

MARITIME SECURITY FORUM

**ROMANIA'S MARITIME RESILIENCE
IN THE AGE OF HYBRID THREATS
AND THE IMPORTANCE OF A
MARITIME SECURITY STRATEGY**

STUDY

JULY 2023

***Romania's maritime resilience in the age of hybrid threats
and the importance of a Maritime Security Strategy***

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About the Maritime Security Forum

The Maritime Security Forum (MSF) is a platform for the creation and dissemination of knowledge and information in the field of maritime security, carrying out scientific work and organising information and public debate events. The WSF is also a medium for dissemination and public communication in the fields of maritime policy, shipping, safety, maritime security and defence.

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INTRODUCTION

There have been enough times in history when the future of our country, both in terms of opportunities and challenges, seemed to be increasingly linked to the Black Sea maritime space. However, nowadays, more than ever, we are becoming more and more aware of the importance of this maritime space for the future of our country and of each one of us. Unfortunately, however, the Black Sea is no longer just the supplier of immense resources which, if exploited rationally, could provide the basis for human existence, nor is it the area of understanding and cooperation between the nations bordering it that it was decades ago. The Black Sea has become a geopolitical area subject to extremely high political and military pressures, which are having a huge impact on stability and peace not only at regional level, but on the entire European continent. Sustainable development efforts of states in the region are almost impossible to achieve without security both onshore, near-shore and offshore. At sea the situation is all the more complicated as almost all littoral states, with the exception of Turkey and Russia, have historically neglected the maritime dimension of national security and have not bothered to develop a dedicated strategy in this area. Nor has the West shown much concern for the maritime security of the Black Sea region even though this area has been and continues to be the Euro-Atlantic community's great eastern border with the Middle East.

However, the unprecedented series of events unleashed over the past decade and a half by Russia against the former Soviet republics in the region, culminating in the 2022 war against Ukraine, has highlighted the large security gaps, especially maritime security, that the Black Sea littoral states have and has shifted the focus of attention on the region from the periphery to the centre of the Euro-Atlantic community. So, after largely ignoring the region for the past decades, the West is now beginning to wake up and realise both the growing importance of the Black Sea region and the need for a modern and updated strategy. The characteristics of the current situation are prompting both the United States and Europe to focus their attention on this region and to develop a new and as coherent a strategic framework as possible. Geopolitically, the Black Sea region is the Euro-Atlantic community's great eastern border with the wider Middle East, and the countries of this area are a natural partner in any Western Middle East strategy.

On the other hand, the Black Sea states have become increasingly aware that the West's increased attention to the region needs to be harnessed within a new strategic framework defined by a rethinking of national security strategies to respond as adequately as possible to Russia's strategic challenges in the region. In this context, the strengthening of maritime and geo-economic capabilities must be the main pillars of the national security strategies of both the NATO member states located in the Black Sea region, Bulgaria, Romania and Turkey, and the other states in the area that have engaged in closer ties with the Euro-Atlantic world, namely Ukraine, Moldova and Georgia.

Ensuring the maritime security of these states is crucial to maintaining regional strategic balance and balancing Russia's expansionist tendencies. NATO, the European Union, the United States and other Western partners must assist the Black Sea states both in projecting maritime power from land and in creating and maintaining robust "no-go" zones that allow them to defend their coastlines and sea lanes. All these must become basic elements of the maritime security strategies that all states in the region, including Romania, should adopt.

Unfortunately, throughout history, Black Sea states have almost constantly neglected the maritime dimension of their national security and have not bothered to develop a distinct strategy dedicated to this area. However, the time has come for this to change, at least from the perspective of ensuring our country's national security. More than ever, Romania needs a maritime security strategy that will enhance its strategic position as a country bordering the Black Sea and allow it to make the most of its full socio-economic and military potential to promote national interests in the maritime environment. The promotion of these interests must be one of the major objectives of Romania's foreign policy as a landlocked state, as this area has played and continues to play a key role in the economic development of our country. Romania is and must remain a country with a maritime vocation, and its connection to the global ocean through the Black Sea and the Danube - Main - Rhine - North Sea "European Magistral" gives it huge opportunities to exploit and promote national interests.

All these assessments have been the reason why, lately, there has been an intensification of the interest of some institutions and prestigious Romanian political, scientific and military personalities to bring back to the right place the issue of national interests related to the Black Sea and maritime and river economic activities, which after

1989 seemed to have been left in a shadow. In the same trend of coagulating scientific efforts to bring the maritime domain back into the spotlight, the Maritime Security Forum, a scientific forum operating under the auspices of the Romanian Admirals' Club Association, which has constantly supported this approach since its foundation and has been actively trying to contribute to redefining our country's place and role in the regional and international maritime landscape.

All the work carried out by the Forum in 2022 had as its main goal the identification of a maritime security concept to be assumed by our country and on the basis of which to develop a maritime strategy, with a strong maritime security component, as the foundation for promoting and protecting Romania's interests in this field. All the meetings, discussions and debates with expert groups, members of the forum or special guests, aimed at achieving these objectives. The annual scientific conference organised by the Maritime Security Forum also promoted a series of papers whose themes were geared towards the same goal of identifying a comprehensive concept of maritime security adapted to the historical realities we are currently experiencing in the Black Sea region.

The conclusions and lessons learned from these activities were the subject of the present study, developed under the aegis of the Maritime Security Forum, whose aim is to identify and propose an adapted concept of Romania's maritime security that responds specifically to the protection of a set of national interests promoted by our country in the maritime field. In this scientific approach, the expert groups considered that Romania's maritime security must be integrated into the regional geopolitical and geostrategic context and must respond to the dynamics of Black Sea security. At the same time, it is necessary to develop a national maritime security strategy that is complementary to the maritime strategies of other countries in the region and, above all, aligned with NATO and EU strategies for the region. All of this should be based on the scientific basis of maritime security studies, the importance of which is well documented in this study.

Given the fact that there are very few similar initiatives at national level, and that the competent authorities have not adopted any relevant document reflecting on maritime security or directing the relaunch of economic and social activities related to the maritime and river domains, the study Romania's Maritime Resilience in the Era of Hybrid Threats and the Importance of a Maritime Security Strategy, developed by the experts of the Maritime Security Forum, is an important step supporting scientific efforts dedicated to the sea and its security. At the same time, this study responds to the growing need for analysis, research and promotion of maritime security as a complex and dynamic concept that defines "the coordinated set of organisational and practical measures that a state or non-state actor adopts at the domestic, national or international level to enable it to assert, promote and, if necessary, defend its maritime interests in relations with other state and non-state actors involved and/or active in the maritime domain, and to protect them against any risks and threats". In addition, the scientific approach of the Maritime Security Forum constitutes a scientific basis for the adoption by the competent national authorities of decisions on the development and adoption of a maritime strategy for our country and sectoral plans for its implementation.

For the Forum's experts, this approach provides the scientific basis for future research, which will focus on developing a maritime strategy model that also includes a security component approached from a multi-sectoral perspective, calling on the efforts of all stakeholders interested in exploiting the potential of the maritime domain, as well as its resilience and security. A strategy recognises the status quo, provides a vision of what the future should look like and is supported by an action plan that sets out the path from the status quo to the desirable one. In other words, developing a maritime strategy involves first understanding the existing state, which the Forum experts have done through this study, and then in future research efforts will be directed towards developing a national vision for the maritime domain and an action plan to achieve that vision.

Romania needs to turn its attention to the maritime domain without delay and to engage strategically in this area, and for this it unquestionably needs a maritime strategy. Strategic engagement in the maritime domain facilitates the promotion of national interests in this field, taking into account the existing challenges, and paves the way for the successful exploitation of all the opportunities offered by our country's exit to the sea.

Despite the increasing risks, dangers and security threats, the Black Sea region remains an area of opportunities, for the exploitation of which a process of transforming it into an area of peace, security and prosperity must be started urgently, a process from which Romania must not be absent.

MARITIME SECURITY FORUM

The study carried out by the Maritime Security Forum aimed primarily at finding the answer to the following question: **Does Romania need a Maritime Policy and a Maritime Security Strategy?**

You will find the answer in its chapters and arguments, and you, the reader, have the choice.

CHAPTER 1¹**THE BLACK SEA REGION IN THE GEOPOLITICAL AND GEOSTRATEGIC EQUATION**

<https://www.stiefel.ro/harta-marea-neagra-100x70-cm>

The Black Sea region has become a central area in the strategic competition between Russia and the West, being of strategic importance due to its geographical position and natural resources. Moreover, this area is an important transit hub between Europe and Asia, being a crossroads of several regions: South-Eastern Europe, the Southern Caucasus, the Eastern Mediterranean, the Middle East and the Western Balkans.

The Black Sea has been an important commercial and strategic hub for centuries, with several ancient civilisations, including the Greeks, Romans and Byzantines, establishing colonies along its shores. The Black Sea area was an important trade route in the Middle Ages, connecting Western Europe with the Middle East and Asia. States such as Genoa, Venice and the Byzantine Empire had a strong interest in controlling and accessing this trade route.

For the Byzantine Empire, the Black Sea was a vital source of food, wealth and power. Constantinople (now Istanbul) was a strategic port and an important commercial centre on the seashore. Maritime powers such as Genoa and Venice fought for control of trade routes and colonies along the Black Sea coast. These states established and controlled numerous colonies and trading bases along the sea coast. In the modern period, Russia has taken an increasing interest in the Black Sea. Conquest and control of coastal regions and access to the Black Sea were important goals for Russian expansion and the establishment of naval bases in the area.

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The Ottoman Empire controlled significant parts of the Black Sea coastline in the modern period. Control over the Bosphorus Strait, which connects the Black Sea to the Sea of Marmara and thus to the Mediterranean, was essential to Ottoman power.

The Black Sea continued to be an important trade route and source of natural resources in the modern period. Freight transport, oil and gas exploitation and fishing have been of interest to riparian states and maritime powers.

It is important to note that the interests and dynamics related to the Black Sea have evolved over time, and control over the area has been disputed by different powers in different historical periods.

In recent years, the Black Sea region has become even more important due to the growing interest of regional and global powers in its energy resources. The Black Sea is believed to contain significant reserves of oil and natural gas, and several countries, including Russia, Ukraine, Romania and Turkey, are actively pursuing access and access to these resources.

This area borders North Atlantic Treaty Organisation (NATO) allies Bulgaria, Romania and Turkey, as well as partner states Georgia and Ukraine and an increasingly aggressive and revisionist Russia. Although some Black Sea littoral states have gained membership of NATO and the European Union, the region has remained divided and affected by tensions between Russia and the West.

The wider region around the Black and Caspian Seas has so far played a role as a corridor for trade, transport and energy routes between Asia and Europe. However, with Russia's war against Ukraine and the blockade of Ukrainian Black Sea ports, this region is taking on greater geopolitical and geo-economic importance. Russia has already shifted the security balance in the Black Sea in its favour, annexing Crimea in 2014 and taking control of the Sea of Azov. Russia's invasion of Ukraine in February 2022 has turned the Black Sea into a hotspot that will preoccupy European politics for years to come.

The Black Sea region is also an important area for environmental protection, as the sea and its surrounding ecosystems provide a vital habitat for many species of wildlife and are an essential source of fresh water for the countries in the region. Conservation of the Black Sea region's natural resources and ecosystems is essential for the well-being of local communities and the region as a whole, as well as for maintaining regional and global security.

Since the collapse of the Soviet Union, the Black Sea region and the wider region of the BSR, which also includes Armenia, Azerbaijan and Moldova, have been deeply fragmented. Tensions and strategic competition between Russia and the Euro-Atlantic West have exacerbated these problems, pushing the region into permanent conflict.

Maximillian Hess points out that the Black Sea region has witnessed ten armed conflicts on or near the coast in recent decades, including the ongoing Russian invasion of Ukraine. These conflicts have directly affected the region's civilian population and economy and have demonstrated the importance of the crisis in the region for global security².

NATO and EU strive towards maritime security

In the context of the war in Ukraine and Russia's annexation of Crimea in 2014, NATO and the United States have stepped up their involvement in the Black Sea region. In 2022, NATO decided to reset its long-term deterrence and defence posture in all areas - land, sea, air, cyber and space - and to increase support for Ukraine. NATO has also deployed four new multinational battle groups to the region, in Bulgaria, Hungary, Romania and Slovakia, to ensure security and stability in the area³.

² Specifically, the Transnistrian conflict in Moldova, the war between Georgia and Abkhazia, the Georgian civil war, the Russian-Georgian war, the two Chechen wars, the Russian-Ukrainian wars of 2014 and 2022, and the first and second wars between Armenia and Azerbaijan over Nagorno-Karabakh. See Maximillian Hess, "Welcome to the Black Sea Era of War," Foreign Policy, April 25, 2022, <https://foreignpolicy.com/2022/04/25/black-sea-war-russia-ukraine-turkey/>. This report uses the term "wider Black Sea region" to refer to the sea itself, the six littoral states (Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine), plus neighbouring Armenia, Azerbaijan and Moldova.

³ "Allies stand strong together in NATO in the face of the greatest security threat in a generation," NATO, March 24, 2022, https://www.nato.int/cps/en/natohq/news_193674.htm.

At its June 2022 summit, NATO adopted a new strategic concept, identifying Russia as the most significant and direct threat to allies and updating its core tasks accordingly. NATO Deputy Secretary General Mircea Geoană pointed out that there is widespread competition between revisionist and aggressive Russia and the democratic world, especially in the Black Sea area⁴.

America, along with EU allies and partners, is helping to turn Russia's war against Ukraine into a strategic failure. NATO and the European Union are united in opposing Russia and defending common values. Constraining Russia's strategic economic sectors, including defence and aerospace, will support the effort to counter Russia's attempts to weaken and destabilise sovereign nations and undermine multilateral institutions. Welcoming Finland⁵ and Sweden into NATO will further enhance security, resilience and collective resilience to common threats from Russia, including asymmetric threats. More broadly, Putin's war has profoundly diminished Russia's standing with China and other Asian powers such as India and Japan. The historic global response to Russia's war against Ukraine sends a resounding message that countries cannot enjoy the benefits of global integration by trampling on the basic principles of the UN Charter⁶.

Although the EU is an important market for energy resources in the region and a major player in economic development as well as in civil conflict management, it has not been a major player in terms of regional security. So far, the EU has neither shown the ambition nor created the institutional or material conditions to play a real role in the wider Black Sea and Caspian Sea region.

The EU aims to support the countries of the Black Sea region in their reform and development process, with a view to strengthening the rule of law, democratisation and improving living standards. The EU also pays particular attention to strengthening regional security, notably by promoting an integrated approach combining military, economic and human security⁷.

In addition, the EU has an interest in managing security risks in the region, such as terrorism, drug trafficking and cross-border crime. To this end, the EU works closely with partner countries in the Black Sea region, as well as with the North Atlantic Treaty Organisation (NATO) and other regional organisations to promote stability and security in the area.

The EU also has a strong economic interest⁸ in the Black Sea region because of its development potential and its natural resources such as hydrocarbons and fisheries. Through its neighbourhood policy and partnerships with countries in the region, the EU aims to promote economic development and strengthen trade relations.

Overall, the EU's geopolitical interest in the Black Sea is linked to its commitment to promoting stability, security and prosperity in its immediate neighbourhood, as well as to strengthening democratic values and respect for human rights.

In the context of the evolving security environment, characterised by the persistence of asymmetric and hybrid threats, increased Russian military activity in the region and the impact of the COVID-19 pandemic, EU-NATO cooperation is becoming increasingly important to strengthen the defence and security capacity of the region. Cooperation between the EU and NATO in the Black Sea is essential to address the security challenges in the area, as well as to support partner states in the region in their reform and modernisation efforts. In this respect, the

⁴ Mircea Geoană, (speech delivered at the Black Sea Summit of the Commission for Security and Cooperation in Europe (CSCE), Constanta, Romania, 1 July 2022), https://www.nato.int/cps/en/natohq/news_197707.htm.

⁵ Finland was admitted to NATO on 04.04.2023 as the 31st member state.

⁶ See US National Security Strategy -OCTOBER 2022/

⁷ See "EU Strategy for the Black Sea Region" - a document published by the European Commission in 2020 describing the EU strategy for the Black Sea region and its medium and long-term objectives.

⁸ The article "*EU's Interest in the Black Sea Region and Beyond*" published on the European Council on Foreign Relations website in January 2022 examines the EU's strategic interests in the Black Sea region and its role in wider European security. The article argues that the Black Sea region is a key area for the EU due to its geographical position and strategic importance, both in terms of energy security and the transport of goods, as well as regional and global security. The article looks at security challenges in the region, including Russia's actions in Ukraine and the Crimea region, as well as Turkey's involvement in Libya and the Nagorno-Karabakh conflict. The article also discusses the EU's efforts to strengthen partnerships with Black Sea littoral states and to support democratic and economic reforms in these states. In addition, the article examines the prospects for EU-NATO cooperation in the Black Sea region and concludes that strengthening security and stability in this region is crucial for the security and prosperity of the EU and the entire Euro-Atlantic region: <https://ecfr.eu/publication/eus-interest-in-the-black-sea-region-and-beyond/> .

importance of strengthening the defence and security capabilities of Ukraine, Georgia and the Republic of Moldova, as well as supporting these states in their Euro-Atlantic integration process, is essential.

Another aspect is the strengthening of EU-NATO cooperation in the maritime domain⁹, in particular by developing capacities for surveillance and monitoring of maritime traffic, combating trafficking in human beings and cross-border crime and protecting critical infrastructure on the Black Sea coast¹⁰.

Europe will find it very difficult, if not impossible, to have a credible deterrent and geopolitical vision without a serious, viable and well-resourced "Two Seas Strategy"¹¹. Moreover, a strategy that addresses the south-east of its line of contact with Russia is simply incomplete, leaving a key strategic flank to the vagaries of fate, the machinations of other actors and circumstances. Among other reasons, such a strategy is also necessary because Russia itself sees its strategic line stretching from the Black Sea to the Mediterranean, where it still has a naval base at Tartus in Syria.

The Montreux Convention of 1936, which replaced the Treaty of Lausanne, effectively granted Turkey a favourable coastal status, including control and sovereignty over the Bosphorus and Dardanelles straits. This limited the type of military vessels that could transit the two straits and made it difficult for Europe to assert a presence in the Black Sea region.

France has been the key player in the Mediterranean, but Europe must now develop a plan for the Black Sea and expand its presence in the Mediterranean. Romania and Bulgaria, as NATO and EU members, offer a unique opportunity to establish a strong naval presence in the Black Sea. If the Montreux Convention remains unchanged, this would provide Europe with additional military capabilities and alternative military denial options.

It is important to note that a strong naval presence in the Mediterranean and the Black Sea is not only about security but also about economic opportunities. The region is home to some of the busiest shipping routes in the world and a strong naval presence will ensure the safety of these routes and the stability of the region. In addition, the development of submarine cables and pipelines in the region has created significant economic opportunities, and a robust naval presence will be essential to ensure their security.

The Mediterranean and the Black Sea are not just borders for Europe, but key strategic regions linking Europe to its energy suppliers, trading partners and the high seas. Developing a comprehensive and integrated strategy, including a robust naval presence, is essential to ensure Europe's interests in the region and to guarantee its energy security, prosperity and stability. Time is of the essence, and Europe must act now to meet these challenges and seize the opportunities offered by the Mediterranean and the Black Sea. Time is of the essence and Europe must act quickly to protect its interests in these two critical regions.

NATO's northern flank, which includes the Baltic States and Poland, has traditionally been considered one of the most vulnerable regions within the alliance. NATO has therefore made significant efforts to strengthen security in this area, starting with the implementation of a robust military presence through troop rotations, the establishment of military bases and the expansion of defensive capabilities, including missile defence. NATO has also expanded exercises and training activities in the region and strengthened cooperation with partners in the Baltic Sea area.

On the other hand, NATO's south-eastern flank, which includes Turkey, Greece, Bulgaria and Romania, has been considered less exposed to military threats from Russia and other regional actors, which has proved to be detrimental in the current context.

In recent years, multilateral initiatives and international bodies, such as NATO and the EU, have failed to ensure security and stability in the Black Sea area, due to the lack of coordinated cooperation between Member States and the specificity of the conflicts in the region. In this context, it is important to ask ourselves how we can address these problems in order to ensure security and the balance of power in the area.

A stronger foreign policy towards the Black Sea region, including increased support between the US, NATO and the EU, and stronger economic ties between the US and the Black Sea region is a "yesterday's need"

⁹ European Union Maritime Security Strategy, June 24, 2014.

¹⁰ See the article "EU-NATO Cooperation in the Black Sea: Keeping Pace with the Evolving Security Environment" published on the NATO Review website in February 2022: <https://www.nato.int/docu/review/articles/2021/02/23/eu-nato-cooperation-in-the-black-sea-keeping-pace-with-the-evolving-security-environment/index.html>.

¹¹ Mediterranean and Black Sea.

Such a strategy would provide an opportunity to strengthen the US presence in the region and promote its interests more effectively. It would also allow for the creation of a network of alliances and partnerships to help ensure stability and security in the region. In addition, by developing a specific strategy for the Black Sea, the US would be able to demonstrate its commitment to its regional allies and give them a clear direction for joint action.

Russia a Gordian knot¹² about to be untied

Over the past decade, the Russian government has chosen to pursue an imperialist foreign policy, with the aim of overturning key elements of the international order. This culminated in a full-scale invasion of Ukraine in an attempt to overthrow its government and bring it under its control. But this attack did not come out of the blue: it was preceded by its annexation of Crimea in 2014, its military intervention in Syria, its long-standing efforts to destabilise its neighbours using intelligence and cyber capabilities, and its blatant attempts to undermine internal relations and domestic democratic processes in countries in Europe, Central Asia and around the world.

Domestically, the Russian government under President Putin is violating the rights of its citizens, suppressing the opposition and shutting down the independent press. Russia now has a stagnant political system that does not respond to the needs of its people. Russia now poses an immediate and persistent threat to international peace and stability. This is not a fight between the West and Russia. It is about the fundamental principles of the UN Charter, to which Russia is a party, in particular respect for sovereignty, territorial integrity and the prohibition on acquiring territory by war.

The war in Ukraine and the violent conflicts in other parts of the wider region of the BSR (Baltic Sea, Black Sea and Caspian Sea) are a direct result of Russia's vindictive ambitions to regain influence in the region and protect its strategic interests¹³. During the Cold War, the Soviet Union exercised strong dominance over the countries in this area, but the collapse of the Soviet Union in 1991 brought this period of dominance to an end.

After the collapse of the Soviet Union, Russia lost much of its influence in the region and faced an increase in Western influence in the region. Russia has been concerned about the expansion of Euro-Atlantic institutions such as NATO and the EU into the region and the limitation of its influence on the northeastern Black Sea coast. In this context, Russia has sought to expand its own influence through instruments of national power, including involvement in ethno-territorial conflicts and support for separatism in the region.

Russia's invasions of Ukraine in 2014 and 2022 are a clear example of its ambitions to reduce US and NATO influence in the region and strengthen its sphere of "privileged interests". At the same time, Russia has sought to support separatism and destabilise other countries in the region, including through cyber and propaganda. This aggressive approach by Russia has led to escalating conflicts and tensions in the region, as well as an increased US and NATO military presence in the area.

In this context, it is important for the US and the EU to strengthen their presence in the region through force deployments, arms exports, investment and diplomatic engagement. It is also important to further strengthen NATO's south-eastern flank and to enhance flexible cooperation among allies and partners, including with Ukraine. It is also important to seek a new balance with the region's strongest ally, Turkey, and to support and secure projects to improve regional connectivity that bypass Russia.

The Black Sea is also important for Russia's military operations in Syria and its ambitions in the eastern Mediterranean. Before Turkey closes the Bosphorus and Dardanelles Strait to warships in May 2022, Russia's Black

¹² Gordian knot = Gordian knot, which no one could untie and which Alexander the Great cut with his sword.

<https://dexonline.ro/definitie/gordian> The Gordian knot is the expression used to describe an extremely complicated problem that apparently has no solution. https://ro.wikipedia.org/wiki/Nodul_gordian.

¹³ At the time of the collapse of the Soviet Union, the USSR alone maintained 60,000 troops and 835 ships (including 28 submarines) in the Black Sea Fleet. The Warsaw Pact also operated a total of 10 Black Sea naval bases in the USSR, Bulgaria and Romania. Ferhan Oral and Şafak Oğuz, "The Security of the Black Sea: The Struggle in the Black Sea and Turkey's Policy in the Post-Cold War Era," Karadeniz Araştırmaları 18, no. 69 (2021): 1-16, <https://www.proquest.com/openview/0a75354b4b1ce33fac55062e36d08e4a/1?pq-origsite=gscholar&cbl=237821>.

Sea Fleet provided most of the capacity for its Mediterranean fleet, which Moscow reconstituted in 2013 for the first time since the end of the Cold War.

During the conflict in Syria, Black Sea Fleet ships, together with foreign-flagged civilian vessels, transported troops and supplies from Novorossiysk through the straits to Russian bases in Tartus and Latakia. Russia has also used Black Sea Fleet ships to "show the flag" in the eastern Mediterranean, trying to deter NATO or other outside powers from intervening in Syria¹⁴.

These operations have made the Black Sea a vital strategic area for Russia, with significant implications for regional and global security. Russia is currently seeking permanent bases in Libya and Sudan, which could intensify tensions in the eastern Mediterranean and lead to increased confrontation between Russia and NATO.

In addition, Russia has recently strengthened relations with Egypt and Syria and has enhanced its presence in the region through economic investment and military agreements.

As in other regions, Russia exerts its influence in and around the Black Sea by various means. During the war in Ukraine, Russia took advantage of the situation to put pressure on the South Caucasus and Central Asian states, as well as on Turkey, which is a NATO ally. This pressure is aimed at limiting the economic, political and strategic cooperation of these states with Europe.

Russia is using military exercises, to close critical sea lanes for months, Exclusive Economic Zone (EEZ) claims and harassment of civilian vessels to leave southern Black Sea states vulnerable. These actions may prevent the development of new projects such as the planned deep sea port at Anaklia, Georgia, or the development of oil and gas reserves in the exclusive economic zones of Turkey or Romania¹⁵.

Russia also uses financial, informational and other tools to influence public opinion and political decision-making in the region. Weak governance, democratic regression and state capture in much of the region make the countries vulnerable to such actions by Russia. In this way, Russia can also strengthen its influence in this strategically important region.

Romania-a possible player in the security equation

Romania is an important riparian state, a member of NATO and the European Union, and is striving to become a leader in the region.

Bucharest is pressing the United States to develop a Black Sea strategy in the context of the threat posed by Russia. Romania shares the US assessment of this threat and has identified the Republic of Moldova as being of "paramount strategic interest" and Russia as an "aggressive" threat. In addition, Romania wants to play a leading role on NATO's south-eastern flank and provide humanitarian and military support to Ukraine, although investment in Romanian defence modernisation has been limited over the past decade.

Romania calls for a comprehensive approach to Moldova, covering military, economic, transport, energy, environmental and resilience issues. This could include cooperation in areas such as cyber security and energy defence, as well as improving transport and communication infrastructure between the two countries.

¹⁴ Igor Delanoë, "*Russian Naval Forces in the War in Syria*", in Russia's War in Syria: Assessing Russian Military Capabilities and Lessons Learned (Philadelphia, PA: FPRI, 2020), <https://www.fpri.org/article/2020/09/about-the-book-russia-war-syria/>.

¹⁵ Maximilian Hess and Maia Otarashvili, "Georgia's doomed deep-sea port ambitions," FPRI, Black Sea Strategy Papers, October 2, 2020, <https://www.fpri.org/article/2020/10/georgias-doomed-deep-sea-port-ambitions-geopolitics-of-the-cancelled-anaklia-project/>; and Murat Temizer, "Bakan Dönmez: Karadeniz'deki gas rezervi, konutların 30 yıl ihtiyacını karşılayacak büyüklikte" [Minister Dönmez: Volumes of Black Sea gas reserves will meet 30 years of household demand], Anadolu Ajansi, 8 March 2022, <https://www.aa.com.tr/tr/ekonomi/bakan-donmez-karadenizdeki-gas-reserves-konutlarin-30-yil-ihtiyacini-karsilayacak-buyuklukte/2527411>.



Photo: Profile of Snake Island. Credit: imageBROKER / Alamy Stock Photo

There is growing concern in Romania about Russia's control over the Serpent Island and the potential legal implications for the delimitation of the continental shelf and EEZ between Romania and Ukraine. After a long bilateral dispute, this issue was settled in 2009, but possible Russian control over the island could create new legal uncertainty in this regard.

This uncertainty could affect the exploitation of mineral and hydrocarbon resources in the area, with significant economic consequences for both countries. In addition, the Russian military presence in the Black Sea, including on the Snake Island, may affect the security of Romania and Ukraine, which could lead to new military conflicts.

In this context, Romanian officials are concerned about Russia's strategic ambitions in the Black Sea and the wider region of the BSR in general. If these ambitions are not defeated, Moscow will continue to regroup and rearm, which could lead to new attempts to take control of the Snake Island and other territories in the region. Romania and other NATO allies in the region are therefore stepping up their efforts to strengthen security and stability in the Black Sea in order to counter the Russian threat.

Over the years, Romania has called for a stronger NATO presence in the Black Sea area. However, the political geography of the region is complex and threat perceptions vary among NATO allies in the area. Bucharest is concerned about the presence of pro-Russian forces in the neighbourhood, such as Hungary and Serbia, and the vulnerability of Moldova on its north-eastern border. An additional concern is that Moldova used to be part of Romania and there are significant numbers of people in both countries who want reunification. However, Moldova faces socio-economic challenges caused by war and an influx of refugees, which may affect its security and stability.

Russia has about 1,400 soldiers in the Transnistrian region of Moldova, under the pretext of protecting ammunition depots, which contain about 20,000 tons of expired and still usable weapons. Russian officials have warned that any attack on these forces will be considered grounds for war. Bucharest fears any miscalculation or political or military destabilisation in Moldova, the Transnistrian region or unstable Gagauzia, where Russia is fuelling separatist sentiment.

Romanian officials are concerned about Russia's presence in the Southeast and are frustrated that Western partners are not paying enough attention to the issue. The war in Georgia and Russia's annexation of Crimea have been alarm bells for Bucharest and increased concerns about Russian aggression in the Black Sea region.

In this context, NATO's tailored Forward Presence in Romania was perceived by some officials as smaller and less capable than the Enhanced Forward Presence in the Baltics and Poland. This makes Romania more vulnerable to Russian aggression.

Despite these concerns, it is important to note that NATO has reaffirmed its full commitment to the security of Romania and its allies. NATO's tailored forward presence in Romania was an important step in this direction, but more needs to be done to strengthen Romania's capacity to deal with security threats in the Black Sea region. A united and coordinated approach is crucial to ensure security and stability in the Black Sea region.

In response to the increasing threats from Russia, which has violated Ukraine's sovereignty and territorial integrity by annexing Crimea and supporting pro-Russian rebels in eastern Ukraine, in 2015 Romania and Poland proposed a project called New Bucharest or B9¹⁶. The initiative included Romania, Poland and seven other Central and Eastern European countries, namely Bulgaria, Hungary, Czech Republic, Slovakia, Lithuania, Latvia and Estonia. The aim of this initiative was to strengthen cooperation between these countries and to enhance security in the Black Sea region by ensuring a military presence and a rapid response capability in case of threats.

This initiative was aimed at providing a regional format for NATO to address issues of importance to the alliance's eastern flank, including those related to the Black Sea. However, despite this project, the southern component of the B9, i.e. Romania and Bulgaria, as well as the entire Black Sea area, did not receive the necessary attention from the alliance, compared to the northern component of the B9, which includes Poland and the Baltic states, which are more vocal in promoting their security interests. This imbalance needs to be addressed by NATO.

Romania does not have a well defined Maritime Policy and the approach of a Maritime Security Strategy is necessary in this context.

Bulgaria-Change of attitude

Despite the fact that other NMR states, such as Romania, have expressed concern about Russia's revisionist threat and influence operations, Bulgaria has taken a different approach. Although the annexation of Crimea was a major event in the region and attracted the attention of many states, Bulgaria continued to maintain cordial relations and dependence on Russia. This can be explained by the shared history and culture of the two countries, but also by Russia's political and economic influence in Bulgaria. In this context, Bulgaria has not had the same general awakening to the threat posed by Russia as other states in the region.

Thanks to the war in Ukraine, Bulgaria has become a more active and involved partner in NATO. Bulgaria currently hosts one of the new NATO battlegroups and has taken steps to strengthen cooperation with Romania. Bulgaria also supports NATO's Multinational Division Southeast Command and Forward Presence, and hosting a NATO force integration unit and a centre of excellence are just a few examples of the country's commitment to the North Atlantic Alliance. In addition, Bulgaria is involved in cross-border air policing and training missions at Novo Sela and has established a new Maritime Coordination Centre in Varna. If opposition from allies such as Turkey can be overcome, the centre could take over the coordination function from the Allied Maritime Command (MARCOM) in Northwood, U.K. In the summer of 2022, the blockade of sea lines of communication prompted Bulgaria to step up its efforts to modernise its defences and show a new openness to potential cooperation with Turkey.

Despite NATO's efforts to strengthen security and increase cooperation among its allies in Eastern Europe, there are still major challenges for Bulgaria in terms of political stability and national security. Russia has continued to try to maintain a strong influence in Bulgaria, which is perceived as an area of strategic interest for Moscow because of historical, cultural and economic ties.

However, experts who follow Bulgarian politics closely believe that the war in Ukraine has severely damaged Russia's traditional channels of influence. Even those who still support cooperation with Russia need to reconsider their position; the Kremlin cannot keep them on its side.

¹⁶ https://www-gmfus-org.translate.goog/news/black-sea-security-and-development-need-regional-strategy?_x_tr_sl=en&_x_tr_tl=ro&_x_tr_hl=ro&_x_tr_pto=sc.

Turkey - a major player in regional security

Turkey is an important element in the US and NATO strategy in the Black Sea region and the Middle East, with the second largest army in NATO¹⁷ and control of the Bosphorus and Dardanelles straits. However, in recent years Turkey has positioned itself as an increasingly independent regional power, seeking economic opportunities and political support from Moscow, while committing itself to an independent foreign policy restricted to its own national interests.

With Russia increasing its military presence in the Black Sea and the surrounding region, Turkey faces security risks, such as the possibility of a missile launched from Crimea hitting Ankara within seconds. However, Turkey continues to remain cautious about direct confrontation with Russia, preferring to seek common ground with its NATO allies as it prepares for what is shaping up to be an enduring strategic contest.

Under the Montreux Convention, Turkey has the right to control the passage of warships through the Bosphorus and Dardanelles straits. The convention was signed in 1936 by Turkey and a number of naval powers, including the UK, France, Germany and Italy. It was negotiated following a dispute over control of the straits, which are important strategic crossing points between the Black Sea and the Mediterranean.

Although Turkey is a member of NATO, strict adherence to the Montreux Convention may create tensions with its other allies. For example, Greece and France have different objectives in the Black Sea region, and Turkey's policy may be perceived as a threat to them. In addition, Turkey does not recognise the government of Cyprus and has blocked its accession to NATO, which has created additional tensions with its other allies.

However, Turkey considers strict compliance with the Montreux Convention as crucial for its national security and for maintaining its strategic autonomy. In Turkey's view, the convention provides international recognition of its ownership of straits and allows it to control the passage of warships through them in time of war. Moreover, by maintaining a detente with Russia in the Black Sea region, Turkey can focus its efforts in other strategic areas, such as the Aegean and the eastern Mediterranean, where it has its own objectives.

In conclusion, Turkey's position towards the Montreux Convention and the Black Sea region in general may create tensions with some of its allies, but it is crucial for maintaining its strategic autonomy and national security.

The United States and NATO will have to strike a delicate balance in encouraging Turkey to position itself more towards the future, without favouring President Erdogan's efforts to undermine Western sanctions on Russia. In this way, Turkey will continue to remain an important element in NATO's strategy, but will need to adapt its foreign policy to meet new challenges in the region.

With the outbreak of large-scale war in Ukraine, Turkey's traditional balance between Russia and NATO has become more complex. However, the war has reinforced Ankara's perception of its own importance to NATO¹⁸. Turkey's main priority has been to avoid involvement in the conflict and to use its relations with both Moscow and Kiev to position itself as a mediator. A notable example of Turkey's involvement was brokering and securing the grain export agreement from Ukrainian ports¹⁹. This agreement established a maritime coordination centre in Istanbul and the Turkish navy was tasked with its implementation. Turkey was also instrumental in negotiating a prisoner exchange in September 2022. However, Turkish officials often argue that their Western NATO allies do not sufficiently appreciate their support for Ukraine and Turkey's wider diplomatic role.

Ankara now recognises that the war has made its traditional preference for a condominium approach to security between the Black Sea littoral states impossible. Turkey can no longer continue to rely on such an approach given the current situation in the region. Turkey has also ceased to regard Russia as a reliable partner in the region

¹⁷ Romania, Bulgaria and Turkey are NATO members. Ukraine and Georgia are NATO partners and aspiring members. The Republic of Moldova does not aspire to NATO membership, but cooperates with the alliance through the Partnership for Peace framework, the Euro-Atlantic Partnership Council, Trust Fund activities, an individual Partnership Action Plan and other activities. Armenia and Azerbaijan cooperate through the Partnership for Peace, Trust Fund activities and individual Partnership Action Plans. Both have also provided forces for NATO peacekeeping actions.

¹⁸ Jeffrey Mankoff, "Turkey's balancing act on Ukraine is becoming more precarious," Foreign Policy, March 10, 2022, <https://foreignpolicy.com/2022/03/10/turkey-ukraine-russia-war-nato-erdogan/>.

¹⁹ "Russian and Ukrainian officials sign grain export deal aimed at easing global crisis", Radio Free Europe Radio Liberty, 22 July 2022.

because it has supported separatism in Cyprus and Georgia and annexed Crimea. As a result, Turkey has had to reconsider its position on regional security and redefine its relationship with Russia.

Finally, Turkey remains an important member of NATO and will continue its engagement with its NATO allies. However, Ankara will be more cautious about its relationship with Russia and will pay greater attention to regional security in the Black Sea. Although the current situation has made Turkey's traditional balance between Russia and NATO more complex, Ankara will continue its efforts to promote stability and security in the region.

Ankara has been reluctant to articulate a clear vision of what might replace its traditional approach to Black Sea security. Turkey has maintained its status as a custodian of the straits, and this has led to opposition to a permanent NATO presence in the Black Sea. In addition, Ankara is concerned that other allies could push NATO into an unnecessary confrontational approach with Moscow and is promoting the idea of a negotiated solution to the war in Ukraine. However, Turkish officials believe Ankara can protect its own security interests in the Black Sea by maintaining a cooperative relationship with Moscow. Despite this, some of the other littoral states are circumspect about Turkey's intentions and are reluctant to see Ankara taking greater responsibility for regional security outside the NATO framework.

Ankara has not yet proposed a concrete alternative to its traditional approach to Black Sea security. However, Turkish officials are aware that they need to find a solution that preserves the delicate balance between their cooperative relationship with Moscow and their NATO membership. In addition, Turkey wants to ensure that conflict with Moscow in the region does not escalate and that it is able to protect its security interests in the Black Sea. At the same time, the littoral states are wary of accepting a stronger Turkish stance on regional security, given Turkish opposition to a permanent NATO presence in the Black Sea. Ankara therefore needs to balance these concerns and find an approach that can be accepted by all stakeholders in the region.

Ankara has recognised the importance of NATO as a cornerstone of its security, despite the fact that many members of the Turkish elite feel a growing anti-Western sentiment and are trying to balance between NATO and Russia. However, Russia's militarization of Crimea and its attempts to disrupt communication lines in the Black Sea represent a significant challenge to Turkish interests and could have implications for Turkey's long-term commitment to NATO. In this context, helping Ukraine emerge victorious from the conflict could strengthen pro-Western elements in the Turkish elite and improve relations between Washington and Ankara.

Georgia

As Russia intensifies its campaign for dominance in the Black Sea, Georgia's security is particularly affected, given the unstable political situation and state capture, which has already exacerbated existing vulnerabilities. Even though about one-fifth of Georgia's territory and two-thirds of its coastline is under Russian occupation, Georgia is important in shaping regional security dynamics because it has a pro-European orientation, NATO partner status and a key strategic position on transit routes linking Europe to the Caspian Sea and Central Asia. In this context, Georgia's sovereignty and independence are important for its security.

NATO's 2022 Strategic Concept states that the security of countries aspiring to become members of the Alliance is closely linked to the security of NATO itself. The situation in Georgia is therefore a matter of concern for NATO and its member states²⁰. Russia's occupation of South Ossetia/Tskhinvali and Abkhazia in 2008 has complicated the Georgian government's efforts to regain control over its entire territory and deepened Georgia's political fragmentation. Since 2008, Russian forces have continued to break Georgian territory through the process of moving the de facto border lines further into Georgia proper²¹. This has put at risk the remaining Georgian ports in Batumi and Poti, as well as nearby road, rail and pipeline infrastructure. Russian control over Abkhazia constrains

²⁰ "NATO Strategic Concept 2022", NATO.

²¹ "McCain Institute Unveils Tracker of Russian 'Borderization' in Georgia," McCain Institute, October 16, 2019, <https://www.mccaininstitute.org/resources/in-the-news/mccain-institute-unveils-tracker-of-russian-borderization-in-georgia/>.

Georgia's connectivity across the Black Sea and undermines its ability to develop its economy and ensure its energy security²².

