This Strategy thus implies strong cooperation with NATO. Their cooperation should be in complementarity, synergy, and full respect for the institutional framework, inclusiveness, and decision-making autonomy. In this direction, the deepening of the EU's partnership with NATO with coordinated defence capability development, parallel and synchronized exercises, and mutually reinforcing actions is important to enable the capacities of partners and support the maritime security system (Council, 2016). Thus, the Global Strategy re-emphasizes maritime multilateralism.

The latest document related to EU's maritime security cooperation with NATO is the Revision of the EUMSS in 2018. It reaffirms the necessity of cooperation at sea and underlines advanced maritime rules-based order, effective information sharing, and shared logistical support in cooperation with relevant partner countries, regional organizations, and international organizations including NATO (Council, 2018, p. 3). It remarks mainstreaming of maritime security into bilateral meetings schedules with NATO and avoiding duplication of work. Also, strategic dialogue and cooperation on maritime security with NATO is noted for promoting effective maritime multilateralism (Council, 2018, p. 10). In addition, the EUMSS refers to enhance cooperation in the scope of the EU-NATO Warsaw Joint Declaration in 2016 which has mentioned operational cooperation on maritime issues (Council, 2018, p. 11). Lastly, and importantly, it highlights the continuation of maritime cooperation at the operational level via NATO's Operation Se Guardian and the EU's Operation Sophia. At this point, full openness and transparency, respect for decision-making procedures based on the principles of inclusiveness and reciprocity are emphasized (Council, 2018, p. 24).

NATO has also given importance for cooperation at sea with other international organizations including the EU. Firstly, the AMS in 2011, which defines NATO's maritime strategic posture, has titled one part of the AMS as "Maritime Security Dimension of Comprehensive Approach". Under this title, the AMS has underlined fostering of the NATO's relationships with appropriate national and international actors in the maritime domain, referring to the EU, to reach to common aims such as prevention of conflict, capacity building of partner countries, support the freedom of the seas, respect to international maritime law and NATO's values (NATO, 2011). The final point in the operationalization of the AMS includes the betterment of NATO and the EU cooperation,

coordination, and complementarity in the maritime domain. The AMS has suggested that NATO and the EU maritime partnership should be further strengthened with a focus on time progresses, effective suggestions to improve interaction. Thus, coordination, cooperation, and complementarity in the maritime domain are emphasized for the enhancement of both organizations' mutual efforts (Soula, 2015, p. ix).

In addition to NATO's AMS in 2011, NATO put into words maritime security cooperation with the EU at its summits and in these summits' declarations. For the sake of example, NATO's Wales Summit Declaration in 2014 welcomed the adaption of the EUMSS in 2014 due to the fact that NATO thought that the EUMSS will potentially have a hand in the security of NATO. In this direction, this Summit underlined that NATO and the EU wish to work more closely together in many areas, including maritime security and welcomes the efforts of NATO nations and EU member states in the areas of maritime surveillance (NATO, 2014). Wales Summit focuses on enhancing greater coordination, cooperation, and complementarity with the EU (Froh, 2014).

At the Warsaw Summit in July 2016, NATO took its relationship with the EU to the next level. NATO had planned to use the summit to try to strengthen NATO and the EU relations in several domains, including maritime security (Belkin, 2016, p. 7). Thus, A Joint Declaration in Warsaw outlined seven areas including maritime issues in order to enhance cooperation between the EU and NATO (NATO, 2017). In December 2016, they arranged a common set of 42 actions to strengthen NATO-EU cooperation in seven areas in which the two organizations are actively (Mesterhazy, 2017). In addition, in the Warsaw Summit, NATO agreed to start a new maritime security operation in the Mediterranean called OSG which plays as a supportive role for the EU's Operation Sophia in the Mediterranean. The Warsaw Summit thus underlined NATO's intentions to continue tackling illegal migration in the Mediterranean Sea and to proceed cooperation with Operation Sophia, Frontex, and Europol (Belova, 2018, p. 8). In short, NATO and the EU have widened maritime security cooperation in the Mediterranean Sea to fight against migrant smuggling and human trafficking.

The three progress reports, which can enable an analysis of NATO and the EU maritime security cooperation in the Mediterranean, had been published (Blockmans et al, 2018). Three progress reports highlighted the main achievements and added value of the EU and

NATO cooperation in several areas including maritime security cooperation in the Mediterranean (EEAS, 2018). The first progress report on 14 June 2017 underlined that cooperation and coordination between Operations Sophia and OSG have been furthered through common information sharing and logistical reinforcement, and also this report mentioned ongoing their cooperation order to identify how OSG can support Operation Sophia in implementing UNSCR 2292 on the arms embargo on Libya (EEAS, 2017). The second progress report on 29 November 2017 reaffirmed the continuation of cooperation and coordination at tactical and operational levels between Operation Sophia and OSG through common information sharing and logistical stuff, including refueling. Furthermore, the second report noted their agreement to support of the Operation Sophia in the implementation of UN Security Council resolutions 2236 (2016) and 2357 (2017) related to the arms embargo on Libya (NATO, 2017). The third progress report on 31 May 2018 highlighted the value of the EU and NATO maritime cooperation, listing the significant steps taken for a fight against terrorism and migrant smuggling and human trafficking in the Mediterranean (Blockmans, et al., 2018). The third report reaffirmed the importance of cooperation and coordination at the tactical and operational level between two operations through common information sharing and logistical reinforcement, including refueling. It also noted that EU and NATO staffs are involved in exploring modalities to improve coordination, complementarity, and cooperation in the maritime domain. Additionally, this report mentioned a forum for effective information sharing and coordination of actions which is called Shared Awareness and De-Confliction in the Mediterranean (SHADE MED) (NATO, 2018).

At the Brussel Summit in July 2018, NATO reiterated that NATO's application to create a coherent approach and synergies with the EU. The maintaining of the extensive cooperative security network, deep political dialogue, and fostering of political cooperation with other organizations including the EU were underlined. Moreover, continuation to develop their cooperation by fully performing the common set of 74 proposals on seven areas including maritime issues that contribute to the coherence and complementary efforts were asserted (NATO, 2018). NATO-EU achievements in seven areas referred to operational cooperation including maritime issues are marked and the importance of the maritime cooperation in the Mediterranean to contribute to combating

trafficking and smuggling were re-emphasized. In this direction, this Summit remarked constant information exchange between Operation Sophia and OSG (Pkhaladze, 2018).

4.2. EFFECTIVENESS OF THE EUROPEAN UNION AND NATO MARITIME SECURITY COOPERATION IN THE MEDITERRANEAN: "OPERATION SOPHIA" AND "OPERATION SEA GUARDIAN"

The Mediterranean Sea has strategic prestige to NATO and the EU from the point of its location on the Southern flank of Europe, a region that since the end of the Cold War has been categorized as a source of multifaceted challenges for Euro-Mediterranean and Euro-Atlantic security (Prestat, 2006, p. 2). Violent conflict and instability, the spread of terrorist groups, and uncontrolled migratory flows are some of the common challenges faced by both organizations. Thus, the Southern neighbourhood is crucial for both NATO and the EU because of a region where NATO and the EU have a common neighbourhood and common security threats (Koehler, 2017). That is the reason why NATO and EU cooperation is outstanding in the South. The accomplishment of the stability in the South goes beyond the simple and sometimes requires necessary military responses (Puebla, 2018, p. 1).

Nowadays, Europe faces the largest humanitarian crisis in the Mediterranean since the end of World War II. This crisis has become a real threat to European security due to the illegal border crossing, migrant smuggling, and the spread of criminal networks. This crisis and a high level of instability around the EU borders have an enormous effect not only on the EU but also on NATO. The EU's Operation Sophia has a limited impact on the humanitarian crisis. At this point, the support of NATO is important, as the EU is not able to reach the desired outcomes, and it is necessary to indicate what exactly another international organization can offer. There is a causal mechanism leading from the EU's actions to the necessity of NATO's existence in the migration crisis. Accordingly, the nature of the CSDP and the limitations of Operation Sophia are linked to the deployment of NATO's OSG and prove the need for further EU-NATO maritime cooperation. NATO Secretary-General Jens Stoltenberg (2016) highlights the necessity to maintain European security and to unify the EU and NATO security cooperation to fight against global threats that directly affect the maritime domain (Belova, 2018, pp. 6-10). In this direction, the 2016 NATO's Warsaw Summit underlines NATO's intentions to continue tackling

illegal migration in the Mediterranean Sea and to proceed cooperation with Operation Sophia (Mesterhazy, 2017, p. 11).

Active cooperation between NATO and the EU in the Southern neighbourhood is currently taking place mainly in the maritime domain, NATO with OSG and the EU with Operation Sophia (Koehler, 2017). The reality is that neither NATO nor the EU can solve this migration crisis independently. Under this framework, the maritime cooperation between the EU and NATO is essential to tackle today's humanitarian crisis in the Mediterranean. In this context, my research question is *"To what extent is the effectiveness of the EU and NATO cooperation based on their maritime security operations in the Mediterranean?"* In this direction, for the understanding of the effectiveness and limitations of their maritime security cooperation in the Mediterranean, the EU's Operation Sophia and NATO's Operation Sea Guardian, which has played a complementary and limited role in Operation Sophia, will be analyzed by the concept of Maritime Security Operation (MSO).

4.2.1. Political Willingness at National and International Level

The crisis in the Mediterranean is challenging; thousands of migrants are crossing European borders illegally. This causes increasing of criminal activities regarding human traffickers and migrant smugglers. There is no common approach to reach a solution to tackle this humanitarian crisis in the Mediterranean. The states have preferred different ways to tackle this crisis, which makes it impossible to reach a common decision, and it has become one of the most difficult issues to solve (Belova, 2018, p. 6). For that reason, there is a need for political willingness and shared threat perceptions between both members of the EU and NATO to tackle the crisis in the Mediterranean.

James Steinberg (2003) has explained the transatlantic relationship of the early 21st century as an elected partnership. This elected partnership is a relationship in which both sides confront strategic preferences over whether in what method and at what costs, they want to keep. In this direction, priorities and strategic preferences are separated in important ways (Cottey, 2013, pp. 88-89). When we look at literature related to the EU and NATO relations, different political evaluations of member states and distinctions in institutional cultures are emphasized (Blockmans, 2016, p. 7). At this point, cooperation is restricted because the EU and NATO must take different precedence into account

explained by their respective organizations (Graeger and Haugevik, 2011, p. 748). There are different strategic interests and priorities among states, thus partners' policy priorities hamper the EU-NATO cooperation (Biscop, 2005). Despite the high-level summits, documents on coordination, and cooperation between the two organizations continue highly problematic especially due to the different political priorities (Stabile et al, 2018, p. 7).