Georgia has implemented a number of reforms, including extensive privatisation, reform of the security services and the fight against official corruption, with the aim of aligning with European values and norms. Through NATO's Partnership for Peace and its own Integrated Partnership Action Plan, Georgia has developed strong institutional relations with NATO²³. Together with Montenegro, Georgia has adopted an annual national programme to pursue its NATO membership aspirations. This effort was recognised by NATO's 2008 Bucharest Declaration, which stated that Georgia (and Ukraine) "will become" members of the alliance.

In recent years, Georgia has had close relations with the United States and NATO, particularly in terms of regional security and European integration. Recently, however, concerns about Georgia's internal politics have intensified, particularly with regard to respect for democratic values and the rule of law.

This concern has been reflected in speeches by politicians and officials from the United States and Europe, who have expressed concerns about abuses of power, corruption and other internal problems in Georgia. In this way, Georgia has been put under pressure to improve the internal situation and to honour its democratic commitments.

This pressure has left Georgia vulnerable and at risk of losing Western support. In addition, the fact that Georgia is not considered a reliable partner because of internal problems may lead to a hedging strategy by the US and NATO, instead of open and sincere support.

The conflict in Ukraine has also made Georgia feel even more vulnerable, and Georgian officials have been at pains to offer Russia no justification for further aggression. At the same time, Georgia has sought to strengthen its ties with the West and receive support from the United States and NATO in its efforts to protect its national security and territorial integrity²⁴.

Currently, the war in Ukraine and Russia's campaign to dominate the Black Sea pose a major threat to Georgia's security and strategic orientation. Although Tbilisi tries to remain neutral and avoid involvement in the conflict, it relies on the safe conduct of its Black Sea transit business, which is threatened by the Russian military presence in the region.

In addition, Russia can use its influence over the Black Sea to limit Western power and influence in the region, including in Georgia and the South Caucasus region and Central Asia in general. In this context, it is essential for Georgia to work with its Western strategic partners to protect its interests and strengthen its regional security.

In conclusion, Georgia is in a vulnerable security position and is affected by instability in the region, including the war in Ukraine and Russia's campaign to dominate the Black Sea. It is therefore important for Georgia to continue to strengthen its relations with its Western partners and to work together to protect its interests and secure a strong position in the region.

The Russian invasion of Ukraine has heightened concerns about the security of the Black Sea and surrounding regions. In these circumstances, it is important that NATO and its partners continue to take steps to counter Russia's aggressive actions and strengthen regional security in the long term. In order to develop an effective strategy for the Black Sea region, it is necessary to focus on the maritime aspects of the region. In this regard, US military investment in Romanian ports would be essential, with a particular focus on the port of Constanta, but also on Danube ports such as Galati and Braila.

²² See, "Russian troops enter Georgian port", Reuters, 11 August 2008, <https://www.reuters.com/article/uk-georgia-ossetia-poti/russian-troops-enter-georgian-port-georgian-pm-idUKLB2226261820080811>.

²³ "Deepening relations with Georgia", NATO, 30 May 2014, https://www.nato.int/cps/en/natohq/topics_84060.htm.

²⁴ "Garibashvili Makes Controversial Remarks on Ukraine, Again," Civil.ge, April 3, 2022, <https://civil.ge/archives/483425>; and Tim Hume, "Georgia Blocked Hundreds of Foreign Fighters from Joining the Defence of Ukraine," VICE News, March 1, 2022, <https://www.vice.com/en/article/y3vx7k/georgia-blocked-hundreds-of-foreign-fighters-from-joining-the-defence-of-ukraine>.

CHAPTER 2²⁵**THE COMPLEXITY AND DYNAMICS OF MARITIME SECURITY IN THE BLACK SEA REGION. CONCLUSIONS FOR ROMANIA**

The economic importance and the special role played by the transport routes have made the Black Sea a de facto arena for competing and irreconcilable strategic interests in the last decade. Russia has unilaterally changed the security architecture and dynamics in the region not only through conventional military means, but also through information warfare and highly sophisticated hybrid means. On the other hand, Turkey is pursuing a policy of promoting its position as a regional power without consulting NATO or the EU. This has surprised other countries in the region, NATO and the EU/EU in terms of developing credible means to counter these actions.

There has been a recent trend towards increasing global instability, caused by a mixture of Cold War reminiscences, a competition of moral, political and religious value systems, with an increasingly open confrontation of states or groups of states for access to vital resources, for their future and for the well-being of their citizens. And the Black Sea has become the site of greatest instability and the terrain where NATO and the EU can be put to the test. Military-strategic and political developments in the wider Black Sea region have consequences beyond this area, affecting the security interests of the West, in particular those of the United States and the Allies.

Beyond strategic considerations and spheres of influence, what is at stake in the Black Sea, in the context of the war in Ukraine, is a battle for values. Can we imagine a world ruled solely on the basis of force and the threat of force, a world in which a country, relying on the power of its military, questions the rule of law, the protection of human rights and the security of its people? This is the vision that Russia proposes and opposes to the order that has dominated international relations since the fall of the Berlin Wall. We should be concerned about this, because the Russian propaganda narrative is already viewed with admiration in some European capitals and accepted by some European parties. Europeans must use the true potential of the Black Sea region to promote the values of freedom and democracy. Favouring the conclusion of the conflict in Ukraine through a compromise favourable to Russia would be the final blow to the world order that Europe hopes to build.

Russia's invasion of Ukraine has resurrected the spectre of revisionism, and some countries in the region are working to rewrite history to instrumentalize it for purely political purposes to destabilize the international order and

²⁵ Author: Rear-Admiral Dr. Constantin Ciorobei, editor-in-chief, Maritime Security Forum, www.forumulsecuritatiimaritime.ro.

overtake the prevailing rules and norms of the international community. At a time when NATO and the EU prefer a united front in Central and Eastern Europe against Putin, some revisionist states such as Hungary may take advantage by feeling that their bargaining position has improved. As long as the Russians stick to their guns in Ukraine, concerns about liberalism and authoritarian rule in the EU will take a back seat in Brussels and Washington, and moderate revisionist threats may become a good bargaining chip for maintaining Hungary's position in the EU and increasing influence in neighbouring states. Also, the idea that one NATO member country is actively and successfully planning to break the territory of another NATO member country betrays an unwarranted distrust in the alliance's determination to respect the fundamental rules of a global order in which it can still claim to occupy the leading position.

Regionalisation of security in the Black Sea area. Implications of maritime security for Romania's national security as part of Euro-Atlantic security

The Black Sea area has often been the natural border between empires, and is now the place where East and West, the United States (through NATO), the European Union, Turkey and Russia meet and intersect. The region is home to two EU member states (Bulgaria and Romania) and three NATO member countries (Bulgaria, Romania and Turkey). But there are also countries that want to join the EU and at the same time NATO partner countries (Ukraine, Republic of Moldova, Georgia), so any instability in the region directly affects the EU and the Alliance.

The Black Sea region, as a geographical location, lies between South-Eastern Europe, the Caucasus, the Middle East and the Mediterranean Sea, representing a bridge but also a dividing area, a position which offers some advantages but also a number of political, economic and military disadvantages. Here, in this region, Europe, the Balkans, Russia, the Middle East and the Caucasus meet and it is where the forces of democracy in the west, Russian imperial and military aggression in the north, Chinese economic influence in the east and Middle Eastern instability in the south converge.

The Cold War fostered the USSR's belief that the Black Sea was a "Soviet lake", but after the break-up of the USSR, the Russian Federation found that it was beginning to lose influence in the Black Sea. Indeed, with the expansion of NATO and the European Union, the Black Sea gradually became a 'European lake', with Russia's access to the sea virtually limited to the ports of Rostov, Novorossiysk and Sochi.

In order to maintain its influence in the region, Russia has initiated a series of conflicts, and since the end of the Cold War, the Extended Black Sea Area (EEZ) has seen the largest number of military conflicts: Transnistria War (1992), Abkhazia War (1992-1993 and 1998), Georgian Civil War (1991-1993), Chechen Wars (1994-1996; 1999-2000), Russia-Georgia War (2008), occupation of the Crimean Peninsula and the Donbass War in 2014, Russian invasion of Ukraine on 24 February 2022. Following these conflicts, Russia has once again become an important player in the region and with the annexation of Crimea, Moscow has regained control of the Black Sea.

Russia's destabilising actions have been in the spotlight since the NATO Summit in Warsaw in July 2016, when Allied leaders made it clear that "Russia's recent activities and policies have reduced stability and security, increased unpredictability and changed the security environment"²⁶. And the conflict in Ukraine has drawn everyone's attention to the importance of this region, but especially to EU countries, primarily concerned with their economic prosperity, or to Africa, so dependent on grain and fertiliser supplies to feed its growing population, the Black Sea is for commodity and energy supply chains a "choke point" of particular global importance, similar to the Gulf of Aden, the Suez Canal or the Strait of Malacca.

Regardless of how the conflict in Ukraine evolves, it is certain that there is currently no unified approach to security in the Black Sea region between NATO, EU and wider Black Sea states. For these reasons, in addition to the recognition of the importance of NATO and the EU, another crucial change in the perception of the regional security architecture may be a greater awareness of the role of Central and Eastern European actors, which have shown their ability and willingness to actively oppose the Russian threat, while "old Europe" has shown a lack of pro-activity in the security field, especially in the early stages of the war.

²⁶ NATO Warsaw Summit (8-9 July 2016), <https://www.mae.ro/node/36635>.

As a member of NATO and the European Union, Romania can count on its own forces, some declaratory sympathies and de facto support from Europe's multinational security institutions, which are also in the process of adapting to new threats and realities.

The Black Sea Security Patrol: NATO, Russia, EU, US. What role could Romania play?

Looking at the security environment in the Black Sea area, there is currently a growing turbulence in the region, and in this context NATO, EU member states or those aspiring to join these organisations do not have a common strategy and are far from having a common approach on the main issues of regional importance. Each state has its own approach to the security situation and, above all, to the security architecture, an approach which is often changeable.

Bulgaria has projected its interests in the region on the fact that the Black Sea is extremely important for its own economy in terms of transport, trade, energy and raw material routes, tourism, etc., and its position in relation to developments in the region has been based on several main aspects. As a member of NATO and the EU, it insists on the need for a more active involvement of the two organisations in achieving security in the region, as well as its economic development. On the other hand, it seeks to avoid unnecessary confrontation with Russia and seeks to maintain relations with Moscow. For Bulgaria, the main security challenges in the Black Sea region relate to the situation in Ukraine and the lack of progress in resolving frozen conflicts.

However, despite this assessment of security risks in the Black Sea region, Bulgaria has a specific approach to Russia that needs to be looked at with particular attention: the two countries share many ties that extend beyond the commercial and pragmatic dimensions. In addition, a significant number of Bulgarians hold pro-Russian views, which not only shape and influence political discourse, but also have the potential to direct certain aspects of the country's foreign policy. Moreover, the country is energy dependent on Russia, both for natural gas imports and for nuclear fuel for the Kozloduy Nuclear Power Plant.

On the other hand, Bulgaria has been in constant discussions with NATO on the Alliance's role in protecting its eastern flank and the possibilities of using Bulgarian military airports for naval patrol flights.

This illustrates something of a two-pronged, medium- and long-term approach by Bulgaria to the dynamics of Black Sea security - to maintain pragmatic relations with Russia, which are also largely driven by the pro-Russian sentiments of many Bulgarians, and also to intensify regional cooperation, within NATO and the EU to improve defensive capabilities along the eastern flank.

Turkey is trying to regain its status as a regional power and lately there is a slight tendency to distance itself from NATO partners (but especially from the US), while relations with Russia have become more cordial, but on the other hand Ankara has supported Ukraine politically and diplomatically before and after the February 2022 attack.

Lately Turkey has been acting as a regional power, increasingly emphasising its ambitions to become an international player, with its own regional agenda, often different from, if not contrary to, that of the US, EU and NATO.

In 2016, President Erdogan complained about NATO's weak presence in the Black Sea, on which occasion he said, "The Black Sea has become almost a Russian lake, and if we do not act, history will not forgive us." In this context, Turkey supported Romania's initiative to set up a fleet in the Black Sea together with Bulgaria; this project failed after Bulgaria withdrew from the format. To the cooling of relations between Turkey and NATO, we can also add the relatively tense relations with the European Union, mainly due to bilateral disputes with Greece and Cyprus and complicated negotiations on Turkey's eventual accession to the EU.

In its desire to sustain its position as a regional power, Turkey's foreign policy has evolved in the most spectacular way. After the failed 2016 coup against President Erdogan, Turkey moved closer to Putin's Russia, even buying Russian missiles against the advice of its NATO partners. Now, after Russia's invasion of Ukraine, Turkey has tightened relations with Kiev greatly, with Ankara supplying among other things the much-vaunted and highly effective Bayraktar drones, creating a bone of contention between Russia and Turkey.

In this context, the issue of Turkey's position in NATO needs to be considered very carefully, given that Turkey depends on NATO, which provides security guarantees. The 'Turkish Straits Crisis of 1946', when the Soviet

Union increased its military presence in the Black Sea and put pressure on the Turkish government to agree to the establishment of military bases on Turkish territory, is one such situation.

Russia is the country with the largest territory, but with difficult access to the sea, and this essentially defines its geopolitical strategy of struggling to push its borders west or south. Moreover, NATO and the EU control Russia's access to the oceans, with Russia having virtually three points through which it can access international maritime trade: via the Black Sea and Straits - a route controlled by Turkey; via the Baltic Sea and Danish waters from St Petersburg; and via the Arctic Ocean via Murmansk, passing through Greenland, Iceland and the UK. On the other hand, Russia has lost the geostrategic superiority brought about by its vast territorial expanse and, in the absence of significant natural barriers, it is predictable that it will do its utmost to maintain a wide 'buffer zone', with divided neighbouring states constantly subject to information warfare, to secure its western border.

Regionally, Russia sees the Black Sea and the countries in the region as critical elements in achieving a buffer zone of safety from Western influence and NATO expansion, as well as the growing Islamist threat. Ukraine is thus considered an integral part, and in the past even the heart of Russia and part of Russia's cultural heritage, Kiev is regarded by Russians as the 'mother city' of their entire civilisation. Vladimir Putin's speech on 21 February 2022 states that "Ukraine is not just a neighbouring country for us. It is an inalienable part of our own history, cultures and spiritual space", then "These are our comrades, those dear to us - not just colleagues, friends or people who once served together, but also relatives, people connected by blood, by family ties."²⁷

From this perspective, Russia considers NATO/EU enlargement policy with Ukraine an attack on its security, to which it must respond appropriately. And Russia's strategy is to move its border as far west as possible, with the European frontline countries to the east, i.e. the Baltics, Belarus and Ukraine, providing Russia with the depth to project its power and exploit its economic opportunities.

In this context, Russia seeks to maintain spheres of influence over neighbouring countries in the region and to limit their integration into Euro-Atlantic structures, while ensuring stability of the internal regime and improving military defence capabilities and power projection in the Eastern Mediterranean and the Middle East. Since President Vladimir Putin took power, Russia has strengthened its military power and coupled it with an unrestricted information war against countries in the region, as well as EU and NATO member states. Most experts in Russia believe Moscow is doing this primarily in pursuit of its strategic goal of great power status and the establishment of zones of privileged influence.

All of Russia's actions since 1990 support this claim. The most serious threats to the European security architecture, which continue to openly undermine the established world order, took place in the Black Sea region: supporting separatist actions in Transnistria in 1992, Russia's conflict with Georgia in 2008, the illegal annexation of Crimea in 2014, the attack on Ukraine on 24 February 2022, or as Russia presents it "the special military operation for the demilitarisation and denazification of Ukraine", and last but not least the continuing destabilising activities on all countries in the region. Beyond the use of conventional military force, Russia is applying asymmetric means of warfare aimed at disrupting and invalidating the sovereign decisions of nations and their processes of democratisation and Euro-Atlantic integration.

Undoubtedly, maintaining Russia's position as a major power means undermining and even diminishing NATO's role in Eastern Europe, putting pressure on neighbouring states to become members of the Eurasian Union, preventing them from becoming members of NATO and the EU, and influencing states that are already members of NATO and the EU so as not to block Russia's objectives within international organisations, but also in the region. In this context, the Black Sea is of crucial importance in achieving the proposed geopolitical objective of protecting Russia's southern flank on the one hand, but also of intimidating neighbouring states, thus preventing Ukraine, Moldova and the Caucasus states from joining NATO.

In the Black Sea region, Russia wants, or rather needs, to counter NATO's further eastward expansion, to discourage Ukraine from aligning with the West and to have a Russian-friendly government in Kiev that can ensure the country's pro-Russian orientation. In addition, in the maritime sphere, as outlined in the Maritime Doctrine of the Russian Federation, 31 July 2022, the region is considered an important area for securing the national interests of the

²⁷ <https://adevarul.ro/blogurile-adevarul/apologia-imperiu-lui-2151362.html>.

Russian Federation. It is a key strategic objective of Russia, because from this area the Kremlin can build and then project capabilities in the Caucasus, the Balkans, the Middle East and even the Eastern Mediterranean.

Surprisingly, the US and NATO have paid little attention to the Black Sea region in the past, as in contrast to the situation during the Cold War and the importance of the inter-German border with the USSR and the Warsaw Pact, today only five out of 31 NATO member states directly border Russia, Estonia, Latvia and Finland in the Baltic Sea area, Norway in the north and the United States in the waters of the Alaskan peninsula. The list could be completed by two more members, Poland and Lithuania, if we include the Russian enclave on the Baltic Sea, Kaliningrad.

Despite the conflicts and instability in the Black Sea region, US and EU officials and analysts have not paid as much attention to the security challenges in the region as they have to Northern Europe. In contrast to the situation in northern Europe, with its well-established bases, the access of NATO forces to the Black Sea is more difficult. The Bosphorus and the Dardanelles are the only access from the Mediterranean, and the Montreux Convention limits the presence of warships in terms of number, type, tonnage and duration, as well as prohibiting submarines from accessing the Black Sea by non-coastal nations.

Prior to 2014, the occupation of Crimea and the start of the war in Ukraine, Article 5 was seen as primarily relevant to the Black Sea and was an additional reason not to see the region as a strategic opportunity. This approach was based on the fact that if Russia were to attack the three NATO states in the Black Sea, a land invasion would have to transit through Ukraine with many casualties to reach Romania, or by sea and air to move against Bulgaria, Romania and Turkey. This would require capabilities that Russia does not have and will not have any time soon, but the situation that now exists in Ukraine can clearly change that calculus. As NATO struggles to respond to Russia's invasion of Ukraine, the Black Sea, which has not been on NATO's radar, is underscoring its strategic value. And while the Alliance has failed to prevent Russia from building a presence in the area, it has favored Russia, which has virtually total control of the northern Black Sea, from where it exerts its power projection unchecked over Ukrainian territory.

Moscow's foreign policy with Western countries has proven to be twofold: engaging larger states and coercing or using hybrid means in pursuit of specific objectives in smaller states, whether or not they are part of NATO or the EU, to achieve its goal. NATO thus recognised too late the vital strategic importance of the Black Sea region for the Alliance.

The European Union has been more and more disinterested in the Black Sea region, but has become increasingly preoccupied with achieving the goal set by the Lisbon Treaty itself of a common defence and security policy, given the necessary impetus to speed up defence integration processes after the Russian aggression in Ukraine, at a time when Russian aggression has heightened the insecurity of all Europeans. The European strategy for the Black Sea has been structured in particular by the "Black Sea Synergy - A new regional cooperation initiative", launched in Kiev in 2008 and part of the neighbourhood policy. It focused on good governance, environment, security and energy. The European Parliament has also addressed this issue, adopting in 2011 the resolution on "An EU Strategy for the Black Sea", recalling that "the Black Sea region needs active policies and sustainable solutions to address the significant transnational challenges it faces"²⁸.

The European Union had demonstrated its inability to respond effectively militarily in crisis situations, both in Libya and Mali, but especially in Syria. The European battle groups have proved to be nothing more than bureaucratic entities, with insufficient commitment, tools reduced to command capabilities, with almost non-existent fighting structures and a real commitment of the member states that is rather discouraging. The immediate objectives of the western and central core of the Union, before the Ukrainian crisis, were focused on North and Central Africa, and in its eastern zone it seemed that the strategic urgency was conferred by encouraging pro-European developments in the Western Balkans, including the resolution of the Kosovo problem. The different objectives of the northern and southern states, even in their relations with Russia, led to a more circumstantial reaction to the growing danger from Moscow, with some states being affected by decisions that directly conflicted with their particular interests in bilateral relations with the Russian Federation. Thus, France had to give up the sale of the Mistral helicopter carrier, Germany

²⁸ An EU Strategy for the Black Sea - <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52011IP0025&from=EN>.

had to negotiate the gas supply situation, and Italy had to hide its own interests, especially those related to gas and oil.

The failure of the EU negotiations with Turkey for integration (under the conditions requested by Turkey), in the context of the accelerated Islamisation of the whole of Turkish social life, to which the differences in Syria have been added, have led to an obvious cooling of relations. The failed coup against Erdogan in July 2016 was the straw that broke the camel's back. And Erdogan hit where it was most difficult to counter: he supported migration, spurring a wave of refugees from Syria to reach the continent, with explicit targeting, to Germany.

European values, based on respect for human rights, humanitarian support and respect for all faiths, have become weaknesses, speculated by the revived right-wing movements. Thus, the spectre of revisionism began to haunt Europe, Russia's revisionism translated into territorial expansion by military means (Georgia 2008, Ukraine 2014 and 2022), and this encouraged other revisionist hotbeds in Europe, such as Hungary, which, without Russia's military might, takes advantage of the precedent set by Moscow, promoting respect for human rights and religious freedom, for equally destabilising stakes.

The new policies and strategies drawn up by Western heads of state, who insist on cohesion and convergence, but launch constructions with several integration circles or speeds, with new segregations, before all the Member States have succeeded in integrating into Schengen, demonstrate the many vulnerabilities of an extremely fragile construction. Here we can mention the idea of a European army, brought up again by the President of the French Republic, not by one of the leaders of the countries of the East, who are afraid of Russian aggression. Because the East does not believe in European defence capabilities, or that the Germans would fight against the Russians for Poland or Romania.

A risky referendum on a major issue, insufficiently analysed, has initiated a process of leaving the European construction of an important factor of balance, the United Kingdom of Great Britain and Northern Ireland. This at a time when British social life is beginning to be visibly affected by the war in Ukraine and the Muslim minority.

With the arrival of the Trump administration in the US, other challenges for Europeans have been added. If at the end of 2014, the European Council was directing its actions towards the realisation of a European defence industry as independent as possible, the attitude of the new American president was to confirm this decision, but not only that. The challenge to and denunciation of treaties and conventions of particular importance to Europeans, from the Paris Climate Agreement to the Iran nuclear deal, plus the renegotiation of tariffs on EU products in key areas, have led to distrust in the strength of transatlantic relations and a more careful assessment of our own problems. Mutual rebukes of each other on various occasions, US pressure for increased defence funding, dialogues with heads of state who have long been confirmed as undemocratic, have all taken their toll on the transatlantic relationship, making it increasingly difficult. In 2019, only five years after Russia's annexation of Crimea, French President Emmanuel Macron declared regarding NATO, the security guarantor of the region's member states, "we are on the verge of witnessing the brain death of NATO"²⁹, justifying his opinion by President Trump's position and Turkey's behaviour. It took several global events: three wars of occupation (Georgia 2008, Ukraine 2014 and 2022), the "New Silk Road" strategy, tensions in the South China Sea and Taiwan, undemocratic interference in the 2016 US election and Brexit vote, the Covid-19 pandemic and Moscow's instrumentalisation of energy and food in 2022 for increased global influence for Europe to wake up.

However, the hopes of Eastern European countries are still directed overseas, at least in terms of security. And the change of approach of the current administration, Joe Biden, a supporter of the transatlantic partnership who seems determined to sacrifice capital in domestic politics for the sake of transatlantic relations, is encouraging.

The future of Georgia, Moldova and Ukraine remains uncertain. Moldova and Georgia are small states with less advanced military equipment and are therefore considered targets for possible further Russian expansion once the war in Ukraine is over. As long as the Russian occupation continues, on the basis of existing treaties, they are effectively barred from joining the EU or NATO. However, in the case of Ukraine and the Republic of Moldova, Europe has sent out a strong signal by granting them candidate status. This is far more useful to both countries in the short term than transposing the entire *acquis communautaire* while war is raging in the region. Georgia's hopes of

²⁹ <https://www.agerpres.ro/politica-externa/2019/11/07/emmanuel-macron-considera-ca-nato-este-in-moarte-cerebrală--398521>.

early EU membership have been dashed as it has been denied candidate status for the time being, at the European Council on 23-24 June 2022, "The European Council is ready to grant Georgia candidate status as soon as the priorities set out in the Commission's opinion on Georgia's application for membership have been addressed"³⁰, which speaks volumes about Europe's willingness to engage in the region.

Romania's objective in the region, as defined by President Klaus Iohannis, is to "strengthen the allied presence in Romania, on the Black Sea and on the entire Eastern flank", so that "this strengthened presence" is "unitary, balanced and coherent, from the Baltic Sea to the Black Sea"³¹.

Until the conflict in Ukraine, NATO's priority was the Baltic region, which was much more exposed, and which in the last 20 years has had more determined and consistent leaders who knew how to negotiate better with Washington.

On the other hand, Romania has not been very consistent either, for example, in the country's National Defence Strategy, designed for the period 2015-2019, the Russian Federation was not mentioned either in the chapter on risks or threats, these aspects being included in the current National Defence Strategy for the period 2020-2024: "The aggressive behaviour of the Russian Federation, the militarization of the Black Sea region and the hybrid actions carried out by this state, which aim to maintain a tense and insecure climate in the area close to our country ...".³²

A sea change in the Alliance's approach to the Black Sea region was the Vilnius Summit on 11-12 JUN 2023, which demonstrated the strength of the transatlantic link and the unity of the Alliance. The summit strongly underlined the danger posed by the actions of the Russian Federation, "Peace in the Euro-Atlantic area has been shattered. The Russian Federation has violated the rules and principles that have contributed to a stable and predictable European security environment. The Russian Federation is the most significant and direct threat to the peace, security and stability of NATO member countries in the Euro-Atlantic area. Terrorism, in all its forms and manifestations, is the most direct asymmetric threat to the security of our citizens and to international peace and prosperity. The threats we face are global and interconnected."³³

The strategic importance of the Black Sea region was also underlined "The Black Sea region is of strategic importance for the Alliance. This is further underlined by Russia's war of aggression against Ukraine. We underline our continued support for Allied regional efforts aimed at maintaining security, safety, stability and freedom of navigation in the Black Sea region, including, as appropriate, through the 1936 Montreux Convention. We will continue to monitor and assess developments in the region and improve our situational awareness, with a particular focus on threats to our security and potential opportunities for closer cooperation with our partners in the region, as appropriate."³⁴ This is the first time that the Black Sea has been given a separate paragraph in the Final Communiqué of a Summit, which mentions, at Romania's request, allied efforts in the region to ensure security, safety, stability and freedom of navigation.

On defence posture and deterrence, new NATO regional defence plans have been adopted, including a joint plan for the Mediterranean, Black Sea region. Thus a high level of security was planned for the Eastern Flank, the Black Sea, including Romania. The framework for increasing the Eastern Flank Battle Groups to brigade level was also agreed, should the situation require. The pre-positioning of ammunition and equipment will be accelerated.

The Summit also highlighted the importance of the defence industry "We need a robust and resilient defence industry capable of sustainably meeting the need for a significantly strengthened collective defence. We have endorsed an action plan on defence production and its action items. This Plan will ensure NATO's long-term commitment to the Alliance, based on the principles of transparency, fair treatment and inclusive participation.³⁵" This approach can facilitate the development of our own defence industry capabilities, fostering the revitalisation of our defence industry.

³⁰ European Council, 23-24 June 2022; <https://www.consilium.europa.eu/ro/meetings/european-council/2022/06/23-24/>.

³¹ <https://www.digi24.ro/stiri/externe/ihannis-intarirea-prezentei-nato-in-romania-la-marea-neagra-si-pe-intreg-flancul-estic-este-un-obiectiv-strategic-al-tarii-noastre-1882847>.

³² https://www.presidency.ro/files/userfiles/Documente/Strategia_Nationala_de_Aparare_a_Tarii_2020_2024.pdf.

³³ https://www.nato.int/cps/en/natohq/official_texts_217320.htm

³⁴ https://www.nato.int/cps/en/natohq/official_texts_217320.htm

³⁵ https://www.nato.int/cps/en/natohq/official_texts_217320.htm

It was decided to set up in Romania, together with the Netherlands and other countries, a regional training hub for Romanian F-16 pilots, which will be used also by Allied pilots and those from partner countries. A regional Special Forces Command will also be set up with Bulgaria.

The illegal, unjustifiable and unprovoked war of aggression unleashed by the Russian Federation against Ukraine is condemned by members of the Alliance, and Russia bears full responsibility for undermining Euro-Atlantic and global security. At the Summit it was stated that "Russia must immediately stop this illegal war of aggression, cease the use of force against Ukraine, and completely and unconditionally withdraw all its forces and equipment from the territory of Ukraine within its internationally recognized limits, extending to its territorial waters"³⁶. Regarding Ukraine it has not received an invitation to join and no roadmap, only security guarantees materialized even in the NATO - Ukraine Council. Basically a middle way has been chosen between what we can and what we want. It was also reiterated that NATO will continue to support the country 'as long as necessary' and the NATO-Ukraine Council was established, a format created to further strengthen cooperation between Ukraine and the North Atlantic alliance. Allies also pledged to provide long-term bilateral security assistance to Ukraine.

On the situation of NATO partner countries in the region, the alliance members underlined their support for the territorial integrity and sovereignty of Moldova and Georgia within their internationally recognised borders. The issue of Transnistria was also kept on the public agenda by calling on Russia to withdraw all its forces stationed in the Transnistrian region, underlining strong support for Moldova's right to decide its own future and foreign policy course without external interference.

In view of the security challenges on the eastern border of NATO and the EU, Romania is working for a stronger anchoring of the two organisations in the region, for an applied cooperation with regional allies, but also for supporting the states of the Western Balkans and the Eastern Neighbourhood in their own processes of institutional transformation, democratisation and connection to European economic flows. Romania believes that the path towards a future EU membership of all Balkan states will provide the framework for development and the achievement of a decent standard of living for all their inhabitants. Military cooperation within the framework of the formats established in the region, the development and dynamisation of extensive, innovative concepts with European and regional allies and partners, the operationalisation of national initiatives adopted at allied level contribute to the objective of maintaining regional and European security.

Supporting Moldova's European path, participating in bilateral strategic interconnection projects and supporting the neighbouring country's efforts to strengthen its democratic institutions and increase its resilience is also part of Romania's strategy to contribute to the political, economic and security stabilisation of the NATO/EU neighbourhood, with direct benefits for all Moldovan citizens and for the entire community of Romanian language, identity, history and culture.

At the same time, Romania considers it important to intensify its bilateral and multilateral cooperation with allies in the vicinity of NATO's eastern flank. Existing dialogue formats can increase their relevance if, like Romania, the other parties intensify their efforts to consistently promote regional economic and security objectives.

Romania, as the most stable and responsible political actor in the region, seeks to become the most important pillar of European engagement in the wider Black Sea region, becoming an important player in the region in terms of security and defence, the connector in terms of multilateral commitments and regional initiatives. From an economic point of view, Bucharest would like to actively contribute to the reconstruction of Ukraine and wants to help Kiev and Chisinau on their European path.

Romania is interested in ensuring the freedom of communication routes in the Black Sea for the development of trade, the resolution of frozen conflicts in the area, the protection of economic activities in the Black Sea Exclusive Economic Zone, as well as the development of projects aimed at diversifying access to resources, increasing interconnection capacity and competitiveness.

At the moment, Romania is by far the strongest supporter of a substantial Alliance presence in the region and, after signing a 10-year cooperation agreement with the US, can be considered an anchor of stability for NATO in the region. Romania's participation in the development of the European component of the US missile defence

³⁶ https://www.nato.int/cps/en/natohq/official_texts_217320.htm.

system is a success for our country, which is thus consolidating its position as a reliable ally within NATO. Romania has also facilitated and encouraged the growth of NATO's military presence on its territory and is working to develop access, stationing, training, protection and force coordination capabilities.

Our country supports the strengthening of NATO's support for the partner states in the Eastern Neighbourhood (Georgia, Ukraine, Republic of Moldova), being actively involved in the implementation of the measures decided, supporting the deepening of partnerships with the allied states on NATO's Eastern flank and South-Eastern area, as well as cooperation with NATO partners in the region.

For Romania and its naval forces, it is necessary to equip: vessels that allow the surveillance and defence of maritime communication lines and economic objectives in the EEZ, with long-range cruise missiles at long distances from the coast; various anti-submarine and anti-surface ship weapons and sensor systems, perhaps even deployed on unmanned craft; the acquisition of submarines capable of launching cruise missiles or unmanned craft. Given that amending the provisions of the Montreux Convention may generate tensions at international or regional level, ways must be found for NATO's direct involvement in strengthening the regional defence system. Therefore, fast and smaller (even unmanned) Allied craft armed with ship-to-ship missiles or long-range missiles can be brought into the Danube. The Danube must also be seen by NATO as a viable logistical route for securing shipments.

The importance of the 3 Seas Initiative and the B9 Forum for Romania

The West is facing unprecedented politico-military developments in the Black Sea region, making it one of the most vulnerable geographical areas in modern Eurasian geopolitics. The Black Sea is not only the space where the Russian-Ukrainian military conflict is taking place, but also the intersection of two geopolitical axes that are determining the geostrategic reshaping of this region. Russia sees the region as a buffer zone for the defence of its traditional borders as well as a springboard for its geopolitical objectives in the Mediterranean. Moscow has adopted a regional strategy based on the principle that Russia should control this area and that the West should have limited access to it. Russia's pressure on the states in the region, and in particular the war against Ukraine, is not only Moscow's response to the West's attempt to support the countries in the region, but also Russia's desire to return to the global elite with the intention of getting involved in reshaping the world order.

Turkey, for its part, has tried to maintain its important position in this region, which has always been in a more or less stable balance between Russia and Turkey, and the two countries have tried to maintain good relations. The annexation of Crimea in 2014, however, shattered Turkey's dream of continuing this approach and temporarily increased tensions between the two regional powers. Turkey continues to keep its relations with Russia in balance amid Russia's aggression in the region, even during the war in Ukraine. Despite Turkey's dependence on Russia for energy, tourism and trade, experts agree that maintaining this balance will be more difficult for Turkey if the war in Ukraine drags on.

Turkey must use the opportunity offered by the war in Ukraine to reconcile its relations with the West, as the Russian Federation sees Turkey not only as a transit country and gas customer, but also as a critical platform for its military ambitions.

In this complex region, a new regional status quo is urgently needed to ensure the economic development of countries and security, and the "3 Seas Initiative" and the "B9 Forum" can provide an appropriate framework for building the future of this region.

"The Three Seas Initiative (3SI) is a political platform of Central and Eastern European countries. The express aim of 3SI is to stimulate cooperation in the region, accelerate infrastructure modernisation processes and strengthen energy independence. This initiative was launched by the Presidents of Poland and Croatia, Andrzej Duda and Kolinda Grabar-Kitarović in 2015 and currently includes 12 EU Member States, spanning the Baltic, Adriatic and Black Seas.

Firstly, 3SI aims to contribute to the economic development of Central and Eastern Europe through infrastructure connectivity in three main areas: transport, energy and digital. The second objective is to increase real

convergence between EU Member States, thus contributing to strengthening unity and cohesion within the Union. Thirdly, the 'Initiative' aims to help strengthen transatlantic ties.³⁷

The Three Seas Initiative provides an opportunity for countries between the Baltic, Adriatic and Black Seas to strengthen their economies and reduce their dependence on the economic plans of Moscow and Beijing. The initiative helps to secure funding and coordinate the implementation of infrastructure, energy and digitalisation projects, with the aim of creating a "north-south" energy and infrastructure corridor in the region.

Another important regional initiative is the "Bucharest 9 format" or B9, which includes the 9 countries on NATO's eastern flank and in Central Europe: alongside Romania and Poland, the 3 Baltic states, Bulgaria, Hungary, the Czech Republic and Slovakia.

The Bucharest 9 Group is a project aimed at ensuring unity of action and promoting the interests of Eastern European countries, created as a joint response to the aggressive and unpredictable intentions of the Russian Federation.

The B9 format is strongly supported and encouraged by the United States. As a well-defined group, Bucharest 9 has become an important player for NATO and the EU on Europe's eastern flank, especially in this period characterised by Russia's aggressiveness towards the countries in the region, but especially by the attack on Ukraine. This group represents a demonstration of strength and unity.

It also provides an institutional framework for considering how to strengthen NATO's deterrence and defence posture in a balanced, credible, coherent, sustainable and tailored way across the Eastern Flank, as credible deterrence can be the basis for preventing future military adventures similar to the situation in Ukraine.

Montreux Convention - a factor of stability or a catalyst for insecurity in the Black Sea Region? What should Romania's position be?

The Black Sea region has been and still is an area of particular specificity with a number of unresolved issues, and the Russian Federation's attack on Ukraine further complicates the situation in the region. This region has long been under the influence of the complex relationship between Russia and Turkey and the interests of the global powers of the day, and precarious stability has become the main feature of the area. These issues have generated the need for international regulation of transit through the Black Sea straits, addressed by the provisions of the Montreux Convention.

The "Convention on the Regime of the Straits of the Black Sea", or "Montreux Convention" for short, was signed on 20.07.1936 by Turkey, Bulgaria, Romania, USSR, France, Great Britain, Greece, Japan, Yugoslavia, then by Italy in 1938. Japan withdrew from the Convention after the Second World War. The USA has not ratified the Montreux Convention, but complies with its provisions. The Convention regulates the transit of ships through the Bosphorus and Dardanelles straits according to their type (warships or merchant vessels) and according to four situations, namely peacetime, wartime when Turkey is not a belligerent state, wartime when Turkey is a belligerent state, and wartime when Turkey considers itself to be under threat.

Thus, freedom of passage is guaranteed for all civilian vessels in peacetime, while military vessels are subject to certain limitations, such as: the obligation to notify the Turkish authorities 8 days (for the littoral states) and 15 days before transit, respectively, which in turn must inform the parties to the Convention; limitation of the type, number and tonnage of warships belonging to countries other than those bordering the Black Sea: the stationing of these vessels is limited to 21 consecutive days; no access for aircraft carriers and submarines.

In situations of war when Turkey is neutral, no warships belonging to the belligerent countries may cross the Bosphorus and Dardanelles straits, except when they return to their port of departure. Also, in wartime, Turkey has the right to take decisions it deems appropriate and can authorise the transit of any ship.

The Convention was based on the idea that the riparian states should hold the key to access and the great Romanian diplomat Nicolae Titulescu, supported the approach of giving the key to the Black Sea to the Turks. This was accepted by the USSR and then the Russian Federation because it was in line with one of its most important

³⁷ https://ro.wikipedia.org/wiki/Ini%C8%9Biativa_celor_Trei_M%C4%83ri.

strategic objectives, namely control of the Black Sea, as part of Russia's policy of regaining international power and limiting NATO's presence. In this way, the Russian Federation holds the key to access to the region, limiting the presence of NATO and other countries that do not border the Black Sea, using Turkey, which apparently exercises control of access, for its own interests.

The war unleashed by the Russian Federation against Ukraine, the modern geostrategic realities represented by the Eastern flank of the Alliance which includes the Black Sea region, the political, economic, cultural connections with the Eastern Mediterranean, the Middle East, the South Caucasus, all these make the Black Sea, still, part of an arc of instability, which concerns and must concern the countries of the region, NATO and the EU. Thus, the Black Sea region, which has traditionally been treated as a less important area, takes on new strategic significance.

A first step in achieving regional stability may be to consider the status of the Black Sea, which can remain a closed sea under the Montreux Convention or become an open sea under the Montego Bay Convention. The United Nations Convention on the Law of the Sea - UNCLOS (Montego Bay Convention), signed in 1982, defines the rights and responsibilities of nations with regard to the use of the world's oceans and seas and is considered by experts to be "a comprehensive constitution for the world's oceans and seas". Article 35 of the Convention states that the legal regime of straits for which international conventions have been concluded will continue to be governed by these conventions. Even so, Turkey refused to sign the Montego Bay Convention.

Since 2004, with the accession of Romania and Bulgaria to the EU, the vision for changing the status of the Black Sea into an open sea has been manifesting itself. Basically, EU Member States support the development of infrastructure projects in the Black Sea, and under these conditions they should have unrestricted access to these investments and facilities.

In 2004-2005, the European Union launched the Neighbourhood Policy, and in 2007, Romania contributed to the operationalization of the Black Sea Synergy concept, which seeks to initiate an approach by coastal states to transform the status of the Black Sea into an open sea. All this effort culminated in the reluctance of Turkey, the Russian Federation and Bulgaria. The issue declined in relevance in 2008, after the Bucharest NATO summit, which did not offer Ukraine and Georgia consistent prospects of joining NATO. A few months after this summit, Russia attacked Georgia and Georgia lost control of South Ossetia and Abkhazia. In 2014, the Russian Federation significantly increased its relevance to the Black Sea by taking full control of the Crimean peninsula and the Kerch Strait. Because of this, virtually the entire process was interrupted and the Black Sea remained a closed sea.

The invasion of Ukraine by the Russian Federation, which began in February 2022, has further highlighted the limitations of the Montreux Convention. As is well known, on 28 February 2022 Turkey activated the Montreux Convention, and closed the Black Sea straits to military vessels belonging to belligerent states in the conflict in Ukraine. This disrupted the logistical supply line for Russian troops in Syria, affected Russia's ability to rotate forces in the Mediterranean, and prevented additional warships from entering the Black Sea. Even if Turkey's activation of the Convention has apparently hurt the Russian Federation, the issues need to be examined more carefully.

With the closure of the Turkish Straits, Russia has found ways to provide logistical support for forces in Syria and for actions in Ukraine, using private companies or civilian ships. This involvement of commercial vessels in supplying combat actions violates the spirit of the Montreux Convention and the need to regulate these issues arises.

The Russian Federation has also violated the provisions of the Convention with regard to the transit of submarines. Article 12 states that the littoral powers have the right to pass through the straits "for the purpose of returning to their home base, their submarines built or purchased outside this sea" and "submarines belonging to the said powers may also pass through the Straits to be repaired in shipyards outside the Black Sea". It is obvious that there is no provision for the transit of submarines from the Black Sea to operate in the Mediterranean, which is common for the Russian Federation.

On the other hand, Turkey has used its right to interpret the Convention's provisions on the transit of warships several times in favour of Russia, and not only in the case of submarines. According to the Montreux Convention, the transit through straits of "surface warships other than aircraft carriers" is permitted under specified conditions. But Turkey has used its right to interpret the terms of the Convention in Russia's favour several times politically in the past. One such case is the permission to pass for the aircraft carrier KIEV in 1976, with the USSR declaring this

ship an anti-submarine cruiser. Another instance was when it allowed the Admiral Kuznetsov aircraft carrier to pass in 1981, this time the ship was declared a heavy carrier cruiser.

Another issue is the interpretation of access to the Black Sea, which raises the question of the stationing period in the region for ships using access routes other than the Bosphorus and Dardanelles straits. In practice, the rivers and streams of the Black Sea basin are not covered by the Convention. The case of the Second World War, when Germany brought warships to the Danube in support of the Romanian Navy, which had the only fleet that could counter the USSR's Black Sea fleet. Given these facts, it is possible that Romania could be back in the situation of the Second World War (the Allies being unable to send ships to the Black Sea), in which case measures must be taken, both in terms of modernising the naval forces and the infrastructure for building and maintaining warships.

The prospect of changing the status of straits, through a revision of the Montreux Convention, has raised concerns about the further implications.

Russia has shown its opposition to this project in various ways, as the current regime guarantees its status as a singular power in the Black Sea, protects its interests very well and imposes restrictions against a possible increased presence of warships from non-Black Sea countries or NATO vessels. Although there have been voices in Russia at times arguing for the need to amend the Convention, in terms of restricting the access and length of stay of warships from non-nearshore states, the prevailing view in Moscow seems to be one that does not support a revision of the Convention.

On the other hand, several US officials have said that the rules of the Montreux Convention are outdated and can no longer respond to the security situation in the region. In this regard, it was proposed to review the rules for the entry of warships, the issues of the period of stay and the requirements for notifying Turkey about the passage of warships through straits.

Turkey also, as we have presented, has its own approach to the straits regime, promoting its own interests, showing everyone that it maintains control over the straits, even to the extent of unilaterally changing their regime. Thus Turkey indirectly amended the Montreux Convention on 20.07.2018, imposing new rules considered internal by Ankara, as follows: "Merchant vessels carrying warships must pass through Turkish straits under the status of warships".

The construction of the Istanbul Canal will also automatically require an analysis of the Convention's provisions, in a simple interpretation the very creation of a new corridor, which is not foreseen in the Straits Convention, is in a way equivalent to a de facto revocation of the Convention.



To all these aspects we can add the fact that some of the countries bordering the Black Sea (Ukraine and Georgia) did not take part in the negotiations prior to the signing of the Convention, thus giving rise to more and more arguments supporting the need to initiate steps to amend the Montreux Convention to take into account the reality of the situation in the region.

The Montreux Convention was drawn up when the Black Sea was under the control of the Soviet Union and Turkey, with the Soviet Union being superior, but now the situation in the region has changed. The Black Sea region is taking on a new economic and security importance, becoming increasingly militarised, unstable and contested, a region that urgently needs a new regional status quo to stabilise. There are also two trends in the region regarding control of the Black Sea: for the Russian Federation, control of the Black Sea is one of its most important strategic objectives; on the other hand, Turkey's tendencies to become a regional power are becoming more and more evident, and it needs to act with great diplomacy, or give way in other areas, in order to avoid a collision of its interests, both with Russia and the states in the region, with the US/NATO/EU.

In fact, the fragile balance on which the Convention was built, the control of the Soviet Union and Turkey, threatened to break down at the end of the Second World War, when tensions between the two states erupted with the pressure exerted by the USSR on Turkey to renegotiate the Montreux Convention, so that the Soviets could share control of the Bosphorus and the Dardanelles with Turkey ("Turkish Straits Crisis of 1946", when the Soviet Union increased its military presence in the Black Sea and pressured the Turkish government to agree to military bases on Turkish territory). The situation triggered Turkey's moves to join NATO, which was achieved in 1952.

While regulating passage through the Straits, the Montreux Convention also contains aspects relating to the security concerns of the countries bordering the Black Sea. A further interpretation of the provisions in favour of Russia may lead to the interests of the other littoral countries being affected, and even at some point the interests of Turkey. No one can guarantee that today's good relations between Turkey and Russia will last forever and that we will not at some point see a repeat of the events of the "Turkish Straits Crisis of 1946".

The closed sea status has made it possible for Russia to have a military advantage in the Black Sea, and the strong relations between Russia and Turkey, neither country being a guarantor for the respect of democratic values and the rule of law, is not reassuring when talking about security in the area. Romania, Ukraine, Georgia and even Bulgaria are interested in a greater US, NATO and EU presence in the Black Sea in order to achieve a stable security environment in the region, favourable to development. In this case, action to revise the limitations currently imposed by the Montreux Convention on non-Black Sea vessels cannot be ruled out.

Romania, on the other hand, must anticipate the possibility that the international agenda will discuss the need to analyse the situation of the Black Sea, whether it can remain a closed sea according to the provisions of the Montreux Convention, or become an open sea by applying the Montego Bay Convention. It is a most appropriate moment, given that the actions of the Russian Federation have led to a violation of the spirit of the Convention, and in recent years, with a not inconsiderable contribution from Romania and Romanian diplomacy, the region has received increasing attention on the EU, NATO and US agenda, materialised by multiple initiatives related to this region.

Maritime security particularities for the Danube region. The Danube Convention and its importance for Romania³⁸.

The Danube has been of geopolitical and geostrategic interest from antiquity to the present day. Throughout this period, the Danube has been: a frontier between empires and states; a communication route, used for commercial or military purposes; a settlement area for human communities, with rich natural resources; an area with direct or indirect hydro-energy potential. The role of the Danube as a transport artery has fluctuated over time, depending on the political and legal regime that existed in different historical periods.

The issue of navigation on the Danube became of international interest only after the Crimean War (1853-1856), which ended with the Treaty of Paris. The victory of the Franco-Anglo-Turkish-Piedmontese coalition brought a new balance of power to Europe, with Russia lacking the means to intervene in the Danube principalities. For the first time, a general international navigation regime is established on the Danube. Under the terms of the treaty, the principle of freedom of navigation on the river was established. With this treaty, France and Great Britain, the victorious states, assumed the role of guarantors of Europe's interests on the Danube. This led to the creation of the European Commission for the Danube (EDC), which also included Austria, Russia, Prussia, Sardinia and Turkey. In fact, the creation of this Commission was dictated by the interests of France and Great Britain on the Lower Danube, in relation to Russia, Austria-Hungary, Turkey and Germany. The Commission had its own flag, administration, fleet, police and court, and could prohibit the riparian countries from building hydroelectric power stations and installations if they ran counter to the interests of the two powers. One of the achievements of this commission was the work to improve the Sulina arm by deepening the channel from 2.74 m to 7 m.

After Romania's independence from the Ottoman Empire (1878), shipping developed remarkably. However, the most important event was the union of Dobrogea with Romania, which gave our country access to the Black Sea and the Ocean, thus enabling Romania to develop its maritime transport.

In 1919, as a result of the great powers' desire to extend their domination of the river, the Inter-Allied Commission for the Danube was created, with the small riparian countries reserved only the role of fuel suppliers for ships. Initially based in Belgrade, the commission moved to Budapest. The Paris Peace Conference of 1921 marks the internationalisation of the entire navigable system of the Danube from Ulm to the Black Sea. To this end, the administration of the Danube was divided into two main sectors. One was the 'maritime Danube' sector from the estuary to Braila, for which the authority of the CED, set up in 1856, was re-established, including Great Britain, France, Italy and Romania. The second sector was that of the "River Danube" from Braila to Ulm, for which the International Commission for the Danube (CID) was set up, with its headquarters in Vienna in 1927, and which, in addition to Great Britain, France and Italy, included the riparian states of Germany, Austria, Hungary, Czechoslovakia, Yugoslavia and Romania. It was the EDC organisation that decided all matters by four votes, which

³⁸ Author: Rear Admiral. fl. (Rz.) Cornel ROGOZAN.

meant that Romania was always in a minority. By virtue of this status, Romania was not guaranteed national sovereignty over the maritime sector of the Danube, even though its headquarters were in Galati. It can be said that, with these agreements in place, navigation on the Danube was unified for the first time since the Roman Empire. By its statute, the EDC functioned as a government which had the right to pass laws, make judgments and enforce decisions. Consequently, Romania campaigned for the liquidation of the EDC and the restoration of its sovereignty over the lower Danube. In this context, Romania proposed that the control functions of the EDC be extended to the Bosphorus-Dardanelles straits, with the headquarters being moved to Istanbul. In 1939 an agreement was concluded in Bucharest welcoming Germany into the EDC.

After the Second World War, the defeat of Germany created a new framework for the legal regime of the Danube. At the Belgrade Conference in 1948, France and Britain tried to push for a revival of the 1921 Convention. The riparian states Austria, Bulgaria, Czechoslovakia, Yugoslavia, Romania, Hungary, Ukraine and the USA also took part in the conference. This marked the beginning of the period of USSR domination, which led to the annulment of the 1921 Convention, the exclusion of Western states and Germany, and the abolition of the free zone regime for some ports. Thus, after almost a century of Western domination, the period of USSR domination begins, with the USSR establishing total control over the Danube through its satellite states. Due to the cooling of relations between the USSR and Yugoslavia, the headquarters of the Danube Commission was transferred to Budapest. At the same time, the USSR transferred its membership rights to Ukraine. The new Danube Commission adopted a unified navigation system, unification of sanitary and river control, and a general plan of regularisation works. It should be noted that the legal regime of the Danube is closely linked to that of the Black Sea straits, which provide access to the Mediterranean and beyond. Nicolae Titulescu stressed at the Montreaux Conference in 1936 that "the straits are the very heart of Turkey. But they are also the lungs of Romania."

With regard to the organisation of shipping, on 18 August 1948, the "Convention on the Regime of Navigation on the Danube" was drawn up in Belgrade, on the basis of which the intergovernmental organisation "Danube Commission" was set up in Budapest in 1954, with 11 riparian states as members: Austria, Bulgaria, Yugoslavia (after 1991- Croatia, Serbia), USSR (after 1991- Moldova, Ukraine, Russia), GDR and FRG (after 1990-Germany), Romania, Czechoslovakia (after 1993- Slovakia and Czechoslovakia-observer), Hungary. Four other countries have "observer" status: France, the Netherlands, Turkey and the Czech Republic. The period 1960-1990 is the period in which Romanian shipping records the most spectacular development in its entire history, due to Romania's economic situation.

The current regional geopolitical context, including its influence on the navigation regime on the Danube, is strongly marked by the Russian-Ukrainian conflict which, through the aggression of the Russian Federation that began on 24 February 2022, has spread from the two separatist regions in eastern Ukraine (Donetsk and Lugansk) to the entire Ukrainian territory.

If upstream from Galati the Danube has become an essential pillar of European integration, a status conferred by the acceptance into European and Euro-Atlantic structures of most of the states located in its upper and middle basin, between the Galati-Reni alignment and the Gulf of Musura it tends to become an axis of instability amid the Kremlin's tendencies to change borders by armed force and to regain control over the river's mouths. From this point of view, one of the scenarios for the evolution of the Russian-Ukrainian conflict (the so-called "coastal scenario") of the Russian Federation aimed to conquer the entire southern part of Ukraine, bordering the Black Sea, and thus to make the junction between the separatist regions of Donetsk and Lugansk (whose independence was unilaterally proclaimed and recognised by Moscow), Crimea (illegally annexed, also by force, by Russia in 2014) and Transnistria, a pro-Russian separatist territory that is part of the Republic of Moldova. The geostrategic stakes of Russia's occupation and annexation of this territory are amplified by the fact that the Herson and Zaporozhye regions, located in the lower basin of the Dnieper, are the source of fresh water supply for the Crimean peninsula.

In addition to the danger posed by the possible proximity of the Russian Federation to the mouth of the Danube, there is also the controversy surrounding Ukraine's ambitions for the Bastia Canal. While this canal may have beneficial effects for Ukraine, it will have negative consequences for Romania. In addition to the inevitable damage to ecosystems in the Delta, economic and social implications are expected. Thus, the reduction in the flow on the Sulina arm, in favour of the Chilia, will make it necessary to increase dredging efforts at the bar and on the

canal, in order to maintain maritime navigation conditions, with an increase in the cost of carrying out this work. The opening of the Bastia Canal will also bring direct economic losses for Romania, since with the opening of the canal, some of the ships which previously crossed the Sulina Canal will choose the Bastia route. The construction of the Bâstroe canal, beyond the economic interests, tends to become a serious problem from an ecological point of view, through its lasting consequences, as it threatens to jeopardise the stability of one of the last refuges of rare species, this last bastion of biodiversity in Europe - the Danube Delta.

The strategic importance of the Danube today lies primarily in its economic value. In the context of worsening relations between riparian states, supported by other interested states or groups of states, the adoption of restrictive measures on navigation can only have catastrophic consequences for all European trade on the river. The Rhine-Main-Danube Canal is a means of access to economic development and of speeding up the integration of the riparian countries into European structures. By creating the canal, the navigable artery between the North Sea and the Black Sea has become an interdepartmental whole, whose impact goes beyond the borders of the riparian countries and becomes a strategic element at European level. Looking back over the establishment and development of the legal regime of the Danube, from the earliest regulations to the present day, reveals that this river, and in particular its mouths, has over the centuries generated obvious geopolitical controversy and that the small riparian states have constantly lost out in the permanent conflicts of interest between the major powers. The importance of the Danube from a geopolitical and geostrategic point of view takes on new dimensions if one considers the whole system associated with the river, a system which includes tributaries, navigable canals and hydro-technical constructions, which can have a balancing or unbalancing effect on the environment, but also on political, social, cultural, economic and military aspects. In the new international conditions, maintaining the status of master of the Danube estuaries is fundamental for Romania in its development and preservation of its national security, as well as for European and Euro-Atlantic integration. Romania is situated at the confluence of geographical areas of latent or open tensions, on the border between the former USSR and NATO and the EU, and in this context it should not be forgotten that the Danube can become a source of major risk, in addition to all the opportunities it offers.

At present and in the perspective of full European and Euro-Atlantic integration, it is fundamental for the Romanian state to consider: keeping navigation on the Danube open; making traffic on the Danube-Black Sea Canal more efficient; strengthening vigilance in order to avoid possible attempts to "sabotage" navigation; ensuring more rigorous control of the Danube Delta and the mouths of the Danube; establishing a stricter environmental protection regime for the portion of the Danube basin that falls to our country; consistently stimulating the development of the Black Sea economic area and its functionality in order to link the interests of the European Union states more closely with navigation on the river towards the Middle East and Asia; promoting initiatives to create broad Danube cooperation with a view to jointly exploiting the advantages offered by the direct link between the North Sea and the Black Sea; strategically reconsidering the river's operational areas; creating a navigation network on inland waters and connecting them to the Danube.

We are now in a period of increasing global instability, caused by a mixture of Cold War reminiscences, the emergence of revisionist threats and a competition of moral, political and religious value systems. Against the backdrop of this general instability in the Black Sea region we now have an open conflict where we identify, concentrated, all aspects of global instability, but also the terrain where NATO and the EU can be put to the test. And in this context the evolving geopolitical situation in this region may have consequences beyond this area, affecting the security interests of democratic states.

Romania must use its geostrategic position to accelerate the development of its trade relations and beyond. Given its position on Europe's main river transport artery, managing together with its neighbours the lower reaches of the Danube, we believe that this offers our country the chance to become one of the major river powers. But only a proper river shipping policy and strategy can turn Romania's opportunity into reality.

CHAPTER 3³⁹**MARITIME SECURITY AND THE LAW OF THE SEA**

Source: La República newspaper

Oceans and seas play a vital role in the global economy and the wider security environment, with shipping, natural resource exploration and exploitation and other maritime activities contributing to the prosperity and security of nations around the world. At the same time, the maritime domain is also characterised by a complex web of legal and political issues, including disputes over territorial borders, management of shared resources and prevention of conflicts and security threats. The Law of the Sea provides the legal framework for managing these issues, setting out the rights and obligations of coastal states and other actors in relation to navigation, exploration and exploitation of natural resources and other maritime activities.

At the heart of the Law of the Sea is the principle of balancing the rights and interests of coastal states and other maritime actors. Coastal states have the sovereign right to exploit natural resources in their adjacent waters, including fish stocks, oil and gas deposits and minerals, and to regulate navigation and other activities in their territorial waters and exclusive economic zones (EEZs). At the same time, other states have certain rights and freedoms in relation to navigation and other maritime activities, including freedom of navigation and overflight, the laying of submarine cables and pipelines, and the conduct of scientific research.

This balance of rights and interests is reflected in the different navigation regimes established by the law of the sea, including innocent passage, transit passage, passage through archipelagic sea lanes and EEZ freedoms. Each of these regimes establishes different rights and obligations for ships and other actors operating in the maritime domain, reflecting the balance between the rights and interests of coastal states and the rights and interests of ships and other actors involved in international shipping and other maritime activities.

³⁹ Author: Admiral(rtr) Dr. Aurel POPA, President of the Maritime Security Forum, <https://www.forumulsecuritatiimaritime.ro> , aurelpp5@gmail.com .

One of the key challenges currently facing the law of the sea and maritime security is the need to address emerging security threats such as piracy, drug and arms trafficking, maritime terrorism and illegal fishing. These threats pose significant risks to the safety and security of ships and crews, as well as to the economic interests of coastal states and the wider international community. To address these threats, increased cooperation and coordination between coastal states and other maritime actors is needed, including through the development of regional agreements and mechanisms for shared resource management and conflict prevention.

Another challenge facing the law of the sea and maritime security is the need to address the impact of climate change on the maritime domain. Sea level changes, ocean currents and other factors could have a significant impact on the management of marine resources and the security of coastal states, including the potential for displacement of coastal communities and the spread of disease and other environmental hazards.

In conclusion, the law of the sea plays a key role in managing the complex legal and policy issues that arise in the maritime domain, balancing the rights and interests of coastal states and other actors in relation to navigation, exploration and exploitation of natural resources and other activities. To ensure the continued security and prosperity of the maritime domain, continued efforts are needed to address emerging security threats, to promote cooperation and coordination between coastal states and other actors, and to address the impact of climate change on the maritime environment.

Maritime security operations refer to the various activities undertaken to ensure the safety and security of maritime activities and goods. These operations aim to prevent illegal activities such as piracy, smuggling, drug trafficking and terrorism, among others. Some examples of maritime security operations include:

-Maritime surveillance - this involves using technologies such as radar, ships, aviation, sonar and satellites to monitor maritime activities and identify potential threats;

-Maritime patrolling - this involves the use of military vessels to deter illegal activities;

-port security - involves checking goods and personnel entering or leaving ports to prevent smuggling of illegal goods or materials;

-Maritime inspection - involves stopping and boarding suspect vessels to inspect cargo and detain persons who may be involved in illegal activities;

-rescue and rescue - involves deploying resources to help ships in distress and to save lives in emergency situations;

-Maritime intelligence - involves the collection and analysis of intelligence to identify potential threats and prevent illegal activities.

In general, maritime security operations are essential for maintaining the safety and security of maritime activities and goods, as well as promoting international trade and commerce.

Sailing regimes

Navigation regimes refer to the legal frameworks governing the rights and obligations of States and other actors in relation to navigation and other activities in various maritime areas. The law of the sea recognises primary navigational regimes, each of which establishes different rights and obligations for ships and other actors operating in the maritime domain:

Transit passage regime: This regime applies in international straits providing access between two parts of the sea or between one sea and another. Vessels have the right to pass continuously and without interruption through these straits, subject to the established rules of navigation.

Transit passage through a strait: This regime applies to straits providing passage between two separate maritime areas, such as the Suez Canal or the Panama Canal. Vessels are entitled to pass through these straits continuously and without interruption, respecting the established rules and without interfering with the safety of navigation in the straits.

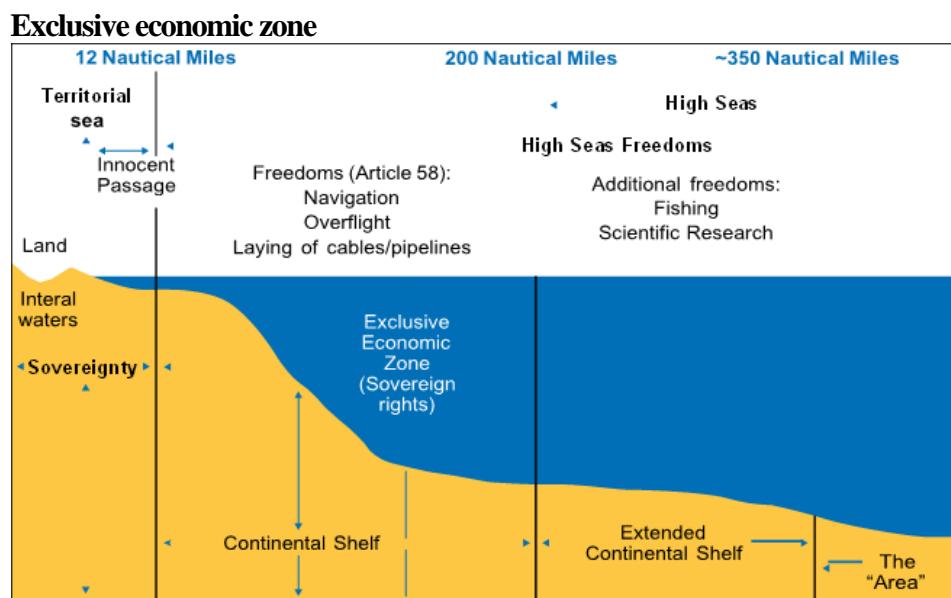
Innocent passage regime: This regime applies in the territorial waters of a coastal state. Foreign vessels have the right of innocent passage through territorial waters, subject to certain restrictions and rules laid down by the coastal state, such as respect for public order and safety, environmental protection, etc.

Archipelagic sea lanes regime - refers to the right of foreign vessels to navigate through designated sea lanes in archipelagic waters. This right is subject to certain limitations, including the requirement that ships use sea lanes for rapid and continuous passage and not deviate from sea lanes except in case of force majeure or distress.

Exclusive jurisdiction regime or 'sovereign jurisdiction regime' - This regime applies in the exclusive economic zone (EEZ) of a coastal state. The coastal state has the exclusive right to explore and exploit the natural and energy resources of the sea in the EEZ, as well as to establish and enforce rules and regulations in various fields, such as marine conservation, scientific research, protection and management of natural resources, fisheries and so on. However, in terms of freedom of navigation, foreign vessels have the right of innocent passage through the EEZ, similar to the regime of innocent passage through territorial waters.

Within an EEZ, coastal states have certain rights to explore and exploit natural resources, but vessels from other states also have certain freedoms, including freedom of navigation and freedom to carry out certain economic activities such as fishing and scientific research. However, these freedoms are subject to certain limitations, including the requirement that they do not interfere with the coastal state's rights to explore and exploit natural resources in the EEZ.

In general, shipping regimes play a key role in regulating the rights and obligations of States and other actors in relation to shipping and other maritime activities. The different regimes reflect the balance between the rights and interests of coastal States and the rights and interests of ships and other actors involved in international shipping and other maritime activities.



Source: *La República* newspaper

An exclusive economic zone (EEZ) is a maritime area extending 200 nautical miles (370.4 kilometres) from the baseline of a coastal state, and which in some cases may be extended, within which the state has special rights over the exploration and exploitation of natural resources. The EEZ was established by the United Nations Convention on the Law of the Sea (UNCLOS), which entered into force in 1994 and has been ratified by over 160 countries.

Within the EEZ, a coastal state has sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, including fish stocks, oil and gas deposits and minerals. The coastal state also has jurisdiction over the creation and use of artificial islands, facilities and structures for scientific research and other purposes. However, the EEZ does not give the coastal state sovereignty over the waters or airspace above it, which remain subject to the rights of other states to exercise freedom of navigation and overflight.

The EEZ concept reflects the balance between the rights of coastal states to exploit the natural resources in their adjacent waters and the rights of other states to engage in international navigation and other maritime activities.

UNCLOS provides for a number of rights and freedoms for other states in the EEZ, including freedom of navigation and overflight, the laying of submarine cables and pipelines, and the conduct of scientific research.

Overall, the EEZ is an important concept in the law of the sea, providing coastal states with a framework for the sustainable management of their marine resources and helping to prevent disputes between neighbouring states over the exploitation of these resources.

Maritime domain awareness

Maritime Awareness refers to efforts to increase knowledge and inform the public about the importance and impact of the maritime sector on the economy, the environment and society at large. It covers a wide range of activities and issues, including maritime transport, international trade, maritime security, protection of the marine environment, conservation of marine resources and sustainable development of the maritime area.

Maritime awareness is crucial, as around 90% of world trade is carried by sea, and a large share of natural resources and energy comes from the oceans. Maritime areas also provide habitat for a wide variety of marine species and contribute to global climate regulation by absorbing carbon dioxide.

Various initiatives and programmes have been implemented to raise awareness. These include public information campaigns, educational projects in schools and universities, maritime events and exhibitions, and cooperation between international organisations, governments, the maritime industry and civil society.

The objectives of maritime domain awareness include promoting the sustainable development of the maritime sector, reducing negative impacts on the marine environment, enhancing security and safety in maritime areas, encouraging innovation and research in the field, and stimulating a global perspective on the importance of oceans and seas.

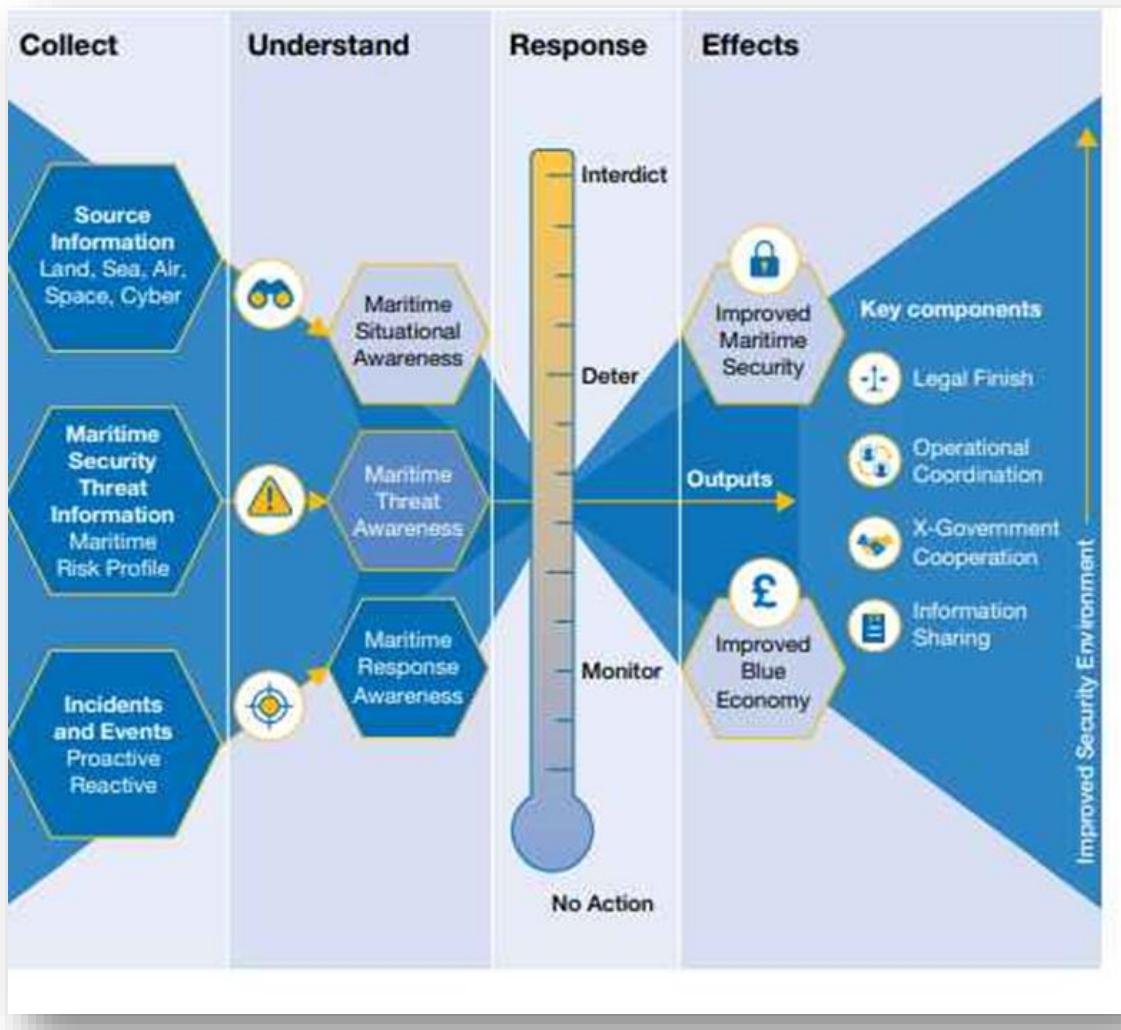
It is important to understand that maritime awareness and education measures are not limited to the maritime community, but are addressed to the general public, as the implications and impact of the maritime sector are relevant to all citizens of the world.

Maritime Domain Awareness (MDA) is a concept and system approach that refers to the ability to collect, monitor, analyse and understand relevant information about activities and events that occur in the maritime domain. The main purpose of MDA is to increase understanding and knowledge of the maritime situation in order to facilitate effective decision-making and to ensure safety and security in the maritime domain.

MDA involves the integration and analysis of data from a variety of sources such as radar, maritime traffic monitoring systems, satellites, surveillance aircraft, ship information, reports from maritime stakeholders and other relevant resources. This information is processed and analysed to identify patterns, trends, risks and potential threats in the maritime domain.

By implementing the MDA concept, maritime authorities, security forces and other relevant organisations can obtain a comprehensive picture of maritime activities such as maritime traffic, illegal trade, drug trafficking, piracy, terrorist activities or any other threat to maritime security and safety.

The MDA helps to improve coordination between the various agencies and organisations involved in the maritime domain, including law enforcement authorities, security agencies, port authorities and maritime operators. It facilitates real-time information sharing and effective collaboration to respond quickly and appropriately to emergencies or unexpected events.



The British maritime domain knowledge model.⁴⁰

In summary, Maritime Domain Awareness is an approach and system aimed at collecting, analysing and understanding information about maritime activities to enhance security, safety and efficiency in the maritime domain. It plays a crucial role in protecting maritime interests and promoting the stability and sustainable development of the maritime domain.

Results/effectiveness are highly dependent on capacity. All are necessary to ensure a safe and secure maritime environment.

The threat posed by piracy⁴¹ in the Gulf of Guinea region

The Gulf of Guinea Region (GBR), located off the west and central coasts of Africa, is a vast maritime space that has attracted significant attention from various external actors. This interest stems from the region's historical relations, trade, oil and fisheries, as well as its strategic importance as a gateway between Europe and Africa. However, the region is also characterised by various forms of maritime crime, including piracy, which has become a significant threat to the safety and security of people operating in the area.

⁴⁰ National Strategy for Maritime Security, UK.

⁴¹ Only acts committed outside the territorial sea are considered acts of piracy.



Photo Wikipedia

According to recent reports, 95% of all global piracy took place in the RGG, highlighting the seriousness of the piracy threat in the area. The reasons for the high level of piracy in the region are complex and include factors such as poverty, poor governance and lack of effective maritime security infrastructure. The vastness of the GCR, combined with the limited resources of individual states, makes it difficult to maintain adequate security across the region, and this has allowed criminal actors to thrive.

External actors have become increasingly involved in addressing the threat of piracy in the GCR. This involvement has taken various forms, from the deployment of naval forces to ensure security, to capacity building initiatives aimed at strengthening the maritime security infrastructure of individual states. The response to piracy in the RGG has been characterised by cooperation between external actors, individual states and regional organisations such as the Economic Community of West African States (ECOWAS)⁴² and the Gulf of Guinea Commission (GGC).

While the involvement of external actors has brought much needed attention and resources to the threat of piracy in the RGG, it is important to recognise the limitations of external interventions. Sustainable solutions to the piracy threat in the region require a comprehensive approach that addresses the root causes of piracy, such as poverty, poor governance and lack of economic opportunities. In addition, external interventions must be sensitive to local contexts and work in partnership with local actors to ensure that solutions are effective and sustainable.

In conclusion, the threat posed by piracy in the Gulf of Guinea region is a complex problem that requires a comprehensive and coordinated approach by several actors. While external interventions can play a significant role in addressing the piracy threat, sustainable solutions will require a long-term commitment to address the root causes of piracy and to work in partnership with local actors to build a more effective maritime security infrastructure in the region.

⁴² The Economic Community of West African States (ECOWAS) was created by the Treaty of Lagos in Lagos, Nigeria, on 28 May 1975. It was created to promote economic trade, national cooperation and monetary union for growth and development throughout West Africa. <https://ro.eferrit.com/care-este-comunitatea-economica-a-statelor-africilor-de-vest-ecowas/> accessed 12.03.2023.

Maritime anti-piracy operations

To combat piracy, a number of maritime operations have been developed by various organisations and countries, often working in collaboration with each other. These operations focus on different aspects of the piracy problem, from prevention to interdiction and prosecution.



security.

In addition to the CMF, other organisations have developed maritime operations to combat piracy. The European Union launched Operation Atalanta in 2008, which focused on preventing and deterring piracy and armed robbery off the coast of Somalia. Atalanta involved naval and air assets from European countries and was mandated by the European Union's Common Security and Defence Policy. The operation succeeded in reducing the number of successful pirate attacks in the region.



Photo F221, Atalanta , pirate capture

The International Maritime Organisation (IMO) has also played a role in the fight against piracy, developing a series of guidelines and recommendations for the shipping industry to reduce the risk of piracy attacks. These

One of the most prominent international anti-piracy efforts has been the Combined Maritime Forces (CMF) in the Gulf of Aden. It is a multinational naval partnership that was established in 2002 to promote maritime security, deter piracy and promote free and open trade. The CMF operates under a United Nations mandate and is currently composed of 33 participating nations. The CMF conducts maritime patrols, escorts merchant ships and

Photo F221, Atalanta
engages in intelligence sharing to deter piracy and other threats to maritime

Between November and December 2012, the frigate 221 King Ferdinand participated in Operation Atalanta, during which it captured and neutralised a suspected pirate vessel.

The North Atlantic Treaty Organisation (NATO) has also conducted maritime operations to combat piracy, notably Operation Ocean Shield, which ran from 2009 to 2016 in the Gulf of Aden and the Somali Basin. Like other counter-piracy operations, Ocean Shield involved naval patrols, intelligence sharing and the provision of armed escorts for merchant ships.

guidelines include best practices for shipowners, operators and crews, as well as guidelines on the use of armed security personnel on board ships.

Despite the success of these maritime operations, piracy remains a persistent threat in some regions. Piracy off the coast of West Africa, for example, has increased in recent years, with criminal groups targeting ships in the Gulf of Guinea. To address this problem, the Economic Community of West African States (ECOWAS) has established a regional maritime security architecture, which includes a maritime cooperation zone and a multinational maritime coordination centre. These initiatives aim to improve information sharing and coordination between the different countries in the region to combat piracy and other maritime security threats.

In conclusion, piracy is a significant threat to maritime security and combating it requires a multi-faceted approach involving the coordinated efforts of different organisations and countries. Maritime operations that focus on prevention, interdiction and prosecution, as well as the development of best practices and regional coordination can help reduce the threat of piracy and ensure the safety and security of seafarers and international trade.

The influence of national legislation on maritime security operations

National legislation plays a key role in establishing an appropriate legal framework for maritime security operations and ensuring compliance with relevant international standards. Although there are international conventions and treaties governing maritime security, these are transposed into the national legislation of each state.

Therefore, each state has its own laws and regulations setting maritime security standards for ships registered under their flag and for their ports, as well as the responsibilities of ship operators and port owners. These national laws may include provisions that set out security requirements for ships, such as preventing acts of piracy and robbery, protecting port facilities and improving security by monitoring and controlling access to sensitive areas of the port.

During the wave of piracy that has hit the Somali coast in recent years, multinational naval vessels have captured large numbers of suspected pirates and vessels used in piracy. However, due to legal limitations and lack of adequate infrastructure, many of these captured vessels and suspected pirates have been released on the Somali coast instead of being tried in national or international courts. This led to a sense of impunity among pirates, as they knew that the risk of being punished for their activities was relatively low.

This has underlined the importance of strengthening international cooperation and harmonising national legislation in the fight against maritime piracy. A coherent and harmonised approach is needed to tackle the threat of piracy and to ensure that those involved in piracy activities are brought to justice and punished for their crimes. It is also important to create the infrastructure and resources to be able to try these cases in national or international courts, and to ensure that all states involved in the fight against piracy take responsibility for bringing pirates to justice.

Transnational crime

Transnational crime is one of the most important contemporary maritime security challenges.

Transnational crime is one of today's most pressing maritime security challenges. Criminal activities such as drug trafficking, human trafficking, arms smuggling and piracy are increasingly taking place at sea and have significant implications for global security and stability.

By its very nature, transnational crime is difficult to combat using traditional law enforcement methods, as it often involves actors from multiple jurisdictions operating across borders and taking advantage of the vast and open spaces of the ocean to conduct their activities. This makes it more difficult to monitor and control maritime activities and allows criminal organisations to exploit weaknesses in national and international legal systems.

One of the key challenges in tackling transnational crime at sea is the need for increased cooperation between states and international organisations. Effective responses require coordinated efforts by a range of actors, including law enforcement agencies, navies, coastguards and international organisations such as the United Nations Office on Drugs and Crime (UNODC) and the International Maritime Organisation (IMO).

In recent years, there have been a number of initiatives aimed at tackling transnational crime at sea. These include the adoption of international conventions and protocols, the establishment of regional information exchange networks and the deployment of joint patrols and task forces to monitor and control maritime activities. Despite these efforts, the challenge posed by transnational crime at sea remains significant. Criminal organisations continue to adapt and evolve their tactics and strategies and the vastness of the ocean makes it difficult to monitor and control all activities at sea. As such, it is clear that the fight against transnational crime at sea requires continued collaboration and innovation, as well as recognition of the critical role that maritime security plays in global security and stability.

Migration

In the Mediterranean region, states have increasingly focused on preventing migration, often through a security approach that emphasises the maritime security dimension. This approach aims to strengthen border control measures, improve surveillance and intelligence gathering and enhance cooperation between states and with international organisations.



The Mediterranean Sea has long been a focal point for migration, with migrants and refugees trying to cross the sea from North Africa to Europe in search of a better life. However, in recent years, this migration has become increasingly illegal as organised criminal networks have taken advantage of insecurity and instability in the region to facilitate illegal crossings and exploit vulnerable people.

States in the region have responded to this phenomenon with a series of measures to strengthen their maritime security. These include deploying military vessels and aircraft to patrol the sea, strengthening coastal guard and border control capabilities, and developing

information-sharing arrangements to improve situational awareness and coordinate responses.

While these measures have been effective in reducing the number of irregular crossings, they have also been criticised for their security focus, which has often led to criminalisation of migration and human rights violations. As a result, there have been calls for a more balanced approach to maritime security in the region that takes into account the humanitarian dimension of migration and seeks to address the root causes of irregular movements.

Such an approach would require increased investment in development and conflict prevention initiatives in the region, as well as a renewed commitment to international law and human rights. It would also require closer cooperation between states and international organisations and a recognition of the shared responsibility of all actors in addressing the challenges of illegal maritime movements in the Mediterranean.

The management of maritime migration needs to be framed within the multitude and overlapping regimes governing state support to people at sea, namely in terms of safety of life, search and rescue and refugee laws.

Safety of life at sea is a fundamental principle of international maritime law and all States have a responsibility to ensure that people in distress at sea are rescued and provided with the necessary assistance. This responsibility is particularly relevant in the context of maritime migration, where individuals often undertake risky journeys at sea in search of safety and better opportunities.

Search and rescue operations are therefore an essential component of maritime migration management and States have an obligation to provide these services in a timely and efficient manner. This can be a complex task, particularly in areas where the number of migrants crossing the sea is high and the resources available to respond are limited.

In addition to the principle of safety of life at sea, refugees and migrants at sea are also protected by international and regional refugee laws. These laws recognise the right of individuals to seek asylum and prohibit states from returning individuals to countries where they face persecution or harm.