The instability in the Southern Mediterranean has shown that the EU and NATO have faced new challenges. To tackle new security challenges, they have put stronger policies. In the light of stronger policies, the EU and NATO have made deep their cooperation at the staff level, while missing to consort their basic political and strategic aims (Helwig, 2018, p. 1). To the European Southern neighbourhood, NATO and the EU have emphasized the enhancement of their commitments regarding the guarantee of their citizens' security in the region, but their methods used and decided strategies have rarely been coherent. Most of the time, both international organizations have preferred their ways and failed to move from basic coordination to effective cooperation and harmonization of efforts (Stabile et al, 2018, p. 7). This shows that NATO and the EU are converging but still different stance to handle instability in the Mediterranean due to their divergent priorities and strategic interests.

Their different political priorities that can lead political unwillingness are based on a lack of common threat perception. The EU and NATO have not been willing or able to the definition of common threat perception. Although there is an agreement on several areas reflecting outlines for cooperative changes, NATO and the EU still implement slightly dissimilar approaches in defining multi-faceted threats that need to be handled. This is partly due to the reliance on divergent opinions and strategic plans building on drafts based on the local situation. Thus, Allied countries in Southern Europe are rightly more concerned about the migration problem while those taken place in Eastern Europe fear the containment of the Russian aggressive attitude together with the USA. In this direction, both organizations suffer from an "East-South dilemma". Some member states focus on crisis management in the Mediterranean and Africa, while others give importance to the Eastern part and the Russian threat. In particular, it has been argued that different political priorities on the NATO agenda are linked to the lack of a clear-cut hierarchy of threats that can be preferred to explain the same main objective. Although

there are similarities in the policies employed, NATO and the EU do not have a will or ability to define shared common threat perception. They need the institutionalization of a mechanism of shared common threat perception as a factor that reduces logic of competition characterizing the relationship among the officials of the two organizations, it thus contributes to enhancing the effectiveness of cooperation (Stabile et al, 2018, pp. 9-11).

This absence of shared common threat perception is also derived from the geographic location. The EU focalizes on its neighbourhood and Africa, while NATO concentrates on Afghanistan, Central Asia, and emerging transatlantic security threats (Willigen and Koops, 2015, pp. 737). In theory, NATO's approach puts the Eastern and the Southern flanks on the same stage. However, this does not confirm that they have been given similar precedence, neither in terms of invested resources nor of strategy (Bitondo, Marrone and Sartori, 2017, p. 6). At the 2018 Brussel Summit, some Allies, like Hungary, expressed that NATO has not taken enough consideration to the potential threats in the South which are emerged from instability in the MENA region (Broke-Holland, 2018, p. 3). In short, the different threat perceptions among the Allies, which can make a difficult consensus for the (maritime) operation and strategy in the South. This is due to the perception that devoting resources to the South is detrimental to the East (Puebla, 2018, p. 5).

Despite NATO's several initiatives such as MD, NATO has still not a clear and consistent strategy for its Southern flank (AIV, 2017, pp. 31-32). These issues can seriously affect NATO´s cohesion and NATO-EU maritime security cooperation in the Mediterranean. In this direction, NATO should perform more as a forum to enhance consent and willingness among Allies related to the threat analysis, national schedule, and defence strategy in the Euro-Mediterranean region. It is important to state that the Alliance revitalizes its mission as a forum where Allies can agree on what to do in the Southern flank and reach a mutual approach (Marrone, 2016, pp. 3-4). NATO needs 28 member consensus on how to manage this largest migrant crisis in the Mediterranean. Political differences within the NAC may restrict Alliance-wide action to fully address NATO's challenges to the South. NAC's choose how to react to the humanitarian crisis in the Mediterranean is a key factor that has a direct impact on the success of OSG (Glavin, 2016, pp. 4-5).

When it comes to external challenges, the EU shows differences between rhetoric and act, institutionally with NATO, and incompatible political precedencies and interests among national governments. There is no solidarity nor sensed solidarity (Dombrowski and Reich, 2018). The lack of responsibility sharing and willingness among EU member states has been responsible for the stalemate in negotiations over Operation Sophia's mandate (Rasche, 2018, p. 1). Thereby, the EU does not offer a collective response to the migration crisis in the Mediterranean. This means that EU member states – most of them are also NATO Allies- have different views and priorities without having a unified plan of action (Belova, 2018, p. 20). Disagreements among member states from both the EU and NATO are putting their maritime security cooperation at risk. Operation Sophia is in danger if member states which have different agendas cannot reach a common decision on the migration crisis (Heyman, 2019). The deepening of political conflict and unwillingness between member states over the debarkation of migrants saved at sea has affected the effectiveness of EU-NATO maritime cooperation in the Mediterranean (Himmrich, 2019).

Without a doubt, the 2015 migration crisis made a tremendous impact on divided Europe with strong right-wing and far-right parties in countries (Apetroe and Gheorghe, 2018, p. 57). Italy does not want to allow migrants rescued by Operation Sophia to land at its ports – as originally promised in its mandate. This leads to other member states to question the Operation's future (Himmrich, 2019). Italy's right-wing Interior Minister Matteo Salvini has warned to stop the Sophia. He has emphasized an unjust responsibility for Italy to take in migrants who land there (Heyman, 2019). Thereby, there is ongoing disagreement on where to disembark rescued migrants. Salvini stated that they can control their border and they do not need technical assistance to save migrants at sea. He expressed the necessity of redistribution system for migrants." ("Italy Likely to Halt", 2019). His sentences refer to the lack of internal responsibility-sharing with the external realm of the EU migration policy. There is a dispute over the reform of the Dublin Regulation (Rasche, 2018, p. 1; p. 5). The main aims of the Dublin Regulation are to create a mechanism that provides processing an individual migrant application to EU member states and to back up a legal framework to the protection of migrants in need, but it does not refer to share burdens between the member states. Thus, the Dublin Regulation does not present its effectiveness enough, there is an extreme number of refugees who enter in the EU

member states, and the result has shown that the system does not work well. The burden of the peripheral states is much higher. Hence, Italy has much more pressure compared to other members of the EU (Belova, 2018, p. 20). In this direction, Salvini has pressed the EU to form a new operational plan in accordance with his demand that the Operation stops transferring migrants to Italian ports. Otherwise, he has expressed stop Operation Sophia (Pietz, 2019). Dimitris Avramopoulos, who is the EU Commissioner for Migration, said that "If Italy which hosts and has the command of the Operation Sophia wants to stop Sophia, it can take this decision" (ANSAmed, 2019).

But Salvini's gambit may be fade into the background by other significance inside his government. For instance, the defence ministry and the navy want to the continuation of Operation Sophia because it is an Italian-led EU's maritime operation that enables Italy prestige, a say in European defence debates, and a justification for spending on the fleet. Also, the foreign ministry wants the continuation of Operation Sophia to keep Italy's seat at the top table. This can also be because of the Italian concern about the influence and existence of France in Libya. Another senior Italian official expressed that NATO and the EU should more focus on the security of the South. Stopping Operation Sophia was define as a crazy step by Italian seniors (Taylor, 2019).

In addition, some accusations demonstrate political unwillingness among member states and hamper the efficiency of both organizations' maritime cooperation. Firstly, Italian has accused France of being behind the instability in Libya. Italy has indicated that the instability in Libya has caused problems that Italy had to tackle, including migration problems (Alharathy, 2019). Italy's coalition parties, the anti-establishment 5-Star Movement and the right-wing League, have frequently criticized French President Emmanuel Macron, accusing France of deprivation of Africa and exacerbating migration across the Mediterranean towards Italy (Reuters, 2019). The war of words between Italy and France has thus escalated with Italy accusing France of preferring instability in Libya to ensure moneymaking oil contracts. Salvini said that France has no interest over the stabilization of Libya and does not want to peace in Libya because it would intend that its moneymaking oil contracts would be threatened. In Libya, they back opposing groups in the conflict (TRTWorld, 2019). We can say that Libya turns into a battlefield between France and Italy. However, on the surface, both countries expressed that they wish to see a stable Libya. They need to overcome the differences between Italy and France on the

Libya issue, as soon as possible for achieving effective EU and NATO maritime security cooperation especially if we look from the viewpoint of membership of Italy and France within the EU and NATO.

Italian Prime Minister Giuseppe Conte accused France and Germany of using empty pro-European rhetoric while maintaining their national profits on the migration issue. Conte said that "While the EU's powerful states aim to spread their power and influence, Italy does not. These states think only their national interests and profits" (Reuters, 2019). Although Italy accused France as stated above, France President Emmanuel Macron expressed the importance of the closer cooperation between EU's member states on migration issues in the Mediterranean (Heyman, 2019).

Spain also accused Italy because Italy does not take responsibility, and this evading responsibility creates a lack of solidarity which causes failure to support the continuance of Operation Sophia. The Spanish Minister for Defence, Margarita Robles expressed that Spain supports the continuation of Operation Sophia because this Operation can be seen as the key step to both defences of the Mediterranean and controlling of exercises on immigration. These exercises are performed to not only fight migrant smuggling but also fight against oil smuggling and the weapons embargo (La Moncloa, 2018). Thus we can say that some states including France, Spain, Portugal, and Germany have still expressed their willingness to search and rescue migrants in the Mediterranean and to establish a new Mare Nostrum as a SAR operation (Pietz, 2019). In addition, while Italy is refusing to accept ships that carry migrants, the British and French have more willingness to take risks, advocating interdiction, border control, and proactive onshore operations in Libya (Dombrowski and Reich, 2018).

Other factor related to political unwillingness can be seen in the decision of Germany over Operation Sophia. Germany already decided in January to stop contributing vessels to the Sophia because of the structural problems. The German minister indicated that "The Italian command of Operation Sophia has sent the German vessels on routes where there was nothing to do, as these were far off any smuggling or trafficking areas. Thus the German navy lacks functioning vessels in the Operation" (Pietz, 2019). Defence Minister Ursula von der Leyen said that "Sophia's Italian commanders had sent German naval forces away from search rescue activity. The Italian command has sent German naval

forces to the most far-flung corners of the Mediterranean Sea over the past nine months, where there are no smuggling routes and no routes for migrants. The German deployment has had no sensible tasks for months." Chancellor Angela Merkel's defence minister accused Italy of sabotaging Operation in the Central Mediterranean. This quickly escalated a debate between German and Italian's populist government. (Donahue, 2019). Germany has demanded renewal and reform of Operation Sophia (Heyman, 2019). Chancellor Merkel confirmed that Germany does not want to withdraw from Sophia. She expressed that "A new system is needed for fair distribution of migrants because with Sophia, migrants who are rescued are brought to the closest Italian port. This is not acceptable." The German defence minister also indicated that "Germany will continue to support Sophia, but the vessel that was to deploy in February will operate in the North Sea, and Germany will wait until Sophia's mandate is made clear on the EU level". This being the case, Salvini said: "If Germany leaves the Sophia, it's not a problem for Italy. All the migrants are arriving in Italy anyway." (Donahue, 2019).