Given the complexity of managing maritime migration, it is important that States adopt a holistic and integrated approach that takes into account the different legal regimes and principles that apply. This requires a comprehensive and coordinated response involving multiple actors, including governments, international organisations, civil society groups and affected communities.

Effective management of maritime migration must be based on a clear understanding of the needs and vulnerabilities of people at sea, and an awareness of the different legal frameworks that apply. It must also be based on a commitment to international law, human rights and humanitarian principles and be guided by a spirit of cooperation and shared responsibility among all actors involved.

Perspectives and policy development on managing maritime migration.

Perspectives and policy-making on the management of maritime migration should take into account the complex and multifaceted nature of this problem. Some potential considerations and recommendations include:

- Tackling root causes - a sustainable and long-term solution to managing maritime migration must address the root causes of migration, such as poverty, conflict and environmental degradation. This requires a comprehensive and multidimensional approach that involves addressing the economic, social and political factors that drive migration;
- Supporting countries of origin and transit - countries of origin and transit play a key role in managing maritime migration and must be supported through development aid, capacity building and technical assistance. This can help strengthen border management, improve search and rescue capacities and support migrants in transit;
- Strengthening cooperation and coordination - effective management of maritime migration requires a coordinated and cooperative approach between all stakeholders involved, including governments, international organisations, civil society groups and affected communities. Increased cooperation and coordination can help reduce duplication of efforts, improve information sharing and promote more effective responses to migration crises;
- Promoting a rights-based approach - a rights-based approach to managing maritime migration emphasises the protection of the human rights and dignity of all people, regardless of their migration status. This requires respect for international human rights and refugee law, as well as ensuring migrants' access to basic services such as healthcare, education and legal assistance;
- Promoting safe and orderly migration - Safe and orderly migration is a key objective of effective management of maritime migration and requires a range of measures, including strengthened border management, enhanced search and rescue capacities and greater support for voluntary return and reintegration;
- encouraging regional and international cooperation - migration is a global phenomenon that requires a global response. Regional and international cooperation can play a key role in promoting more effective migration management, including through information sharing, joint capacity building and the development of common policies and frameworks;

Overall, effective management of maritime migration requires a long-term, comprehensive and rights-based approach that takes into account the different legal frameworks, policy considerations and practical challenges involved. By working together and adopting a coordinated and cooperative approach, stakeholders can promote safe, orderly and humane migration that respects the rights and dignity of all concerned.

Maritime terrorism, central debate in the field.



Maritime terrorism refers to any terrorist act that takes place at sea or against maritime targets. It is a complex issue that has attracted much attention from researchers and policy makers in recent years. There are three central debates in the field of maritime terrorism:

Special Forces⁴³

- definition of maritime terrorism. Some scholars argue that the term "maritime terrorism" should only be used to describe acts of terrorism that take place on board a ship, while others argue that the term should be used to describe any act of terrorism that affects maritime security, such as attacks on ports, oil platforms or coastal facilities. This debate is important because it influences the way policymakers develop strategies to combat maritime terrorism and allocate resources in this area;

-assessing the threat of maritime terrorism. Some researchers argue that maritime terrorism is an exaggerated threat that has been overestimated by governments and security agencies. Others argue that the threat is real and that terrorist groups have the capability to carry out attacks against maritime targets. This debate is important because it affects how governments and security agencies allocate resources to maritime security and counter-terrorism activities;

-response and prevention - the third central debate in the field of maritime terrorism concerns response and prevention strategies. Some researchers argue that the best way to prevent maritime terrorism is to enhance the security of ships, ports and other maritime facilities. Others argue that the best way to prevent maritime terrorism is to address the underlying social, economic and political factors that contribute to the emergence of terrorist groups. This debate is important because it influences the way policymakers develop strategies to prevent and respond to maritime terrorism.

In conclusion, the field of maritime terrorism is complex and there are many debates around the definition of the term, threat assessment and response and prevention strategies. It is essential that policy makers and researchers engage in these debates and work towards a comprehensive understanding of maritime terrorism that can inform effective strategies to counter this threat.

Combating arms and goods trafficking in the maritime sector. Global efforts for international security

Trafficking in arms and illicit goods is a serious threat to peace and stability around the world. The maritime sector plays a crucial role in this problem, as it is often used by traffickers to transport and conceal illegal goods. Tackling this phenomenon requires concerted global efforts involving states, international organisations and the private sector.

⁴³ https://twitter.com/specialforces_1.



In a tense international context, the spread of conventional weapons poses a threat to the stability of certain regions of the world and, indirectly, to Romania's interests. Indeed, many criminal networks (terrorists, pirates, traffickers, etc.) take advantage of these instabilities to supply themselves at sea with individual or collective weapons. The traffickers thus benefit from low transport costs and a high degree of secrecy by inserting themselves into the containerised flow, making transhipments at sea, by hijacking ship positioning systems or by falsifying cargo manifests. The main areas affected are the

Eastern Mediterranean, the Black Sea, the Indian Ocean, including the Red Sea and the Horn of Africa.

International conventions and treaties

Combating trafficking in arms and goods at sea is addressed through international conventions and treaties. These include the United Nations Convention against Transnational Organised Crime⁴⁴ (UNTOC), the UN Arms Trade Treaty⁴⁵ and the Protocol against the Smuggling of Migrants by Sea. These agreements establish standards and procedures for the prevention, detection and eradication of trafficking in arms and goods.

Arms trafficking is a dangerous and devastating phenomenon that threatens international security and contributes to destabilising regions around the world. The proliferation of this phenomenon in the maritime sector has become a major problem with serious implications for peace and stability.

Causes of the proliferation of arms trafficking at sea:

- Ambiguous area of legality: Some regions and maritime areas are in a legal vacuum or in an area of ambiguous legality, thus facilitating arms trafficking. These areas provide a favourable environment for traffickers to operate and conceal illegal goods.
- Corruption and complicity of officials: Corruption and complicity of customs and port officials facilitate arms trafficking through seaports. These illegal activities compromise the integrity of the security system and allow traffickers to avoid controls and carry out illegal operations.
- Regional instability and conflict: Regions affected by armed conflict and political instability are often the sites of arms trafficking. When governments are weak or ineffective, traffickers often find opportunities to take advantage of the chaos and deliver arms to illegal and insurgent groups.

Consequences of the proliferation of arms trafficking at sea:

- Increased violence: Arms trafficking fuels armed conflict and increases violence in already unstable regions. Illicit arms end up in the hands of criminal, terrorist and insurgent groups, increasing threats to security and the lives of citizens.
- Devastating effects on civil society: Illicit arms often end up in the hands of criminals and so-called "illiberal actors", contributing to increased crime, armed violence and drug trafficking. These effects have a devastating impact on civil society and the development and stability process.
- Terrorist financing: A crucial aspect of the fight against trafficking in arms and goods in the maritime sector is to prevent terrorist financing. Financial flows associated with these illicit activities are monitored and tracked in close cooperation with financial institutions and

⁴⁴ UNTOC (United Nations Convention against Transnational Organized Crime) was adopted in 2000. It was established as an international legal instrument to combat and prevent transnational organised crime globally.

⁴⁵ The United Nations Arms Trade Treaty (UN ATT) was adopted on 2 April 2013 and entered into force on 24 December 2014, 90 days after the deposit of 50 ratifications by UN Member States. Although the UN ATT has been adopted by a large part of the international community, it is important to note that not all UN Member States have signed or ratified this treaty. Its implementation and the effective application of its provisions remain the responsibility of each individual State Party.

international organisations. Implementing measures to combat money laundering and terrorist financing helps to disrupt the supply chain of traffickers.

Action to combat the proliferation of arms trafficking at sea:

A global approach and cooperation between the states concerned is needed to tackle the problem of arms trafficking at sea. Here are some key actions that can be taken:

- Strengthen legislation and customs control: States should improve and enforce strict legislation to control arms trafficking and develop effective customs control capacities. This includes rigorous screening of shipments and containers at ports and the involvement of judicial authorities in the investigation and prosecution of arms traffickers.
- International cooperation and exchange of information: States should strengthen cooperation at international level by exchanging relevant information on arms trafficking at sea. This can be achieved through international organisations, such as Interpol and the United Nations, which facilitate the rapid and secure exchange of information between countries and law enforcement agencies.
- Surveillance and patrolling of the seas: States are recommended to increase surveillance and patrolling of maritime areas to detect and intercept vessels involved in arms trafficking. This may involve the deployment of patrol vessels, surveillance aircraft and the use of advanced detection technologies to identify and track suspicious activity.
- Improving cooperation with the private sector: Collaboration between government authorities and the private sector, including shipping companies, port operators and maritime security companies, is essential in combating arms trafficking. Sharing information, developing security standards and implementing responsible supply chain practices can help identify and prevent arms trafficking.
- Awareness-raising and education: Awareness-raising and education campaigns play an important role in combating arms trafficking. These can include training maritime and port staff on identifying and reporting suspicious activities, as well as educating the public on the dangers of arms trafficking and the importance of reporting such activities to the authorities.

Romania has taken a number of measures to combat arms trafficking and to prevent the proliferation of this phenomenon. Romania has in place strict legislation on arms control and arms trafficking. This includes the Law on Arms and Ammunition, which regulates the acquisition, possession and transit of arms and ammunition. There are also specific regulations on the import and export of arms and ammunition.

The Romanian authorities have an effective customs control system and carry out rigorous checks on arms exports and imports. This involves checking documents and records, scanning and physically inspecting shipments and cooperating with similar authorities in other countries. Romania cooperates with other states and international organisations to combat arms trafficking. This includes the exchange of information and cooperation with Interpol, the United Nations and other relevant entities to identify and pursue arms trafficking networks.

The Romanian maritime authorities monitor and secure the maritime border to prevent illegal arms trafficking. This involves the use of surveillance vessels and equipment, as well as cooperation with other countries in joint maritime operations, and pays particular attention to the training and education of personnel involved in arms control and arms trafficking. This includes the training of police, customs officers and other law enforcement officials to identify and intervene in cases of arms trafficking.

Romania works closely with international organisations such as Europol⁴⁶ and the United Nations to combat global arms trafficking. Through these bodies, Romania contributes to the exchange of information and coordination of international efforts to identify and prosecute arms traffickers.

The National Authority for the Control of the Export and Import of Arms, Ammunition and Military Products and Technologies⁴⁷ (ANCEX) in Romania is responsible for monitoring and regulating the arms trade. This includes granting export and import licences, verifying compliance with international rules and embargoes and collaborating with similar authorities in other countries.

Romania is actively involved in regional cooperation to combat arms trafficking. Participation in regional initiatives and programmes, such as the Regional Action Group against illicit firearms trafficking in South Eastern Europe (SEESAC), facilitates the exchange of information and best practices between countries and contributes to improving capacities to combat arms trafficking.

Romania actively contributes to international operations to combat arms trafficking. For example, participation in EU maritime operations, such as Operation Atalanta⁴⁸ and Operation Irini⁴⁹, demonstrates Romania's commitment to preventing illegal arms trafficking at sea and promoting maritime security at global level.

These measures taken by Romania reflect the country's continued efforts to combat arms trafficking and to prevent the proliferation of this phenomenon in the country and in the region. Through international cooperation, rigorous monitoring and regulation, as well as involvement in international operations and initiatives, Romania contributes to international efforts to combat this phenomenon.

Combating trafficking in arms and goods in the maritime sector is a complex challenge that requires a comprehensive and coordinated approach. By implementing international treaties, strengthening international cooperation, using advanced technology and promoting awareness, the international community is working hard to counter this phenomenon. It is essential to continue these efforts, improve legislation and increase collaboration between states, international organisations and the private sector to ensure security and prevent the proliferation of illegal arms and goods in the maritime sector. Only through joint efforts and integrated approaches can we achieve effective results in combating trafficking in arms and goods, thus ensuring international peace and security at sea.

Strategic energy security. Geopolitical variables

Maritime security risks are shaped by a range of strategic, geopolitical and operational factors, all of which need to be taken into account when developing effective maritime security processes. At the strategic level, energy security requirements play a major role in shaping maritime security risks as the majority of the world's oil and gas resources are transported by sea. Disruption of energy supply chains can have significant economic and political consequences, making them an attractive target for state and non-state actors seeking to achieve their political or economic objectives.

⁴⁶ Europol, the European Police Office, was established in 1994. This organisation was created as an agency of the European Union, based in The Hague, the Netherlands. Europol's aim is to facilitate cooperation and the exchange of information between police forces in the Member States of the European Union in order to combat cross-border crime and security threats in Europe.

⁴⁷ ANCEX (National Authority for the Control of the Export and Import of Arms, Ammunition and Military Products and Technologies) was established in 2003 in Romania. It was created to regulate and monitor the trade in arms, ammunition and military products and technologies in accordance with national and international legislation.

⁴⁸ Operation Atalanta is a European Union (EU) naval operation launched in December 2008 to combat piracy and armed robbery off the coast of Somalia and adjacent waters in the Gulf of Aden and the Indian Ocean. It is a response by the international community to the increasing incidents of piracy in the region and aims to protect merchant vessels and secure the strategic shipping corridor. Romania participated in this operation with Frigate 221.

⁴⁹ Operation Irini is a European Union (EU) naval operation launched in March 2020 to support the implementation of the UN arms embargo in Libya. It is a continuation of international efforts to maintain peace and security in the Mediterranean region, with the main objective of monitoring and supervising the arms embargo in Libya. Romania is participating in this operation with Frigate 221 and Frigate 222.

Geopolitical factors also contribute to maritime security risks, as competition for maritime resources and access to key maritime routes can lead to conflict and instability. Territorial disputes, competing claims to maritime borders and tensions between neighbouring states all contribute to the risk of maritime security incidents.

Operational realities also play a key role in shaping maritime security risks, as technological advances have made it easier for non-state actors to operate at sea. Smaller and faster boats and the proliferation of small arms and light weapons have made piracy and other forms of maritime crime more attractive and easier to carry out. In addition, the vast expanse of the world's oceans and the difficulty of monitoring and patrolling such a large area make it difficult to detect and respond to maritime security threats.

To address these complex maritime security risks, effective maritime security processes must be developed that take all these factors into account. This requires a coordinated, multi-stakeholder approach involving collaboration between states, international organisations and the private sector. Such an approach should focus on developing a comprehensive understanding of maritime security risks and addressing the root causes of these risks, such as economic inequality and political instability. In addition, effective maritime security processes should involve the deployment of appropriate technologies and operational procedures to detect, monitor and respond to maritime security incidents in a timely and effective manner.

Overall, the complexity of contemporary maritime security risks requires a nuanced and multifaceted approach to develop effective maritime security processes that can protect vital maritime routes and ensure the safety and security of people and communities that depend on the oceans for their livelihoods.

Cyber security

Cybersecurity plays a vital role in the maritime industry due to increasing digitisation and automation, which has led to the introduction of new threats and regulatory requirements. This digital transformation is proving to be a double-edged sword as it is essential to the functioning of critical shipping systems. However, it also poses a major risk to maritime infrastructure and ships, leaving them vulnerable to cyber attacks. The consequences of such cyber attacks have a significant impact on the safety of personnel and the environment.

The increasing use of digital technologies and automation in the maritime industry has led to a growing awareness of the need for effective cybersecurity measures to prevent cyber attacks on ships and critical shipping systems. Cybersecurity threats to the maritime industry include malware⁵⁰, ransomware⁵¹, hacking⁵² and other types of attacks that can disrupt operations, compromise data security and even endanger the safety of crews and the environment.

In addition, regulatory requirements related to cybersecurity in the maritime industry are evolving rapidly as more countries and organisations recognise the need for cybersecurity standards and best practices. For example, the International Maritime Organisation (IMO) has introduced guidelines for managing cyber risks to ships and shipping companies, including a requirement for companies to develop cyber risk management plans.

Effective cybersecurity in the maritime industry requires a holistic approach involving all stakeholders, including shipowners, operators and crew members, as well as regulators and cybersecurity experts. This approach should include measures such as regular staff training and awareness, regular vulnerability assessments and penetration testing, implementation of secure network architecture and access controls, and the use of encryption and other security technologies to protect data and systems.

⁵⁰ Malware is a term that comes from the phrase "malicious software". It refers to any type of software created with the intention of causing damage or gaining unauthorised access to a computer system or its data.

⁵¹ Ransomware is a type of malware (malicious software) that encrypts files or blocks access to a computer or device's operating system, and then demands a "ransom" to unlock or decrypt that data.

⁵² Hacking refers to the activity of accessing, modifying or exploiting computer systems and networks in a way that is not authorised or legal. The term "hacker" is often used to describe people who engage in such activities.

Maritime security and the Convention on the Law of the Sea

The Convention on the Law of the Sea (UNCLOS), which entered into force in 1994, is the main international legal framework governing the use and protection of the world's oceans and marine resources. UNCLOS addresses a wide range of maritime issues, including maritime security.

UNCLOS recognises the right of all states to engage in maritime security operations in their maritime zones, subject to certain conditions and limitations. Specifically, UNCLOS recognises the right of coastal states to take the necessary measures to protect their national security, including the prohibition of foreign vessels engaged in illegal activities in their territorial sea, such as drug trafficking, piracy and human trafficking. However, these measures must be carried out in accordance with the principles of international law, including respect for human rights and the obligation to avoid harm to innocent vessels.

UNCLOS also provides for the establishment of Exclusive Economic Zones (EEZs) within which coastal states have special rights for the exploration and exploitation of natural resources. However, these rights are subject to certain limitations, including the obligation to respect the rights and freedoms of other states and to ensure that maritime security operations within the EEZ do not interfere with other lawful uses of the sea.

Overall, UNCLOS plays a key role in promoting maritime security by providing a legal framework for states to cooperate in preventing and suppressing illegal maritime activities, while ensuring that maritime security operations are conducted in accordance with international law and with respect for human rights.

Many countries have extended their jurisdiction over large maritime areas through UNCLOS, which gives them exclusive rights to explore and exploit natural resources as well as authority over activities such as fishing and shipping. However, monitoring and defending such large areas can be a significant challenge for many countries, especially those with limited resources and technical capabilities. This can create vulnerabilities that can be exploited by transnational maritime crime networks, such as illegal fishing or smuggling of goods or people. Strengthening maritime security capacity is therefore an important issue for many countries in order to effectively manage and secure their maritime spaces.

The strong interaction between the law of the sea and security

The Law of the Sea provides the legal framework for maritime security, and security issues in turn influence the interpretation and implementation of the Law of the Sea.

Maritime security involves a wide range of activities and issues, including piracy, terrorism, smuggling, drug trafficking and critical infrastructure protection. The law of the sea plays a key role in addressing these issues by defining the rights and responsibilities of states and other actors in the maritime domain, including the different maritime zones and their associated legal regimes.

For example, the United Nations Convention on the Law of the Sea (UNCLOS) establishes the legal framework for maritime security operations, including the prohibition of vessels engaged in illegal activities in a state's territorial sea, the protection of critical infrastructure in the exclusive economic zone (EEZ) and freedom of navigation through international straits.

At the same time, security issues also influence the interpretation and implementation of the Law of the Sea. For example, the threat of piracy and other illegal activities in the waters off the coast of Somalia has led to the adoption of UN Security Council resolutions authorising international naval forces to operate in Somali waters and engage in maritime security operations.

In addition, the ongoing global war against terrorism has led to increased attention to maritime security, particularly in the context of terrorism prevention, through the adoption of the International Ship and Port Facility Security (ISPS) Code and other measures to enhance the security of shipping and port facilities.

In short, the law of the sea and security are deeply intertwined, with the law providing the legal framework for maritime security, while security issues in turn influence the interpretation and implementation of the law.

The way to the future

The way forward for the law of the sea and maritime security is likely to involve continued efforts to balance the rights and interests of coastal states and other actors in relation to navigation, exploration and exploitation of natural resources and other maritime activities. Potential areas for future development include the following:

- Continue efforts to promote cooperation and coordination between coastal states and other maritime actors, including through the development of regional agreements and mechanisms for shared resource management and conflict prevention;
- developing new technologies and practices for the sustainable management of marine resources, including fisheries, oil and gas fields and minerals;
- Efforts to address new threats to maritime security such as piracy, maritime terrorism and illegal fishing;
- continued efforts to strengthen the legal frameworks for the management of marine resources, including through the development of new international agreements and the implementation of existing ones;
- addressing the challenges posed by climate change and its impact on the maritime domain, including the potential for changes in sea level, ocean currents and other factors that could affect the management of marine resources and the security of coastal states.

Overall, the law of the sea and maritime security will continue to be important areas of concern for the international community as the oceans and seas continue to play a critical role in the global economy and the wider security environment.

The role of international law in maritime security

Maritime security is a dynamic and complex issue that requires a multi-faceted approach. International law plays a key role in managing maritime security, providing a framework within which states can respond to threats from non-state actors and engage in inter-state cooperation. The United Nations Convention on the Law of the Sea (UNCLOS), together with other treaties and agreements, provides the parameters within which states can act in the maritime domain and sets the ground rules for cooperation between states.

UNCLOS, which entered into force in 1994, is widely regarded as the cornerstone of international maritime law. The Convention defines the rights and responsibilities of states in relation to the use of the world's oceans, setting rules for everything from navigation and fishing to the exploration and exploitation of natural resources. UNCLOS also provides a legal framework for dispute settlement, including disputes between states and disputes between states and non-state actors.

One of the main advantages of an approach to maritime security based on international law is the emphasis on peaceful dispute settlement. UNCLOS provides a mechanism for the peaceful settlement of disputes between states, including negotiation, mediation and arbitration. This approach helps prevent conflicts from escalating and promotes the development of cooperative relations between states.

Another advantage of an approach based on international law is the recognition of the rights and obligations of all maritime stakeholders. UNCLOS recognises the right of coastal states to control activities within their territorial seas and exclusive economic zones, while providing for freedom of navigation and overflight for other states. This balance of rights and obligations helps to establish order at sea and prevent conflicts between states and other actors.

However, there are limitations to an approach based on international law. One of the main limitations is the difficulty of applying international legal rules. UNCLOS provides for the settlement of disputes between states, but lacks a robust enforcement mechanism. This means that states have to rely on diplomatic pressure, economic sanctions and other non-legal means to enforce international legal rules.

Another limitation of an approach based on international law is the complexity of the legal regime. The maritime field is subject to a complex web of international legal rules, including treaties, customary international law and soft law instruments. This complexity can make it difficult for states to position themselves within the legal framework and can create uncertainty and ambiguity in the application of international legal rules.

Maritime security is not only about ensuring the safety and security of ships and their cargo, but also the safety and security of the people working and travelling on these ships. These people come from different backgrounds and are positioned within social hierarchies of gender, class, race or ethnicity. Understanding these social hierarchies is crucial to developing effective policies and strategies to ensure the safety and security of all people in maritime spaces.

In conclusion, an approach to maritime security based on international law, and in particular UNCLOS, is an important component of maritime security management efforts. The legal framework provided by UNCLOS and other international legal instruments contributes to establishing order at sea, preventing conflicts between states and other actors and providing a mechanism for the peaceful settlement of disputes. However, there are inherent limitations to an approach based on international law, including difficulties in enforcement and the complexity of the legal regime. As such, a comprehensive approach to maritime security must incorporate a range of strategies, including legal, diplomatic, economic and military measures.

Maritime security through the lens of security theory⁵³

Maritime security is a complex and multifaceted issue that requires a comprehensive approach. One way to understand maritime security is through the lens of securitisation theory. This approach focuses on the policy of considering maritime issues as threats to a value reference object, such as national security or economic interests. Securitisation theory can be used to trace how the seas have been considered an area of insecurity and how issues such as transnational crime have been incorporated into the security agendas of states.

According to security theory, security is not an objective phenomenon, but a process that involves identifying a security threat and mobilising resources to address that threat. This process is driven by security policies, which involve constructing a discourse that frames a particular issue as a security threat. In the context of maritime security, securitisation theory suggests that seas are not inherently insecure, but are constructed as such through security policies.

An example of this is the way piracy has been constructed as a security threat in the maritime domain. Piracy has been an issue for centuries, but it was only in the early 2000s that it was considered a security threat requiring a coordinated international response. This framing was driven by a discourse that presented piracy as a threat to world trade and economic stability. This discourse was constructed by a range of actors, including states, international organisations and the media.

Another example of maritime security is the way transnational crime has been incorporated into states' security agendas. Transnational crime, such as drug trafficking, human trafficking and arms smuggling, has long been a problem in the maritime domain. However, it was only at the end of the 20th century that it began to be seen as a security threat. This was driven by a discourse that presented transnational crime as a threat to national security and public safety.

Security theory helps explain how maritime security is built through security policy. It suggests that issues that are considered security threats in the maritime domain are not inherently insecure, but are constructed as such through a discourse that frames them as threats to a valuable object of reference. This framing is determined by a range of actors, including states, international organisations and the media.

In conclusion, security theory provides a useful framework for understanding how maritime security is built through security policy. This approach highlights the importance of discourse and the construction of security threats

⁵³Securitisation theory was originally formulated by security theorists in the field of International Relations. There are several academics and thinkers who have contributed to the development and shaping of this theory. One of the best-known theorists who have addressed securitisation theory is Barry Buzan, a British professor of International Relations. Together with Ole Wæver, he developed sectoral security theory and introduced the concept of 'securitization' to explain how certain issues become security issues in a given context. Their work has significantly influenced the study of security in the field of International Relations, and hence the theory of securitisation. Other theorists such as Ole Wæver, Thomas Biersteker, Keith Krause and Didier Bigo have also contributed to the development of securitisation theory through their research and academic articles. These thinkers have offered different perspectives and approaches to security and how it is constructed and managed in different contexts.

in shaping maritime security agendas. By understanding maritime security policy, policymakers can develop more effective strategies to address the complex and multifaceted challenges of the maritime domain.

Non-state actors relevant to maritime security.

Non-state actors are increasingly relevant to maritime security, and they are disconcertingly numerous and varied. These actors can range from criminal networks involved in smuggling, trafficking and piracy to environmental activists fighting unsustainable fishing practices and oil drilling in sensitive areas. Private maritime security companies (PMSCs) also play an important role in protecting ships and their crews, and non-state actors can even include individuals and groups using the sea for cultural or spiritual purposes.

Terrorist organisations and insurgent groups are also non-state actors that can pose significant threats to maritime security, either by attacking maritime vessels or by using the sea as a route for smuggling arms or illicit goods. Non-state actors may also engage in cybercrime against maritime and port infrastructure, including theft of intellectual property and data breaches.

There are approaches and theories that explore the potential for hidden actions of state actors through non-state or third party actors. This approach focuses on the concept of "proxy war" and involves the use of non-state entities, such as terrorist groups or rebels, by a state to promote its interests or achieve its objectives, while avoiding direct confrontation with other state actors.

Terrorist financing is a relevant example. Some states may financially support terrorist organisations or militant groups in an attempt to achieve their political goals, destabilise regions or influence events in a way that is advantageous to them. This may include providing funds, resources or military equipment, as well as offering logistical support and training.

Approaches to state actors' disguised actions through non-state actors emphasise that these tactics allow states to avoid direct responsibility for their actions, while giving them a degree of plausibility and deniability. These actions can be used to achieve political or military objectives without triggering open conflict or facing diplomatic repercussions.

It should also be noted that such approaches can be difficult to prove or investigate, as direct state involvement is often hidden or denied, and the boundaries between state and non-state actors can be blurred.

There are concrete cases in history where it has been assumed or demonstrated that certain state actors have used non-state actors or third parties to achieve their objectives. Here are some notable examples:

Pakistan's Support to the Mujahideen in the Afghan War⁵⁴ (1979-1989): During the Soviet-Afghan War, Pakistan provided financial, logistical and military support to the Afghan mujahideen, including the Taliban. This was done in collaboration with the United States and other Western states in an effort to weaken Soviet influence in the region.

Iran's support for Hezbollah⁵⁵ : Hezbollah, a Lebanese militant group, has received financial, logistical and military support from Iran. This has included the provision of arms, military training and support for terrorist activities. Hezbollah has acted as an instrument through which Iran has promoted its influence in the Levant region.

Saudi Arabia's financing of terrorism: There are suspicions and allegations that some individuals and organisations in Saudi Arabia have provided financial support to terrorist groups such as al-Qaida. While state involvement in this case is disputed, there is evidence to suggest that individual or private funding has taken place.

⁵⁴ Steve Coll "Ghost Wars: *The Secret History of the CIA, Afghanistan, and Bin Laden*, from the Soviet Invasion to September 10, 2001" Steve Coll provides a detailed analysis of the events and politics behind the war in Afghanistan and the CIA's involvement in supporting the Afghan mujahideen in their fight against Soviet troops. The book explores how support from the United States and its allies contributed to the mobilisation and radicalisation of mujahideen fighters, including Osama bin Laden.

⁵⁵ Matthew Levitt "Hezbollah: *The Global Footprint of Lebanon's Party of God*". Matthew Levitt points out that Iran has been Hezbollah's main supporter and has played a crucial role in the growth and consolidation of the organisation. He explores how Iran has provided financial resources to Hezbollah, including through the Iranian banking system and illegal funding channels...

Russia's involvement in the Ukraine conflict: Russia has been accused of supporting separatist rebels in eastern Ukraine by providing military support, including arms and troops, during the conflict in Donbas. This was considered a covert action by non-state actors, as Russia has officially denied direct involvement.

These are just a few examples and it should be noted that some allegations or implications may be disputed or have been the subject of ongoing investigations. Studying and analysing these cases contributes to understanding how state actors can use non-state actors for strategic purposes and in achieving their foreign policy objectives.

These approaches are topics of study in international relations and international security, and researchers are examining the ways in which state actors can use non-state actors to advance their interests and the implications these tactics have for global stability and security.

Given the diverse range of non-state actors involved in maritime security, it is essential that governments, law enforcement agencies and private sector stakeholders work together to develop effective strategies and responses. Cooperation and information sharing between different actors, as well as the development of international legal frameworks, are essential to address the many challenges posed by non-state actors in the maritime domain.

The implications of war on the marine environment

War and armed conflict have a devastating impact on the environment, and the marine environment is no exception. The ocean and its ecosystems are often collateral victims in times of war, and the consequences can be far-reaching and long-lasting. In this sub-chapter, we explore the ways in which war can impact the marine environment and the consequences of these impacts.

The impact of armed conflict on the marine environment can have a wide range of implications that extend far beyond the direct effects of explosions and oil spills. These impacts can have long-lasting effects on the ocean and its ecosystems and can have significant consequences for marine life, human communities and the global economy.

The marine environment plays a crucial role in military conflicts as it provides strategic access to resources, transport routes and areas for military operations. At the same time, military activities in the marine environment can have a serious impact on the delicate balance of marine ecosystems, causing damage to wildlife, habitats and the people who depend on them.

To address the impact of armed conflict on the marine environment, it is important that the international community works together to implement measures to minimise the impact of conflict on the ocean and its ecosystems. This can include developing safe and environmentally sound shipping practices, creating effective spill response plans and protecting critical habitats and marine life. In addition, it is important to support the restoration and rehabilitation of the marine environment in areas affected by armed conflict.

The health of the ocean is crucial to the survival of countless species as well as the livelihoods and well-being of millions of people around the world, and it is our collective responsibility to protect it. By exploring the impact of armed conflict on the marine environment and taking action to minimise these impacts, we can help ensure a healthy and vibrant ocean for future generations.

One of the most significant impacts of military conflicts on the marine environment is oil spills and other forms of pollution. Wars can damage oil tankers, refineries and other vessels, causing oil spills and other forms of pollution that can harm marine wildlife and their habitats. For example, the 1991 Gulf War resulted in the largest oil spill in history, with over 200 million gallons of oil released into the Persian Gulf. The spill caused widespread damage to marine ecosystems, killing fish and other marine species and contaminating habitats.

Another significant impact of military conflicts on the marine environment is the destruction of marine habitats. Military activities, such as bombing and ground attacks, can destroy important marine habitats such as coral reefs and seagrass beds and disturb the balance of marine ecosystems. For example, the bombing of Libya's east coast during the 2011 conflict in Libya led to the destruction of several coral reefs and seagrass beds, disrupting the livelihoods of fishing communities and damaging the local marine environment.

The 1991 Gulf War led to the widespread destruction of mangroves in Kuwait and Iraq, which served as important breeding and feeding grounds for many species of fish, birds and other marine animals. This loss of

biodiversity can have cascading effects on the ocean food web and lead to declines in populations of important species.

Warfare can lead to displacement of wildlife and loss of biodiversity in marine ecosystems, as well as destruction of important habitats for migratory species. For example, conflict in Syria has displaced many marine species, including turtles, dolphins and other marine mammals, upsetting the delicate balance of marine ecosystems.

Wars can also lead to changes in ocean chemistry, such as increased levels of carbon dioxide and other greenhouse gases. This can lead to ocean acidification, which can have a devastating impact on the ability of marine species to form and maintain their shells and skeletons. For example, ocean pH has dropped by about 0.1 units since the Industrial Revolution, which has already had a profound impact on the distribution and abundance of species such as pteropods and other shell-forming organisms.

The use of explosive devices such as bombs and missiles can also have a profound impact on the marine environment. Explosions can create massive underwater shock waves, which can damage the ocean floor, destroy habitats and kill marine life. Also, debris from explosions, such as sunken rocket ships and equipment, can affect marine life and disrupt ecosystems.

Armed conflict can also have a significant impact on the fishing and harvesting activities of local communities. For example, conflict in Syria has led to the displacement of fishing communities and the destruction of fishing boats, disrupting traditional fishing grounds and leading to overfishing. This can have a significant impact on the livelihoods and food security of local communities and can also contribute to declining fish stocks.

Wars can also lead to the destruction of coastal infrastructure such as ports and oil refineries. This can have a significant impact on the local economy and can also contribute to the spread of pollution and degradation of the marine environment. For example, the conflict in Yemen but also in Ukraine has led to the destruction of several major ports, which has disrupted the country's ability to export goods and led to spills of oil and other hazardous substances into the ocean.

Disruption of shipping and trade can have a significant impact on the global economy. For example, the conflict in the Persian Gulf has disrupted the flow of oil and other goods through the Strait of Hormuz, which is one of the busiest shipping routes in the world. This has led to increased tensions and higher oil prices, which can have a significant impact on the global economy.

The war in Ukraine has had a significant impact on the country's economy and social stability, as well as on the region in general. It also has consequences for the marine environment, although the extent of these effects is not yet well documented.

The war in Ukraine has disrupted shipping and transport in the region, especially in the Sea of Azov, which is an important commercial and fishing area. The conflict has led to increased military maritime traffic, which can have negative effects on the marine environment, such as increased pollution and habitat destruction.

In addition, military activities in the region, including the use of bombs and weapons, are also certain to damage marine ecosystems and wildlife. For example, bombing the Ukrainian coast during the conflict could damage habitats and disturb the delicate balance of marine ecosystems.

The Kahovka dam blowout, the biggest technical accident in decades, is shaping up to be a major environmental disaster. The flood affected a total of more than 80 villages and towns downstream of the Dnieper River, including Herson with nearly three hundred thousand inhabitants.

The destruction of the Nova Kakhovka dam on 6 June 2023 in the southern Kherson region unleashed 18 cubic kilometres of water that submerged villages and farmland.

The man-made flood washed chemical fertilizers from cultivated fields, washed pollutants from the riverbed, submerged cemeteries, and released at least 150 tons of car oil from the broken dam, with additional fuel and industrial waste likely discharged from surrounding factories.



Flooded water, contaminated with chemicals and animal carcasses, has become unsafe to drink and also increases the risk of water-borne diseases, including diarrhoea and cholera.

The concept of "portmanteau"⁵⁶, combines "ecology" and "genocide" in the form of the term "ecocide" which describes the intentional destruction of the environment as a weapon of war and is codified at national level by several states. Proponents of the term "ecocide" have not yet succeeded in getting it adopted into international law, but Ukrainian activists hope that the circumstances of Russia's war against Ukraine could create momentum in this direction.



The dam failure was a "brutal ecocide" and a number of habitats protected under the Convention on Wetlands of International Importance are likely to be destroyed or severely polluted, including the Black Sea Biosphere Reserve, a UNESCO Biosphere Reserve, Kinburn Spit Regional Landscape Park and numerous smaller sites.

The scale of the destruction of wildlife, natural ecosystems and entire national parks is incomparably greater than the consequences for wildlife of all military operations since the start of the full-scale invasion in February 2022 and its effects cannot yet be appreciated

In conclusion, armed conflicts have a profound and far-reaching impact on the marine environment. The consequences of these conflicts can last for decades, even after they end, and can have a significant impact on the health of the ocean and its ecosystems. It is important to take action to minimise the impact of armed conflict on the marine environment, including through the use of safe and environmentally sound shipping practices, the development of effective spill response plans and the protection of critical habitats and marine life. The international community should work together to support the restoration and rehabilitation of the marine environment in areas affected by armed conflict. The health of the oceans is essential to the survival of countless species, as well as to the livelihoods and well-being of millions of people around the world, and protecting them is our collective responsibility.

Maritime security seen through the lens of the blue economy concept

Maritime security is thus discussed in relation to the blue economy, sustainable development, capacity building and cooperation.

Maritime security is not only a matter of protecting the interests of states, but is also closely linked to the sustainable use and management of the marine environment. This relationship is particularly relevant in the context of the blue economy, a concept that highlights the economic potential of the oceans and the importance of sustainable development.

The blue economy encompasses a wide range of activities such as fisheries, aquaculture, shipping, tourism, renewable energy and biotechnology. These activities provide significant economic benefits for many countries, particularly those with extensive coastlines and rich marine resources. However, they also pose a number of security challenges, including piracy, illegal fishing, smuggling and pollution.

To meet these challenges, it is essential to develop and implement effective maritime security policies and measures based on cooperation and capacity building. This approach can help to ensure the sustainable development of the blue economy while protecting the marine environment and the livelihoods of coastal communities.

⁵⁶ The concept "portmanteau" refers to a word form formed by combining two or more existing words to create a new word with the merged meaning of the original terms. This concept is mainly used in linguistics and is similar to compound word creation, but the difference is that in the case of a portmanteau, the component parts of the word are modified or abbreviated to create a new word with a new meaning or combined meaning.

In addition, international cooperation is essential to the success of maritime security efforts, especially in regions where transnational crime and insecurity are prevalent. Cooperation can facilitate the exchange of information and best practices, the development of joint strategies and initiatives and the pooling of resources and expertise.

In conclusion, maritime security and the blue economy are interlinked and their sustainable development depends on effective governance, cooperation and capacity building. By promoting maritime security, we can contribute to a safer, more prosperous and sustainable future for coastal communities and the global community as a whole.

Blue economy: Balancing economic growth and ocean sustainability

The world's oceans cover more than 70% of the planet's surface and contain a wide range of resources that have the potential to drive economic growth and development. The concept of a blue economy is therefore becoming increasingly popular as countries seek to harness these resources in a sustainable and equitable way. However, achieving this requires a careful balance between economic growth and ocean sustainability.

The concept of the blue economy has gained significant attention in recent years, particularly in the context of sustainable development and global efforts to achieve the United Nations Sustainable Development Goals (SDGs). At its core, the blue economy refers to the sustainable use of marine resources for economic growth, improved livelihoods and job creation, while maintaining the health of the ocean ecosystem. However, there is much debate about what the blue economy concept entails and how it should be pursued.

The Blue Economy aims to promote economic growth, social inclusion and the preservation of ocean health. The idea is to create a sustainable ocean-based economy that benefits all stakeholders and addresses the global challenges facing the world's oceans. These challenges include overfishing, pollution and climate change.

A key aspect of the blue economy is the promotion of sustainable fisheries. Fishing is a vital source of food and income for millions of people around the world and therefore its sustainability is essential. Overfishing is a major problem in many parts of the world and can lead to the collapse of fish stocks and ecosystems. To promote sustainable fisheries, the Blue Economy stresses the need for responsible fishing practices, effective management and the protection of critical habitats.

Another important aspect of the blue economy is the development of marine renewable energy sources. Given the growing global demand for energy and the move away from fossil fuels, marine renewable energy offers a sustainable and environmentally friendly alternative. Technologies such as offshore wind, tidal and wave energy and ocean thermal energy conversion offer significant potential for the future. However, the development of these technologies must be done in a sustainable and equitable way that respects the rights and interests of all stakeholders.

The Blue Economy also recognises the importance of sustainable tourism, which can provide economic benefits while promoting environmental conservation. Coastal and marine tourism is a significant industry and it is important that it is developed sustainably. This includes protecting sensitive ecosystems, reducing waste and pollution and involving local communities.

The blue economy concept also underlines the importance of marine spatial planning. The oceans are vast, and different competing interests, such as fisheries, shipping and conservation, need to be balanced. Marine spatial planning involves mapping and regulating the different uses of the oceans to ensure that they are compatible and sustainable. This approach is essential to avoid conflicts and promote sustainable use of ocean resources.

In conclusion, the blue economy has the potential to stimulate economic growth and development while promoting ocean sustainability. However, achieving this requires a careful balance between economic growth and environmental protection. The blue economy must be developed in a sustainable and equitable way that respects the rights and interests of all stakeholders. In this way, we can create a more sustainable future for our oceans and the people who depend on them.

Interdependence between maritime and blue economy security

In addition to the focus on sustainable development, the blue economy is also closely linked to the issue of maritime security. The security and stability of the ocean environment is essential to ensure that the blue economy can thrive. Promoting maritime security is therefore often seen as a prerequisite for the development of a sustainable and prosperous blue economy.

One way in which maritime security and the blue economy are linked is the role of the oceans in global trade. More than 90% of world trade is carried by sea, and the shipping sector is an important driver of economic growth. Ensuring that trade routes remain safe and secure is essential to the functioning of the global economy. Promoting maritime security is therefore seen as a key component of sustaining the blue economy.

Another way in which the blue economy and maritime security are linked is through the management of marine resources. The ocean is home to a wide variety of valuable resources, including fish, minerals and energy sources. The sustainable use of these resources is essential for the long-term health of the ocean ecosystem and the development of a sustainable blue economy. However, the exploitation of marine resources can also lead to conflict and insecurity, particularly in areas where several countries have competing claims. Managing marine resources in a sustainable and secure way is therefore an essential component of the blue economy agenda.

Finally, the blue economy and maritime security are linked to the issue of climate change. The ocean plays a crucial role in regulating the Earth's climate and the impact of climate change is acutely felt in marine environments. Sea level rise, ocean acidification and changing weather patterns all have a significant impact on the ocean ecosystem, which in turn has a profound effect on the livelihoods and well-being of the people who depend on the ocean for their livelihoods. Addressing the challenges posed by climate change and its impact on the ocean is therefore a key component of both the blue economy agenda and the maritime security agenda.

In conclusion, the blue economy and maritime security agendas are interdependent. A sustainable and prosperous blue economy requires a safe and stable ocean environment, while promoting maritime security is essential for the development of a sustainable and prosperous blue economy. As the world continues to face the challenges of sustainable development and global security, it is clear that the blue economy and maritime security will remain key components of the global agenda.

Free Sea Treaty

Reaching a multilateral treaty has always been a difficult task. Often, negotiations depend on how specific steps are organised and on the resources of the parties⁵⁷. So is the modification of multilateral treaties, from revising or creating new rights and obligations to establishing new institutional arrangements⁵⁸.

Over the years, we have seen how the law of the sea has been and continues to be a source of inspiration. For example, the legal status of outer space and celestial bodies is still dominated by the rule of freedom of use taken from the law of the sea, as the doctrine has noted, and which confirms use for exclusively peaceful purposes, the principle of cooperation, and the international responsibility of states⁵⁹.

According to the High Seas Alliance⁶⁰, on 24 December 2017 the UN General Assembly adopted by consensus Resolution 72/249 to convene an intergovernmental conference and undertake formal negotiations for a

⁵⁷ With regard to the Biodiversity Treaty, to be discussed as a draft in this article, I give the example of the representative of Samoa, who, speaking movingly on behalf of the Pacific small island developing states, explained the vital importance of the negotiation process for his delegation. The Pacific islands had come in good faith from far and wide, spending \$260,000 to bring 24 people. He explained how this represented a significant investment, arguing that these funds were not spent on roads, medicine or schools back home, but on travel to come "here".

⁵⁸ See for details Buga, Irina, "Modification of Treaties by Subsequent Practice", Oxford, 2018, introductory chapter.

⁵⁹ R. Miga Beşteiu, "Public International Law. Curs universitar", Ed. C.H. Beck, 2015, p. 233.

⁶⁰ Since its founding in 2011, the High Seas Alliance (HSA), with its more than 40 non-governmental members and the International Union for Conservation of Nature, has worked to protect the 50% of the planet that is the high seas. As a region of the global ocean that lies beyond national jurisdiction, the high seas include some of the most biologically important, least protected and most threatened ecosystems in the world.

new legally binding international instrument under the UN Convention on the Law of the Sea (UNCLOS) for the conservation and sustainable development of marine biological diversity in areas beyond national jurisdiction of e. The European Union is a party to the negotiations for all Member States. The conference opened to design the first treaty on ocean biological diversity. Resolution 72/249, with 141 government co-sponsors, sends a resounding message of support for the need to protect this neglected half of our planet. The enthusiasm for this initiative is not without its pitfalls⁶¹.

What is recent in terms of the high seas is an attempt at mediated codification. On 15 August 2022 an article was published announcing that: "UN member states will gather in New York to conclude a long-awaited treaty that, if agreed, will govern the planet's last lawless wilderness: the high seas."

Two hundred nautical miles beyond the territorial waters and jurisdiction of nations, the high seas have been treated "recklessly", according to environmental groups.

At the time it was said that the outcome of the talks - which run until 26 August - would determine the fate of the ocean for generations, and world leaders were urged to agree to an ambitious, legally binding treaty to protect marine life and reverse biodiversity loss.

"The high seas symbolise the tragedy of the commons," said Marco Lambertini Director General of WWF International. "Because it belongs to no one, it has been treated with recklessness and impunity. We need a common governance mechanism for our oceans to ensure that nobody's waters become everybody's waters - and everybody's responsibility."⁶²

This attempt comes against the background that only 1% of the open sea can be said to be protected. The media also highlights the fact that 100 nations have pledged to protect 30% of the planet's land and seas by 2030. But without an agreement, these commitments will have no legal basis in the high seas.

The international area, or as it is more simply called: the zone, consists of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction.

Among the general principles of the activities in the "Zone", we list:

- the area and its resources are inalienable and are the common heritage of humanity, and activities in the area will be carried out for the benefit of all humanity;
- no state may claim sovereignty or sovereign rights over any part of the area or its resources;
- use of the area must be for exclusively peaceful purposes and remain open to peaceful use by all States without discrimination;
- States Parties to UNCLOS must ensure that entrepreneurs possessing their nationality or nationality, or controlled by them, comply strictly with the rules of the Convention on the exploitation of the resources of the⁶³ area.

Today, in addition to the problems of delimitation, exploration and exploitation, the possibility of living underwater is being discussed. We all remember the great explorer Jacques-Yves Cousteau. His nephew Fabien Cousteau has a new vision of how people can live and work in the ocean. He imagines that staying underwater for the long term could be made possible by building underwater habitats that look like homes, as opposed to sealed, submarine-like bubbles, which can raise specific new issues of international law. According to recent press reports (March 2022), the project called Proteus would be a marine analogue of the International Space Station and would primarily house aquanauts, the equivalent of an astronaut in the ocean. Proteus Ocean Group, a private company that will operate and manage Proteus, recently signed an engineering, procurement and construction (EPC) contract with a firm that has experience creating hyperbaric and pressure vessels in the ocean environment. Much of what Proteus does in terms of the technology it explores is similar to space technology. Therefore, the rules of international law

⁶¹ Cristina Elena Popa, Law of the Sea - a new treaty on maritime biodiversity,

<https://heinonline.org/HOL/LandingPage?handle=hein.journals/univjurid2022&div=169&id=&page=> accessed 05.04.2023.

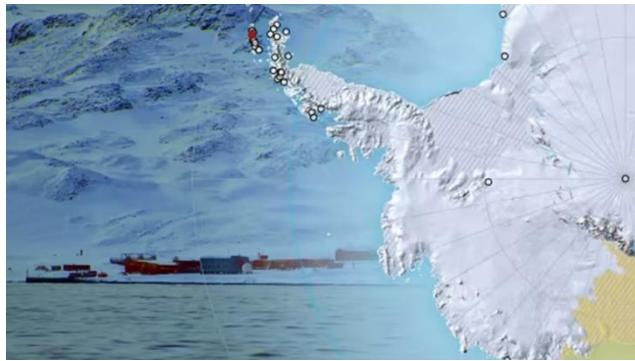
⁶² See The Guardian of 15.08.2022, article entitled: "UN member states meet in New York to hammer out high seas treaty" and details here: <https://press.un.org/en/oceans-and-law-sea>, accessed 19.04.2023.

⁶³ R. Miga Beşteiu, op. cit. p. 227.

could apply through assimilation or through the intervention of new regulatory treaties.⁶⁴ This remains a research topic for future international law specialists.

As institutional structures for exploiting the area's resources, we note: International Undersea Territories Authority (with a management role); the Enterprise (the operational entity for the management and exploitation of the area); the Chamber for the Settlement of Disputes concerning Submarine Territories (with a dispute settlement role, part of the structure of the International Tribunal for the Law of the Sea)⁶⁵.

With regard to the Arctic and Antarctic, we make the following points:



- The Arctic is the part of the frozen Northern Ocean that forms the ice cap around the North Pole (UNCLOS recognises the right of states bordering ice-covered areas to take up to 200 miles of protection and pollution control measures);
- Antarctica is the ice-covered continent around the South Pole, not subject to the sovereignty of any state, whose regime is governed by the 1959 Washington Treaty on Antarctica (cooperation, peaceful use, denuclearization and demilitarization, and prohibition of radioactive waste dumping)⁶⁶.

FT montage / AFP / View of the Chinese military base on King George Island, Antarctica

After 10 years of negotiations, nations have reached a historic agreement to protect the world's oceans.

The High Seas Treaty aims to help turn 30% of the seas into protected areas by 2030 to protect and restore marine nature.

The agreement was concluded on 04.03.2023⁶⁷ after 38 hours of talks at the UN headquarters in New York. The text of the treaty has not yet been published

The United Nations Convention on the Law of the Sea signed in Montego Bay in 1982 continues to codify and regulate concepts such as the delimitation of marine areas between neighbouring States, the rights of coastal States over the exclusive economic zone, the exploitation of the sources of the international zone of submarine territories, the fight against pollution, scientific research, and the creation of two new international bodies: the International Seabed Authority and the International Tribunal for the Law of the Sea.

These efforts are to be joined by the new Convention on the Conservation and Sustainable Development of Marine Biological Diversity in Areas beyond National Jurisdiction. In this way, humanity's common heritage stands a good chance of being protected and secured, with the Convention as the arm that has the noble role of saving it from danger. When will it be signed? How will it be implemented? Will its noble purpose overcome the blockages of financial interests? These are questions to be answered by future legal doctrine and practice.

⁶⁴ The article was published in Popular Science in March 2022. See: <https://www.popsci.com/technology/fabien-cousteau-proteus-underwater-international-space-station/>, accessed 19.08.2022. The article reports that the first unit will be installed off Curaçao, an island north of Venezuela, in a marine protected area about 60 feet deep. The team is seeking additional locations in Europe and the US for future stations - their goal is to create a network of them. They have already completed 3D mapping of the seabed around the general area where Proteus will be located.

⁶⁵ See Cristina Popa Tache, "Public International Law. University course", Ed. C.H. Beck 2022.

⁶⁶ R. Miga Beşteiu, op. cit. p. 228.

⁶⁷ <https://www.bbc.com/news/science-environment-64815782> accessed 01.04.2023

CHAPTER 4⁶⁸

THE EMERGENCE AND DEVELOPMENT OF MARITIME SECURITY STUDIES AS A NEW FIELD OF GEOPOLITICAL REFLECTION AND RESEARCH

The conceptual approach to maritime security has become an extremely important issue on the agenda of security studies in recent decades and has been the focus of both researchers and maritime practitioners worldwide. In a broader sense, maritime security can be interpreted as referring to the state in which maritime transport, activities in ports and the use of maritime communication routes are conducted free from any hazards. On the basis of this interpretation, it is easy to see that the problems to which maritime security refers are by no means new; on the contrary, they are as old as man's interaction with the sea. Over time, however, these issues have been increasingly placed in relation to the historical context in which mankind has evolved and have thus acquired geopolitical interpretations and become essential indicators for international security.

Today's interpretation of maritime security has its roots in the 15th century, when European overseas expansion began. Since then, the free use of the world's seas and oceans has raised a number of practical issues relating to sovereignty and jurisdiction over maritime areas close to the coastline as well as those farther away, and to the security and protection of shipping and other activities in the vicinity of the coastline. Moreover, given that most of these problems are located outside the national territory, often at a great distance from it, the idea of promoting a concept defining the maritime security regime of these areas and the key elements of such regimes has emerged. Thus, for more than five centuries a comprehensive understanding of global maritime security and ocean governance has become a key issue of study and research for maritime practitioners. However, the issue of conceptualising and understanding contemporary maritime security seems more topical than ever.

In this context, this chapter briefly addresses the historical evolution of the conceptualisation of maritime security, highlighting the main elements of change that have marked the understanding of this concept over time. At the same time, it assesses how maritime security is reflected in the literature and evaluates some directions of its development as a field of study and research.

Historical development of maritime security

The world's first document to lay the foundations of international maritime thinking is apparently the papal bull *Romanus Pontifex*, issued by Pope Nicholas V in 1455⁶⁹, which describes the world's first global maritime security regime. This was followed by the *Treaty of Tordesillas*⁷⁰ of 1494 (which called for the division of all non-European seas and lands at that time between Spain and Portugal) and Hugo Grotius' famous treaty *Mare Liberum*⁷¹ of 1609, which can be considered the cornerstones of maritime law, sovereignty and maritime security.

As mentioned, the papal bull *Romanus Pontifex* issued in 1455 established the world's first maritime security regime based on the *mare clausum* principle⁷². In this context, the Portuguese king was granted sovereignty and

⁶⁸ Author. Dr. Ioan Craciun, President of the Scientific Committee of the Maritime Security Forum, <https://www.forumulsecuritatimaritime.ro>, ioan.craciun@ici.ro .

⁶⁹ Davenport, F.G., *European Treaties Bearing on the History of the United States to 1648*, Washington DC: The Carnegie Institution of Washington, 1917 (this is an English translation of the Latin text. The papal bull was preceded by more than a century of controversy between Castile and Portugal over rights to the Canary Islands, the North African port of Ceuta, and rights to trade on the coast of Guinea).

⁷⁰ The treaty was an agreement between Spain and Portugal aimed at settling disputes over lands newly discovered or explored by Christopher Columbus and other explorers in the late 15th century.

⁷¹ *Mare Liberum* (or Freedom of the Seas) is a treatise written in Latin on international law, authored by the Dutch jurist and philosopher Hugo Grotius and first published in 1609. In this treatise, Grotius formulated a new principle that the sea is international territory and all nations were free to use it for maritime trade.

⁷² *Mare clausum* - Latin legal term meaning *enclosed sea*; the term is used in international law to refer to a sea, ocean or other navigable body of water under the jurisdiction of a state that is enclosed or not accessible to other states.

exclusive rights over newly discovered territories and seas, and their use by other Europeans could not be made without a special request and payment of tribute.

On the other hand, the papal bull reiterated the prohibition of the sale of arms, iron or timber to non-believers (a term attributed mainly to Muslims) and specifically stated that anyone who dared to teach them the art of navigation, thereby making them stronger enemies of the king, should be subject to the severest penalties. In addition, no Catholic was allowed to sail the southern seas, nor to trade in African ports or fish at sea without paying tribute and a special licence issued by the Portuguese king⁷³.

These provisions of the papal bull *Romanus Pontifex*, together with the provisions of other documents that appeared later, show us that the need to establish order on the high seas by imposing a maritime security regime dedicated to this purpose was a priority from the earliest days of European overseas expansion. From those times, therefore, it was desired that the seas and oceans of the world should not be marked by anarchy and general insecurity, but, as far as possible, should be ordered and subject to international laws and treaties between sovereign nations.

Subsequent writings and treaties relating to the maritime domain have increasingly addressed the need to ensure law and order at sea by establishing maritime security regimes. These documents, while not always making a clear distinction between what is moral and what is legal in activities at sea, have provided the basis for regulating various sovereignty or legal issues, such as the right to exploit natural resources, to navigate or to trade in distant waters.

Against the backdrop of Dutch expansion overseas at the end of the 16th century, and one might even say in contradiction to this historical reality, Hugo Grotius launches his own argument for freedom of navigation at sea, *mare liberum*, in 1609. Invoking natural laws and the physico-geographical characteristics of the sea, he rejects as unfounded all legal and sovereignty claims asserted by states over the sea. Instead, Grotius upholds the right of all (even non-Christians) to sail, trade and fish in the waters of the world's seas and oceans⁷⁴. Despite much controversy over this interpretation, and even the subsequent nuances Grotius himself brought to the concept of *mare liberum*, his argument was widely accepted well into the modern era, becoming a cornerstone of international maritime law.

Freedom of navigation and free trade at sea brought great benefits to private shipping companies, especially the Dutch East India Company, which made enormous profits in the 17th and 18th centuries. On the other hand, however, each shipowner was in principle responsible for his own security measures for the shipments he carried out, the state having no responsibility for this beyond its territorial waters, defined by the maximum range of a shore gun. As a result, merchant ships, especially those belonging to the big European companies, became sufficiently armed to face attacks by European or Asian pirates or enemies. This led to the so-called *privatisation of maritime security*.

However, towards the end of the 18th century, the power and profits of trading companies began to gradually decline, largely due to the rising costs of ensuring the security of shipping. The decline of shipping companies, coupled with the rise of imperialist states in early 19th century Europe, resulted in the gradual assumption of responsibility for global maritime security by the state, which was now much more capable than in the 16th century of taking on this task⁷⁵.

Thus, after the end of the Napoleonic Wars in 1815, Britain became the dominant global maritime power and, from this position, assumed increasing responsibilities for maritime security. Subsequently, during the 19th century, states such as France, the Netherlands and the United States substantially increased their ability to project power overseas and, together with the British, helped to impose a global maritime security regime, securing both dominance over the world's seas and oceans and control of maritime communication routes.

Thus, in the first half of the 19th century, Britain imposed a state-controlled maritime security regime in the Atlantic Ocean, aimed at enforcing the 1807 British ban on the slave trade. The British assumed the role of guardians of the Atlantic and justified their actions by defining slave traders as pirates, whose activity was considered a crime

⁷³ *Ibid.* pp. 22-23.

⁷⁴ Grotius, H., *The Free Sea [1609, 1916]*, Edited and with an Introduction by David Armitage, Indianapolis, IN: Liberty Fund, 2004, pp. 63-75, available on the Internet at: https://scholar.harvard.edu/files/armitage/files/free_sea_ebook.pdf, accessed on 12.03.2023.

⁷⁵ Glete, J., *Navies and Nations: Warships, Navies and State Building in Europe and America, 1500-1860*, Volume 2, Stockholm: Almqvist & Wiksell International, 1993, p. 482.

against humanity⁷⁶. Subsequently, the British, supported by other powers, extended their domination to other maritime areas, particularly in Asia, including the Persian Gulf, the Straits of Malacca, the South China Sea, the Sulu Sea and the Gulf of Tonkin⁷⁷. In most cases, maritime domination resulted in Britain's colonial territorial expansion.

The sharp expansion of colonialism in the 19th century prompted colonial powers to intensify the widespread use of maritime communications around the world and thus make maritime security a top priority, vital to their economic and political interests. Moreover, the sustained pace of the West's technological and military development paved the way for the establishment of a more or less global maritime security regime backed by powerful naval forces.

On the other hand, the development of steam and its use in navigation, combined with the construction of steel-hulled ships, the use of shipboard protection systems, and improvements in artillery and small arms, provided colonial powers with the necessary mechanisms to impose the desired maritime security regimes and ensured dominance over most of the world's maritime areas. This explains why there were few threats to maritime security in the early 20th century that could have jeopardised the economic and political interests of the colonial powers. As a result, the security regime based on the interests of large shipping companies, typical of the 17th century, was replaced by another security regime based on maritime capabilities aimed at the control and domination of maritime spaces built by states. Under these conditions, the need for arming merchant ships decreased, and from the second half of the 19th century onwards they almost completely abandoned the armament installed on board.

This maritime security regime led to the belief that security was the general condition for navigation at sea, and the achievement of this condition was dependent on the coercive capabilities of maritime security forces maintained by powerful states. Therefore, the period from the mid-nineteenth century to the end of the Cold War, which historically demarcates the operation of this type of maritime security regime, is recognized, as it was termed by the illustrious naval strategist and maritime security analyst Alfred Thayer Mahan in 1890, the age of *maritime power*⁷⁸. Essentially, Mahan argued that a globally powerful state needs a strong fleet capable of projecting military power into the distant seas. In this way, the state will be able to successfully advance its economic and commercial interests and achieve its geopolitical goals.

Although the two world wars of the early 20th century seem to contradict Mahan, the principle of freedom of navigation on the world's seas and oceans was reaffirmed after the end of these conflicts as the cornerstone of the international order that followed. On the basis of this principle, the victors in the two world conflagrations of the early 20th century, the United States, Britain and France on the one hand, and the Soviet Union on the other, established their own systems of naval presence capable of projecting global power.

This state of affairs was to last until the 1980s and early 1990s, when a number of factors led to a change in the conditions for achieving maritime security, resulting in a decrease in the responsibility of states in this area. First, and perhaps most important, was the international détente since the end of the Cold War. This has led to a reduction in the naval capabilities of the major powers, which has been reflected in their diminishing global presence in the world. Secondly, under the United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982, there has been an expansion of states' territorial waters. Thus, many countries which, even if they did not fall into the category of major powers (Indonesia, the Philippines, Somalia, etc.), thinking of the economic advantages they could derive from the exploitation of territorial waters, declared vast exclusive economic zones in which they concentrated their efforts to ensure maritime security. In these circumstances, the interest in achieving maritime security has shifted from the global to the regional level but, even so, the resources needed to maintain effective maritime security regimes have often proved insufficient or have been consumed by overstretched maritime security forces. Thirdly, the erosion of the predominant role of states as actors in the international system and their decline in favour of private actors has

⁷⁶ Lloyd, C., *The Navy and the Slave Trade: The Suppression of the African Slave Trade in the Nineteenth Century*, London: Frank Cass, 1968, p. 42.

⁷⁷ Warren, J., *Iranun and Balangingi: Globalization, Maritime Raiding and the Birth of Ethnicity*, Singapore: Singapore University Press, 2002, p. 34.

⁷⁸ Mahan, A.T., *The Influence of Sea Power upon History 1660-1783*, New York: Hill and Wang, 1957 [1890], pp. 25-28, available on the Internet at:

http://www.enabed2016.abedef.org/resources/download/1403180516_ARQUIVO_MahanInfluenceofSeaPowerUponHistory.pdf, accessed 15.03.2023.

encouraged them to assume increased roles, including in ensuring maritime security. Moreover, the danger posed by pirate attacks in the Gulf of Aden and along the Somali coast since 2000 has brought back to the attention of shipowners the measures to arm merchant ships⁷⁹ and prompted the world's most powerful navies to join forces to combat this phenomenon.

Taking these aspects into account, it was considered at one time that the trend in maritime security was pointing to a return to the era of so-called privatisation. However, in the author's view, these signs do not clearly indicate that we are once again facing a privatisation of maritime security. If we look at the latest international tensions, the assertive positions of Russia and China on the maritime environment (reconsidering Russia's exit from the Black Sea and the claims raised in the Arctic region or the disputes in the East and South China Seas) we can easily see that the trend of reprivatisation of maritime security has slowed down and even seems to have reversed in favour of the states.

The rise of contemporary maritime security studies

Given both the long historical development of maritime security concerns and its global political, economic and social importance, one would expect maritime security to be an established academic field of study and research. In reality, however, this is far from the case. As a field of study, maritime security was almost unknown before 1990, although various aspects of maritime security, such as piracy, smuggling at sea or disputes over the establishment of maritime borders, have attracted increased interest, both in theory and in practice. The struggle for global dominance during the Cold War between the United States and the Soviet Union, based mainly on military supremacy, put security studies in the shadows, with specialists at the time more interested in strategic than security studies. As a result, a number of concepts specific to security studies remained unexplored, including maritime security. Thus, what we now geopolitically call maritime security was studied more from a military point of view and was referred to as *maritime power*. It was only after 1990, with the revival of security studies, that the concept of maritime security began to be mentioned sporadically in some academic papers⁸⁰.

Gradually, however, the concept of *maritime security* is becoming an area of interest for security studies, not least because its meaning needed to be clarified, but also because of the need to explain in a non-traditional way the developments in the maritime domain in the 1990s. Although the problems were not new (piracy and armed robbery against ships, smuggling at sea, trafficking in drugs and other prohibited materials, migration, illegal fishing, etc.), after 1990 they took on a new significance due to the changing geopolitical framework (increased commercial traffic, movement of people, intensified socio-economic activities at sea and in coastal areas, etc.) and therefore the need arose to explain them in a non-traditional way, placed beyond Cold War security tensions. In addition, attempts to expand the general concept of security by including so-called *human security* have also influenced the way maritime security has been approached. Thus, there has been growing concern about maritime pollution, the protection of subsistence maritime people such as fishermen, or the safety of coastal populations from natural disasters. However, the influence of the broad security approach on maritime security has been low, the issues on which maritime researchers have focused their efforts have remained those of the modern era, i.e. freedom of navigation and protection of maritime communication routes, establishment of national maritime borders, jurisdiction over maritime territories and resources, etc.

Following the terrorist attacks of 11 September 2001, interest in maritime security (and security in general) increased, with the maritime domain identified by both experts and policy-makers as a likely future target for terrorists, also against the backdrop of increased pirate activity in previous years. But even so, maritime security studies, as part of security studies in general, have remained low even after 2001.

⁷⁹ Liss, C., *Regulating private security providers in the maritime sphere: Legal challenges and dilemmas*, International Review of the Red Cross, Volume 94 Number 887 Autumn 2012, pp. 941-960, available on the Internet at: <https://international-review.icrc.org/sites/default/files/irrc-887-percy.pdf>, accessed on 16.03.2023.

⁸⁰ Buzan, B.; Hansen, L., *The Evolution of International Security Studies*. Cambridge, UK: Cambridge University Press, 2009, pp. 200-2012, available on the Internet at: <https://ir101.co.uk/wp-content/uploads/2018/10/buzan-the-evolution-of-international-security-studies-compressed.pdf>, accessed 16.03.2023.

Addressing maritime security in contemporary security studies

Paradoxically, although the activities now recognised as maritime security have a long history, the theorisation of this concept is still underdeveloped. Current concerns regarding the theoretical approach to maritime security can be grouped into two distinct sub-areas: maritime-related sectoral policy-making; interdisciplinary academic field of study and research. Clearly maritime security is currently an area of high policy interest. The problems in the maritime domain since the 1990s have caused both military analysts and civilian policy-makers around the world to take the problems of this domain increasingly seriously and to seek solutions to them. This has increased the demand for specialised studies and analysis and stimulated the emergence of maritime security as an interdisciplinary research field. Particularly after 2000, a number of papers have emerged with a wide range of specialist authors from history, international relations, law, political science and security studies to business consultants, journalists, lawyers, military and shipping industry experts. As a result, the growth of research in the field has led to the emergence of specialist periodicals that have consistently supported the efforts of those involved in their production. Piracy, maritime terrorism or illegal migration have been the preferred subjects for these studies but, over time, they have been complemented by other topics relevant to contemporary maritime policies such as illegal fishing or environmental security. All this has led to the shaping of maritime security as a field of study and research. However, there is still a long way to go before this field is institutionalised as an academic discipline of study and research. This would first require the establishment of academic structures, research centres or specialised institutes within universities or stand-alone institutions, combined with the creation of national or international associations. By promoting, organising and running educational programmes, producing and publishing specialist studies and organising scientific events, they should be the driving force behind the development of the maritime security field, contributing both to the creation of knowledge specific to the field and to educating future generations in the spirit of the sea and of ensuring the security of this field.

In terms of academic institutions around the world that train maritime specialists, there seems to be little concern for educating graduates in the spirit of maritime security. Nor is the situation much better in military academic institutions. Whatever importance is attached to maritime security as an area of study and research, it is usually embedded within departments or research centres that have wider responsibilities. As a result, no international academic associative structures have emerged to deal with maritime security, despite the fact that networks of researchers, associations of policy makers, security officials, maritime industry representatives, etc. have started to emerge.

In this context, it is worth noting that the situation in our country is somewhat similar to the international situation. There are some concerns about the shaping and development of maritime security, but things are at an early stage. Therefore, the initiative of the Romanian Admirals' Club Association to establish, as early as 2021, under its patronage, a scientific forum called the Maritime Security Forum, whose main purpose is to promote and develop maritime security as a field of study and research, as well as to provide highly qualified expertise in this field, is to be appreciated. Through its scientific activities, partnerships and expertise, the Maritime Security Forum has established itself as a true hub of expertise and its future projects recommend it as a scientific structure that is building a reputation not only domestically but also internationally.

However, in our country maritime security still lacks institutional and academic coherence and linkage with and between non-academic institutions. The different interests and lack of concern of maritime stakeholders for maritime security make it extremely difficult to try to shape this field from an intellectual point of view. Therefore, the lack of vision, complemented by the lack of funding for research in this field will make the task of those who want to develop maritime security studies in Romania an extremely difficult one.

International maritime security studies are today a growing field of analysis. The need for clear maritime policies by various military and civilian authorities, as well as the interests of commercial players, including those in the shipping industry, have increasingly highlighted the usefulness of maritime security studies. However, in order to provide a better understanding of contemporary global maritime security challenges, experts in this field should develop an independent research agenda that responds to the requirements of all maritime stakeholders. In this way,

MARITIME SECURITY FORUM

maritime security studies can produce the knowledge needed to design the right maritime security regime for the 21st century.

We are convinced that the Maritime Security Forum will play a decisive role in promoting this field in our country and that, together with all the institutions that support its activity, it will succeed in creating the necessary synergy to shape maritime security as a real field of study and research in our country.

CHAPTER 5⁸¹

**CONCEPTUAL APPROACH TO MARITIME SECURITY IN
CONTEMPORARY SECURITY STUDIES, CONCLUSIONS FOR THE
SITUATION OF ROMANIA AND THE NEED TO ADOPT A ROMANIAN
MARITIME SECURITY STRATEGY**

In the more than two decades of this century, maritime security as a specific notion has become a fashionable and frequently used concept in international relations. An expert involved in most of the major events, conferences and works related to the study, elaboration and definition of this concept, Christian BUEGER, tried to find the possible answer to the question "What is Maritime Security?"⁸² in a comprehensive article which was the starting point of our efforts to create 0 first version of the Romanian concept of maritime security.

The major international actors in the maritime field have put the concept on their agendas, set the main directions and developed the concepts according to the concrete interests and realities in which they operate, and reformulated and adapted it according to the meaning of this concept, which draws attention to new challenges in the maritime field and combines the efforts of all actors (state and non-state) involved to find appropriate responses to them.

However, an international consensus on the definition of maritime security has not yet been reached, but all these versions already developed can provide a common framework for identifying the common and divergent aspects of the actors that have adopted them.

The adoption of a maritime security concept is not only the prerogative of the big players, therefore the identification of an appropriate Romanian concept can provide the Maritime Security Forum with a solid basis to start working towards the achievement of its goals and objectives.

Tracing the history of the emergence of the concept and its evolution, the first concretisation is the Maritime Homeland Security Policy adopted by the US in 2004 as a result of the increased importance of the threat associated with the threat of terrorism in the maritime domain after 11 September 2001⁸³.

With the rise of piracy off the coast of Somalia between 2008 and 2011, the threat to international trade highlighting the maritime dimension of global security posed by terrorism to maritime security, the North Atlantic Treaty Organisation (NATO) included maritime strategy as an important objective in its 2011 Maritime Security Strategy.⁸⁴

In 2014 the United Kingdom (UK)⁸⁵, the European Union (EU)⁸⁶ as well as the African Union (AU)⁸⁷ launched ambitious maritime strategies, recognising the need to adopt such documents.

The Maritime Safety Committee (MSC) of the International Maritime Organisation (IMO) included maritime security in its list of tasks in 2014.

In recent years, regional inter-state tensions in the Arctic Ocean, the South China Sea or the East China Sea (now at high levels) as well as major investments in maritime forces by emerging powers such

⁸¹ Author: Rear Admiral (rtr) Dr. Ion Custura, Deputy Director, Maritime Security Forum, www.forumulsecuritatiiimaritime.ro

⁸² "What is maritime security?"/"Ce este securitatea maritimă? "- Prof. Christian BUEGER, Chair of International Relations at the University of Copenhagen, Denmark and of the Department of Politics and International Relations at Cardiff University, UK-Article published in "ELSEVIER"/"Marine Policy" Magazine, 03 Dec 2014.

⁸³ National Security Strategy of the United States, Sept. 2005, [https://georgewbush-whitehouse.archives.gov/homeland/maritime-security.html..](https://georgewbush-whitehouse.archives.gov/homeland/maritime-security.html)

⁸⁴ NATO. Alliance maritime strategy. Brussels: NATO; 2011.

⁸⁵ UK Government. National strategy for maritime security. London: UK Government; 2014.

⁸⁶ European Union. European Union maritime security strategy Council of the European Union Doc. 11205/14. Brussels: European Union; 2014.

⁸⁷ African Union. African integrated maritime strategy. Addis Ababa: African Union; 2014.

as India and China operating in the high seas and oceans have increased attention to the need to address the oceans as spaces in need of security.

Russia's recent aggression against Ukraine has 'revitalised' the concept, emphasising the importance of achieving maritime security in the event of an invasion and the blockade of ports and waterways.

Following the evolution of the global geopolitical situation and paying particular attention to the concept of maritime security, the UK realised the need to issue a second maritime security strategy, which it published in August 2023.

Possible perspectives for addressing the concept of maritime security

There are many approaches to this concept by maritime specialists in the literature and publications, but internationally three perspectives on the concept can be distinguished:

1. matrix perspective - the concept of maritime security can be understood within a matrix, in which it relates to other concepts such as maritime safety, maritime power, 'blue economy' and resilience;

2. the prospect of securing the maritime domain. This allows the study of how threats in the maritime domain arise and what political demands, which are sometimes divergent, they imply in order to uncover the political interests and ideologies behind them;

3. the practical perspective of the application of security theory - this provides a study of what stakeholders/involved actors actually do when requesting national or international maritime actors to enhance maritime security.

In Fig.1⁸⁸ we have a matrix in which the possible concepts that can be correlated with the concept of maritime security are inscribed and their importance can be easily seen. Working with such a matrix allows first of all to study the types of relationships established by the various actors, but also the connections between maritime security and the other concepts within it.

This approach provides a basis for identifying which actors are included or excluded in each maritime security concept developed by state or non-state actors, even though the interpretation of threats may differ greatly depending on which actors are involved. One problem may be the correlation of the concept with the economic dimension, other correlations may be related to those of national security or maritime safety.

The matrix is an analytical tool for understanding the differences and commonalities of the different actors and offers the possibility of adoption and adaptation of the concept by any actor interested in achieving maritime security in the maritime space in which it can assert, promote and defend its interests.

⁸⁸"What is maritime security?"/"Ce este securitatea maritimă? "- Prof. Christian BUEGER, Chair of International Relations at the University of Copenhagen, Denmark and of the Department of Politics and International Relations at Cardiff University, UK-Article published in "ELSEVIER"/"Marine Policy" Magazine, 03 Dec 2014.

MARINE ENVIRONMENT		ECONOMIC DEVELOPMENT	
MARITIME SAFETY		BLUE ECONOMY	
ACCIDENTS/ SMUGGLING	POLLUTION/	CLIMATE CHANGE	
TERRORIST ACT	MARITIME SECURITY	PIRACY/FISHING IUU	
ARMS PROLIFERATION		HUMAN TRAFFICKING	
INTER-STATE DISPUTES			
MARINE POWER		RESILIENCE	
NATIONAL SECURITY		HUMAN SAFETY	

Fig.1

Matrix approach to the concept of maritime security

We believe that this is the most appropriate approach for the development of the Romanian concept of maritime security, as it ensures maximum coverage of the concepts and its connections with them, especially since, at a given time, depending on the political-military situation in which Romanian society finds itself, the most relevant elements for the development of the concept and the adoption of practical measures to be taken could be easily identified and prioritized.

Approaching the concept of maritime security from a maritime domain security perspective

Securing the maritime domain means that threats to the maritime domain are built on a series of claims by actors that generate a certain rhetoric, so that an issue such as piracy can pose an existential threat either to a nation state or to the entire globe, for example to international trade.

From this perspective, the construction or identification of threats is usually accompanied by a proposal for measures to be taken to protect a target or targets against the threat, measures that are usually extraordinary and often extreme, and may involve military instruments ranging from the simplest actions to the scale of military conflict or the drastic suppression of civil liberties.

The approach assumes a contemporary perception of the seas and oceans as an area of insecurity, starting from how threats emerged (their history), how they have evolved over time and how they have been countered.

Most international actors define maritime security by identifying a number of threats that they include in this concept (see the UN Secretary General's 2008 Report on *Oceans and the Law of the Sea*: piracy and armed robbery; terrorist attacks; illicit trafficking in arms and weapons of mass destruction; illicit trafficking in narcotics/drugs; smuggling and trafficking of persons at sea; illegal, unreported and unregulated fishing; intentional and illegal degradation/destruction of the marine environment)⁸⁹.

The recent EU and UK strategy papers are similar to the UN's, referring to "maritime security risks" rather than threats and concentrating several issues into one, such as for the UK "disruption of vital shipping routes for trade due to war, crime/maritime crime, piracy or changes in international

⁸⁹ *Oceans and the law of the sea. Report of the Secretary-General, UN General Assembly Document A/63/63, 10 March 2008. New York: United Nations; 2008.*

regulations". Cyber-attacks on shipping/trade at sea and maritime infrastructure" have also been added to the list, which could have disastrous economic effects⁹⁰.

The EU has expanded the list of the original seven threats by adding "maritime territorial disputes, acts of aggression and armed conflicts between states" as well as "potential impacts/emergencies of natural disasters, extreme events and climate change on the maritime transport system and in particular on maritime infrastructure" and "conditions at sea and in the coastal zone weakening the potential for economic growth and jobs in the maritime sectors"⁹¹.

From our point of view, this approach can also be useful, drawing inspiration from the practical activities that will have to be carried out to support the concrete application of the concept.

Approaching the concept of maritime security from the perspective of security practices

This perspective looks at what the actors involved actually do in the name of maritime security, i.e. what kind of activities are carried out when they claim to achieve maritime security.

Such a perspective also highlights which tools and technologies are used in maritime security practice as the most appropriate and impactful, such as fighter ships and satellites.

In most of these approaches, there is a common palette of practices, representing the conventional side of maritime security, that agencies employ regardless of the situation, such as: Maritime Domain Awareness (MDA) which involves surveillance via radar, satellites or data tracking as well as sharing and merging this information via databases and maritime service centres; activities at sea such as patrols, interdictions, controls and inspections, and practical exercises designed to refine these activities; law enforcement activities, such as the arrest or transfer of suspects and the apprehension, trial and detention in prisons of offenders involved in illegal activities; coordination of activities at different levels, which may involve meetings and conferences, harmonisation of legal standards, procedures and mandates or the development of strategies and implementation of joint plans; other potential practices, which may be seen in activities such as naval diplomacy, capacity building and naval warfare.

The studies of routine, day-to-day practices/enumerations above highlight how maritime security can be established and institutionalised through a distinct set of practices adopted by a large proportion of landlocked and ocean-going states.

Should disputes or contradictions arise between state and non-state actors, it will have to be investigated whether a certain set of activities is necessary to be carried out or not in the name of maritime security. Studying the controversies around these practices allows to identify how certain actors understand and define the notion/concept of maritime security and whether it is carried out in the name of maritime security or for other purposes.

As with the approach to the concept from the perspective of securing the maritime domain, this approach can also help us by drawing inspiration from practical activities that will need to be taken to support the concrete application of the concept.

Following what has been presented so far, a possible definition of this concept could be:

1. In general: Maritime security is a coordinated set of organisational and practical measures that a state or non-state actor adopts at the domestic, national or international level to enable it to assert, promote and, if necessary, defend its maritime interests in relations with other

⁹⁰UK National Strategy for Maritime Security, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1100525/national-strategy-for-maritime-security-web-version.pdf, Aug. 2022.

⁹¹ European Union. European Union maritime security strategy Council of the European Union Doc. 11205/14. Brussels:European Union; 2014.

state and non-state actors involved and/or active in the maritime domain, and to protect them against any risks and threats."

2. For Romania: "Maritime security, as part of national security, is a coordinated set of organisational and practical measures that ensure a favourable internal and international political situation/situation, which allows the assertion, promotion and, if necessary, the defence of Romania's maritime interests in relations with other state and non-state actors involved and/or active in the maritime domain and the protection of these interests against any risks and threats".

Defining maritime security from a Romanian perspective is a major challenge for the agencies involved in this process, and requires involvement even at the national level.

The process of defining maritime security should start with the definition of Romania's national interests in the maritime field and the analysis of the risks and threats to these interests, as have other countries and organisations that have developed and adopted this concept.

CHAPTER 6⁹²**A PERSPECTIVE ON THE PROCESS OF DEVELOPING AND IMPLEMENTING THE NATIONAL MARITIME SECURITY STRATEGY**

National security policy and strategy is the foundation for protecting a nation's interests and ensuring stability. In a world characterised by complex and evolving threats, developing an integrated and coherent approach to national security becomes crucial.

A functioning Romania means a safe country that provides its citizens with all the conditions necessary to live a better life in complete security and that protects its identity, values, heritage and resources, as well as the parameters of the rule of law.

National security policy, together with foreign policy, is one of the public policies⁹³ whose elaboration and implementation is the constitutional and legal prerogative of the President of Romania.

Importance of National Security Policy and Strategy: protecting the nation's interests and stability

National security policy refers to the set of principles, objectives and guidelines adopted by the government to ensure the security and well-being of the nation. It involves identifying and managing internal and external risks and threats and promoting national interests and values.

The National Security Strategy is a document that translates security policy into concrete actions and implementation plans. It sets out the priorities, objectives and modalities of action to protect and promote⁹⁴ national security in a coherent and integrated manner.

Protecting national interests and sovereignty

National security policy and strategy play a key role in protecting a nation's interests and sovereignty. They aim to identify and assess threats to a country's territorial, economic, political and social integrity. By taking appropriate measures, it aims to maintain sovereignty and protect the nation's key interests.

A well-developed national security policy and strategy enables the effective identification, assessment and management of the risks and threats facing a nation. These may include military threats, terrorism, cross-border crime, natural disasters, cyber espionage or cyber attacks. Through preventive, reactive and proactive approaches, national security becomes more robust and responsive to today's challenges.