Ireland, which is a member of the EU and non-Allies of NATO, has also concern over the situation of Sophia. The Irish Navy's support to Sophia in the Mediterranean is in doubt after German ships were pulled. Irish sources cited that there are many political changes in Europe, especially in Italy, which are more right-wing and less willing to save migrants. Sources added that Irish seafarers are very glad to save but that political willingness damage Sophia. Some private boats in the Mediterranean have not been permitted to land." From the point of Ireland, nothing is decided yet but they think that it is looking like it at serious risk. Irish government stated that "If Operation Sophia ends, Ireland will focus on other options". Ireland had provided ships along with Italy, Spain and Germany, and Britain. The Irish ships had rescued thousands of migrants and brought them to safety (O'Connor, 2019).

In sum, "No real common ground" is available among states joining in Operation Sophia. I would like to state that despite this hot disputes between states, it, however, remains largely obscured from public view (Dombrowski and Reich, 2018). The debate between large EU members which are also Allies of NATO has reflected on their political unwillingness on the maritime operation. The efficiency of Operation Sophia is questionable, and it has represented political gambling. The operation should not be used as political symbols if NATO and the EU want to desirable outcomes and to strengthening

their global maritime actorness. Without the EU and NATO member states' consensus and willingness on migration as well as the EU's common asylum procedure including a distribution mechanism, there will not be any sustainable solution for the crisis and operation in the Mediterranean.

Thus we can say that improvements in EU-NATO (maritime) cooperation are only possible when states' interests converge because it allows moving in the same policy directions, otherwise there will be a deadlock. Member states have a great impact on the shaping of new policy fields, especially foreign and security policy and the EU-NATO cooperation (Schleich, 2014, pp. 185-186). In other words, national interests of member states have an impact on the EU and NATO relationship because powerful states, like the USA, Britain, Germany, and France have a significant impact on this process by contributing to the budget a large amount, and it is not possible to develop security and foreign policy without these states. This means that some states have a dominant status and are willing to form policies that are in their interests and which affect other countries. It is essential that states are willing to follow their interests and cooperate only in the case of gaining benefits. Member states have their political priorities and aims, and both organizations can be used as a tool for achieving certain aims, which can change depending on the organization (Reichard, 2006, p.6). This can be thus one of the reasons why it is highly difficult to tackle the migration crisis in the Mediterranean. However, they must realize that the things which unite them are more than the things which divide them. They can achieve effective maritime security operations only through cooperation based on political willingness at national and international levels.

4.2.2. Cooperation with International Organizations

For effective maritime security operations, there is a need for effective and sustainable international cooperation. In the Mediterranean, the EU and NATO have cooperated in the maritime domain via respectively Operation Sophia and OSG. This cooperation is beneficial for both organizations because they have different limitations which hamper their cooperation based on maritime security operation. In the Mediterranean, NATO has limitations related to the different views and preferences among Allies, the bad image of NATO in the MENA region, military character, and structural design of NATO. On the side of the EU, it has limitations related to the lack of capacity, means, and limited

experience in the maritime domain. This situation shows that both organizations have needed each other for effective maritime cooperation in the Mediterranean.

In the Mediterranean, NATO has played a complementary role in the EU's maritime operation "Sophia." In other words, NATO's mandate is limited to Operation Sophia. In the case of Operation Sophia, even if NATO's mandate is clearly much more limited, they have the same target "smugglers and traffickers" (Dibenedetto, 2016, p. 6). Thus, since November 2016, NATO is supporting Operation Sophia in the Mediterranean through the framework of its operation OSG (Pkhaladze, 2018).

OSG represents a reformation in military and intelligence cooperation; the effective cooperation with other navies and coast guards in the Mediterranean; the collaboration with the EU's CSDP Operation Sophia (Bitondo, Marrone, and Sartori, 2017, p. 8).

In the Central Mediterranean, NATO has played a possible role to complement and to support the EU's Operation Sophia through the provision of a range of capabilities including Intelligence, Surveillance and Reconnaissance, and logistical assistance; through providing to capacity building of the Libyan coastguard and navy, if requested by the legitimate Libyan government and/or the EU; and in the context of the implementation of UNSCR 2292 on the situation in Libya, in close coordination with the EU (Umlaufova, 2016, p. 12). Moreover, NATO can provide with its other capabilities such as refueling at sea and medical assistance in the region upon the EU's request (Drent, 2018, p. 5). The EU and NATO thus have a common decision to enhance the cooperation of their operations (Seiti, 2017).

International cooperation with NATO is essential for effective maritime security operations. The importance of the above-mentioned NATO's support to Operation Sophia cannot be ignored. However, there is a question about whether NATO is the appropriate partner for the humanitarian crisis in the Mediterranean. In this direction, criticisms are framed around the existence of NATO as a pull factor; NATO's appropriateness in the humanitarian crisis (militarization of migration); and problems related to the human rights perspective. In addition, one question is related to the accountability of NATO within the EU, since NATO is out of the EU parliamentary control and complaint mechanisms (Akkerman, 2017).

The first criticism is related to the existence of NATO in the migration crisis as a pull factor. The SAR activities can act as a magnet for migrants, who want to reach a safe location via the illegal migrant smuggler, in the hope that from there they will be brought to safety by the European naval capabilities involved in the Operation (Pricopi, 2016, p. 125). Thus, one of the most debatable points in the migration relates to this rescuing activity as a potential "pull factor" for irregular migration. For the Mediterranean case, many politicians have insisted that the existence of naval capabilities close to the Libyan coast can be seen as a magnet or even a bridge to Europe. This situation is also beneficial for smugglers who send significant numbers of migrants in increasingly unseaworthy vessels which cause increasing deaths at sea (Steinhilper and Gruijters, 2017). There is a view that Operation Sophia acts as a magnet for migrants, thereby leads to increasing of migration flows in the Central Mediterranean (House of Lords, 2016). While Sophia is seen as a pull factor for migration, the existence of NATO's OSG as a complementary role to Sophia causes coming in for some criticism. Some worry that NATO may lead to the encouragement of more migrants to prefer the dangerous journey. The criticism of NATO's OSG is that, by detecting and rescuing capsized vessels at sea and transporting their passengers to European ports, NATO may create hopes of safe transition. When we sum criticism regarding the pull factor, these criticism are based on both humanitarian and utilitarian grounds. In this direction, NATO's military efforts to decelerate or stop the migrant flow may lead to unintended human suffering, and also NATO's maritime operation may encourage more migrants. In fact, its operation's humanitarian aspect has sceptical predictions (Zhukov, 2016). Thus, the discussions are framed over the maritime operations reassuring the migrants to conduct sea journeys with a low risk under the SAR support of warships. From the humanitarian perspective, the importance of maritime operations conducting SAR activities with a very high level of success cannot be ignored (Drake, 2018). Nonetheless, there are two essential questions. Maritime operations are not designed to address the root causes of mass migration, state collapse, and broader insecurity in the MENA region (Marcuzzi, 2018, p. 4). In this direction, the first question is whether these operations are effective platforms to tackle the complex problem of mass and illegal migration. Second is whether maritime/military operations and their warships are effective vehicles for this type of task. This point refers to the militarization of migration management.

In this direction, the second criticism indicates that the existence of NATO has led to the militarization of migration. While there are working papers on the securitization of migration, the use of the military for migration issues can be seen as a critical point in the literature. A positive view regarding the use of military deployment in reaction to migration is limited. The literature emphasizes the difficulty of establishing operations with an appropriate capability and experience of the military to react to the complex challenges of migration. Thus, while managing and observing migration is accepted as substantial and necessary by academicians who think that securitization is to a certain extent necessary, the deployment of the military is still accepted as a critical topic (Himmrich, 2018, p. 9). In the 1990s and 200s, ordinary rescue interventions were operated by military seafarers, but military deployments in the field of migration have increased to a series of military operations particularly registered to manage migration flows since 2013 (Garelli and Tazzioli, 2017, p. 2). The distinct part of military deployments in response to migration is the external policymaking dimension and, there is member states' and allies' leadership rather than domestic internal policies, EU institutions, or agencies. Military deployments are controlled by member states and deployed through the EU's CSDP, NATO, or unilateral state decisions. These operations are deployed with key responsibilities that cover surveillance, deterrence, prevention, apprehension, and returns (Himmrich, 2018, p. 8).

There is a tendency towards a military approach to migration management in the Mediterranean. In these last four years, the governance of migration in the Mediterranean is based on at least three oversized military operations. In the Central Mediterranean, Operation Sophia and NATO's OSG represents the militarization of migration management at sea and the reconstruction of both migration management and military interventions (Garelli and Tazzioli, 2017, p. 2).

The case in the Mediterranean has a dilemma. The border security and migration issues are actually under the principle of civilian tasks, but there are cases where civilian mechanisms are overwhelmed. At this point, swift action and tasks are necessary, and taking recourse to military vessels is a logical act. The military can act swiftly and robustly, but it cannot indefinitely be tasked with border issues. Furthermore, the military's high-end capabilities are often not suitable for many migration issues referring to low-end tasks. In this direction, we can say that while the military can bring short term

resolutions, the nature of the migration issue address for recourse to the military to be the exception rather than the rule (Drent, 2018, p. 8). This shows that military operations are usually an unsuitable response to humanitarian issues (Papastavridis, 2016, p. 60). For these reasons, it is certainly credible to argue that Operation Sophia does not have enough appropriate means to handle the current migration crisis in the Mediterranean (Gestri, 2016, p. 26). In addition, a military operation cannot address the problem appropriately because military forces do not have jurisdiction over investigations on smuggling. EUNAVFOR is a military task force and thereby, they cannot implement investigations on the migrant smuggling. The police and prosecutors of EU's member states have jurisdiction over investigations, not EUNAVFOR (Ventrella, 2016).