A coherent and effective approach to national security contributes to creating a stable and secure environment for economic development, social progress and general well-being. By protecting critical infrastructure, financial systems, natural resources and the environment, national security facilitates sustainable growth and protects a nation's economic interests.

National security policy and strategy is not limited to the national level, but also involves international cooperation. In an interconnected world, cross-border threats such as terrorism, climate change, nuclear weapons proliferation and pandemics require a joint and collaborative approach. By building partnerships and promoting regional and international cooperation, a nation can strengthen its security capabilities and respond more effectively to common challenges.

⁹²Author: Rear Admiral Flotilla (rtr) Dr. Sorin LEARSCHI, Director of the Maritime Security Forum, www.forumulsecuritatiiimaritime.ro

⁹³ <https://www.europarl.europa.eu/factsheets/ro/sheet/159/politica-de-securitate-si-aparare-comuna> - accessed on 20.03.2023.

⁹⁴ Promoting national security in a coherent and integrated manner refers to taking a comprehensive and holistic approach to ensuring a country's security. This involves coordination and integration of efforts between the various government institutions and agencies responsible for national security, such as defence forces, intelligence services, police, border authorities and other relevant organisations.

National security policy and strategy cannot be implemented without the involvement and responsibility of citizens. Every individual has a role to play in protecting national security by complying with laws and regulations, reporting suspicious activities and promoting national values and interests. Education and public awareness also play an important role in creating a culture of national security and supporting government efforts.

National security policy cannot be the expression of the will of a single person, although it is the result of a process that materializes through the powers of the President of Romania. It must be, at least in principle, built on fundamental values and benchmarks, the expression of consensus and common national effort.

But, as Voltaire asked before any academic debate⁹⁵, the definition of terms is essential.

Initially we will have to start the analysis by clarifying the main algorithms for the practical use of these concepts: maritime strategy, maritime security strategy, maritime policy, etc.

The question arises: which is hierarchically superior - policy or strategy? And we start a brief analysis of the general concepts!

In Table 1, using a set of comparators, the main differences and especially the subordinate and derivative role of Strategy to Policy can be seen:

Comparison criterion	Policy	Strategies
Hierarchy	Policy is the guiding principle, established in advance, that helps make logical decisions.	Strategy is a comprehensive, policy-derived plan for achieving organisational objectives.
What is	Principle of action	Action Plan
Flexibility	Fixed, but allows for exceptional situations	Flexible
Purpose	Decision	Action
Level	Senior management	Upper level management and middle level management

Table 1 - Comparative analysis between policy and strategy

Comparing the role of national policy and strategy in ensuring national security

National security policy and strategy are two interlinked and complementary concepts that play distinct roles in ensuring national security. We will analyse and compare the roles of these two essential elements and highlight their importance in protecting a nation's interests and prosperity.

National Security Policy sets the overall direction and strategic orientation for national security. It is the expression of a nation's political will and encompasses fundamental values, objectives and priorities. National policy provides a general and stable framework within which national strategy is developed and implemented.

The National Security Strategy focuses on turning policy into concrete actions and implementation plans. It identifies specific threats and risks, sets objectives and proposes measures and resources to achieve them. The national strategy provides detail and clarity in the approach to national security.

⁹⁵ <https://www.forumsecuritatiimaritime.ro/are-nevoie-romania-de-o-politica-maritima-si-o-strategie-maritima/> - accessed on 20.03.2023

National security policy is generally more stable and less subject to change, reflecting a nation's long-term values and directions. It can serve as a basic guide in managing national security and may be less susceptible to rapid changes in the security environment.

The National Security Strategy is more flexible and adaptable. It can be regularly reviewed and updated to respond to new threats, challenges and changes in the security environment. The National Strategy can adjust priorities and actions in the short and medium term, ensuring a more dynamic and responsive approach.

The National Security Policy serves as the basis and guidance for the implementation of national security measures. It provides overall direction and stability for the various institutions and departments involved in national security. National security policy has a broader role and is responsible for setting overall values, objectives and priorities. It sets the general framework within which specific strategies can be developed and implemented.

The National Security Strategy focuses on turning policy into concrete actions and implementation plans. It develops specific strategies and policies in various areas such as defence, cyber security, counter-terrorism or economic security. The national strategy provides specific details and mechanisms for achieving national policy objectives.

National Security Policy is a long-term framework and is subject to regular review and updating. It may be adjusted in response to major changes in the security environment or new national priorities. Evaluation and adjustment of national policy is essential to remain relevant and effective in the face of changing challenges.

The National Security Strategy is more flexible and adapts to short and medium-term changes in the security environment. It allows regular evaluation of results and adjustment of action plans accordingly. The National Strategy can be revised to address new threats and challenges, thus ensuring coherence and effectiveness in national security management.

Strategy is a chosen plan for achieving organisational objectives. It is a combination of well thought-out intentions and actions that lead to the desired position or destination. It is a unified and integrated plan made to achieve basic objectives such as:

- effectiveness;
- dealing with events and problems;
- seizing opportunities;
- full use of resources;
- face threats.

A strategy is a combination of flexibly designed moves⁹⁶, adopted by the state. The characteristics of a strategy are as follows:

- must be formulated by senior management. However, sub-strategies can be carried out by middle management;
- must have a long-term perspective;
- must be dynamic in nature;
- the main aim is to overcome uncertain situations;
- must be done in such a way to make the best use of resources.

Policy is considered to be a set of principles and rules⁹⁷ that guide the organisation's decisions.

Policies are framed by the organisation's senior management to guide operational decision-making. It is useful in outlining the rules, values and beliefs of the organisation. In addition, it acts as a basis for guiding actions.

⁹⁶ <https://invatatiafaceri.ro/diferente/differentia-dintre-strategie-si-politica/> - accessed on 20.03.2023

⁹⁷ <https://sgg.gov.ro/docs/File/UPP/doc/manual-metode-impact.pdf> - accessed on 20.03.2023

Policies are designed⁹⁸, taking the advice and general view of a number of people in the organisation on any given situation. They are made from experience and basic understanding. In this way, people who come within the scope of such a policy will be in complete agreement on its implementation.

Policies help management determine what to do in a given situation. They must be applied consistently over a long period of time to avoid discrepancies and overlaps.

National policy and national security strategy are two essential elements in ensuring national security. National policy sets the overall direction and priorities, providing a stable and coherent framework. The national strategy, on the other hand, translates policy into concrete action, developing implementation plans and specific policies. Policy is more stable and long-term, while strategy is more adaptable and flexible. Evaluation and adjustment are needed both at policy level to reflect major changes and at strategy level to adapt to short and medium-term developments. By coordinating and integrating these two elements, a nation can ensure its long-term protection and prosperity.

Comparing maritime policy with maritime strategy - coordinating efforts for maritime development and security

Maritime policy and maritime strategy are two key concepts in managing maritime development and security. In a world that is interconnected and dependent on marine resources and the marine environment, they play a crucial role in coordinating efforts and ensuring a comprehensive and effective approach to maritime challenges and opportunities. In the following, we explore and compare maritime policy and maritime strategy, highlighting their differences and importance in maritime development and security.

Maritime policy is a nation's overall guidelines and objectives for the maritime environment and resources. It sets the strategic direction and provides an overall framework for maritime development and security. Maritime policy is largely oriented towards long-term national values and interests and provides guidance and coordination for the various agencies and sectors involved in the maritime domain.

Maritime policy sets out a nation's overall priorities and objectives for maritime development and security. These may include sustainable economic development, protection of the marine environment, safety of navigation, promotion of regional and international cooperation, and effective management of marine resources.

Maritime policy involves the coordination and integration of different agencies and sectors such as shipping, fisheries, tourism, scientific research and maritime security. It ensures a coherent and synergistic approach to maritime development and security, avoiding fragmentation and conflicts of interest.

The Maritime Strategy focuses on turning maritime policy into concrete actions and implementation plans. It provides specific and operational direction for maritime development and security. The Maritime Strategy focuses on practical and technical issues, providing a detailed framework for action to achieve maritime policy objectives.

The Maritime Strategy develops specific plans and policies in various areas of maritime development and security. This includes planning for the development of ports and maritime infrastructure, measures to protect the marine environment, marine resource management strategies, programmes to combat piracy and smuggling, and regional and international maritime cooperation.

Maritime strategy involves constant evaluation of progress and results achieved in implementing maritime plans and policy. This allows emerging challenges and threats to be identified and plans and

⁹⁸ <http://www.kropfpolisci.com/public.policy.anderson.pdf> -- accessed on 20.03.2023

policy to be adjusted to respond effectively to changes in the maritime environment. Regular evaluation and adjustment is essential to maintain the relevance and effectiveness of the Maritime Strategy.

Interaction between maritime policy and maritime strategy

Maritime policy and maritime strategy are closely linked and interdependent. Maritime policy sets the overall direction and objectives, while maritime strategy translates these objectives into concrete actions and implementation plans. Maritime policy provides the overall framework and strategic direction for maritime strategy, while maritime strategy provides the specific details and mechanisms for achieving maritime policy objectives.

Coherence and consistency between maritime policy and maritime strategy are crucial to ensure a comprehensive and effective approach to maritime development and security. Maritime policy provides the direction and priorities, while maritime strategy deals with their practical and operational implementation. Coordination and integration between different agencies and sectors is essential to ensure coherence and efficiency in the management of maritime resources and security.

Maritime policy and maritime strategy are complementary and essential elements in managing maritime development and security. Maritime policy sets the overall objectives and priorities, providing the strategic framework and guidelines, while maritime strategy translates these objectives into concrete actions and implementation plans. Coherence and coordination between these two concepts is crucial to ensure a comprehensive and effective approach to maritime development and security. Through integration and collaboration between different agencies and sectors, a nation can achieve sustainable development and security in the maritime domain, harnessing resources and protecting the marine environment.

Maritime policy provides long-term strategic direction and sets the nation's priorities for maritime development and security. It takes into account issues such as exploitation of marine resources, protection of the marine environment, development of port infrastructure, promotion of maritime trade and international cooperation. Maritime policy is a strategic planning and guidance tool that ensures a coherent and sustainable approach to the management of maritime activities.

On the other hand, maritime strategy focuses on the practical and operational aspects of maritime policy implementation. It translates policy objectives and priorities into concrete actions and implementation plans. Maritime strategy involves the development of specific strategies and tactics in areas such as shipping, maritime security, fisheries, maritime tourism and scientific research. It involves identifying the necessary resources and capabilities, aligning with available resources and implementing plans effectively.

The interaction between maritime policy and maritime strategy is key to ensuring success in the maritime domain. Maritime policy provides the direction and objectives, and maritime strategy deals with their implementation. Maritime policy sets the overall context and long-term objectives, while maritime strategy ensures that these objectives are achieved through effective planning and implementation.

Coherence and synchronisation between maritime policy and maritime strategy are crucial to achieve effective and sustainable results. An integrated and coordinated approach between different government agencies, the private sector and other stakeholders is essential to achieve the objectives set out in the maritime policy and to adapt to changes in the maritime environment.

In conclusion, maritime policy and maritime strategy are interdependent and complementary concepts in the management of maritime development and security. Maritime policy provides the overall direction and objectives, while maritime strategy focuses on their implementation through concrete actions and implementation plans. The coordination and integration of these two concepts is crucial to ensure a coherent, effective and sustainable approach to maritime development and security.

Comparing naval policy with naval strategy

Naval policy and naval strategy are two key concepts in managing maritime development and security. In a world that is interconnected and dependent on marine resources and the marine environment, they play a crucial role in coordinating efforts and ensuring a comprehensive and effective approach to maritime challenges and opportunities. In the following we explore and compare Naval Policy and Naval Strategy, highlighting their differences and importance in maritime development and security.

Naval policy is a nation's overall guidelines and objectives for naval forces and maritime activities. It sets the strategic direction and provides an overall framework for naval development and security. Naval policy focuses on the use of naval forces to protect national interests, ensure maritime security and promote regional stability.

Naval policy sets a nation's overall priorities and goals for its naval forces. These may include protecting coasts and maritime borders, ensuring freedom of navigation, participating in humanitarian and peacekeeping operations, promoting regional and international naval cooperation, and developing maritime capabilities and technologies.

Naval policy involves planning and budgeting the resources needed to develop and operate naval forces. This includes the allocation of funds for the construction and modernisation of ships, the training and education of naval personnel and for maritime operations and missions.

Naval strategy focuses on the use and implementation of naval policy in concrete actions and implementation plans. It provides specific and operational direction for naval development and security. Naval strategy focuses on the practical and tactical aspects of using naval forces to achieve naval policy objectives.

Naval strategy involves the operational planning of naval forces to achieve naval policy objectives. This includes establishing strategies and tactics for the effective use of naval resources in various scenarios and situations. Operational planning addresses issues such as the deployment of ships and crews to different theatres of operations, coordination with other branches of the armed forces and collaboration with international partners.

The naval strategy also focuses on the development and modernisation of naval capabilities and technologies needed to meet naval policy objectives. This includes the identification and acquisition of ships, submarines, aircraft equipped for naval operations and other specific equipment, as well as the adoption of advanced technologies in communications, sensors and defence systems.

Interaction between naval policy and naval strategy

Naval policy and naval strategy are closely linked and influence each other in their approach to maritime development and security. Naval policy provides the overall direction and objectives, and naval strategy translates these objectives into concrete actions and implementation plans.

Consistency and coherence between naval policy and maritime strategy are essential to ensure a comprehensive and effective approach to maritime development and security. Naval policy sets the overall priorities and objectives, providing the strategic framework and guidelines. Naval strategy deals with the practical and operational implementation of these objectives through the development of specific plans and tactics.

Effective coordination between the different levels of decision making and agencies involved in naval policy and strategy is crucial. Integration of efforts and collaboration between the different components of naval forces, government agencies and international partners ensures a coherent and synergistic approach to achieving the objectives set.

Naval policy and naval strategy are complementary and essential elements in managing maritime development and security. Naval policy sets the overall direction and objectives, providing the strategic

framework and guidelines. The naval strategy deals with the implementation of these objectives through operational planning and efficient use of naval resources. Coherence and coordination between these two concepts is crucial to ensure a comprehensive, effective and sustainable approach to naval development and security. Through integration and collaboration between different agencies and sectors, a nation can achieve maritime development and security in a synergistic and sustainable way.

Naval policy and naval strategy complement each other and are interdependent in achieving a nation's maritime objectives. Naval policy sets the overall direction and long-term objectives for the use of maritime resources and the protection of national interests. This may include issues such as the defence of coasts and maritime borders, security of navigation, exploitation of marine resources, promotion of maritime trade and protection of the marine environment.

Naval strategy, on the other hand, focuses on the practical implementation of naval policy through planning and coordination of naval actions. This involves developing specific strategies and tactics to achieve the objectives set out in naval policy. Naval strategy can include issues such as deployment of ships and crews, training of naval personnel, cooperation with other international actors and the use of advanced maritime technology.

The main difference between naval policy and naval strategy lies in their level of detail and focus. Naval policy provides a broader and more strategic perspective, while naval strategy focuses more on operational and tactical aspects. Naval policy sets the overall direction and long-term objectives, while naval strategy translates these objectives into concrete actions and implementation plans.

However, naval policy and naval strategy are interdependent and influence each other. Naval policy provides the framework and direction for maritime development and security, while naval strategy ensures the effective implementation of naval policy through planning and coordination. They work together to achieve a nation's maritime development and security.

In conclusion, naval policy and naval strategy are two interdependent and complementary concepts in the management of maritime development and security. Naval policy provides the overall direction and objectives, while naval strategy focuses on their implementation through operational planning and concrete actions. Through effective coordination and integration between these two concepts, a nation can achieve maritime development and security in a coherent and effective manner.

Coordination between naval policy and naval strategy

To ensure a comprehensive and effective approach to shipping, coordination between naval policy and naval strategy is essential. This involves close communication and cooperation between policy makers, strategic planners, military commanders and other stakeholders.

Naval policy and naval strategy must be aligned in terms of overall objectives and directions. While naval policy sets a nation's overall naval priorities and objectives, naval strategy translates these objectives into concrete actions. Coordination between the two ensures that naval strategy is in line with naval policy and that both focus on achieving the same goals.

Naval policy and naval strategy must be integrated into the planning and implementation process. This means that the operational planning of the naval strategy must be consistent with the objectives set out in the naval policy. Strategic plans and actions must support national priorities and interests in the naval domain.

Naval policy and naval strategy involve the allocation of resources for the development and operation of naval forces. Effective coordination of financial, technological and human resources is essential for the successful implementation of naval policy and strategy. This involves careful planning and equitable distribution of resources according to strategic priorities and needs.

Naval policy and naval strategy can benefit from international collaboration and cooperation. In a globalised world, maritime threats and challenges cross national borders and require a multilateral

approach. By establishing international partnerships and agreements, a nation can strengthen its naval security and development and effectively address common challenges.

Naval policy sets the overall direction and objectives of a nation in the use of maritime resources and the protection of national interests. This includes issues such as the defence of coasts and maritime borders, security of navigation, exploitation of marine resources, promotion of maritime trade and protection of the marine environment. Naval policy is formulated by policy makers and reflects the national vision and interests in the naval domain.

On the other hand, naval strategy focuses on the practical implementation of naval policy through planning and concrete actions. Naval strategy is developed by strategic planners and military commanders with the aim of ensuring the efficiency and effectiveness of naval actions.

Cooperation and interaction between naval policy and naval strategy are essential to achieve naval objectives. Naval policy provides overall direction and objectives, providing the strategic framework and clear guidelines. Naval strategy translates these objectives into concrete actions, developing specific plans and tactics for implementation. In this way, naval strategy ensures coherence and consistency of naval actions in line with naval policy.

Coordination and collaboration between the different levels of decision-makers and agencies involved in naval policy and strategy is also essential. Integration of efforts and collaboration between the different components of naval forces, government agencies and international partners ensures a coherent and synergistic approach to managing maritime development and security.

In order to achieve effective coordination between naval policy and naval strategy, there are several key factors that need to be taken into account:

- Alignment of objectives - naval policy and naval strategy must be aligned in terms of overall objectives and directions. Naval policy sets out the overall priorities and objectives in the naval domain, and naval strategy translates these objectives into specific actions and implementation plans. By ensuring a clear alignment between these two concepts, fragmentation can be avoided and a coherent and effective approach can be achieved;
- integration of planning - naval policy and naval strategy must be integrated into the planning process. Strategic planning must be guided by the objectives set out in the naval policy and take account of available resources. By integrating these two aspects, coherent and efficient planning can be achieved, ensuring the optimal use of resources and the achievement of set objectives;
- Collaboration and communication - effective coordination requires close collaboration between different stakeholders. Policy makers, strategic planners, military commanders and other agencies involved in the naval domain need to collaborate and communicate constantly to ensure common understanding and share relevant information. This will facilitate coherent and synergistic implementation of naval policy and strategy;
- Continuous evaluation and adjustment - naval policy and naval strategy must be subject to continuous evaluation and adjustment. As maritime conditions and threats change, it is important to adapt and update these two concepts to meet new challenges. Through constant monitoring and evaluation of performance, the efficiency and effectiveness of naval actions can be ensured.

Finally, naval policy and naval strategy are two interdependent and complementary concepts that play a vital role in national development and security at sea. Effective coordination between these two concepts is essential to ensure a coherent and synergistic approach in the naval domain. By aligning objectives, integrating planning, collaboration and communication, and continuous evaluation, a nation can strengthen its maritime capabilities and protect its national interests in an effective and sustainable manner.

Case studies: Naval policy and naval strategy in two different nations

To better understand how naval policy and naval strategy can be implemented and coordinated in practice, we will do two case studies for two different nations: Nation A and Nation B.

Nation A has a naval policy focused on protecting maritime interests and promoting security in its area of influence. Its objectives include monitoring maritime traffic, combating piracy and smuggling, protecting marine resources and promoting regional naval cooperation. To achieve these objectives, Nation A has developed a naval strategy that focuses on strengthening its fleet, adequately training and equipping naval personnel, and cooperating with other regional actors to ensure maritime security. Naval policy and naval strategy are coordinated through an integrated planning process, where naval policy priorities are reflected in strategic plans and actions.

On the other hand, Nation B has a naval policy focused on projecting naval power and protecting its interests around the world. Its objectives include deploying ships and crews to strategic areas, supporting peacekeeping operations and humanitarian intervention, and promoting its maritime trade and geopolitical influence. To achieve these goals, Nation B has developed a naval strategy that focuses on the flexibility and mobility of its naval forces, international cooperation and naval technological development. Coordination between naval policy and naval strategy is achieved through an inter-ministerial committee that ensures an integrated and synergistic approach to managing maritime development and security.

Comparing the two cases, we can see that naval policy and naval strategy are influenced by the specific national interests and priorities of each country. Naval policy reflects the overall vision and direction, while naval strategy translates this vision into concrete actions. Coordination between the two concepts is essential to ensure a coherent and effective approach to naval affairs.

We also see how the coordination of naval policy and strategy involves integrated planning, collaboration and communication between the different levels of decision-making and agencies involved. This ensures optimal use of resources and effective implementation of policy objectives. Coordination and collaboration between the different components of the naval forces, government agencies and international partners is also essential to ensure a coherent and synergistic approach to managing maritime development and security.

In addition, it is important to note that naval policy and naval strategy are not static entities, but need to be adapted and adjusted to changes in the maritime environment and geopolitical developments. Maritime threats can change and naval technology can advance rapidly, requiring constant evaluation and updating of naval policy and strategy. Therefore, continuous monitoring and evaluation is crucial to ensure an effective and up-to-date approach to managing maritime development and security.

Both nations have valid maritime security policies, and there are no good and bad solutions, they just need to be tailored to national specificities and national interests, the difference coming from strategies, which will have to match political ambitions.

In conclusion, naval policy and naval strategy are two interrelated and complementary concepts in the naval domain. Naval policy sets the overall direction and objectives, while naval strategy focuses on the practical implementation of these objectives. Coordination and collaboration between the two concepts is essential to ensure a coherent and synergistic approach to managing maritime development and security. Through integrated planning, collaboration and continuous assessment, a nation can strengthen its maritime capabilities and protect its national interests in an effective and sustainable way at sea.

Maritime security policy versus maritime security strategy - a comparative analysis

Maritime security plays a vital role in protecting a country's national interests in the maritime environment. In this context, two fundamental concepts are maritime security policy and maritime

security strategy. Despite their similarities and interconnections, these two concepts are distinct and make different contributions to maritime security management. In the following, we will examine and compare the two concepts, highlighting their key features and the relationships between them.

Maritime security policy is a set of objectives, principles and guidelines governing a country's overall approach to ensuring its security in the maritime environment. This can include policies and regulations on national defence, protecting maritime resources, managing maritime traffic, combating terrorist and criminal threats, promoting regional cooperation and more. Maritime security policy is developed by the government and reflects national interests and values as well as the specific challenges and threats a country faces in the maritime environment.

On the other hand, the maritime security strategy is a detailed document that sets out specific objectives, priorities and concrete actions to achieve security in the maritime environment. It is a strategic planning of how a country intends to protect and promote its maritime interests. The maritime security strategy takes into account available resources, the capability of naval forces, international partnerships and analyses current and anticipated threats and challenges. The Maritime Security Strategy provides a coherent and comprehensive course of action, which can be adapted in line with developments in maritime security.

An important aspect in comparing maritime security policy and maritime security strategy is the level of detail and focus. Maritime Security Policy is more general and provides an overall framework for addressing maritime security, while Maritime Security Strategy is more specific and detailed, indicating concrete actions and clear priorities. The Maritime Security Policy sets the overall direction and basic objectives, while the Maritime Security Strategy provides a detailed action plan for implementing these objectives.

Maritime security policy and maritime security strategy are also interlinked and influence each other. Maritime Security Policy provides the overall guidance for the development of the Maritime Security Strategy, and the Maritime Security Strategy is designed to implement the objectives and principles of the Maritime Security Policy.

In terms of process, maritime security policy is developed by political authorities and government decision-makers, taking into account national interests, in consultation with various stakeholders, including naval forces, maritime organisations, the shipping industry and other relevant entities. On the other hand, maritime security strategy involves more detailed analysis and strategic planning, carried out by maritime security experts and analysts, with consultation and input from relevant authorities and organisations.

Maritime security policy and maritime security strategy have essentially the same purpose: to ensure the security and protection of national interests in the maritime environment. However, the key difference lies in the level of approach and detail. Maritime Security Policy sets the overall direction and objectives, while Maritime Security Strategy provides more specific guidance and concrete actions to achieve these objectives.

Finally, maritime security policy and maritime security strategy are essential tools in ensuring the security and protection of national interests in the maritime environment. By defining clear objectives and developing an appropriate action plan, a country can effectively address threats and challenges in the maritime environment and promote security and stability in this critical area. Coordination and synergy between maritime security policy and strategy are key to an effective and comprehensive approach to maritime security.

Thus, maritime security policy and maritime security strategy are two complementary and interdependent concepts, working together to ensure national security and the protection of interests in the maritime environment. By applying an integrative approach, combining maritime security policy and maritime security strategy, a nation can strengthen its capabilities and effectively address threats and challenges in the maritime environment.

The Maritime Security Policy provides a general framework and guiding principles, providing the basic direction and objectives for the management of maritime security. It addresses complex issues such as national security, protection of maritime resources, territorial defence, international cooperation and the promotion of stability in the maritime region. Maritime security policy is often formulated at the national level, reflecting the nation's interests and values and taking into account the regional and global context.

On the other hand, the maritime security strategy is a more specific and operational approach to implementing maritime security policy. It focuses on assessing and identifying specific threats and vulnerabilities, formulating concrete objectives and specific actions to address these challenges. Maritime security strategy involves detailed strategic planning, including resource allocation, capability development, international cooperation and identifying ways to adapt and innovate in the face of technological and geopolitical developments.

The relationship between maritime security policy and maritime security strategy is one of complementarity and interdependence. Maritime Security Policy provides the overall direction and basic objectives, while Maritime Security Strategy provides a detailed plan and specific measures to achieve these objectives. The Maritime Security Policy sets out the principles and values that guide the strategy, while the Maritime Security Strategy provides concrete ways of implementation and action.

Coherence and coordination between maritime security policy and maritime security strategy are essential for an effective and synergistic approach to maritime security. They need to be regularly aligned and updated to respond to new challenges and changes in the maritime environment. In addition, collaboration between different government agencies, naval forces, maritime industry and international partners is crucial to successfully implement maritime security policy and strategy.

In conclusion, maritime security policy and maritime security strategy are two interdependent and complementary concepts in addressing maritime security. Maritime Security Policy provides the overall direction and objectives, while Maritime Security Strategy provides a detailed action plan and specific measures to achieve these objectives. By integrating maritime security policy and strategy, a nation can develop a coherent and comprehensive approach to managing threats and promoting security in the maritime environment.

Legislative mechanism

As a legislative mechanism for the adoption of a maritime policy for Romania, there may be variants depending on the context and existing legal provisions. In general, the simplistic process could include several steps.

The first step would be for the Romanian Government, through the Ministry of Transport and/or the Ministry of the Environment, in collaboration with other relevant government departments, such as the Ministry of Agriculture or the Ministry of Economy, to draw up a draft law or strategic plan.

This should be followed by a debate on the draft or plan in Parliament, where it can also be subject to a public consultation process. The debate will end with the approval of the draft or plan by the Parliament, by a majority vote of Members.

This is followed by the promulgation of the draft or plan by the President of Romania and the implementation of the policy or strategy by the responsible government departments through a detailed action plan and a monitoring and reporting mechanism.

Periodically or whenever necessary, the policy or strategy will be evaluated and reviewed periodically to ensure that it meets the current needs and objectives of the country.

Knowing that a slightly different terminology is used worldwide than in Romania, we will have to make a brief analysis of it. Thus, in Romania, due to the specific existence of the maritime area, the river area, the Danube Delta, the Danube-Black Sea navigable channel, the following terms are usually

used: maritime - with reference only to the Black Sea and the Planetary Ocean sector, fluvial - with reference to the Maritime and Fluvial Danube and the term naval, to combine the two.

In order to make a correlation between national and international terminology, we believe that international terminology, which has different meanings, should be adopted. Thus, when we talk about maritime, we should also include navigation on rivers and inland waters, and the use of the term naval should refer only to the military side.

Defining the maritime sector, we can state that it comprises activities that take place in or in connection with marine areas, such as:

- commercial navigation and maritime transport, which includes the transport of goods and passengers by sea;
- sea fishing, which includes catching fish, shellfish and other marine species;
- exploitation of marine resources, such as deep-sea oil or gas extraction or marine mining;
- marine tourism, which includes cruises, beach holidays and recreational activities at sea;
- Exploitation of marine energy, such as wind or wave power;
- protecting the marine environment, such as the conservation of marine species, habitats and aquatic ecosystems.

Defining the river sector, we can state that it includes similar activities, but taking place on rivers, lakes and canals, such as:

- commercial navigation and inland waterway transport, which includes the transport of goods and passengers on rivers and canals;
- river fishing, which includes catching fish, crustaceans and other species from rivers and lakes;
- exploitation of river resources, such as the extraction of hydropower or minerals from river waters;
- river tourism, which includes river and lake cruises and recreational activities on flowing waters;
- protecting the river environment, such as the conservation of aquatic species, habitats and river ecosystems.

These are starting points for a broader analysis to provide arguments in favour of the development and adoption of a national maritime policy, and on this basis, a national maritime strategy.

Developing a maritime strategy is a complex process, involving the assessment of a range of geopolitical, military, economic, technological and environmental factors, and these factors may vary according to the country and the specific context.

However, there are some general steps to follow to develop a maritime strategy:

Assessing national interests - the first step is to identify national objectives and interests related to the maritime strategy. These may include protecting economic interests, ensuring maritime security, promoting international cooperation, developing military capabilities and others;

Threat and opportunity assessment - the next step is to analyse the security and environmental factors that could affect national maritime interests, including threats to maritime security, increased ship traffic, climate change, etc. This will help identify specific opportunities and threats that could influence maritime strategy.

Develop specific policies and objectives - based on the assessment of interests and threats, the next step is to develop specific policies and objectives that will guide the maritime strategy. These policies and objectives may include defence capability development, regional cooperation, management of marine resources, etc.

Identify resources needed - once the specific objectives and policy have been established, the next step is to identify the resources needed to implement the strategy. These resources may include

investment in infrastructure, development of military capabilities, cooperation with other countries and others.

Implementation and monitoring - finally, it is important to implement the strategy and monitor progress against objectives and policy. This may include measures to track vessel traffic, strengthen defence capabilities and monitor changes in the marine environment.

In conclusion, developing a maritime strategy requires a systematic approach and a rigorous process of analysis and planning.

Objectives

The strategy aims to protect the strategic maritime interests of Romania, a member of the European Union and NATO, at the global level. The objectives relate to: general security and peace, rule of law, freedom of navigation, control of external borders, maritime infrastructure (ports, underwater pipelines and cables, wind farms, etc.), natural resources and environmental health and preparedness against climate change.

Romania's maritime strategy strengthens the link between internal and external security, combining the objectives of the European Union's Security Strategy with the topics of the Blue Economy.

Actions

The Maritime Strategy should be implemented through an action plan addressing, in principle, six key areas: national and international cooperation; maritime surveillance; capacity building; research and innovation; risk management; education and training.

Through close cooperation and coordination, Romania can make better use of its resources and enter into more effective and credible international partnerships.

Romania needs a maritime policy and a maritime strategy to maximise the economic and environmental benefits of the country's maritime areas and to effectively manage aquatic and coastal resources, the economic, social and environmental benefits of maritime activities and to protect national interests in maritime areas.

A well-developed maritime policy and strategy could help develop maritime industries, improve regional cooperation and manage marine resources efficiently.

The current situation calls for the development of a maritime policy and maritime strategy, adapted to the national specificities, integrated into Romania's national policies and strategies, which can become a country project on the basis of a broad consultation of the economic, social and governmental environment.

CHAPTER 7⁹⁹**ROMANIA'S NATIONAL INTERESTS IN THE BLACK SEA, THE DANUBE AND THE PLANETARY OCEAN**

The Romanian people has evolved, over time, in the perimeter that includes the Carpathians, the Danube and the Black Sea, and our history is indispensably linked to the geographical settlement in this perimeter. The location of the Black Sea and the Danube River between the Balkan Peninsula, Eastern Europe and the Near East is a source of food, an important economic area, a transport route and a region that can facilitate the projection of power.

Geographically, the Black Sea is a semi-enclosed sea that communicates with the Mediterranean Sea only through the Bosphorus and Dardanelles straits, but the rivers that flow into this sea and the trade links provided by its ports, make the region a real hub for the transport of goods, gas, oil and energy products, and international trade. The Danube River and the Rhine-Main-Danube Canal also connect the Black Sea, running through the middle of Europe from east to west, with the North Sea. And through the Sea of Azov and the Volga-Don Canal, the Black Sea is connected to the Volga River, i.e. to the Caspian Sea and to the largest waterway network in the Russian Federation, even to the city of Moscow via the Moscow-Volga Canal.

The Black Sea region is of particular importance to Europe because it lies at the intersection of the main east-west and north-south corridors, being geographically at the crossroads, but also at the edge, of European, Eurasian and Middle Eastern spaces. The geographical position of the region allows the projection of power elements along these corridors towards the European continent, through the Balkan region and Central Europe, but also towards the Eastern Mediterranean, the Southern Caucasus and the Northern Middle East. But, in practice, the Wider Black Sea Area (WNSA) is not assimilated by the majority of any of these spaces, which has led to the region being ignored by the security experts of each space. The states in the region do not have common identity and cultural roots, and cooperation in various fields (economic, political and security) is at best bilateral. The only thing that creates some common perception is the fear of unpredictable Russian actions.

Romania's location in the Balkan area "where more history is produced than can be consumed" as W.Churchill said, makes it vital for our country to promote national interests in the maritime and river environment, the spirit of nationhood with an outlet to the sea and the Danube (seafaring consciousness) and the control of the mouths of the Danube.

Romania's national interests in the maritime and river sector

The Danube River and the Black Sea coast offer Romania free access to the Planetary Ocean¹⁰⁰ via the Bosphorus and Dardanelles Straits, the Mediterranean Sea and then via the Suez Canal to the Indian Ocean, respectively via the Strait of Gibraltar to the Atlantic Ocean. The opening to 71% of the Earth's surface is of inestimable value for Romania, given that one of the important characteristics of human development in the modern era is the increasing human presence in the Planetary Ocean, a presence marked by the expansion of scientific and economic activity for the use of the resources of the seas and oceans. In the long term, the importance of the planetary ocean will increase for all countries because of the gradual depletion of natural resources on land and the need for continued economic development. Perhaps an example of the importance attached by some countries to this area is Switzerland, which has 37 ships, totalling one million tonnes, operated by six shipping companies.

Our country needs to consider how the development of maritime and inland waterway activities, increasing maritime potential, can support sustainable economic and social development, the material well-being of the population and the state of national security. This is determined by the nature of Romania's national interests in the Black Sea, the Danube and the Planetary Ocean and the need to contribute to their security and protection. This aspect

⁹⁹ Author: Rear Admiral Dr. Constantin Ciorobei, Editor-in-Chief, Maritime Security Forum, www.forumulsecuritatimaritime.ro .

¹⁰⁰ http://www.isj.gi.edu.ro/RED_GEO/LIC_GEO/Materiale%20informative/2.%20Oceanul%20Planetary%20-%20material%20informativ.pdf

underlines the fact that the maritime and fluvial domain in which Romania projects its interests is part of the international geopolitical system because:

- we see an involvement in the region of NATO, the EU and other organisations in ensuring stability, security, economic development and social prosperity, together with the countries bordering the Black Sea;
- We identify effective cooperation between the US and the EU in supporting Ukraine and countering the Russian Federation's imperialist tendencies;

The North Atlantic Alliance and the EU have demonstrated a strengthened capacity to engage in supporting partner countries against Russia's aggressive actions in the case of Ukraine and Moldova;

The Russian Federation has maintained its influence in the region by initiating military conflicts and supporting frozen conflicts. As a result, Russia has become a major player in the region and is using the Black Sea to project power into the Mediterranean and the Middle East;

we see a promotion of the development and assumption of a regional identity for the countries bordering the Black Sea as a partner of the West, which is really possible through the coagulation of the interests of the countries in the region.

The fact that through the Danube River and the exit to the Black Sea Romania has access to the Planetary Ocean is an important factor that can facilitate the development of the country, but at the same time it calls for responsibilities regarding the involvement in ensuring their security, stability and unimpeded exploitation. Also, after Russia's aggressive and unprovoked actions on Ukraine, we are seeing geopolitical and geostrategic changes accompanied by an increasingly active involvement of major international players and international bodies. This has a decisive influence on the way Romania promotes and defends its interests in the Black Sea region, and the defence and promotion of its maritime and river interests are directly dependent on its maritime power.

This is because Romania's maritime and fluvial interests should be understood as part of the national interests, alongside the other components: economic, political, social, cultural, demographic, etc. The national maritime and fluvial interests are primarily defended by the Romanian Naval Forces, whose mission is to project the power of the state in these environments, in support of national objectives, whenever and wherever needed, but also to support the interests of the Alliance and the EU equally.

It is extremely important that the maritime and inland waterway sectors, with their infrastructure and supply systems, are secure. The issues of promoting and defending national interests in these areas must remain with the structures that ensure Romania's naval power and we must ensure that the impact is not felt by people in their daily lives.

Russia's illegal invasion of Ukraine has demonstrated the intensification of rivalry between states over competing areas. In the maritime and river domain, this is underlined by the disruption of freedom of navigation on the sea and river, disputes over the delimitation of maritime borders or the use of military and soft power by states to promote their own national interests.

The national security interest¹⁰¹, according to the country's National Defence Strategy for 2020-2024, "is the desirable state of existence of a nation, an organic and inclusive community, aimed at defending and promoting fundamental national values, ensuring prosperity, guaranteeing respect for democratic rights and freedoms, protection and security of its members." Based on the national security interests contained in this strategy, we can identify the following national interests of Romania in the Black Sea, the Danube and the Planetary Ocean:

Guaranteeing sovereignty, independence and territorial integrity - this involves ensuring the security of citizens and their property, as well as the security of state or private property and economic objectives in the maritime and river environment. Maritime and river interests can therefore be seen as an extension of national territory. This includes maritime and river assets and involves the physical and digital protection of our vessels, port facilities and key maritime infrastructure, by:

¹⁰¹ National Defence Strategy of the country for 2020-2024/

https://www.presidency.ro/files/userfiles/Documente/Strategia_Nationala_de_Aparare_a_Tarii_2020_2024.pdf.

- to ensure Romania's territorial independence and integrity, as well as the inviolability of its sovereignty over the territorial sea, inland maritime waters, the segments of the Danube River belonging to our country, their bottom and subsoil and the related airspace;
- promoting Romania's maritime and river interests by contributing to maintaining stability and security in the Black Sea and the Danube River, strengthening national influence and developing mutually beneficial partnerships in maritime and river activities;
- developing maritime and river potential by strengthening defence capabilities in these areas;

Defending and strengthening the rule of law by ensuring an adequate response to threats of all kinds,

i.e. by analysing and identifying appropriate measures to respond to maritime and river threats of all kinds. Threats from the water, situations where the water surface is used to cause an incident, include and are not limited to illegal fishing, port blockades or theft. Threats from the water, situations where the sea or river is used as a means to achieve objectives on land, include and are not limited to smuggling of drugs, weapons or people. Underwater threats are situations where the underwater environment is used for illicit, illegal or threatening purposes, including intelligence gathering, threatening underwater infrastructure or hostile intent. This category of interests can be achieved by:

supervision and control of the crossing of the state border, preventing and combating illegal migration and specific acts of economic and cross-border crime, respect of the legal regime of the state border;

to conduct maritime and riverine activities, to secure and protect national interests and to contribute to maintaining regional stability, including through participation in the naval military activities of allies or partners;

Ensuring prosperity, sustainable economic development, with judicious management of resources to ensure the well-being of citizens, by ensuring freedom of navigation on maritime and inland waterways as an essential element of ensuring favourable conditions for international trade. The protection and defence of the infrastructure ensuring the unimpeded flow of information, energy production and transport are important aspects of the national economy. How to achieve it:

maintaining control of access from the Danube to the Black Sea, through the arms of the river, but also on the Danube-Black Sea Canal;

- to secure sovereign rights and jurisdiction over the exclusive economic zone, the continental shelf and the maritime and inland waterway areas of interest for the purpose of economic exploitation and unhindered development of activities therein;
- diversifying access to resources in the riverine area, the Black Sea and the Planetary Ocean;
- promoting and ensuring freedom of navigation on sea and inland waterways and on the high seas, including freedom of flight, fishing, scientific research, the right to lay submarine cables and pipelines, and the right to explore and exploit mineral resources in the international seabed area;
- the unrestricted development, protection and defence of the national maritime and river transport infrastructure, necessary to ensure the supply of raw materials and to facilitate exports;
- safe installation and operation of offshore platforms and pipeline systems for the exploitation and transport of raw materials, hydrocarbons of strategic importance for domestic consumption;
- installation and safe operation of offshore renewable energy systems and electricity transmission systems for domestic consumption;
- the safe installation and operation of digital and telecommunications infrastructure;
- the preparation of integrated studies and the rational use of Black Sea resources and spaces to ensure the sustainable economic and social development of Romania;

Promoting national values, protecting, defending and guaranteeing the fundamental rights and freedoms of all citizens. Even if our country no longer has many ships under its own flag, national interests require Romania to make its contribution, together with international partners, to ensuring maritime security and freedom of navigation on a global scale, for the ships of others. We must also promote national values through the exercise of naval diplomacy and the promotion of the national image through military vessels, thus:

- exercise maritime diplomacy and promote the national image through the national flag;

- promotion of national values and unrestricted exploitation of the tourism potential of the maritime and river area;
- ensuring the protection of human life at sea and on the river in the area of responsibility;
- protecting underwater cultural heritage and preventing illegal activity in this field.