Observers have criticized Operation Sophia as a militarization symbol of a humanitarian crisis (Riddervold, 2018, p. 169). As migrant smugglers have existed onshore, a maritime operation is seen as the wrong mechanism for tackling a dangerous, inhumane, and unscrupulous business (Travis, 2017). In this direction, human rights and migrants support organizations have taken a stand against Operation Sophia from the start, indicating that a military operation is not the right answer to the migration problem. The increasing role of NATO which is a military alliance with no humanitarian mandate, in EU border security is an example of the militarization migration (Akkerman, 2017). The migration crisis is a different challenge for NATO because migration is a humanitarian problem that arises from several countries. For that reason, NATO's OSG in the Mediterranean designed to handle the European migration crisis are unique for the Alliance and important because it the first time NATO has used its military means to protect the EU's external borders from a non-military threat (Weintraub, 2016, p. 2). Whereas NATO can make an effective supports to inhibit the illegal trade of arms, and especially WMD materials and technology, thus it is much less suitable in efforts to management of illegal migration or organized crime as such missions are best suitable for coast guards, not regular navies (Dokos, 2012, p. 583). The conventional design of NATO against massive invasion risks cannot act as an effective partner to handle humanitarian crises (Doğu, 2017). NATO can have different understandings when it comes to the use of force in issues regarding security. Some problems are seen when tensions arise about whether to prioritize "hard" maritime security missions or the "soft" maritime security missions refers to enforcing immigration regulations or humanitarian assistance

(Dombrowski and Reich, 2018). Thus, the assessment of NATO OSG's cooperation with Operation Sophia is questionable, as both organizations' activities are seen as a response that is directed by policing and military actors. Particularly both military operations are often viewed as being political and only symbolic in nature (Drent, 2018, p. 6).

There are different views on NATO's support to EU's Operation Sophia. Concerning the Southern flank, the NATO countries have supported an expanded existence of the Alliance in the Mediterranean while they have acknowledged the transnational nature of some issues, such as terrorism, the migration crisis, and political-institutional instability. However, NATO is less designed from the point of capabilities and scope to tackle low threats like the migration crisis (Bitondo, Marrone, and Sartori, 2017, p. 7). NATO does not have suitable tools to address the challenging situation in the Mediterranean (Puebla, 2018, p. 3). Non-military threats including migration are not in NATO's capacity, but NATO has resources to minimize the effects of the migration crisis (Belova, 2018, pp. 39-40). There is criticism over NATO's measures. NATO's OSG can be seen as an approach based on deterrence, and NATO's measures can lead to the militarization of the migration especially refers to the increased presence of NATO's military assets in the Mediterranean (Dibenedetto 2016, 12). At this point, some humanitarian organizations have judged the OSG and argued that NATO should be interested in providing humanitarian solutions rather than deterrence measures (Belkin, 2016, p. 5).

Thus, NATO has a relatively limited role to handle the migration crisis in the Mediterranean. NATO had previously refrained from taking place directly in the migration crisis, especially because of the general view that the EU is a suitable organization to respond to migration issues and a related reluctance to cede leadership on these issues to NATO (Belkin, 2016, p. 5). NATO's contribution is seen as modest and some Allies think that the EU is better equipped for operations in this region (AIV, 2017, p. 31). Actually, the EU's equipment is better to tackle this migration problem, because the EU has at its disposal a much wider range of instruments and powers in the field of internal security, encompassing border management and efforts to combat cross-border crime (AIV, 2017, p. 42). However, according to the other views, Operation Sophia is not fully equipped for the rescuing migrants, a vessel from EU countries cannot effectively act for this task (Toaldo, 2016).

It is true that military operations are highly expensive and have brutal guided missiles and finally with limited extra dormitory structures other than their crews. The tasking of the half-billion euros' worth warships for rescuing migrants is unprofitable and incompatible. EU-NATO operations are mostly conducted by frigates which are highly equipped with high tech sensors and weapon systems. Their main mission is to support deterrence as valuable assets with competent capabilities of multi-dimensional warfare areas covering above water and underwater and with respected high costs. Thus, the high cost of the naval units is luxury assets for such missions including migration, search, and rescue operations (Drake, 2018). They can be used as a tool of last resort when facing a humanitarian crisis, not least because military vessels are not designed to save migrants on rubber dinghies, but rather to fire cruise missiles and hunt submarines. The equipment does not suit the responsibility, and this is directly a wasted resource. A lot of these vessels cost upwards of £500 million apiece (Eliassen, 2017). These arguments prove that military operations in the Mediterranean are expensive. For example, as in the case of the Mediterranean, the aircraft hunting nuclear submarines in the North Atlantic are currently used to look for small rubber dinghies off the Libyan coast. Operation Sophia is thereby called the world's most expensive rescue (Eliassen, 2017).

The EU's management of migration with maritime operations sometimes has violated fundamental rights (Fantinato, 2017). In this direction, the third criticism is related to the violation of human rights. At this point, the EU's training of the Libyan Coast Guard and the EU's cooperation with NATO is problematic from a human rights perspective (Riddervold, 2018, p. 169). This problem usually is framed by a discussion about the non-refoulement principle. The Non-refoulement principle means that rescued migrants should not be brought back to places where they are unsafe or where they face prosecution, and such behaviour should be consistent, irrespective of the status of the migrants, in full respect of their human rights (Riddervold, 2018, p. 164). With reference to the UN Convention of the Law of the Seas and the 1951 Refugee Convention, with its principle of "non-refoulement", vessels participating in Operation Sophia must help migrants at sea and these migrants cannot be brought back to Libya. However while the EU has strengthened the capacity of Libyan Coast Guard's militias to stop migrant boats within Europe and has backed them to Libyan shores, the EU has violated the non-refoulement principle (Reitano, 2018, p. 322). For that matter, training of the Libyan

Coast Guard to deter migrant trafficking network remains an important challenge from the point of human rights standards (Rasche, 2018, p. 4). Human Rights Watch (2016) underlined that by training the Libyan Coast Guard's forces, the EU tries to bypass of the non-refoulement principle, so the EU wishes to outsource its dirty actions to Libyan forces. Perhaps with NATO's support, the EU has continued its actions (Riddervold, 2018, p. 169).

Amnesty International in 2016 noted that the extension of the Operation Sophia to train the Libyan Coast Guard may have many human rights violations, arguing that the EU has wanted to stop migrants with human rights taking a back seat. Its 2017 report is even more crucial, discussing that by training and cooperating with the Libyan Coast Guard, "EU is actively taking place in the sophisticated system includes abuses and exploitation of the migrants by the Libyan Coast Guard, in order to stop migrant from crossing the Mediterranean" (Riddervold, 2018, p. 169). In the same way, The Times and OHCHR accuse the Libyan Coast Guard from the point of human rights abuses, such as whipping and beating rescued migrants as well as threatening NGO's staff (Rasche, 2018, p. 4). Another violation is that the refugees rescued by the Libyan Coast Guard are placed in overcrowded, filthy detention centers in Libya where beatings, forced labor, and sexual violence are rife. Also, there have been several instances of violence against migrants on the sea by the Libyan Coast Guard. (Akkerman, 2017). Amnesty International and Human Rights Watch indicate that the Libyan Coast Guard has historically taken on overly aggressive and inhumane tactics in managing migration and using force in its territorial sea (Strauch, 2017, p. 2429). Thus, there are interruptions in protection for migrants.

4.2.3. Maximum Maritime Domain Awareness

Both organizations currently are maintaining their maritime operations in the Mediterranean. Thus, there is an intersection in the two maritime operations' tasks and areas. It makes essential close cooperation for both organizations. Some duplications can be seen due to the cooperation among NATO and the EU in the same area, and there is need considerable effort for effective cooperation through information sharing (Skordeli, 2016). NATO implies that stability in the South necessitates a whole of government or integrated approach related to the collaboration with the EU to avoid duplication (Becker, 2018, p. 5). At the operational level, both organizations must prevent duplication in their

tasks and provide build a larger image of their maritime operations in the Central Mediterranean (Drent, 2018, p. 6). At this point, the achievement of maximum maritime domain awareness between the two has become a necessary factor for effective maritime security cooperation.

Effective NATO-EU cooperation in the Mediterranean depends on close interactions between NATO and the EU. This effectiveness based on maritime coordination and cooperation importantly requires close interactions amongst actors at sea. This interaction must be based on improved maritime situational awareness and also the ability to sharing information about the type of threats and their evolution (Marcuzzi, 2018, p. 4).

NATO and the EU are active in information exchange to de-conflict their operations in the Central Mediterranean. NATO Maritime Command (MARCOM) in Northwood, UK, and European Union Naval Force Mediterranean (EUNAVFOR Med), headquartered in Rome, are working on ways of deepening their cooperation process, including a more structured process of information exchange. A EUNAVFOR liaison officer at MARCOM has responsibility for facilitating cooperation between the two organizations. Although they are actively working on ways of effective cooperation, many remains must be done to encourage greater coordination, de-confliction, and information sharing between NATO and the EU (Koehler, 2017).

For greater and effective awareness and information sharing most notably NATO through its MARCOM, Sophia has established relations with other stakeholders that exist in the same area. Some mechanisms were established for effective awareness. One of them is the Shared Awareness and De-confliction in the Mediterranean (SHADE-MED), a forum where several actors concerned by the migratory issue can encounter to de-conflict and organize their activities by sharing situational awareness, consideration of the evolution of trends and best practices (Tardy, 2017, p. 3). The EU and NATO staffs work for the examination of the modalities to improve coordination, complementarity, and cooperation in the maritime domain. Staffs regularly share opinions in the meetings of the mechanism on SHADE MED as the key forum for sharing information and coordination of NATO-EU efforts (EEAS, 2018). The EU and NATO thus aim to enhance the cooperation of their operations through information sharing and practical interaction. For the achievement of their operational aims, the EU and NATO have expressed that

they will maintain to make full use of the mechanism of the SHADE MED. SHADE MED can meet, de-conflict, and coordinate their maritime security operations. SHADE MED is used effectively when there are sharing situational awareness which enables assessing the development of trends and best practices. (Seiti, 2017).

At a tactical level, these operations can be seen as successful in enhancing situational awareness in the Mediterranean. However, they also face strategic challenges, including a limited degree of inter-institutional cooperation (Marcuzzi, 2018, p. 1). The inability to share classified material severely limits their cooperation (Koenig, 2018, p. 4). Thus, the main obstacle in EU-NATO cooperation can be seen because of the inability to share important information and institutional structures problems that limit information sharing (Belova, 2018, p. 36).

Firstly, the inability to share information sharing is related to the EU's lack of ISR means. Border security and migration are actually under the principle of civilian responsibilities that require the existence of the civilian agencies. However, when compared to coat guards or civilian agencies, the navies of the EU and NATO member states have capabilities that coast guards do not have, such as modern ISR means (Drent, 2018, p. 8). In this direction, the existence of NATO and the EU cannot be found odd. Yet, the EU's Operation Sophia has a lack of experience in intelligence when compared to NATO's (Dibenedetto, 2016, p. 12). The EU still lacks capacities in maritime ISR, there are important deficiencies in situational awareness (Koenig, 2018, pp. 10-11). The absence of sufficient ISR assets of the EU shows its deficiencies in situational awareness (Puebla, 2018, p. 9). Thus, the inability to share classified material remains the main obstacle. In the 2017 report on EU-NATO cooperation, the NATO Parliamentary Assembly indicated that there is still notable disruption in maritime surveillance coordination. This is important because the EU still lacks sufficient ISR capacities which present deficiencies in situational awareness (Koenig, 2018, pp. 10-11). Thus, the cooperation between both organizations is limited mainly due to the difficulties in sharing and coordinating ISR efforts (Puebla, 2018, p. 9).