Preventing the effects of climate change. It is important that environmental crime on the sea and river is seen as equal to safety or security threats and action must be taken to promote environmental safety while working on the sea and river, prevent pollution, ensure disposal of production and consumption waste, preserve the biodiversity of the aquatic environment, including the Danube Delta.

Romania's national interests in the Black Sea, Danube and Planetary Ocean

In conclusion we can say that Romania's national interests in the Black Sea, Danube and Planetary Ocean are as follows:

- Ensure the territorial independence and integrity, as well as the inviolability of Romania's sovereignty over the territorial sea, inland maritime waters, the segments of the Danube River belonging to our country, their bottom and subsoil and the related airspace;
- Maintain control of access from the Danube to the Black Sea, through the arms of the river, but also on the Danube-Black Sea Canal;
- Securing sovereign rights and self-jurisdiction in the exclusive economic zone, the continental shelf and the maritime and riverine areas of interest for the purpose of economic exploitation and unhindered development of activities therein;
- Promoting Romania's maritime and river interests by contributing to maintaining stability and security in the Black Sea and the Danube River, strengthening national influence and developing mutually beneficial partnerships in maritime and river activities;
- Developing maritime and river potential by strengthening defence capabilities in these areas;
- Promote and ensure freedom of navigation on sea and inland waterways and on the high seas, including freedom of flight, fishing, scientific research, the right to lay submarine cables and pipelines, and the right to explore and exploit mineral resources in the international seabed area;
- Unimpeded development, protection and defence of infrastructure in the national maritime and river space;
- Safe installation and operation of offshore platforms and pipeline systems for the transport of strategically important raw materials and hydrocarbons for domestic consumption;
- Safe installation and operation of offshore renewable energy systems and electricity transmission systems for domestic consumption;
- Unrestricted exploitation of the tourism potential of the maritime and river area;
- Conduct maritime and riverine activities to secure and protect national interests and contribute to maintaining regional stability, including through participation in the naval military activities of allies or partners;
- Ensuring the protection of human life at sea and on the river in the area of responsibility;
- Ensuring environmental safety during work on the sea and river, preventing pollution, ensuring the disposal of production and consumption waste, preserving the biodiversity of the aquatic environment, including the Danube Delta;
- To carry out integrated studies and rational use of Black Sea resources and spaces to ensure sustainable economic and social development of Romania.

The importance, complexity, scope and diversity of these interests of Romania determine the need for our country to be able, alone, together with partners or in an allied framework, to defend and promote its interests in the

Black Sea, Danube and Planetary Ocean. This goal cannot be achieved without Romania starting to act to promote its interests in the region.

The countries with a coastline have a duty to promote their interests in the Planetary Ocean and to develop their defence capabilities in the maritime field, and in the case of Romania also in the fluvial field, given that the economic development of the country in question may depend on this space. From this perspective, Romania is obliged to exercise its role as a regional maritime power. This obligation must be supported doctrinally by the "National Defence Strategy". In the current circumstances, Romania cannot shirk its regional responsibilities to promote and ensure a climate of stability and security in the Black Sea region.

In this geopolitical context, Romania can be a centre of regional interests, a vector of stability, democracy and promotion of Euro-Atlantic values in the region. For these reasons, our country, by openly and clearly defining and promoting its own interests in the maritime and river environment, can become a vector of Euro-Atlantic interests in the region, at a time when it is increasingly clear that the interests of the Alliance and Europe are also Romania's interests.

CHAPTER 8¹⁰²**RESILIENCE AND IMPORTANCE OF THE MARITIME AND INLAND
WATERWAY SECTOR IN THE ROMANIAN ECONOMY**

Polar V collector ship

Romania has a strategic interest in the maritime sector, given its privileged geographical position on the Black Sea and access to the Danube, which offers opportunities for the development of maritime and river transport, the shipbuilding industry and maritime tourism.

As regards the development of own maritime vessels, this must be one of the priority objectives of the national maritime strategy, with the aim of stimulating innovation and competitiveness, developing technological capabilities and increasing exports. Romania has a long tradition in shipbuilding and there are currently a number of Romanian companies producing ships and equipment for the maritime industry as well as for the offshore oil and gas industry.

Having its own maritime vessels can bring several economic benefits to Romania. Firstly, it can reduce dependence on ship imports, which can lead to increased production capacity and job creation in the shipbuilding sector. Secondly, it can increase the competitiveness of the Romanian maritime sector and contribute to the development of external markets.

However, building your own maritime vessels is an expensive investment and requires careful planning and a long-term development strategy. This requires the development of research and development capacities, increased innovation and modernisation of production processes, and good cooperation between Romanian and foreign companies.

The maritime sector is of significant importance in the Romanian economy, as it is responsible for a number of key economic and social activities.

Seaports are an important gateway for goods and products to and from other countries. They facilitate international trade and are vital for importing and exporting goods around the world. In addition, shipping is an important source of income for shipping companies as well as for workers in the sector.

¹⁰² Author: Admiral(rtr) Dr. Aurel POPA, President of the Maritime Security Forum, <https://www.forumulsecuritatimaritime.ro> , aurelpp5@gmail.com .

Port activities, such as storage, loading and unloading of goods, are another important source of income and jobs. These include port operators, who service ships and goods, as well as ancillary staff such as carriers and port equipment operators.

Shipping is another important branch of the maritime sector, producing ships and other marine equipment. This includes shipbuilding, ship repair and modernisation, and the production of marine equipment such as engines, radars and safety equipment.

Maritime tourism is another important source of income for the Romanian economy. The Black Sea coast and the Danube Delta attract millions of tourists every year, who visit these areas for the beach, water sports, fishing and other recreational activities.

In conclusion, the maritime sector is of major importance to the Romanian economy, generating significant revenues and jobs for a variety of key economic and social activities.

Implementing the resilience process in the sector

The resilience process in the maritime sector is important to address challenges such as climate change, sea level rise, extreme weather events, oil spills and other threats to the marine environment and maritime economy. Here are some examples of resilience measures that can be implemented in this sector:

- Port infrastructure needs to be adapted to new environmental conditions, such as rising sea levels and the frequency of extreme weather events. This may include reinforcing docks and flood protection dams, as well as revising evacuation and disaster response plans;
- Advanced technology can help reduce polluting emissions and improve the energy efficiency of ships. This can include the use of low-emission engines, hybrid propulsion technologies and fuel optimisation technologies;
- Maritime tourism can be developed in a sustainable way by promoting responsible tourism and eco-friendly practices in all aspects of tourism activities, such as waste management, reduction of energy consumption and use of renewable energy sources;
- Establishing a rapid disaster response system is important to deal with extreme events such as oil accidents and natural disasters. This can include training of port staff and ship crews, as well as the development of response technologies and equipment.

In conclusion, implementing a resilience process in the maritime sector is essential to protect the marine environment and ensure a sustainable maritime economy. By adapting port infrastructure, developing marine technology, promoting sustainable tourism and developing disaster response capacity, the maritime sector can become more resilient and sustainable in the face of current and future challenges.

The importance of the maritime sector in the Romanian economy

Romania's maritime sector makes a significant contribution to the national economy, being an important driver of economic growth and job creation. According to data from the Romanian Maritime Authority, in 2021, the maritime sector generated a turnover of €3.3 billion and the number of employees in the sector exceeded 65,000 people. The maritime sector is also responsible for 65% of Romania's foreign trade, which shows its importance for the national economy.

In addition to these economic aspects, the maritime sector is of strategic importance for Romania. Romania has an important geostrategic position on the Black Sea, which is considered to be one of the most important maritime routes in Europe. This strategic position means that the maritime sector in Romania has huge potential for development and is of significant importance for Europe's security and prosperity.

Current challenges for the maritime sector

However, Romania's maritime sector faces a number of challenges that may affect its development. These include climate change, rising sea levels, extreme weather events, oil spills and other threats to the marine environment and maritime economy.

Climate change and sea level rise are two major issues facing the maritime sector in Romania. According to a report by the World Meteorological Organisation, sea levels have risen in recent years by about 3.7 mm per year, which can lead to flooding and other problems for port infrastructure. In addition, climate change may also affect fishing, which is an important industry for the Romanian economy.

In addition to these problems, the maritime sector also faces the risk of oil accidents and other threats to the marine environment, such as pollution.

Oil spills and marine pollution

Oil spills are a major problem for the maritime sector, both economically and environmentally. These accidents can lead to loss of life, significant damage to the marine environment and significant costs for clean-up and recovery of affected areas.

In recent years, Romania has witnessed several oil tanker accidents, the most recent being the one that took place in November 2021, when the tanker Agia Trias spilled fuel in the port of Constanta. This spill affected an important area for fishing and tourism, and its clean-up required significant efforts and high costs.

Pollution of the marine environment is another problem faced by Romania's maritime sector. It can be caused by waste and sewage dumping, as well as oil spills. Pollution can affect human health and safety as well as marine flora and fauna, which can have a significant impact on the maritime economy.

Resilience process in the maritime sector

To face these challenges, the Romanian maritime sector needs to implement a resilience process. This process refers to the maritime sector's ability to adapt to climate change and other threats to the marine environment and maritime economy by identifying and implementing sustainable solutions.

Implementing a resilience process in the maritime sector can bring a number of benefits. These include increased safety for workers in the sector, protection of the marine environment and biodiversity, and reduced clean-up and recovery costs following oil spills or other unwanted events.

In order to implement a resilience process, the Romanian maritime sector needs to consider a number of measures. These include investments in technology and infrastructure, as well as increasing the capacity to respond to undesirable events by training and preparing staff and other stakeholders involved in the maritime sector.

The resilience of an economy is its ability to cope with a catastrophic event, such as an economic crisis, a financial crisis or a pandemic. Analysing the period 1990-1993, the parliamentary commission of inquiry into the situation of Romania's maritime transport fleet concluded in its report of December 1993 that, despite the pronounced strategic, economic and political nature, despite the potential of the Constanta port complex, the hub of maritime and river traffic for Central Europe, the shipping sector was neglected from a legislative point of view. Given that in 2023, 30 years after the above statement, Romania's maritime administration has not yet managed to implement one of the pillars of global maritime legislation, the Maritime Labour Convention (MLC 2006), has not managed to implement the Nairobi International Convention on the Removal of Wrecks, adopted in Nairobi on 18 May 2007, and does not have a strategy for the Ballast Water Treatment Convention of 2004, the legislative neglect of the shipping sector continues.

Applied to the Romanian maritime sector, the concept of resilience would mean its ability to cope with a complex of circumstances, such as: the inability of governments over the last 30 years to realise

the importance of waterborne transport and the enormous potential benefits for Romania, and the inability to appreciate the naval and port heritage still existing and operational.

The indifference of the Romanian state towards this field of activity has meant that, more than 30 years after the changes of 1989, Romania does not have a naval strategy that would highlight the comparative advantages, competitive advantages and opportunities for the benefit of the national economy.

Shipping is, par excellence, an area of activity that involves interaction with many other downstream sectors, other modes of transport and other activities in the national economy. The lack of coordination both within the shipping sector and with other sectors of the national economy, namely regional development, energy, logistics, trade, makes it extremely difficult to develop a national shipping policy.

The importance of the shipping sector in Romania's economy.

After the year 2000, the Romanian public has observed the sedimentation of beliefs that emphasize the geostrategic importance of Romania. From the point of view of Romania's projection in the field of maritime cargo volumes, Romania's position determines challenges and conditionalities that must be taken into account when drawing up a national maritime policy.

As a port in the semi-enclosed Black Sea basin, the Port of Constanta in particular does not have direct connectivity with maritime routes linking the Middle East, Far East, Australia and African countries to Europe. Being accessed only through the Turkish straits, the port of Constanta has a reduced size of the market served, compared to nearby Mediterranean ports, being conditioned and restricted to the reception of cargo flows representing Romania's imports and exports and part of the transit cargo to and from Central European countries that do not have a direct exit to the sea. Preliminary research on the amendment of the Port of Constanta's Masterplan shows, at the level of 2022, a captive hinterland of about 45% of Romania's surface area, the rest of the country having alternative connections with ports in the Adriatic Sea or, depending on the specifics of cargo flows, with ports in the Hamburg-Le Havre area.

In figures, Romania's trade in 2022 is as follows:

Exports (million euro)	91951,60	FOB conditions	+23.1% compared to 2021
Imports (€ million)	126046,50	CIF conditions	+ 28.1% compared to 2021

Of the total freight volumes generated by Romania's trade in 2022, the distribution by mode of transport is:

Road 12%;

Naval 20%;

Rail 68%;

Romania's maritime traffic in 2022:

Import 42% (25,094,952 tonnes);

Export 38% (23,165,482 tonnes);

Transit 20% (11,821,844 tonnes);

Romania's maritime transport fleet - post 1989¹⁰³

On 31 December 1989, Romania's shipping fleet consisted of 301 vessels with a total carrying capacity of 6,185,101 tdw, as follows:

- 290 maritime vessels belonging to the Maritime Fleet Operating Company Navrom Constanța, with a total transport capacity of 5,966,261 tdw. ;
- 11 maritime vessels belonging to the Galati Technical-Material Supply Base, commercially operated by ICE Navlomar, with a total capacity of 218,840 tdw.

The misguided strategy adopted by the Romanian government in the period 1980-1989 led to a technically disastrous situation of the maritime fleet, which in 1989 had reached a fleet of ships with an average age of about 15 years, energy-starved, morally ageing and a degree of inoperability of about 45%.

Between 1990 and 1999, various forms of organisation and fund-raising were tried to attract the funds needed for upgrading and operationalisation, objectives which were impossible given the existing legislative context of the period. In May 1992, the first transport restructuring and development strategy was drawn up for the period 1992-2005. The strategy was not taken on board by the government, so it did not generate programmes, but it mentioned as necessary for the whole period: USD 4.78 billion for the whole period, of which USD 1 billion exclusively for the fleet.

The lack of state involvement in rescuing the shipping sector led in 2003 to the deregistration of the last Romanian-flagged shipping vessel, a situation that still exists today, when Romania has no commercial shipping vessels registered under its flag.

Governmental disinterest and dilettantism in the field of shipping seems to be the only constant over the last 30 years, since, under Chapter 2.I.4. Sustainable Transport, the National Recovery and Resilience Plan adopted on 28 October 2021, mentions semantic constructs such as "(...) at present, due to the management and privatisation policies of the 1990s, the fleet has a much reduced capacity and is in an increasing process of degradation". The PNRR, moreover, does not mention any investment in naval or port infrastructure, with the efforts of the National Company for the Administration of Constanța Sea Ports to include in the document the repair of the northern breakwater of the Port of Constanța proving futile in the context of the government's indifference to the naval sector.

Shipping in Romania in 2023¹⁰⁴

Romania currently has no commercial shipping vessels. Moreover, due to the *de facto* lack of functionality of Romania's maritime administration which has failed to implement international maritime conventions, the call of a Romanian-flagged maritime vessel to any port outside Romania is questionable.

There are many arguments for the existence of a commercial maritime fleet in Romania.

From 1959 to 1989, Romania was a country that attached particular importance to the naval sector, both in terms of shipbuilding and water transport, inland waterways and maritime transport. Romania still has the largest concentration of shipyards in the European Union. Within a radius of less than 1,000 kilometres there are still operational shipyards in Orșova, Drobeta-Turnu Severin, Giurgiu, Cernavodă, Brăila, Galați, Midia, Constanța, Agigea, Mangalia, and non-operational shipyards in Hârșova and Sulina. Shipbuilding has been the catalyst for the horizontal industry producing naval equipment and installations, ships being at the top of a pyramid made up of upstream activities that have generated jobs and Romanian expertise in a specialised field, producing added value.

¹⁰³ CLC Laurențiu MIRONESCU

¹⁰⁴ CLC Laurențiu MIRONESCU

Between 1970-1989, the specialized education benefited from an integrated approach, both at the pre-university level (high schools of marine education in Orșova, Giurgiu, Galați, Brăila, Tulcea, Constanța) and at the higher level - the Mircea cel Bătrân Institute of Marine Education, established in August 1973¹⁰⁵. In its 17 years of existence as a technical higher education institution, the Mircea cel Bătrân Marine Institute has produced around 8,000 merchant marine officers, with a retention rate in the merchant fleet of over 90%.

By 2023, despite a substantial demand for specialised seafaring personnel for inland navigation, there is only one specialised high school in Romania, dedicated to the navy, in the Danube ports still operating in Galati.

Only one pre-university structure in Romania could be considered navy, namely the National Military College Alexandru Ioan Cuza. Established by order of the Minister of National Defence No. MS 52/02 April 2018 and considered the successor of the Alexandru Ioan Cuza Military High School of Navy, abolished in 1998, the National Military College does not have a projection in the civilian fleet for its graduates who are not admitted to the Mircea cel Bătrân Naval Academy. In Constanta, the civil navy high school is still operating.

At the academic level, Romania has two university structures that offer programmes dedicated to seafarers, the "Mircea cel Bătrân" Naval Academy and the Maritime University of Constanta. In the absence of the maritime valence of the Romanian state, both institutions are faced with constant challenges related to: the constant negative demographic trend of the Romanian population; the decreasing attractiveness of the profession of merchant marine officer, perceived as difficult; the lack of applied practice segments on board ships; the increasing difficulty of the minimum 12-month on-board training periods and, subsequently, of professional insertion.

Evolution over time of the civilian ship fleet¹⁰⁶

In Romania, shipping was a commercial activity that developed in the immediate post-World War II period, similar to most Eastern European countries, as a consequence of the obsession with industrial development focused on heavy industry in a context not based on market principles but rather on Soviet-inspired industrial subjectivism.

The focus of Romania's national economy on the development of heavy industry has increased the demand for raw materials, making the shipbuilding sector a priority.

It is not by chance that the shipbuilding sector in Romania was oriented towards ship types intended for liquid or solid bulk transport, specific to the transport of priority categories of raw materials for the national economy of Socialist Romania.

In 1955 the national shipping operator Navrom Constanta was established.¹⁰⁷ By HCM no. 368, NAVROM Constanta, Romania's shipping company, is established.

In September 1959, the Central Committee of the Romanian Communist Party discussed proposals for the development of shipping until 1975¹⁰⁸. Since 1955, the year in which the NAVROM Maritime Fleet Operating Company was established, Romania has been developing its fleet in the absence of shipyards with experience in shipbuilding. Thus, in the period 1955-1975, ships for the transport of solid or liquid bulk cargoes were purchased from foreign sources, either second-hand or new-built, which the Romanian shipbuilding sector could not design, build and deliver. Based on the principle of autarky, the performance of Romania's maritime industry was analysed mainly in terms of volumes transported for the national economy.

¹⁰⁵ Decree 502 of 29 August 1973 on the establishment and organisation of the Mircea cel Bătrân Marine Institute and the Alexandru Ioan Cuza Military Marine High School, Official Bulletin No 140 of 18 September 1973.

¹⁰⁶ CLC Laurențiu MIRONESCU

¹⁰⁷ ANIC, CC of the RCP - Chancellery Section - Decisions of the Council of Ministers, inventory 3362, no. 87 of 14 March 1955

¹⁰⁸ ANIC, Economic Section of the CC of the RCP, 1920-1965, inventory 2359, no. 148 of September 1959.

At the same time as the acquisition of tonnage from external sources, a priority programme for the development of ship production was started, which led to the development of the shipyards in Galati, Braila, Tulcea, Constanta and Mangalia and their specialisation with the idea of eliminating external purchases, applying the principles of series production, reducing the types of ship that were built simultaneously in a shipyard. Romania's naval effort meant the development of the industry horizontally: in 1989, about 300 companies had direct contractual relations with the naval sector, supplying raw materials, materials, mechanisms, machinery, installations, equipment and other components necessary for the construction and operation of shipping vessels¹⁰⁹.

The construction of the first 55,000 tdw ore carrier, m/n Tomis, delivered by the Constanta Shipyard, was Romania's entry into the ranks of large shipbuilding countries, a moment that continued, moreover, with the first slabs of the 150,000 tdw large tanker m/n Independence, delivered by the Constanta Shipyard on 27 May 1977.

The period 1976-1989 was the period of production of ships built in Romania: cargo ships from 1.600 to 15.555 tdw, ore carriers from 12.000 - 165.000 tdw, oil tankers 39.000 - 155.000 tdw, specialized Ro-Ro and Ferry ships. The unrealistic targets set by the state leadership, the economic mutations of the centralised system, the aggressive development policy of the naval sector incompatible with the principles of autarky of the national economy brought Romania's shipping fleet into an extremely difficult situation at the end of 1989: 301 ships with a cumulative tonnage of 6,185,101 tdw, of which 105 were out of service for repairs or scrapping and debts of US\$ 29 million to fuel, equipment and other suppliers.

In conclusion, the retrospective of the decisions taken by Romania in the maritime sector in the period 1955-1989 shows a systemic approach to sectoral development, to the benefit of reducing the dependencies of the national economy. The limited experience of the domestic shipbuilding sector in the period under review was taken into account, with ships being purchased from external sources, while placing human resources on a learning curve by setting up educational structures dedicated to the naval sector.

After the fall of the communist regime and the beginning of the economic transition, Romania's civilian fleet went through difficult times. Due to economic problems, many ships were sold or taken out of service, which led to a significant decrease in the carrying capacity of the civilian fleet.

In recent years, however, Romania has been timidly starting to revitalise its civilian fleet. According to the Ministry of Transport, the Romanian civil fleet currently consists of around 70 vessels with a total carrying capacity of over 400,000 tonnes¹¹⁰. These ships are used for the transport of goods such as oil, petroleum products, cereals, metals, etc.

In addition, the Romanian Government has adopted a number of policies and measures to support the development of the civilian ship fleet and to promote the country's maritime interests. For example, in 2019, the Government adopted the Romanian Flagged Vessel Registration Programme, which aims to increase the number of vessels registered under the Romanian flag and promote Romania's image as a maritime state.

¹⁰⁹ Constantin Cumpăna, Corina Apostoleanu, *Memories of a lost fleet*, vol. I: *Romanian ships of the Danube and the Sea Constanta*, Telegraf Advertising, 2011, p. 253.

¹¹⁰ Romanian Naval Authority.

The case for a fleet of civilian ships

At present, Romania does not have a significant civilian fleet. Most of the ships sailing under the Romanian flag are small vessels carrying cargo on the Danube or the Black Sea. Compared to other countries in the region, such as Bulgaria, Greece or Turkey, the Romanian fleet is quite small and outdated.

There are several arguments for the establishment of a civilian fleet for Romania. Firstly, shipping is an important sector of the global economy, generating significant revenues. For example, in 2019, the global shipping industry generated more than \$4 trillion in revenue and provided jobs for more than 50 million people. Developing a civilian ship fleet for Romania could help create jobs in the shipping industry and generate significant revenue for the country's economy.

Secondly, the development of a fleet of civilian ships could enhance Romania's economic interests in international shipping. Currently, shipping is dominated by countries such as China, Japan and South Korea, which have some of the largest fleets of ships in the world. By developing its own fleet, Romania could increase its influence in the maritime sector and enhance its ability to promote its economic interests.

Thirdly, the development of a civilian ship fleet for Romania could enhance the country's national security. By owning its own fleet, Romania would have more control over cargo transport and the safety of ships sailing under its flag. Developing its own fleet could also increase the country's ability to respond to emergencies such as natural disasters or acts of terrorism.

Motivation for the establishment of the Romanian flag for civil ships

The establishment of the Romanian flag for civilian ships was motivated by several factors. Among them:

Reducing operating costs: A large part of the operating costs of civil ships are related to the payment of taxes and duties to the country of registration. The establishment of a Romanian flag for civil vessels can help reduce these costs, as Romania can offer more favourable taxation and more efficient administration.

Access to finance: Romanian-flagged ships can benefit from easier access to finance, as Romania has cooperation agreements with several international organisations that provide funding for the maritime industry.

Ensuring safety standards: the establishment of the Romanian flag has contributed to ensuring safety standards for civilian ships sailing under this flag. Romania can monitor and verify how safety standards are respected and ships that do not comply can be withdrawn from service.

Promotion of the national brand: the establishment of the Romanian flag has contributed to the promotion of the national brand, as well as to increasing the prestige and international recognition of Romania as a country with a strong maritime tradition.

Also, the establishment of the Romanian flag for civil ships has contributed to the creation of new jobs and to the development of the national economy. By registering ships under the Romanian flag, greater use of Romanian ports can be ensured, which can lead to the development of port infrastructure and other related services such as transport and logistics.

Romania has a national flag for maritime vessels, which is represented by Romania's tricolour flag and is internationally recognised by the International Maritime Organisation. Ships registered under the Romanian flag are subject to the regulations and standards imposed by the Romanian state. However, the number of ships sailing under the Romanian flag is relatively small compared to other maritime countries in the region. The Romanian flag registration code is ROU, and this means that Romanian ships register this flag code in international maritime documents and communications. By registering its flag with the IMO, Romania has confirmed its status as a maritime state and demonstrated that it can assume its responsibilities in international commercial shipping.

Romania has been registered with the International Maritime Organisation (IMO) since 1976, when it joined the organisation. Since then, the Romanian flag has been officially recognised by the international community and Romanian ships have sailed under this flag all over the world. It is important to note that IMO flag registration is not a one-time process, but a continuous process that involves meeting the standards and regulations imposed by the organisation.

Romania's flag registration with the International Maritime Organization (IMO) is still valid today. The Romanian flag is officially recognised by the international community and Romanian ships continue to sail under this flag throughout the world.

Romania also maintains its status as a maritime state and assumes its responsibilities for international commercial shipping by meeting the standards and regulations imposed by the IMO. By registering the national flag with the IMO, Romania can promote the country's maritime interests and ensure the protection of the rights and interests of ships flying the Romanian flag.

Principle of registration of ships under the flag of a state: a ship is a mobile business which follows the most favourable fiscal and civil regime.

The favourable tax regime initiative emerged in the European Union in the early 1990's as an attempt to counteract the phenomenon of *flagging out* - the disappearance of seagoing ships registered under European flags. The favourable tax regime meant the abolition of the corporate tax on shipping activities and the introduction, similar to flags of convenience, of the tonnage tax, a modest flat-rate charge levied on a ship registered in a European state, in the hope that its continued operation would stimulate vertical and horizontal industry in that state.

The introduction of the tonnage tax is in line with the transport policy guidelines of the European Union, which controls about 39% of the world fleet in terms of transport capacity. Attracting EU-flagged vessels and employing EU seafaring personnel is therefore a European policy desideratum.

Tonnage tax models¹¹¹

In the European Union EU27 plus the UK, in 2022, there were 18 countries granting tax concessions to ships operating under their flags, through schemes applicable for 10-year periods, with the approval of the European Commission. All 18 countries have introduced tonnage tax instead of corporate tax, plus various investment facilities, value added tax, accelerated depreciation, tax deductions for employed seafarers, etc.

In Europe, there are two models of tonnage taxes applied to maritime transport: the Elen model (Greece, Malta, Cyprus) and the British model (Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, UK). Both models have the same principles of application of the tonnage tax, the differences being in the unit of time to which the amount of the tax is related: the Greek model - annually, the UK model - every 24 hours.

The introduction of the tonnage tax would be an advantage for the state budget and the Romanian economy. Estimating a benefit is difficult, but it is known from international practice that, in shipping, each job on board generates between 12-15 jobs on land. The share of direct, indirect and induced shipping activities in the GDP of European countries is on average between 2% and 6%.

As far as we are concerned, in 2023, 35 years after having over 6 million tonnes of transport capacity, Romania will no longer have any operational commercial maritime vessels under its flag. The granting of fiscal and administrative incentives is aimed at future business, with the direct aim of attracting them to Romania.

Romania's total tonnage, reported to the International Maritime Organization, is 75,000 tdw (below 100th place worldwide), consisting exclusively of technical vessels (tugs, pilot boats, supply vessels, etc.).

The development of maritime business will have a direct positive impact on Romania's maritime administration, bringing into the institutional reality of the 21st century the procedures of the 1990s and an indirect and induced impact on other adjacent economic activities: university education; vocational education and training; ship operation; port safety services; pilotage; towage; port operation; shipping; insurance; legal; inspection; survey; classification; inland transport; trade business; shipbuilding and repair; other shipping related activities, generating taxes and duties to local budgets.

¹¹¹ CLC Laurențiu MIRONESCU

Case study: tonnage tax in Romania - ROTT (Romanian Tonnage Tax)¹¹²

Proposed amount of tonnage tax in Romania (ROTT):

The initiative group made up of specialists from the Romanian Centre for Training and Development of Shipping Personnel CERONAV and the Romanian Naval League has submitted, as early as 2021, to the Romanian Parliament the legislative proposal for the introduction of tonnage tax in Romania. From a technical point of view, the proposal is based on the British model, where, in order to increase the attractiveness of the Romanian flag for the registration of large ships, an additional calculation step is introduced, for ships over 50,000 tdw, similar to the Belgian model.

NT tax - calculated daily				
0 - 1.000	1.001 - 10.000	10.001 - 25.000	25.001 - 50.000	50.001 +
€0,50	€0,35	€0,20	€0,10	€0,05

The proposed amount of annual tonnage tax for a 50,000 tdw vessel is at the Polish level, almost double the average of the Greek taxing states and below the average of the UK taxing states.

Ratio of proposed tax to European average tax:

$\text{ROTT/UETT} = 33.397/35.609 = 0,94\%$, thus demonstrating that the tonnage tax proposal in Romania is well-intentioned and not likely to affect good competitive practice through a dumping tax regime.

The proposal for a tonnage tax in Romania also contains corrections according to the age of the vessel, in order to encourage the registration under the Romanian flag of the newest vessels, with propulsion and high-performance equipment, in order to reduce the impact on the marine environment.

Vessel age (years)	Correction (%)
Up to 5	- 30
5 - 10	- 15
10 - 15	0
15 - 20	+ 5

Note: According to the Ministry of Transport Order 2/2004, vessels older than 20 years cannot be registered in Romania.

Taxation of shipping companies:

For eligible shipping companies, the proposed corporation tax is 0%, with tonnage tax replacing corporation tax.

The tax on profits from the sale of ships (directly ineligible activity) is proposed to be:

- the usual tax for Romanian companies (currently 10%), if in three years the revenues are not reinvested in ships - repairs, purchases, etc.;
- 0% if within a maximum of 3 years the sale proceeds are reinvested in the construction, repair, modification, refitting of other eligible vessels (Poland model).

The ROTT proposal mentions measures to attract **ships** as young as possible, namely: tonnage tax reductions in the first 2 years for newly registered ships of 50% in the first year and 25% in the second year, similar to the model in operation in Portugal. Also similar to Portugal, additional reductions of 20% are proposed for ships over 50,000 NT if they use innovative environmental conservation technologies.

¹¹² CLC Laurențiu MIRONESCU

For the construction of new ships, an accelerated depreciation scheme is proposed for the profit invested from other activities: 20% in the first year, 15% in the next 2 years, 10% in the next 5 years (Belgian model).

As regards **value added tax (VAT)**, the legislative proposal to introduce tonnage tax in Romania contains VAT exemption for the following operations on eligible vessels:

- construction, maintenance, repair, modification, refurbishment, conversion;
- supply of equipment, spare parts;
- provision of rescue equipment;
- towing, piloting and rescue operations;
- food supplies, bunkering and consumables;
- classification and survey;
- leasing and chartering;
- insurance and agenturare (model Sweden, UK, France).

Other proposed facilities:

- 20% reduction in tonnage tax for EU management (Malta model).
- 50% reduction in tonnage tax on passenger ships (Greece).
- 5-year tonnage tax exemption for vessels built in Romania, if they remain eligible vessels (Greece model).

For **aircrew**, the legislative proposal mentions tax deductions to encourage the employment of EU staff, similar to other countries. The minimum eligibility conditions for the application of deductions for crew members of Romanian-flagged vessels - EU citizenship and tax residence in Romania, employed by an eligible company, under the conditions of Romanian law.

The eligible company will have to fulfil, cumulatively, the conditions of employment of a minimum of 50% EU resident seafarers and the employment of cadets on board each vessel in the amount of minimum 1 cadet in the deck department and minimum 1 cadet in the engine department. As far as seafarers are concerned, European practice is diverse, with a wide range of exemptions and deduction thresholds depending on the state. For example, the Netherlands grants seafarers on board Dutch ships 40% deduction from the payment of contributions, in Portugal seafarers are exempt from dues, as in the UK.

The legislative proposal to introduce a tonnage tax in Romania states:

- full tax deduction on income from salaries, but not more than €100,000 per year;
- 50% deduction of social and health contributions, but not more than 100,000 euros per year.

To assess the potential impact on the state budget, three scenarios were developed:

1. for an average model ship of 50.000 TN,
2. for 10 vessels
3. for 100 commercial vessels registered under the Romanian flag.

In case of scenario 1, a model vessel registered under the Romanian flag, according to the proposed tonnage tax rate, can bring in **tonnage tax revenues** of 33,397 euro/year. In case of scenario 2, the amount is multiplied by 10 - 333.970 euro/year, and in case of scenario 3, by 100 - 3.339.700 euro/year.

Budget revenue from **seafarers' salaries**. Estimating the net salary of a seafarer employed in the world maritime fleet at between €2,500 and €20,000/month at sea, depending on the level of qualification and position on board the ship, gives, with a degree of approximation to the detriment of the final figure, an average net salary of €5,000/month. Considering an average seagoing period of 6 months per year, a contribution and health insurance rate of 37.5% (current), CAS 2.25% employer's contribution, tax exemption and 50% deduction from the legislative proposal, this results in an income to the budget of 5,500 euro/year for a single seafarer.

In terms of estimating the **number of jobs** created directly by the registration of ships under the Romanian flag, we can consider 20 to be an average number of crew members on a commercial ship. If we introduce the obligation to employ a minimum of 50% of EU staff, the impact on jobs will be: minimum 10, 100, 1,000 jobs directly caused by the registration of a ship, 10 or 100 ships under the Romanian flag.

Total cumulative revenue to the state budget (tonnage tax + contributions from the wages of seafarers) can be estimated at:

$$33,397 + 20 \times 5,550 = 144,397 \text{ euro/year - scenario 1 (one vessel);}$$

$$10 \times 33397 + 200 \times 5.550 = 1.443.970 \text{ euro/year - scenario 2 (10 vessels);}$$

$$100 \times 33397 + 2000 \times 5.550 = 14.439.700 \text{ euro/year - scenario 3 (100 vessels).}$$

$$144,397 \text{ Euro/year } 1.443,970 \text{ Euro/year } 14.439,700 \text{ Euro/year}$$

The total overall impact of the introduction of the tonnage tax in Romania can only be estimated. Apart from the fiscal facilities, shipowners are also attracted by the permeability of the administration, the reduced bureaucracy and the real-time institutional reactions, given the imperative nature of the decision in maritime transport. The existing institutional context of a failed maritime administration in Romania does not give grounds for optimistic expectations. Neither does the lack of priority given to the legislative proposal on the introduction of tonnage tax in Romania, which has been on the parliamentary agenda for almost two years, provide optimistic premises for reviving maritime transport in Romania.

Romania's advantages by registering a Romanian flag of convenience with the IMO for ships wishing to sail under the Romanian flag

Registering a Romanian flag of convenience with the International Maritime Organization (IMO) can bring several advantages to Romania in terms of shipping and maritime industry.

One of the main advantages is the possibility to register foreign vessels under the Romanian flag of convenience. This would allow ship owners who wish to sail under the Romanian flag to benefit from lower tax rates than those offered by other countries. This may be attractive to shipowners seeking to minimise operating costs and maximise profit. Registering a fleet of vessels under the Romanian flag can also help increase state revenues by taxing the income and profits earned by shipowners.

In addition, registering a Romanian flag of convenience can improve Romania's reputation in the international maritime industry and increase the country's visibility in this sector. This can bring new business opportunities and attract foreign investment in Romania's maritime industry.

In addition to these advantages, registering a Romanian flag of convenience can also contribute to improving maritime safety and security standards. By adhering to international maritime safety and security standards, Romania can reduce the risk of maritime accidents and protect the environment. It can also have a positive impact on Romania's reputation in the international maritime industry and increase confidence in ships sailing under the Romanian flag.

A possible vision: Rebuilding Maritime Romania

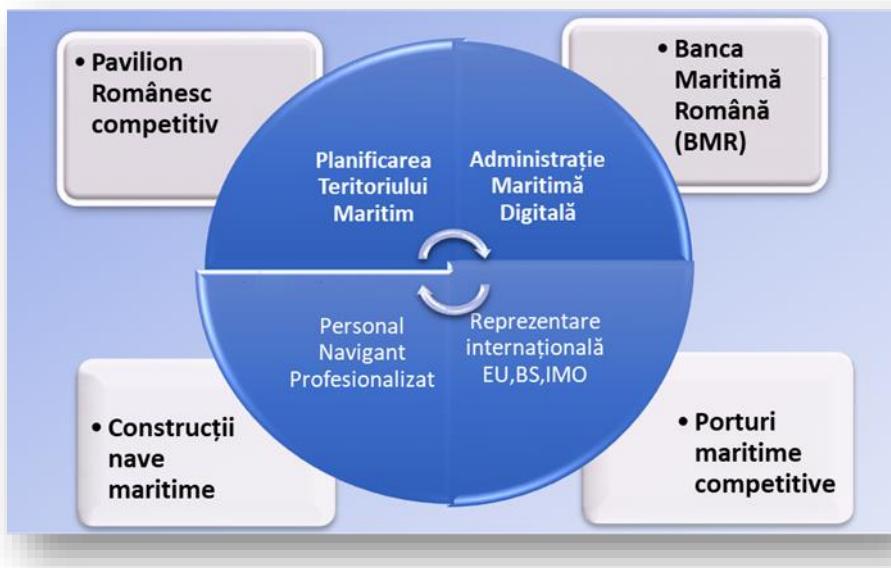


Fig. 1. Maritime Romania

Fig 1 shows the main components leading to a vision model that would re-launch the maritime sector in Romania, which we will analyse below.

Transforming the Romanian naval flag into a global competitor

The Romanian shipbuilding industry has significant potential to become a strong competitor on the international market. With a rich maritime history and a strategic geographical position, Romania has the opportunity to strengthen its presence in the maritime industry. To achieve this goal, concerted efforts are needed to improve the competitiveness of the Romanian naval flag and attract ship owners and investors. Here are some key directions to achieve this.

Fleet modernisation and development:

An essential step to become competitive in the maritime industry is the modernisation and development of the Romanian naval fleet. This involves investing in the construction of new ships and the modernisation of existing ones. Efforts should focus on developing energy-efficient, technologically advanced ships that meet the highest environmental and safety standards.

Investments in port infrastructure:

Port infrastructure plays a crucial role in the competitiveness of the maritime flag. Modernisation and expansion of ports is essential to handle increased cargo volumes and to provide efficient ship-handling services. Investments in port infrastructure would attract ship owners and increase the attractiveness of the Romanian naval flag.

Stimulating innovation and technology:

Innovation and technology are key factors in increasing the competitiveness of the Romanian naval flag. Promoting research and development in advanced maritime technologies would encourage the adoption of innovative and efficient solutions. Investments in digitisation, automation and state-of-the-art technology would increase efficiency and productivity in maritime operations.

Improving the quality of services:

Another important aspect of becoming competitive is providing high quality services. This includes ship management services, port services, quality assurance and safety standards. It is also important to provide personalised and tailor-made services to customers' needs, thus creating a reputation of trust and professionalism.

Promote and support maritime legislation:

A favourable and stable legal framework is essential to attract ship owners and facilitate maritime activities. It is important for Romania to have clear and predictable legislation in the maritime sector, which provides legal certainty and facilitates the development of maritime activities. This could include measures to reduce red tape and simplify administrative procedures for maritime operators.

Developing the skilled workforce:

Another important factor to increase the competitiveness of the Romanian naval flag is the development and training of the workforce. Investment in training and education of maritime industry personnel would ensure the quality and competence of crews, which would be appreciated by shipowners and increase confidence in the Romanian flag.

Promoting the Romanian flag at international level:

A well-structured promotion campaign at international level would contribute to increasing the visibility of the Romanian naval flag and attracting foreign shipowners. It should highlight the advantages of the Romanian flag, such as quality of service, safety standards and strategic position in the region.

Maritime banks: Supporting the development of the maritime sector and Romania's economy

The maritime industry is a strategic sector for Romania, with a long tradition and significant potential for development and economic growth. In this context, the importance of a maritime bank in the country becomes obvious. Such a specialised financial institution would support the development and modernisation of the maritime sector, facilitating access to finance, stimulating innovation and creating growth opportunities in the Romanian economy.

Around the world there are specialised financial institutions known as 'maritime banks' or 'shipping banks' that focus on banking and financial services for the maritime industry. These maritime banks offer a wide range of products and services tailored to the specific needs of shipping companies, shipowners and other entities in the maritime sector.

The main role of maritime banks is to provide specialised financing for the construction, acquisition and operation of ships, as well as for other maritime activities and investments. They can provide ship purchase loans, new ship construction finance, operating loans, factoring services, leasing and other financial products tailored to the maritime industry.