Sophia was amended in July 2017 to include surveillance activities on illegal trafficking especially on oil exports from Libya in accordance with UNSR 2146 (2014) and 2362 (2017), thus contributing to maritime situational awareness became more essential in the

Central Mediterranean. More information sharing is required in the circumstances (Tardy, 2017, p. 2). The implementation of the arms embargo is also challenging. There is a sophisticated intelligence framework. This is not occurring at a sufficient level, and consequently, no violations of the embargo have been easily noticed. The Commander of Operation Sophia has therefore underlined that improvements of the intelligence-sharing are critical for the successful implementation of this task. Hence, information-sharing with other actors and organizations active in the Mediterranean is essential. This emphasizes the need for enhanced cooperation between internal and external security actors (Bakker and Zandee, 2017, p. 6). In this direction, Council (2018) indicates that intelligence has critical importance for the effective implementation of Operation Sophia's mandate, in particular with related to the arms embargo and to the monitoring of oil smuggling, and underlines that the Sophia has improved through situational awareness. At this point, the information coming from NATO is underlined as an important constituent of this process (Council, 2018).

NATO provides potential support to Operation Sophia (Moon, 2016). The underlying reason can be found in the insufficient capacity of the EU including ISR assets. At this point, OSG aims to complements and supports Operation Sophia by providing maritime situational awareness, intelligence, and surveillance resources (Toaldo, 2016). OSG supports to Sophia with the gathering information on what is happening at sea. NATO's important role in the Central Mediterranean is complementation the EU's Operation Sophia through the provision of a range of capabilities related to the ISR (Umlaufova, 2016, p. 12). Because of the lack of EU's operation experience in intelligence, the NATO's assets via OSG to operation through providing important information related to human trafficking is essential for their effective maritime operation (Dibenedetto, 2016, p. 12). NATO has an important ISR asset (Allied Ground Surveillance System, AWACS), thus it can support the Sophia in the Mediterranean (Puebla, 2018, p. 9). In addition, NATO can be able to help the EU with information gathered by its radars (Marcuzzi, 2018, p. 4). NATO's capabilities are larger and its radars have a larger reach (Umlaufova, 2016, p. 11). NATO's submarines also can contribute information on suspicious vessels (Allison, 2019).

Secondly, the inability to share information refers to the political willingness of the states mentioned above. The inability to share classified information seriously limits their

cooperation in times of crisis. (Koenig, 2018, p. 4). Concerning illegal migration, having an effective system of shared databases is crucial, however, it is difficult to achieve when several states have disagreements on specific issues (Belova, 2018, p. 36). In this direction, we can say that if political unwillingness exists among states, maritime awareness, ISR activities are directly hampered. Thus, since the EU and NATO intelligence-sharing beyond the operational level is often limited by political disagreements, it can be enhanced by increasing information exchange between the EU, NATO, and other actors including such as Interpol and North Africa partner states (Marcuzzi, 2018, p. 4). Below the political level, NATO and the EU staff increasingly coordinate their activities. However, political disagreements put a glass ceiling over the implementation of joint exercises, actions, or roadmaps. Hence, their respective strategies and playbooks remain separate and limit information sharing and it directly impedes their coordination in times of crisis (Koenig, 2018, p. 5). As it has been limited by political disagreements for so long and is crucially affected by the information sharing limitations between the two organizations, the progress on staff-to-staff level and engagement of member states can already be accepted a success (Himmrich and Raynova, 2017, p. 9). In addition, there are still cases where mutual invitations are politically blocked (Koenig, 2018, pp. 10-11). All of them demonstrate that political restrictions have affected the level of effective information sharing and thus the efficiency of two organizations' cooperation on the maritime domain.

Thirdly, there are informal networks between the EU and NATO. Exchange of relevant information in order to strengthen maritime situational awareness is not done through a formal information-sharing agreement but on a case-by-case basis, following a decision by the EU's liaison officer posted at MARCOM and of military authorities of the states which are a member of both the EU and NATO (Marcuzzi, 2018, p. 2). EU-NATO security cooperation mostly occurs through informal networks. In general, their relationship is taken place with meetings at different levels, informal ministerial dinners, staff-to-staff talks, etc. Informal meetings of NATO and EU foreign ministers are taken place in order to further interaction by discussing issues that are on the agendas of both organizations (Belova, 2018, p. 36). Until this point, the informal network between two organizations is interpreted as successful by some scholars because they think that these networks speed up their cooperation process. Whereas others indicate that despite

unofficial contacts and exchange of information, like those between the High Representative Federica Mogherini and Jens Stoltenberg, the lack of a formal cooperative framework limits effectiveness of the information sharing and thus their cooperation (Stabile et al., 2018, p. 11). Moreover, the informal network can lead to the lack of robust, comprehensive, and comparable public information which hinder element to measure the effects of the operations.

Lastly, due to the participation problem, the exchange of classified information and cooperation at the formal level is also limited. This problem makes it impossible to build an effective partnership and cooperation within a formal network, touching upon the inability to share important information which can be an asset in countering migrant smuggling and illegal border crossings in the Mediterranean (Belova, 2018, p. 36).

In sum, since 2016, OSG has supported Operation Sophia with the maritime situational awareness. These new forms of operational cooperation based on the informal civil-military information-sharing arrangement (Koenig, 2018, pp. 10-11). Thus, there is no formal framework for NATO-EU cooperation, and the two chains of command have differently been formed, and thereby information sharing is very narrow. (Koenig, 2018, pp. 10-11; Umlaufavo, 2016, pp. 9-10). As NATO and the EU have different mandates, membership, and structures, there are clear institutional obstacles (Himmrich and Raynova, 2017, pp. 6-7). There is an overlap in the intelligence needed. However, it seems that certain member states' positions on EU-NATO cooperation limit the scope of mutual support between the EU and NATO in the Mediterranean (Blockmans, 2016, p. 7). At the 2018 Brussel Summit, it was stated that the only way the member states can tackle security threats is through mutual cooperation and intelligence-sharing, rather than each of them acting independently and creating needless bureaucratic obstacles (Pkhaladze, 2018). The two organizations have needed to strengthen their maritime and air assets in and around the region with a stronger focus on stronger ISR (Blockmans et al, 2018). Even if they have attempted to achieve maximum maritime domain awareness, there are thus still some problems in this area. In the light of above-mentioned limitations, the EU and NATO have to enhance the coordination of their crisis management through ISR activities to achieve maximum maritime domain awareness which is one of the necessary conditions for effective maritime operation.

4.2.4. The Deployment from the High Seas to Territorial Waters and the Need for Jurisdictional Arrangements

Operation Sophia is very divergent from what it was implied to be initially. The crisis in Libya has not allowed the full implementation of Operation Sophia's indicated mandate. Operation Sophia's mandate originally has four different phases. Phase 1 indicates the support of the detection and managing of migration networks through information collecting and patrolling on the high seas (Tardy, 2017, p. 1). Phase 1 was completed in September 2015 (Umlaufova, 2016, p. 13). Phase 1 did not require a UNSCR, because surveillance is performed in international waters and airspace (Blockmans, 2016, p. 5).

On 9 October 2015, Operation Sophia moved into the Phase 2A, which concentrates on the boarding, search, seizure of vessels suspected of being used for human smuggling on the high seas (Drent, 2018, p. 2). The legal basis applicable to phase 2A (High Seas) depends on the international law applicable to the Operation (UN Convention on the Law of the Sea, Palermo protocol against the smuggling of migrants by land and sea) and on individual member states' request of the EU mandate through domestic legislation to board, seize and divert vessels and to detain suspected smugglers and traffickers (Gestri, 2016, p. 36). For Phase 2 and Phase 3, there is a slight sign of what EU navy should do during Phase 2 and Phase 3; which means and the budget should be used to implement these responsibilities; and what requirements would have to be met for the Council to determine on move beyond Phase 1, moving into Libyan territory. These concerns led to extended debates with Russia and China on the meeting of a UNSCR. Especially Russia emphasized a robust mandate of Operation Sophia and indicated its concern with giving an example that is related to the exploitation by Western states of a resolution to Libya's military intervention in 2011. The debates in the UNSC were framed around some words such as "disposal" of vessels and related assets, "before use", and the legal definitions of "traffickers" and "smugglers", fall outside the scope of standard international law. Finally, Operation Sophia gained an international legal mandate by way of UNSCR 2240 on 9 October 2015 (Blockmans, 2016, p. 5). The adoption of UNSCR 2240 (2015) by the UNSC on 9 October 2015, strengthens the legal framework applicable to Operation Sophia's actions in international waters. This resolution thus creates the legal basis for all member states of the EU to take on these actions against suspected smugglers and traffickers who are coming from Libya (Gestri, 2016, p. 36).

Phase 2B includes deployment from the high sea (Phase 2A) to the territorial waters of Libya (Drent, 2018, p. 2). In this direction, Phase 2B of Operation Sophia permits Operation Sophia to enter Libya's territorial waters to board, seize, divert, and potentially destroy vessels suspected of smuggling in that maritime domain. It is important to note that Phase 2B only begins with a UNSCR and official request by the consent of the state (the consent of the Libyan Government) (Strauch, 2017, p. 2425). Also again based on UNSCR and consent of the state, Phase 3 consists of all necessary magnitude against a vessel, including their disposal or rendering them inoperable in the territory of the states. And lastly, Phase 4 includes forces' withdrawal (Umlaufova, 2016, p. 13). To be able to move to Phase 2B and Phase 3, the EU has tried to negotiations with its counterparts which are the member states of the UNSC and the Libyan Government. However, at the UNSC, the EU has faced the opposition of China and Russia. In addition, the EU's bilateral negotiations with the Libyan Government have not been successful (Canamares, 2016, p. 188).

Since October 2015, Operation Sophia is at Phase 2A, which means that it is authorized to board and seize suspected vessels in the high seas. For Phase 2B, there is no UNSCR and/or invitation by the Libyan Government is submitted, so Operation Sophia cannot move into Phase 2B regarding deployment in the Libyan territorial waters (House of Lords, 2016). The Libyan government does not approve its consent for Operation Sophia units to operate in Libyan territorial waters – let alone on Libyan shore (Marcuzzi, 2018, p. 1). The EU still waits for the Libyan Government's consent (Strauch, 2017, p. 2425). This is why Sophia thus far has not moved beyond phase 2A (Riddervold, 2018, p. 161). For effective and legal maritime operations in Libya's territorial and internal waters, the EU has to receive a mandate from the UNSC or the permission of the Libyan Government (Tardy, 2015, p. 2). The EEAS emphasizes that "the Council shall evaluate whether the conditions for a move beyond the first phase have been met, taking into account any suitable UNSCR and consent by the Coastal States concerned". This explicitly sums that the Council will be in want of UNSC resolution or coastal state's consent to implement parts of Sophia in internal waters and/or territories (Oude, 2016, p. 33). The UNSC has an only common decision on a resolution that allows the EU and other forces including NATO to carry onboarding and search on the high seas, but not in Libya's internal waters (Riddervold, 2018, p. 161). Under this circumstance, Phase 2B and Phase 3 have not been

reached due to a lack of EU's ability to gain a legal mandate to operate in Libyan territorial waters and on Libyan territory. Furthermore, the EU naval operations within Libyan territorial waters (12 nautical miles) are clearly disallowed (Flynn, 2016, p. 19).

Operation Sophia is extensively criticized from its starting period. Most criticism is related to the inability or even impossibility of achieving Operation's initial aims including phases of 2B and 3 because Sophia needs a unified and effective government in Libya to operate in the territorial waters of Libya and on its territory. And thus because of the complex political structure in Libya, these preconditions are not seen as a realistic aim in the short term (Drent, 2018, p. 2). Libya is a politically unstable state which causes complications in cooperation, while it is necessary to operate its territorial waters to achieve the required results. Because of the inability of the EU on Libya's territorial waters having the approval of the Libyan Government, a maritime operation also cannot be seen as a practical choice in response to this crisis. At this point, for the practical maritime operation in the Mediterranean, firstly migration issue should be a priority for Libya in the near future and secondly, the EU has to cooperate with Libyan authorities (Belova, 2018, p. 28).

In order to move to phase 2B and phase 3, Operation Sophia needs firstly a request from the Libyan Government and secondly a UNSCR to have the compulsory legal mandate to operate (Frenzen, 2016). The UN mentioned a resolution for the support of the Phase 2A indicates the search and diversion of suspicious vessels in the high seas. Though this is not compulsory for the EU in order to act, this increases the international and political support, enhancing the legitimacy of the Sophia. However, the next phases of the operation include aspects that have not been supported by the international community. In this case, the lack of international support importantly affects the execution of the Sophia since this is legally obligatory in the form of a UNSC mandate (Oude, 2016, pp. 35-36). Whilst the transition to the Phase 2B with only a UNSCR without a request from the Libyan authorities is theoretically thinkable, it is unlikely that the UNSCR will be adopted as Russia and China have previously indicated that a Libyan request will be required by them so as not to block the UNSCR (Frenzen, 2016). Thence, Sophia has faced handicap because of the lack of an international legal mandate. The operation is now in Phase 2A, and prospects to move to the next phases view blurry because this also requires a UNSR. At this point, the positions of Russia and China in the UNSCR have

drawn the attention. Russian opposition to the former and the continuing crisis in Libya make it highly unlikely that UNSCR will occur in the near future (Bakker and Zandee, 2018, p. 5). And also, there is sceptical of the opportunities of the EU gaining a UNSCR due to the EU's critical relationship to Russia after its annexation of Crimea. The EU and Russia partnership was questioned by the European Parliament in 2015 following the annexation of Crimea and the war in Donbass (Johansen, 2017). From the point of China, Chinese business interests, and its wider existence in Mediterranean ports and strategic policy steps related to the Mediterranean Sea have crystallized Chinese ambitions. Also, Chinese connections to Mediterranean ports are an important linkage for its Belt and Road Initiative (Lockman, 2018). In this direction, China may want to preserve its national interest when it comes to issues about the Mediterranean. Drake (2018) also expresses that Russia and the Chinese have a negative stance in the UNSC and sceptical approach because they fear that military invention which is managed by western leadership may cause another exploitation in the Mediterranean (Drake, 2018).

From a legal point of view, when moving under Chapter VII, the UNSC can have authorized enforcement action in Libyan territorial waters or territory, even without the consent of the territorial state. Yet, this represents a remarkable movement in the practice of the UNSC (Gestri, 2016, p. 36). Operation Sophia has a more robust mandate under UN Chapter VII and thus it means that its mandate which is related to the measures in the territorial waters of a third state, can be operated even in the absence of the consent of the mentioned state, with the help of the existence of a UN mandate. This is likened to peace enforcement operation, and thus it can be interpreted as "a qualitative shift in the EU's security and defence stance" (Tardy, 2015, p. 2). Indeed, a UNSCR adopted under Chapter VII of the UN Charter is sufficient to allow the EU to operate Libyan territorial waters. However, not only is such a resolution highly unlikely provided the Russian and Chinese stances within the UNSC, but it also causes limited legitimacy for the Sophia. (Tardy, 2017, p. 2). Hence, in Sophia's case, that possibility seems immediately unrealistic because of the position of the permanent members of the UNSC "Russia" and "China" and of African States (Gestri, 2016, p. 36).

As a matter of fact, the "peace enforcement" dimension of Operation Sophia can also clarify the difficulty in securing a UNSCR authorizing the Operation, and especially Russia's opposition to Sophia's plan. In the past, existing debates in the UNSC never

blocked the EU from obtaining a resolution endorsing the EU's various military operations. The permission of EU crisis management operations has traditionally been accepted with the wide consensus among the key international powers, in the UNSC and beyond. This causes a question related to whether the EU operations shift to more coercive actions. At the UNSC, EU member states have faced the opposite view of Russia. Russia still hides its position in the Libyan conflict, but also has the unwillingness to reiterate the "blank cheque" experience resulting from the March 2011 UNSCR, which implement "all necessary measures" to protect people under threat of attack by the Libyan armed forces but which was, from the point of Russia, misused by Western countries purpose on overthrowing Qaddafi. Debates in Europe have partly concentrated on the most strategically opportune moment to approach the Russians and on the price that securing their support could entail. In such circumstances, the consent of the Libyan government can disappear the Russian opposition position and thus enable for the implementation of a well-drafted UNSCR (Tardy, 2015, pp. 3-4). In short, this coercive element of Sophia is the main reason why so far, the EU has not gained such a mandate from the UNSC or the consent from the Libyan Government to move into phase 2B of the Operation (Riddervold, 2018, p. 161).

While Sophia's mandate was initially very ambitious, political and legal limitations have limited its full implementation by making the move to the most intrusive phases (the last two) impossible. Firstly, the unpredictability of the situation in Libya and the vulnerability of a unitary Libyan Government have hampered the gaining of formal consent to an EU's existence in Libyan territorial waters, as well as the passing of a UNSCR. In point of fact, Sophia's aims related to the disposal of boats and neutralization of smugglers and traffickers can only be partially successful without access to Libya's territorial waters (Tardy, 2017, p. 2). Without reach to Libya's internal waters, Sophia's activities to deterring of the smugglers' business network are restricted to aiming only those boats and smugglers that shift outside the Libyan territorial waters (Bakker and Zandee, 2017, p. 5). The EU's failure to able to operate in Libyan territorial waters also has caused unintended consequences (Drent, 2018, p. 2). Smugglers have reacted to the interdiction of their activity on the high seas by changing their tactics and modus operandi accordingly. They have adopted a new strategy and have sent migrants to sea in unseaworthy ships, which have caused extreme death at sea. For instance, they have

largely given up the use of big fishing vessels, which can able to transport 800 people, and they have used smaller boats. Some 12 miles off the coast, at the limit of Libyan territorial waters, smugglers give up the engines of their rafts and dinghies. Hence, migrants have left with cheap and small boats drifting on the high seas (Marcuzzi, 2018, pp. 1-2).

In this direction, we can say that Operation Sophia, rather than combating smuggling and saving lives, is doing the opposite. Because of the risk of arrest and seizing of assets, the smugglers are resorting to small and cheaper boats that the migrants themselves must steer outside of Libyan territorial waters where they can be saved by NGOs, commercial ships, or the units which participate in Operation Sophia. This essentially makes it impossible for Operation Sophia to apprehend smugglers because they do not leave the shore of Libya. It does not decrease the migrants' preference to depart from Libya, and actually only put at risk them more, because the boats which are now used by them are even more unseaworthy, and they are only designed to leave the territorial waters of Libya, which extend 22 kilometers off Libyan coastline (Pelz, 2016). Thus, Operation's desired success is not approved. Attacking smugglers and demolishing their vessels causes to counter-attacks by the smugglers that save these resources and benefit from or organize trafficking in one way or another (Blockmans, 2016, p.5).

In sum, the most important phase of Operation Sophia is a struggle against traffickers and smugglers in Libyan territorial waters and onshore (Toaldo, 2016). Although Sophia's mandates and goals are clearly formulated, several problems hold back the Operation. While Operation Sophia aims to domestic territorial waters of Libya, its action is only possible in international water. The lack of an effective and powerful Libyan government and lack of UNSC permit for the phases in territorial waters hamper the efficiency of Operation Sophia (Oude, 2016, p. 7). Thus, the inefficiency of Operation Sophia has an impact on its cooperation with NATO. In other words, the inefficiency of Operation Sophia limits what OSG can achieve in the Mediterranean.

The EU is waiting for permission from the Libyan Government but the Libyans have no tendency for inviting foreign troops into their territory and territorial waters (Toaldo, 2016). Although the Vice-Admiral Credendino, who is the Operational Commander of Sophia, stated that "The EU is ready to go to phase 2B in Libyan Internal Waters", there

are several political and legal limitations that must be solved. In addition, Credendino highlighted that conduction of operation under some situations which are set by the Libyan government's consent without any new applicable UNSCR can cause a weak legal basis to the Sophia". It is important to point which recalls the international community (Zichi, 2018, p. 145). In this case, we can obviously see that although the UNSC is the main global structure for maintaining international peace and security, it has still important problems that remain centered on a lack of consensus among the five permanent members over the implementation of resolutions (Drake, 2018). As it is understood, the political and legal limitations of Operation were and still "are" today (Zichi, 2018, p. 145). In addition, even with the consent of the Libyan Government and the backing of the UNSC, however, the Sophia is still operationally challenging. They are only a very few EU member states which are likely to have the capabilities and experience for such missions. Stated in other words, if Operation's remit is expanded Libyan territorial waters and onshore, it can face new challenges and limitations (Tardy, 2015, p. 4).

Both the EU and NATO say that if requested by the Libyan Government, they can operate closer to Libyan territorial water and shores to help deter smugglers and traffickers (Emmott and Wroughton, 2016). However, it seems that even with NATO support, it is not clear how much Operation Sophia can do without a reasonable degree of cooperation and co-ownership from the Libyan Government (Toaldo, 2016). In the same way, even with NATO support to the Operation Sophia, the effectiveness of maritime security operation can be looked with suspicious due to the above-mentioned political and legal limitations.

4.2.5. Cooperation and Partnership with Commercial Shipping Agencies

The migration crisis in the Mediterranean has operational complexity and includes the involvement of multiple stakeholders. While NATO's OSG and EU's Operation Sophia work together with which they are reaching an agreement of collaboration, there are also civilian commercial vessels, with which they cooperate in some way, thus all the stakeholders working at sea are coordinated for the success of the maritime operation (Svampa, 2017, p. 5). Migrants at sea are rescued by NGO's, commercial ships while at the same time they are rescued by the units participating in Operation Sophia (Pelz, 2016). Commercial ships, cargo ships, special NGO's boats, and especially the ships which have

high personal carrying capacity can be seen as effective platforms for the SAR operations (Drake, 2018, p. 14). Indeed, under the International Maritime Organization's 1914 Safety of Life at Sea Convention which was formed two years after the Titanic sank in the North Atlantic, commercial shipping crews have a legal responsibility to rescue people at sea. This responsibility has been strengthened by decades of international law and treaties. As the Central Mediterranean is often crossed by commercial ships, they have a legal responsibility and have legally obliged to help people in distress at sea (Diltz, 2017). I would also like the point that in the Mediterranean, the number of commercial ships, which have taken place in rescuing migrants, remains well above historical norms with an asymmetrical share of the overall burden (International Chamber of Shipping, 2016).

The report published by the House of Lords (2016) points out that there is concern about the resourcing model of Operation Sophia. This concern is about the "wasted resource" problem of Operation Sophia. The report underlines that the assets are very complicated for Operation Sophia's mandate. For example, aircrafts that are visualized to pursue nuclear submarines in the North Atlantic are used to pursue small rubber dinghies in the Mediterranean. This problem is called "wasted resource." In this direction, using "much cheaper commercial ships" for the SAR part of the operation is suggested (House of Lords, 2016). In this direction, to set an example, Norway, which participates in Operation Triton, leases commercial ships, which have better equipment for SAR activities instead of military ships which have more costs (Eliassen, 2017).

In the maritime operations, by using their commercial ships, commercial shipping agencies aim the minimization of their financial loss (commercial character) and maximum saving of lives with their SAR operations (obligation by international maritime law) (Kosmas, Acciaro and Besiou, 2018). The importance of embed security into commercial practices and cooperation with commercial shipping agencies for effective MSO cannot be ignored. At this point, NATO reinforces ties with commercial shipping agencies in the Mediterranean Sea exercise. One of these exercises was a part of OSG and took place in 2017 (Naval Today, 2017). Also, the EU has closer cooperation and partnership with these agencies.

Commercial ships have conducted effectively SAR operations in the Mediterranean (Bosilca, 2017, p. 21). For many centuries, a sort of "humanitarian regime at sea" has

appeared, indicating the task of commercial ships to render assistance; with the escalation of the Mediterranean migration crisis, the number of commercial ships involved in SAR operations has increased extremely. They have rescued thousands of migrants (Panebianco, 2016, p. 12). Frontex Operation Triton and EU's CSDP Operation Sophia along with the commercial shipping agencies involved in SAR operations in the Mediterranean Sea have helped the arrest of the important number of suspected facilitators. This success is not totally based on the naval operations directed by the EU and NATO assets, on the contrary, there is an important effort in coordination and cooperation by NGOs and commercial shipping agencies (Drake, 2018, p. 10).

Commercial shipping agencies via their ships and NGOs have effectively participated in rescue operations (Panebianco, 2016, p. 23). The European Community Shipowners Association's (ECSA) Secretary General Martin Dorsman said that the shipping industry considerably supports Operation Sophia in the Mediterranean. In this direction, there has been an important decrease in the number of migrant crossings which can be attributed to Operation Sophia, whilst they have taken place in an increased proportion of SAR operations (ECSA, 2018). This increased proportion can arise from the efficiency of stakeholders including private ships or commercial ships. For example, before migrants start their trips, they are supplied with a satellite phone, GPS, and a list of contacts that enable them to contact Maltese or Italian authorities in order to be rescued. If migrants are not rescued by these authorities, they are rescued by private and/or commercial ships (Ventralla, 2016). It is also stated that since NGOs and commercial ships have started operating in the same area, the division of labour has become an important issue. The EU and other state assets provide SAR often from a remoteness (Amnesty International, p. 17).

The willingness of commercial shipping agency on Operation Sophia can be analyzed in the latest published declaration by ECSA in 2019. In this declaration, ECSA remarked its regret related to the decision of Germany to withdraw from Operation Sophia. ECSA's Secretary General Dorsman said that "We are very disappointed with Germany's decision to suspend its participation in Operation Sophia. Operation Sophia's contribution to maritime security in the Central Mediterranean is very substantial". Dorsman expressed that the member states of the EU have to agree on how to tackle the migrants rescued in the Mediterranean and have to solve their disagreements. He also underlined that ship-

owners will certainly comply with the international conventions and honour their legal obligations to help migrants in the Mediterranean. In short, ECSA calls member states of the EU to solve the disagreements and emphasizes its desire for the continuation of Operation Sophia (International Chamber of Shipping, 2019).

Another different point related to cooperation with shipping agencies, some attempts aim to strengthen cooperation with commercial shipping agencies. These attempts are presented at the SHADE MED meetings. SHADE MED participants have established a forum of cooperation and thereby SHADE MED is vital for the EU, NATO, Shipping Industry agencies, and Non-Governmental entities participating in SAR operations at sea. All SHADE MED meetings from 2016 to 2019, the senior officials from the EU and NATO have presented works along with leaders from the shipping agencies, navies, and NGOs as all important stakeholders in the several challenges which threats the Mediterranean region. Moreover, the expected cooperation between Operation Sophia and NATO's OSG with a reference to the many stakeholders including the commercial shipping sector is indicated as an area requiring coordination (SHADE MED, 2016).

When we look at SHADE MED meetings in years between 2016 and 2019, they underline that all participants agreed to the enhancement of the ability to communicate with the commercial maritime sector. At the 2016 SHADE MED meeting, opportunities for the commercial shipping sector to provide to the enhancement of the maritime situational awareness were marked. Meeting expressed that commercial ships have faced very high safety risks when the numbers of rescued migrants are excessive. In this direction, the necessity of more guidance on how to respond in the case of commercial ships are taken place in SAR operations was underlined. Furthermore, the activation of the Shipping Working Group took place intending to create a framework on how commercial ships can back up the counter-smuggling activities; identify possible ways in which commercial ships can be incentivized to support the activities if required; identify potential tools and procedures to allow ship owners to share information about smugglers' activities and migrants. Thus this Working Group offered an opportunity to frame the commercial shipping agencies' perception related to the migration issue and its associated challenges, and it stressed requirements related to maritime security and exchange opinions about information exchange (SHADE MED, 2016, pp. 4-7; pp. 12-13).

At the 2017 SHADE MED meeting, increased information sharing with the commercial shipping agencies with the use of a SMART system to strengthen unclassified information exchange and reliable channels of communication among commercial ships at sea were highlighted. This meeting's suggested topic was how to integrate Shipping Agencies / Unions into the information exchange process. Discussions were framed about effective information sharing, procedures, and capabilities and concerning the SMART system. The shipping community usually has difficulties to use of the SMART system because they have ineffective connectivity to the internet due to not enough bandwidth. This meeting stated that the shipping community mainly has some SMART system gaps, and the meeting suggested that to fill this gap, the information sharing can be shared with all stakeholders using SMART account credentials. Thereby, one important point addressed was the necessity of information sharing between all stakeholders (SHADE MED, 2017). At the 2018 SHADE MED meeting, discussions about the required information, procedures, and capabilities, concerning the SMART system were again re-emphasized. The integration of Shipping Agencies / Unions into the "Protocol on the voluntary exchange between ships organization in the Mediterranean Sea" was indicated (SHADE MED, 2018). And lastly, the 2019 SHADE MED meeting underlined the development of the situational awareness between actors and identification of possibilities for practical cooperation and information coordination between military operations and the shipping industry (SHADE MED, 2019). At this point, information sharing is important and Operation Sophia must rely on information sharing with NGO's, commercial ships as well as information obtained from migrants. Cooperation and coordination through resources and information sharing with commercial shipping agencies are needed to increase SAR operational effectiveness, and cooperation with the commercial shipping sector has also important for the effectiveness of the maritime operation.

There is also criticism about the existence of commercial ships in the Mediterranean. The commercial ships can lead the trouble which is called the "Pull Factor". The migration flow is affected by the increased existence of commercial ships that are ready to save migrants. It can be argued that by operating so close to the Libyan territorial waters, the commercial ships' existence has permitted the smugglers to regain boats to the shore without difficulty for re-use. The same claims go on to say that smugglers have changed their tactics. While initially, smugglers preferred large numbers of powered rubber boats

which can carry an important number of migrants up to the limit of territorial waters, a skiff towing a rubber boat without an engine is preferred. This is seen due to the existence of NGOs, and commercial ships who carry out the SAR responsibility (Jones, 2016, p. 3).

The report "Death by Rescue" argued that the EU's policy related to the state-led SAR operations shifted through extremely dangerous SAR operations via commercial ships, which are ill-fitted to operate SAR activities. This shifting can cause led to massive deaths of migrants (Jones, 2016, p. 4). Thus, another criticism refers to the ill-fitted structure of commercial ships for SAR activities. Commercial shipping agencies have a serious concern because they are often called to support SAR operations in the absence of humanitarian missions at sea (Porsia, 2017, p. 1). For that reason, commercial shipping agencies have the psychological and financial burden of rescuing migrants at sea (Diltz, 2017). Although commercial ships continue to support to rescuing migrants at sea, they are not suitable to the mass rescue of migrants at sea, because of their often tall parts, of their small crews, and limited supplies on board and because they sometimes transport dangerous cargo (Amnesty International, 2017, p. 17). Moreover, commercial ships do not have very well equipped to operate mass rescue missions at sea. Seafarers have not enough education and training, and ships have not suitable equipment with a response to problems related to illnesses, babies, small children, or other issues. While commercial ships are designed to carry cargo, they have turned into SAR operations which aim to save migrants crossing the Mediterranean to get to Europe.

Simon Bennett who is the external relations director at the International Chamber of Shipping said that there is no couple of people who are rescued, there are hundreds of rescued people at a time. Also, he added that their crews sometimes face traumatized issued after all these rescues because they are not trained to search and rescue activity. The situation causes concern for commercial shipping agencies because cargo ships take a responsibility to carry the material and psychological responsibility of rescuing migrants at sea. Also, Peter Hinchliffe who is the secretary-general of the International Chamber of Shipping expressed that ships at the Mediterranean Sea have a legal and moral duty to search and rescue, but there are no plans to reduce the number of deaths (Diltz, 2017). International Chamber of Shipping (2016) expressed that commercial ships have a moral and legal responsibility to rescuing migrants at sea but the truth is that that

the situation in the Mediterranean exceeds the capacity of commercial ships' SAR activities. The activities of the commercial ships are thus considered unsustainable (International Chamber of Shipping, 2016). At this point, their cooperation with the EU and other organizations including NATO is necessary to provide professional SAR activities and maritime operations.

CONCLUSION

The maritime security cooperation between the EU and NATO is currently taking place in the Mediterranean to tackle the migration crisis. In the Central Mediterranean, the EU's Operation Sophia is supported and complemented by NATO's Operation Sea Guardian. At this point, the main question that this research tried to answer is *"To what extent is the EU and NATO maritime cooperation effective with a specific focus on Operation Sophia and Operation Sea Guardian in the Mediterranean?"*

From this point of view, for the measurement of effectiveness and limitations of the EU and NATO maritime security cooperation based on their two maritime security operations in the Mediterranean, the criteria related to the six strategic actions for effective maritime security operations -framed by the MSO concept- are analyzed. The research is based on qualitative research methods. The data is derived from primary and secondary resources. Two organizations' official documents and presidents' speeches of both organizations' member states are used as the primary resources. Books and articles from social sciences databases are used as secondary resources. In this direction, results are followed;

Firstly, while the EU and NATO have high-level declarations and summits, their maritime security cooperation is hampered by the political unwillingness among states. The changing national interests of member states have an impact on the EU and NATO maritime cooperation, especially powerful states, like Germany and France have a significant impact on this process by contributing to the budget and operational assets. There is obviously political unwillingness, so no common decision to found to tackle the humanitarian crisis in the Mediterranean. NATO and the EU have different ways, views, and willingness to take part in this maritime cooperation. Political unwillingness can be seen because of (i) Different perspectives and strategic plans based on local position: There are different threat perceptions from the point of countries located South and East. For example, Southern European countries have rightly more concerns about migration problem while countries taken place in Eastern Europe have a concern about the containment of the Russian aggressive position (ii) Different views on NATO's support to Operation Sophia: While some Allies of NATO thinks that the EU is better for this humanitarian crisis, others underline lack of the EU's capacity to effectively tackle smugglers and traffickers (iii) Disagreement on an appropriate response for this crisis:

While some states prefer military action, others such as Germany tends to softer one (iv) An unjust load on Italy to take in migrants who land there: There is an ongoing debate on where to disembark rescued migrants. And results show that there is a lack of consensus and willingness on distribution on the system for migrants (v) Accusations among states of the EU which are also Allies of NATO: While Italy has accused France of being behind the instability in Libya and accused Germany of using empty pro-European rhetoric, Spain has accused Italy of evading responsibilities. Thus, their maritime security cooperation is directly limited by disputes of these large EU member states which are also Allies of NATO.

Secondly, for effective MSO, there is a need for cooperation with international organizations. In the scope of this, the EU's maritime cooperation with NATO is examined. In this direction, this thesis founds that NATO as an EU's partner choice for the humanitarian crisis is problematic. This problematic partnership arises from (i) The existence of NATO in the Mediterranean as a pull factor: There is an argument that NATO leads to the encouragement of more migrants to prefer a dangerous journey at sea (ii) The militarization of migrations: NATO as a military organization has not appropriate means for the humanitarian crisis. Military operations and their warships are not the right vehicles for this type of task. Human rights and migrants support organizations have taken a stand against Operation Sophia from the start, indicating that a military operation is not the right reaction to the migration problem. The dominant role of NATO which is a military alliance with no humanitarian mandate, in EU border security is an example of the militarization migration (iii) The EU's cooperation with NATO as a problematic from a human rights perspective: By training the Libyan Coast Guard's forces, the EU looks for a bypass of the non-refoulement principle, so the EU wishes to outsource its dirty work to Libyan forces. Perhaps with NATO's support, the EU has continued its dirty steps. Thus, the value NATO OSG's cooperation with Operation Sophia is questionable, as both organizations symbolize a reaction to the migration crisis by policing and military actors. Particularly both military operations are often viewed as being political and only symbolic in nature.

Thirdly, at the operational level, for the prevention of duplication in EU-NATO tasks and creating a larger picture of their maritime operations in the Central Mediterranean, the achievement of maximum maritime domain awareness is necessary. Maximum maritime

domain awareness is based on the collect the maximum information and share information. However, there are limitations to effective information sharing between the EU and NATO. Limitations are the inability of information sharing which are a result from (i) The lack of the EU's ISR assets (ii) The member states' unwillingness to share the information which refers to political considerations or national interests (iii) Informal information-sharing network which can lead the discussion about transparency (iv) Participation problem which can cause limited information sharing. Thus, there is limited information sharing that hamper their maritime cooperation in the Mediterranean.

Fourthly, for effective MSO, there is deployment form the high seas to territorial waters. Operation Sophia is not deployed from high seas to Libyan territorial waters. Operation Sophia's mandate originally has four different phases. Operation Sophia is now at Phase 2A, which means that it is authorized to board and seize suspected vessels in the high seas. Operation's Phase 2B includes deployment from the high sea (Phase 2A) to the Libyan territorial waters and Phase 3 consists of all necessary actions against a vessel, including their disposal or rendering them inoperable in the territory of the states. At this point, Phase 2B and Phase 3 only begins with a UNSCR and official request by the consent of the Libyan Government. To be able to move to Phase 2B and Phase 3, the EU has tried to negotiations with its counterparts which are the member states of the UNSC and the Libyan Government. However, at the UNSC, the EU has faced the opposition of China and Russia. In addition, the EU's bilateral negotiations with the Libyan Government have not been successful. The Libyan government has not approved its consent. For effective and legal maritime operations, the EU has to receive a mandate from the UNSC or the permission of the Libyan Government. The absence of a stable Libyan government and lack of UNSC consent for the phases in territorial waters hamper the efficiency of Operation Sophia. And this situation also shows that even with NATO's support, it is not clear how much Operation Sophia can implement fully its indicated mandate without the deployment of territorial waters. Thus, the inefficiency of Operation Sophia has an impact on its cooperation with NATO. In other words, the inefficiency of Operation Sophia limits what OSG can achieve in the Mediterranean.

And lastly, effective maritime security operations are based on cooperation and partnership with commercial shipping agencies. The EU and NATO strengthen ties with commercial shipping agencies in the Mediterranean. In SHADE MED meetings, both

organizations have expressed the importance of cooperation and coordination with the commercial shipping sector. The expected cooperation between Operation Sophia and OSG is based on coordination among stakeholders including the commercial shipping sector. In the case of Operation Sophia, the commercial shipping agencies have been involved in SAR operations and have helped the arrest of the important number of suspected facilitators in the Mediterranean. However, the existence of these agencies is seen as a pull factor. There is an argument that the migration flow is affected by the increased presence of commercial ships that are ready for SAR activities. In this direction, the second criticism refers to the ill-fitted structure of commercial ships for SAR activities. Although these criticism does not directly affect the NATO and the EU maritime cooperation, they may overshadow their cooperation especially from the point of human rights perspective.

The results have shown that while both organizations have very ambitions both on declarations and at summits, there are currently factors limiting their current maritime security cooperation in the Mediterranean. In addition, the limitations of Operation Sophia have a negative effect on the EU's maritime cooperation with NATO.

However, I would like to remind that even if their maritime security cooperation in the Mediterranean is currently limited, the final result on the effectiveness of their maritime cooperation will be reached at the end of two operations in the Mediterranean. In other words, the time will show the exact result because of the EU and NATO maritime security cooperation based on ongoing their maritime operations in the Mediterranean.

They can achieve effective maritime security operations only through cooperation but as long as this currently limitations exist between two organizations, the result seems unchanged. They need more unity and need only one voice as Europeans, but unfortunately, Europeans face the EU divisions on foreign policy. France is currently escalating the conflict in Libya with supporting Haftar. Italy and the EU's other main players in the conflict have backed the Government of National Accord which is the opposite of Haftar (Rettman, 2019). There are obvious and significant disagreements and divisions within the EU and NATO. Especially Italy and France have diverging interests in Libya. In addition, Germany, Turkey, and the USA as NATO member states have different views on Libya. In this direction, there is a question for the future "How will

these significant disagreements on Libya affect the EU and NATO maritime security cooperation in the Mediterranean?"

As well as the humanitarian consequences, renewed conflict in Libya can cause a new wave of migration across the Mediterranean to Europe. This constitutes big problems because Operation Sophia as a naval operation ended its naval assets. The operation will be continued with planes only and be cooperated with the Libyan Navy Coast Guard (Council, 2019). At this point, the following question is "To what extent will be the efficiency of the Operation Sophia as naval operation without naval assets?" and also "How will the suspension of the Operation Sophia's naval assets affect the EU and NATO maritime security cooperation in the Mediterranean?"

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CURRICULUM VITAE

Personnel Information

Name and Surname: SELEN BALDIRAN

Place of Birth and Date: Kadıköy / ISTANBUL – 01.07.1993

Education

Master of Arts: Kadir Has University (2017 - 2020) – International Relations

GPA: 3.56/4

Bachelor: Okan University (2011 - 2016) – International Relations

GPA: 3.88/4 (High Honor Student)

Foreign Languages Known

English

German (beginner)

Scholarship

Okan University: Achievement Scholarship (%100)

Kadir Has University: Achievement Scholarship (%100)

Work Experience

Kadir Has University: International Relations Department / Research Assistant (September 2017- May 2019)

Kibar Company: Human Resources Department / Intern (June 2015-July 2015)

Okan University: Student Administration Department / Part Time Working Student (June 2013- June 2015)

Certificate

* Interview Techniques - Tips for Curriculum Vitae Preparation Certificate (March 2017)

* MUSEM Language Exam Preparation Course (October 2016 – March 2016)

* Business Etiquette's Certificate (December 2016)

* Communication in Business World Certificate (November 2016)

* Entrepreneurial Skills by European Union Network Project's Certificate (October 2016)

* Okan University High Honour Student Certificates (September 2012 - May 2016)

* Narrator Certificate of Karakutu Association Memory Travel Programme (February 2016 – May 2016)

* Certificate of Government and Leadership School (November 2016 – December 2014)

* Certificate of Lausanne Treaty and the Turkish Republic in 90th year (September 2013 - December 2013)

Contact

Phone: 0537 504 80 37

E-mail: selen.baldiran@gmail.com

Address: Tuzla / ISTANBUL