In addition to financing, maritime banks can offer other services such as treasury management, trading and clearing services, foreign exchange risk management and marine insurance. Maritime banks play an important role in supporting the development and growth of maritime industries and have specialised expertise in finance and maritime. They help ensure liquidity in the maritime industry and facilitate commercial transactions in the global supply chain.

Examples of internationally recognised maritime banks include DNB, ING Bank, ABN AMRO and BNP Paribas, which have specialised banking and financial services divisions for the maritime industry.

Support for investment in the maritime fleet:

One of the main functions of a maritime bank is to provide specialised financing for the maritime industry. This would support investment in shipbuilding, acquisition and operation. Through tailored financial services, maritime banks would facilitate the development of the Romanian maritime fleet and ensure competitiveness on the international market.

Promoting port infrastructure development:

Another important aspect of a maritime bank would be to support the development of port infrastructure. Through financing and specialised expertise, it would contribute to the modernisation and expansion of Romania's ports. In this way, ports could be prepared to cope with the growth in maritime traffic and become more competitive regionally and internationally.

Facilitating international trade:

Maritime banks would play a crucial role in facilitating financial transactions and operations related to international trade. Through their specialised services and tools, they would help smooth the flow of goods and boost Romania's exports and imports. This would encourage the development of international trade relations and increase Romania's involvement in global supply chains.

Support for innovation and technological development:

A maritime bank would be an important catalyst for innovation and technological development in the maritime sector. Through their specialised financial services, these banks would support the financing of research and development projects in advanced maritime technologies. This support would foster the adoption of innovative solutions and help create a favourable environment for start-ups and innovative companies in the maritime sector. Romania could thus benefit from the transfer of knowledge and advanced technologies, strengthening its position in the maritime industry at global level.

Creating jobs and stimulating economic growth:

The establishment of a maritime bank would have a significant impact on Romania's economy. The development of the maritime sector through a maritime bank would lead to the creation of jobs in various fields such as finance, transport, logistics and marine engineering. This would stimulate economic growth, generating income and contributing to the sustainable development of the country.

Transforming Romanian ports into internationally competitive port centres

Ports play a vital role in international trade and a country's economic development. To strengthen their position in the global context, Romanian ports need to become competitive, offer high quality services and attract significant trade flows. Improving port infrastructure, simplifying administrative procedures, adopting innovative technologies and promoting partnerships are key elements to transform Romanian ports into competitive port centres.

Modernisation of port infrastructure:

A key aspect of becoming competitive is the modernisation and development of port infrastructure. This involves investment in expanding and improving port terminals, building specialised terminals (container, grain, oil products, etc.), modernising waterways and cargo handling facilities. The development of port infrastructure will enable Romanian ports to cope with the increase in maritime traffic and provide efficient services.

Simplification of administrative procedures:

A simplified and efficient business environment is crucial to attract companies and trade flows to Romanian ports. The authorities need to simplify administrative procedures and reduce red tape, making it easier to import and export goods. The implementation of an electronic document management system and cooperation between the various institutions involved in port activities will help to streamline operations and reduce the time needed to carry them out.

Adopting innovative technologies:

The use of advanced technologies can bring significant benefits in increasing the competitiveness of Romanian ports. The implementation of automation systems, Internet of Things (IoT)¹¹³, artificial

¹¹³ The concept of the Internet of Things (IoT) is widely known and used around the world. The term "Internet of Things" was introduced in the 1990s and has become increasingly popular with the advancement of technology and the proliferation of interconnected devices and sensors. Through IoT, objects can be connected, communicate with each other and make decisions autonomously or be controlled remotely through apps or digital platforms.

intelligence and blockchain¹¹⁴ can improve the efficiency and transparency of port operations. For example, container tracking technology and digital document management can reduce handling time and logistics costs, thus attracting more companies to use Romanian ports.

Promoting partnerships:

Collaboration between Romanian ports and international partners can increase their competitiveness. Strategic partnerships with other renowned ports or port operators, as well as collaboration with academic and research institutions, can bring expertise and know-how to the development of Romanian ports. These partnerships can contribute to the transfer of knowledge and advanced technologies, thus improving the capabilities of Romanian ports. Promoting partnerships with transport and logistics companies, as well as port authorities in other countries, can also bring new trade flows and greater international connectivity.

Development of adjacent services:

To become competitive, Romanian ports should develop and diversify the range of services offered. This can include storage and distribution services, ship repair services, shipbuilding and conversion facilities, and integrated logistics services. By offering a complete package of adjacent services, Romanian ports can attract more companies and provide efficient logistics solutions.

Focus on sustainability and the environment:

In the current era of environmental and sustainability concerns, Romanian ports should adopt environmentally friendly practices and invest in green solutions. This can include implementing renewable energy technologies, efficient waste management and reducing environmental impact. Ports that are seen as sustainable and environmentally responsible will attract the attention and preference of companies and shipowners who care about these issues.

Relaunching Shipbuilding in Romania - An Opportunity for Economic Development

The shipbuilding industry is a strategic sector of significant importance for Romania's economy. The revival of this sector can have a positive impact on the country's economic development and generate numerous social and industrial benefits.

Increasing jobs and employment:

The revival of shipbuilding would lead to the creation of a significant number of jobs in various fields such as ship engineering, construction, welding, mechanics and logistics. This would help reduce unemployment and provide career opportunities for young people and industry professionals. By developing this industry, an economic stimulus effect can be created in the regions where shipbuilding takes place.

Boosting exports and the trade balance:

Reviving shipbuilding would increase Romania's ability to export ships and boats to international markets. By building and delivering high quality commercial and specialised vessels, Romania could gain an increased share of the global market, generating significant export revenues and contributing to an improved trade balance.

Developing an industrial cluster and value chain:

The revival of shipbuilding would stimulate the development of an industrial cluster around this industry, involving both manufacturers of ship equipment and components and providers of related services. This would create opportunities for local businesses and stimulate collaboration and innovation within the shipbuilding value chain.

Technology transfer and skills development:

¹¹⁴ Blockchain is an innovative technology that serves as a secure, distributed ledger for recording and verifying transactions and other information. Essentially, it is a decentralised and transparent database that stores records in interconnected blocks and ensures their integrity and security through cryptography.

Reviving shipbuilding would bring significant benefits in terms of technology transfer and skills development. Collaboration with international partners in the shipbuilding process would allow the transfer of knowledge and expertise, contributing to the development of the technological and professional capabilities of the Romanian shipbuilding industry.

Recovery and diversification of the local economy:

The revival of shipbuilding would diversify the local economy and reduce dependence on certain sectors. This would provide greater economic resilience and reduce the risk of economic fluctuations in the event of crises in other sectors. The development of shipbuilding would also stimulate other related industries such as the metal industry, the energy industry and the logistics industry, creating synergies and synergies in the whole economic ecosystem.

Increasing maritime defence and security capacity:

Relaunching shipbuilding would support the development of Romania's maritime defence and security capacity. Building military and maritime surveillance vessels would strengthen Romania's presence and influence in its maritime area of responsibility and contribute to maintaining regional security and stability.

Maritime Spatial Planning: The importance of sustainable management of marine resources

Maritime spatial planning is a complex and essential process for the sustainable management of resources and activities in marine and maritime areas. It involves the development of policies, strategies and regulations to ensure the efficient and sustainable use of marine resources, the protection of the marine environment and the promotion of sustainable economic development in these areas. As a large part of the world's resources are found in the marine environment, maritime spatial planning is becoming increasingly important for the proper management and protection of these valuable resources.

Maritime spatial planning is essential for the sustainable management of resources and activities in marine and maritime areas. This complex process is primarily aimed at ensuring efficient and sustainable use of marine resources, protecting the marine environment and promoting sustainable economic development.

Conservation of marine biodiversity is a crucial aspect of maritime spatial planning. Identifying and protecting vulnerable marine habitats and species helps to maintain ecological balance and conserve biological diversity.

Sustainable use of marine resources is another important aspect of maritime spatial planning. Through the development of appropriate strategies and regulations, responsible and balanced exploitation of resources such as fisheries, extraction of mineral and energy resources and tourism is sought to avoid depletion and degradation.

Protection of the marine environment is a particular concern in maritime spatial planning. By identifying the impact of human activities on marine ecosystems, measures and policies can be developed to prevent and reduce pollution, waste dumping and other threats to the marine environment. This ensures that the health of marine ecosystems is preserved and restored.

Sustainable economic development in maritime areas is another objective of maritime spatial planning. By identifying and developing the necessary infrastructure, such as ports, maritime terminals and logistics facilities, opportunities are created for the development of maritime industry, shipping, tourism and other related economic sectors. This contributes to job creation, economic growth and improved living standards in coastal communities.

Another important aspect of maritime spatial planning is coordination and collaboration between different stakeholders such as government authorities, local communities, maritime industry and non-governmental organisations. By involving these stakeholders and ensuring a participatory and transparent planning process, better solutions can be found and conflicts between different activities and uses avoided.

The Need for a Digitised Port Administration: Modernisation for Greater Efficiency and Smarter Management

In the digital age we live in, digital transformation has become a necessity for all sectors of the economy, including the port industry. Port management has shifted from traditional methods to digital solutions to meet challenges and benefit from increased efficiency. A digitised port management brings with it numerous benefits, from optimising operations to improving safety and efficiency.

The digitisation of port management allows for the automation and optimisation of key processes such as cargo stock management and monitoring, document management, vessel scheduling and coordination, vessel traffic control and monitoring. By implementing a centralised and integrated system, reliance on paper and manual workflows is eliminated, increasing efficiency and reducing human error.

With a digital port administration, real-time information on all aspects of port activity can be accessed. From ship and cargo data to weather information and the state of port infrastructure, all can be centralised and made available in an easy-to-understand format. This allows decision-makers to make informed and strategic decisions in a timely manner, taking into account all relevant variables.

Digitised port management contributes to improved safety and security in ports. Through advanced monitoring and control systems, security threats and incidents, such as unauthorised intrusions or suspicious activities, can be detected and prevented. Technologies such as facial recognition or container scanning can also be deployed to check contents and prevent smuggling and illegal activities.

The digitisation of port management contributes to promoting sustainability and reducing environmental impact. By monitoring and managing resources efficiently, energy and fuel consumption can be minimised, reducing greenhouse gas emissions and air pollution. Environmental management systems can also be used to implement waste and water management practices and to conserve marine biodiversity. This ensures a balance between the economic development of ports and environmental protection.

A digitised port management contributes to the competitiveness of ports. By optimising processes and reducing waiting times, more efficient and faster services can be provided to ships and carriers. This attracts more operators and companies that will want to use the ports, thus generating economic growth and regional development.

The digitisation of port management facilitates collaboration and connectivity between all actors involved in port activity, including port authorities, carriers, logistics companies, shipping agents and customers. Through digital platforms, information can be shared and accessed in real time, facilitating coordination and synchronisation of activities. This leads to better integration and fluidity in the supply chain, ensuring efficient cargo management and a better experience for all involved.

Importance of international representation in the European Union, International Maritime Organisation and BS (World Sailing)¹¹⁵

In the era of globalisation and inter-connectivity, international representation is becoming increasingly relevant and necessary within international institutions and organisations. Particularly in the maritime field, where global cooperation and coordination are vital, international representation plays a crucial role in promoting national interests and values and influencing decisions affecting the maritime industry as a whole. Thus, the European Union (EU), the International Maritime Organisation (IMO) and the Sailing and Water Sports Organisation (BS) are key platforms in this respect.

The European Union (EU) is a supranational organisation that brings together Europe's Member States and promotes European integration in various fields, including maritime affairs. Through its

¹¹⁵ World Sailing is the world's leading sailing and watersports organisation. Founded in 1907 as the Fédération Internationale de Yacht Racing, the organisation changed its name to the International Sailing Federation in 1996 and finally to World Sailing in 2015.

institutions, such as the European Commission and the European Parliament, the EU has the power to develop and implement maritime policies and regulations throughout the Union. Romania's international representation within the EU is essential to promote its national interests and to ensure that the specific concerns and requirements of the Romanian maritime industry are taken into account in the European decision-making process.

The International Maritime Organisation (IMO) is the specialised agency of the United Nations (UN) responsible for regulating the maritime industry at the global level. Its main mission is to ensure the safety of shipping, the protection of the marine environment and the efficiency of maritime transport. The relevance of international representation in the IMO is obvious, as each member country has the right to express its position and participate in the decision-making process on global maritime regulations and policies. Through its representatives, Romania can contribute to the development of global maritime standards and practices, thus ensuring a safe, sustainable and efficient maritime industry.

World Sailing (BS) is an international structure that promotes the development and regulation of sailing and water sports globally. Bringing together sports federations and associations from around the world, BS provides a framework for coordinating competitions, setting standards and promoting the values of the sport.

Romania has representatives in these international organisations. Within the European Union (EU), Romania is represented by members of the Government and Members of the European Parliament, who are part of the relevant committees and working groups in the maritime field.

In the International Maritime Organisation (IMO), Romania is represented by the Romanian Naval Agency, which is the national body responsible for regulating and supervising maritime activities. Romania can also delegate representatives to IMO sessions and committees to express its position and contribute to the global maritime decision-making process.

As far as World Sailing (BS) is concerned, Romania has representatives in the national federations and sports associations that are affiliated to BS. These representatives participate in international competitions and sporting events, work on the development and implementation of sporting regulations and standards and promote water sports at home and abroad.

Representing Romania in these international bodies is not just a formal exercise, but is of significant importance for our country. Active participation and involvement in the decision-making process allows us to promote national interests and contribute to the development and improvement of the maritime industry at a global level.

Through our representatives, we have the opportunity to raise Romania's specific concerns regarding safety of navigation, protection of the marine environment, efficiency of maritime transport and development of port infrastructure. We can support initiatives that promote safety and quality in shipping, ensure a level playing field and create a proper legal framework for all parties involved.

Also, Romania's representation in these international organisations provides us with a platform for collaboration and exchange of experience with other countries and partners, allowing us to learn from best practices and identify opportunities for development and innovation in our maritime industry.

Another important aspect of international representation is to strengthen Romania's prestige and influence on the international scene. By actively engaging and building strong relationships with international partners, we can gain their trust and respect, which can lead to greater recognition and appreciation of our maritime skills and capabilities.

The need for a Maritime Strategy for Romania: Exploiting maritime potential and promoting sustainable development

Romania, with access to the Black Sea and the Danube River, has significant maritime potential that can contribute substantially to its economic development and national prosperity. In this context,

there is an urgent need to develop and implement a comprehensive and well thought-out Maritime Strategy that addresses the challenges and exploits the opportunities offered by the maritime environment.

An effective Maritime Strategy should have a primary objective of harnessing Romania's maritime potential in a sustainable and responsible way. This would involve an integrated and coordinated approach to the development of the maritime sector, including maritime transport, nautical tourism, defence industry, fisheries and aquaculture, marine renewable energy and marine environmental protection. Such a strategy would contribute to creating an investment-friendly environment, stimulating economic development and job creation in maritime regions.

One of the biggest challenges for Romania is the diversification and modernisation of port infrastructure and shipping capacities. A well-designed maritime strategy could provide a clear framework for the development and modernisation of ports, facilitating international trade and strengthening Romania's position as an important node on the maritime route map. This would include investments in port infrastructure, advanced technologies and logistics facilities, as well as the promotion of favourable policies and efficient procedures.

A maritime strategy should also pay particular attention to the protection of the marine environment and sustainable development. Romania has a responsibility to protect and conserve its marine wealth, as well as to address the challenges of marine pollution, biodiversity and climate change. A maritime strategy should promote sustainable practices in all maritime activities, stimulate innovation in environmentally friendly technologies and solutions, as well as encourage education and awareness on marine environmental protection.

Internationally, a coherent Maritime Strategy would enhance Romania's representation and influence in global maritime bodies such as the International Maritime Organisation (IMO) and the European Union (EU). Active participation and involvement in international decision-making would allow Romania to promote its maritime interests and contribute to the development and implementation of relevant maritime policies and regulations. This would ensure that Romania has a strong voice in discussions and decisions on maritime security, protection of the marine environment, shipping, navigation and other key maritime issues.

A Maritime Strategy would also strengthen regional and international maritime cooperation. Romania could promote partnerships and collaboration with other Black Sea littoral states and other maritime countries to develop and implement joint projects in the fields of maritime transport, nautical tourism, fisheries and aquaculture, marine environmental protection and other areas of common interest. This would create opportunities to exchange know-how, increase investment and promote regional welfare and stability.

The main strategic lines for achieving a coherent vision.

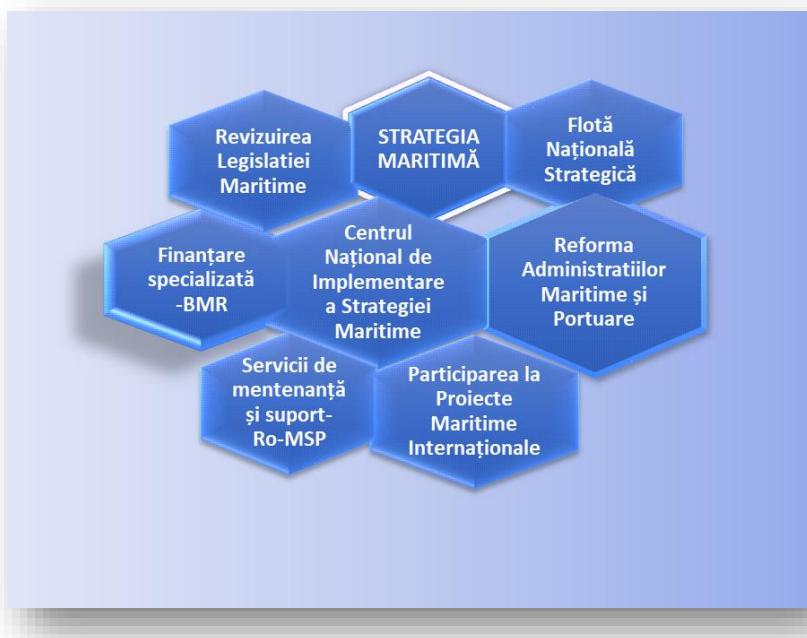


Fig. 2. The main strategic lines for achieving this vision

Review of maritime legislation in Romania: Supporting sustainable development and competitiveness

Maritime legislation plays a crucial role in regulating and promoting maritime activities in a country. As Romania has a long and rich maritime tradition, the revision and updating of maritime legislation becomes essential to respond to current requirements and challenges and to support the sustainable development and competitiveness of the maritime and port sector.

The review of maritime legislation provides an opportunity to improve and adapt the existing legal framework to align with international standards and new trends and innovations in the field. This involves assessing and updating laws, regulations and procedures to ensure effective and transparent governance in the maritime sector.

An important aspect of the review of maritime legislation is to promote the sustainable development of maritime activities. This may include the adoption of measures and policies for the protection of the marine environment, the sustainable management of marine resources and the promotion of environmentally responsible transport and operating practices. To this end, legislation must take into account the principles of sustainable development and set clear requirements and standards in this respect.

In addition, the revision of maritime legislation may also aim to facilitate trade and economic relations by simplifying procedures and reducing red tape. This can include simplifying customs and port formalities, creating an investment-friendly environment and promoting innovation in the maritime sector. By adopting appropriate policies and measures, Romania can attract investment and encourage the development of port infrastructure and the shipping industry.

The review of maritime legislation may also address issues related to safety and security of navigation. This includes regulations on ship safety, training and certification of seafarers, as well as procedures and protocols for accident prevention and emergency management in the maritime

environment. Ensuring a safe and secure environment in the maritime sector is essential to protect human life, the marine environment and economic interests.

The revision of maritime legislation in Romania can be a complex and comprehensive process, involving consultation and collaboration with various stakeholders, including government authorities, the maritime industry, non-governmental organisations and other relevant organisations. It is important that the review is carried out through a transparent and participatory process in which all stakeholders have the opportunity to express their views and concerns.

An effective revision of maritime legislation must also take into account international developments in this field. Romania is part of relevant international organisations in the maritime sector, such as the International Maritime Organisation (IMO) and the European Union (EU), and compliance with the standards and regulations of these organisations is essential. The updating of legislation must take into account the directives and regulations issued by these organisations and transpose them into national legislation.

The revision of maritime legislation can bring many benefits for Romania. It can contribute to increasing the competitiveness of the maritime and port sector, attracting new investment and creating jobs. A modern and efficient legal framework can stimulate innovation and technological development in the industry, leading to increased performance and efficiency in maritime transport.

The revision of maritime legislation can also strengthen Romania's role as an important player on the international maritime scene. By adopting modern legislation in line with international standards, Romania can gain the trust and respect of its international partners, facilitating collaboration and exchange of experience in the maritime field.

A Strategic Maritime Fleet for Romania: Opportunities and Importance for National Security

A strategic maritime fleet means owning and operating a diverse range of military vessels and submarines capable of performing various missions in the maritime region. This includes warships, patrol vessels, transport ships, submarines and other specialised vessels, as well as maritime aircraft. The fleet would be equipped with advanced technologies, communications systems, sensors and modern weapons, capable of ensuring sovereignty, security and protection of Romania's interests in the maritime environment.

The importance of a strategic maritime fleet for Romania is important. Firstly, such a fleet would allow Romania to defend its sovereignty and territorial integrity in the maritime environment. The fleet could conduct patrols and monitoring of territorial waters and the exclusive economic zone, ensuring presence and control in these areas and countering any potential threats.

A strategic maritime fleet would also contribute to ensuring regional security and strengthening Romania's partnerships and alliances within NATO and the EU. Active participation in joint maritime operations and exercises, cooperation with other Black Sea littoral states and international partners would strengthen defence capabilities and promote stability and cooperation in the region.

A strategic maritime fleet would also bring economic benefits. It would generate opportunities for the development of the maritime industry and the military-industrial complex, leading to job creation, technology transfer and stimulating innovation. Investment in the construction, modernisation and maintenance of ships and submarines would support the development of a strong and competitive maritime and naval sector.

Internationally, a strategic maritime fleet would strengthen Romania's prestige and influence in the field of maritime security. Active participation in peacekeeping operations, combating piracy and illegal trafficking would enhance Romania's international reputation and strengthen diplomatic and military relations with other states. Romania could also play an active role in regional and international decision-making processes, contributing to the establishment of maritime security policies and regulations.

In order to develop and maintain a strategic maritime fleet, Romania should pay particular attention to modernising port infrastructure and naval bases, as well as increasing shipbuilding and maintenance capabilities. Investments in research and development, training and education of naval personnel and the development of advanced maritime technologies are also crucial.

In addition, a strategic maritime fleet should be integrated into a broader national security approach, including cooperation with other relevant armed forces, intelligence services and civilian authorities. This would ensure effective coordination of efforts and optimal use of available resources.

A well-developed and implemented Maritime Strategy is an essential tool for Romania in promoting sustainable development and exploiting its maritime potential. Through an integrated and coordinated approach to the different aspects of the maritime sector, Romania can ensure economic development, job creation, protection of the marine environment and strengthen its international position. Broad collaboration between government authorities, the maritime industry, academia and other stakeholders is needed to successfully develop and implement such a strategy in order to contribute to Romania's prosperous and sustainable future as a maritime nation.

Brief conclusions¹¹⁶

An analysis of Romania's strategic naval positioning reveals strengths of which we do not seem fully aware and which are mainly due to the legacy of years of a system that has considered the naval sector of national strategic importance.

Romania has an extensive inland waterway network (Danube, Danube-Black Sea Canal, Poarta Albă-Midia-Năvodari Canal) and a territorially balanced port infrastructure connected by rail. The shipbuilding sector is well represented. The human resource in the shipbuilding sector is still one of Romania's strengths, the result of an integrated, dedicated, specialised education system which is only just being set up in Western Europe, at a much reduced level of quantity. At present, Romania has the largest fleet of ships on the Danube.

The weaknesses lie in the obstinacy with which the political factor has managed to avoid putting naval issues on the public agenda. The apparently strategic position of the port of Constanta has its limits, mainly due to the size and financial constraints imposed on ships transiting the Turkish straits. The port of Constanta can only benefit from its links with the centre of Europe, in particular the pan-European Corridor VII, which follows the course of the Danube, if the commercial depth of the river's waters is ensured. Given that the dredging of the Danube is carried out in sectors for which the riparian countries are responsible, the ridiculously low productivity of the Bulgarian authorities is affecting the flows of cargo shipped upstream and, directly, the port of Constanta.

The future of shipping in Romania is also affected by other unrecognised and consequently unaddressed problems. Demographic decline, lack of coordination, both within the naval institutional system and with the rest of the stakeholder matrix, bureaucratic barriers, timidly addressed digitisation, legislative framework incompatible with the reality of global shipping are factors that need to be taken into account when developing Romania's maritime policy. Currently, Romania's maritime strategy is the subject of a project coordinated by the Ministry of Transport; from the analysis of the first results, it seems that the focus of this strategy is the Romanian port industry and less the development of maritime transport as an industry in Romania.

In the current institutional and legislative context, it is more than unlikely that the private sector will be involved in the registration of Romanian-flagged shipping vessels, even assuming that the Romanian administration's problems with international maritime conventions would disappear overnight. A private entity bases its financing on banks or consortia of banks that dictate the flag of the ship under construction according to the institutional trust relationship it has with the maritime

¹¹⁶ CLC Laurențiu MIRONESCU

administration under whose flag it will register its ship. As Romania's maritime administration has consistently failed to deliver on its commitments over the last 30 years, the natural flow of shipbuilding financing and registration under the Romanian flag becomes impossible.

The involvement of a European state in maritime transport is nothing new. For example, Poland has two state-owned companies flying the Polish flag and offering more than 3,000 jobs: POLSTEAM and CHINAPOLBROCK, a joint Polish-Chinese company.

The revitalisation of maritime transport in Romania can only be started with the involvement of the state, which should take into account the substantial maritime heritage we still have and which has created a way of life for a large part of the population emotionally linked to the state's maritime transport fleet. Despite the implosion of a large part of the national economy, Romania still has captive cargo categories (grain, auto, rolled products, liquid bulk products) with real commercial potential for domestic transport. In the absence of state intervention, the danger of Romania's shipping power declining to extinction is more than possible.

An integrated approach to restore Romania's naval capabilities in the context of the 21st century would result in maintaining the local know-how in the naval sector and would promote the sustainable development of naval activities whose tradition has been interrupted without any possibility.

CHAPTER 9¹¹⁷**TOWARDS ENSURING MARITIME SECURITY IN THE BLACK SEA REGION.**

With an area of over 400,000 km², the Black Sea is one of the most important geopolitical areas in the world. Situated on the border between Europe and Asia, the region is shared by six countries: Turkey, Romania, Bulgaria, Ukraine, Russia and Georgia. The Black Sea's strategic position has put the region at the centre of major geopolitical, economic and security interests.

In the Black Sea regional context, Turkey remains a key player. The Turkish state has the largest Black Sea coastline and is one of the most important trading partners of the countries in the region. Turkey also has a major influence on security in the region, being a member of NATO and the Organisation of the Black Sea Economic Cooperation (BSEC)¹¹⁸.

Russia is also an important player in the Black Sea region. The Russian state has the largest number of ships and naval bases in the Black Sea, giving it a strong presence in the region. Russia also has a strong influence on the politics of the region, particularly in relation to the conflicts in Ukraine and Georgia.

The European Union (EU) and NATO are also involved in the Black Sea region. The EU has a strong neighbourhood policy and promotes cooperation with countries in the region through the Eastern Partnership¹¹⁹. NATO, through NATO Maritime Command¹²⁰, aims to ensure security in the Black Sea area.

¹¹⁷ Author: Admiral (rtr) Dr. Aurel POPA, Maritime Security Forum, www.forumulsecuritatimaritime.ro.

¹¹⁸ The Organisation of the Black Sea Economic Cooperation (BSEC) is an intergovernmental organisation made up of the Black Sea littoral states and the states of the Black Sea region. It was established in 1992 and is based in Istanbul, Turkey. The aim of the BSEC is to promote economic and trade cooperation between member states and to improve living standards in the region. Members are Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Republic of Moldova, Romania, Russia, Serbia, Turkey and Ukraine. The organisation also has four observer countries: Austria, Germany, Italy and Poland. <https://www.mae.ro/node/51353> acc esat 15.03.2023.

¹¹⁹ The Eastern Partnership is an initiative launched by the European Union in 2009 to strengthen the EU's relations with six Eastern and South-Eastern European countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine. The initiative's main objectives are to increase security, strengthen the rule of law and democratic institutions and promote economic cooperation and reforms. <https://www.consilium.europa.eu/ro/policies/eastern-partnership/eastern-partnership-policy-beyond-2020/> ac esat 20.03.2023.

¹²⁰ NATO Maritime Command headquarters is located in Northwood, a suburb of London, UK. It is a permanent NATO naval command, which is responsible for planning and executing NATO naval operations in various areas, including the Black Sea. However, NATO Maritime Command can conduct operations and missions in any location where its presence is required. <https://mc.nato.int/> ac ceased 20.03.2023.

The Black Sea region faces a number of security challenges, including threats to energy security, drug trafficking, smuggling and terrorism. In addition, military conflicts in Ukraine and Georgia have affected regional stability and attracted the attention of the international community.

The Black Sea region has also become a cyber security hotspot. In recent years, several cyber attacks targeting countries in the region have been attributed to Russia. In 2020, it was reported that a Russian hacker group carried out a cyber attack on Ukraine that affected around 20,000 email accounts¹²¹.

These cyber attacks and threats to cyber security are a growing problem in the Black Sea region, particularly in the context of tensions between Russia and Ukraine. In the wake of these incidents, governments in the Black Sea region and their international partners have started to pay more attention to cyber security and take measures to protect critical infrastructure and sensitive information.

The Black Sea region is one of the world's most important geopolitical areas, as it lies at the crossroads of three continents and is where the interests of multiple regional and world powers meet. Security in this region is therefore essential for the stability of the whole Eurasian area and for international security.

In recent years, security in the Black Sea region has become an increasingly important issue due to a number of factors, including political and military tensions.

The report "The Black Sea: Great Power Competition and Hybrid Threats" published by the think-tank Atlantic Council in 2021, shows that the Black Sea region has become an area of fierce competition between Russia and NATO, and in recent years there have been military incidents, including interceptions of aircraft and warships. In addition, the report highlights hybrid threats, including disinformation campaigns and cyber attacks that are used to destabilise the region¹²².

The Black Sea is an important transport route for goods and energy. It is a key area for the export of oil and gas from Russia and other Central Asian countries to Europe, as well as for the transport of manufactured goods and other goods from Europe to Asia and the Middle East. Any disruption or conflict in this region could have a significant impact on the global economy, including the supply of energy and manufactured goods.

It is clear that security in the Black Sea region is of crucial importance for the stability of the Eurasian area and for international security. In a world where hybrid threats and cyber attacks are increasingly present, states and international organisations must cooperate closely to prevent and counter these threats.

The Black Sea is of major strategic importance to NATO and the EU. Several of the Black Sea countries are NATO members and some have a special partnership with the Alliance. This region offers important opportunities for NATO and the EU to strengthen their presence in the region, to strengthen partnerships with countries in the region, to promote their values and interests, to respond to challenges and threats such as terrorism, extremism, humanitarian crises or conflicts. In this respect, ensuring security in the Black Sea region is a vital aspect of NATO and EU security and defence policy.

History of security in the Black Sea region

Soviet and post-Soviet era

The Black Sea region, with its rich and diverse history, has always been an area of strategic interest for European and Asian powers. The history of security in this region has been marked by two important eras: the Soviet and post-Soviet eras.

The Soviet period was characterised by a strong Soviet military presence in the Black Sea region. Soviet military bases in Crimea, Georgia, Ukraine and elsewhere ensured a strong presence and influence in the region.

¹²¹ In 2020, there were several cyber attacks on Ukraine, including a major cyber attack that targeted Ukraine's government networks and security institutions. Ukrainian authorities and cybersecurity experts have identified the hacker group responsible for this attack as "Fancy Bear" or "APT28", an entity suspected of having ties to Russian security services. Sources: "Russian hackers suspected of targeting Ukraine again" published by BBC News on 24 February 2020, "Cyber Security in the Black Sea Region" published by the NATO Defense College think-tank in 2020.

¹²² "The Black Sea: Great Power Competition and Hybrid Threats".

During the Cold War, the Soviet Union and NATO disputed control of the Black Sea, and it became an important theatre for naval and air operations.

In the post-Soviet period, the Black Sea region witnessed significant changes. After the break-up of the Soviet Union, states in the region sought their own identities and security interests. With the formation of the CIS (Commonwealth of Independent States), a regional security structure was created involving many of the states in the region, with the exception of Georgia and Ukraine. In addition, relations were established with international organisations such as NATO and the EU.

However, security problems in the region did not disappear with the end of the Cold War and the beginning of the post-Soviet period. The region has witnessed major armed conflicts, such as the wars in Transnistria¹²³, Abkhazia¹²⁴ and South Ossetia¹²⁵, which have had a significant impact on regional security and stability. In addition, other security issues such as terrorism, drugs and human trafficking continued to affect the region.

The wars in the Balkans and their impact on the region

The unfolding wars in the Balkans had a significant impact on the Black Sea region. These conflicts were characterised by foreign intervention and political, economic and social destabilisation of the countries involved. The Black Sea region was mainly affected by the following three aspects:

- Refugees and migration - the wars in the Balkans have led to a significant increase in the number of refugees and migrants in neighbouring countries. These people have sought refuge and safety in the Black Sea region, where they have settled in different parts of the region. In particular, Ukraine and Bulgaria were the countries that received the largest number of refugees from the Balkans;
- Arms trafficking and smuggling - during the wars in the Balkans, arms trafficking was an important source of funding for combatant groups and terrorist organisations. In this context, the Black Sea has become an important transport route for these weapons and other contraband. This arms trafficking¹²⁶ has had a negative impact on regional security and stability as it has fuelled conflict and violence in other areas;
- Regional cooperation - the wars in the Balkans have directly and indirectly affected regional cooperation and economic integration in the Black Sea region. For example, states in the region have been forced to spend significant resources to deal with the problems caused by refugees and migrants. At the same time, arms trafficking and smuggling have undermined cooperation and coordination efforts between countries.

¹²³ The conflict in Transnistria is one of the longest and most complex conflicts in Eastern Europe. It began in the early 1990s, when Moldova declared independence from the Soviet Union and Russian-backed secessionist movements began to gain momentum in the eastern region of Transnistria. The conflict has led to fighting between the government in Chisinau and Russian-backed Transnistrian separatist forces.

¹²⁴ In the case of Abkhazia, the conflict began in the late 1980s, when Russian-backed secessionist movements began to gain momentum in the region. In 1992, a war broke out between Georgian and Abkhaz forces, and the conflict continued until a ceasefire agreement was reached in 1994. In 2008, another military conflict broke out between Georgia and Russia and Abkhazia and South Ossetia declared independence from Georgia, leading to an escalation of tensions in the region.<http://www.scipio.ro/documents/173004/188849/12.+Enache+Tusa%2C+Focus+on+conflict+in+the+Caucasian+space> .

¹²⁵ South Ossetia is another breakaway region of Georgia that became the subject of a military conflict with Russia in the 1990s and 2008. In 1991, a conflict broke out between Georgian and Ossetian forces, and the conflict continued until 1992, when a ceasefire agreement was signed. In 2008, another military conflict broke out between Georgia and Russia and South Ossetia declared independence from Georgia.

¹²⁶ In 1992, a Panamanian-flagged vessel known as the "Korsakov" was intercepted by Turkish authorities in the Black Sea. Weapons and ammunition destined for Bosnian Serb forces were found on board and the ship's crew was arrested. "Turks seize arms ship bound for Bosnian Serbs", published May 21, 1992, The New York Times.

The crisis in Ukraine and Russia's involvement

For the past three decades, Russia has used the Black Sea region as a buffer zone against the West, maintaining control through protracted conflicts such as those in Transnistria, Nagorno-Karabakh, Abkhazia and South Ossetia. These conflicts have been designed to prevent Western influence in this key region.

Russia has stepped up its aggression, culminating in the annexation of Crimea in 2014 through military intervention. This action was a turning point for NATO and the United States, which had to reassess their position in the region.

NATO has responded to this new challenge by transforming its posture from defensive to deterrent, expanding its responsiveness and strengthening its regional operations in terms of logistics, personnel and technology. This new approach has enabled NATO to be prepared to act quickly in the event of further Russian aggression.

At the same time, the United States proposed and eventually placed a missile shield in Romania and Poland, which became an important pillar of regional security. The missile shield was designed to protect Europe against ballistic threats from the Middle East, but also to deter Russian aggression.

However, some European countries initially opposed the deployment of the missile shield, citing the risk of inflaming tensions with Russia. But this changed when Russia's aggression became clear and imminent, and European countries realised they had to work with the US and NATO to protect their regional security.

NATO and the United States have made significant efforts to strengthen the Alliance's northern flank in recent years. This area includes the Baltic countries (Estonia, Latvia and Lithuania) and Poland, which felt vulnerable to Russian aggression.

In 2016, NATO decided to deploy four multinational¹²⁷ battalions in Estonia, Latvia, Lithuania and Poland to provide a stronger military presence in the region. These battalions are led by different Alliance nations and consist of around 1,000 troops. In addition, NATO has increased the level of training and exercises in the region and improved the infrastructure to allow faster deployment of troops and equipment when needed.

The United States also played an important role in strengthening the Alliance's northern flank. In 2017, the United States inaugurated a new permanent military base in Poland, housing approximately 4,500 US troops. In addition, the United States has conducted joint military exercises with the Baltics and Poland and provided advanced military equipment such as missile defense systems and Abrams tanks.

The United States has also stepped up its investment in Poland's defence capabilities, including through the implementation of a regional security initiative called the Three Seas Initiative, which includes other Central and Eastern European countries. This initiative aims to improve regional infrastructure and strengthen energy and security cooperation.

The Three Seas Initiative¹²⁸ is a platform for regional cooperation between the countries of Central and Eastern Europe, which includes 12 EU Member States: Austria, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The concept was launched in 2015 by the Presidents of Poland and Croatia, with the aim of developing economic, energy and transport cooperation between Member States and narrowing the economic and development gaps between them and Western European countries.

¹²⁷ In 2016, NATO decided to create four multinational battalions in Estonia, Latvia, Lithuania and Poland, called Enhanced Forward Presence Brigades. These battalions were created in response to Russia's annexation of Crimea in 2014 and growing security concerns in Eastern Europe. Each brigade is made up of around 1,000 troops and their main missions are to provide deterrence and defence against any threats to NATO states in the region. These battalions are under NATO command and are made up of forces from different NATO member countries. NATO's official website: https://www.nato.int/cps/en/natohq/topics_49287.htm.

¹²⁸ The initiative was launched in 2015 by the Presidents of Poland and Croatia and has since been extended to include 12 member countries: Austria, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. The initiative was also supported by the US, which called for greater cooperation in Central and Eastern Europe. In 2019, the US held a meeting of the Big Three Initiative in Bucharest, where US President Donald Trump called for investment in the region and increased cooperation in the energy sector.

The initiative focuses on regional connectivity projects, including the development of transport and energy infrastructure, the development of the digital market, and the development of the research and innovation sector.

The implementation of the concept is coordinated by a Three Seas Initiative Secretariat, which is based in Poland and organises an annual summit of leaders from the 12 member countries. In addition, the Initiative works with other regional organisations, such as the European Union and NATO, to support the development and security of the region.

Efforts to strengthen NATO's northern and south-eastern flanks have been aimed at enhancing security and stability in these strategic regions for the alliance. While both regions face unique threats and challenges, there are significant differences in the approach and implementation of efforts to strengthen them.

One possible approach is to engage directly with conflict zones in the region, rather than from an international perspective. This involves analysing local specificities and regional interdependencies in order to develop more targeted solutions tailored to the concrete situation in each area.

Romania has continuously advocated over the past five years for increased attention and significant strengthening of NATO's south-eastern flank, highlighting the strategic importance of the Black Sea where vulnerabilities are now taking their toll. Russia's war against Ukraine is essentially a maritime war.

The war in Ukraine has led to a rediscovery of the strategic importance of the Black Sea and the regional dimension of its security, stability and economic development in times of war and peace. It is precisely this regional aspect that must be taken into account by policy-makers as they develop strategies to manage the conflict and its consequences.

NATO and the EU have failed to develop a common strategy for the Black Sea because of diverging interests and different threat perceptions. This was a costly misstep, as it allowed Russia to expand its influence and destabilise the region by supporting separatism in Ukraine.

The war in Ukraine is a stark reminder of the strategic importance of the region and the need for a regional approach to ensure its stability and development. It is now essential to develop a coherent and common strategy for the Black Sea that takes into account the interests of all Member States and focuses on ensuring Europe's energy security, promoting economic cooperation and preventing conflict.

Regional security threats. Geopolitical clashes between Russia and the West

Russia regards the Black Sea as an area of strategic interest and national security. Russia has had a strong presence in this area for centuries, and this presence was strengthened in the Soviet era when the Russian Black Sea Fleet became the largest military fleet in the region. Today, the Russian Black Sea Fleet is of significant strategic importance, providing Russia's access to the Mediterranean and the rest of the world.

On the other hand, the US and the EU see the Black Sea as an important strategic area in relation to energy security and transportation of goods. The Black Sea is of crucial importance for the transport of goods, being linked to ports in South-Eastern Europe, including Romania and Bulgaria, and the Middle East. In addition, energy resources in the Black Sea are considered by the countries of the region as critical for Europe's energy security.

In recent years, tensions between Russia and the West have grown and the Black Sea region has become an important site of this conflict. Russia has carried out provocative military actions, such as intercepting NATO and other countries' ships, as well as significant military exercises in the area. These actions have increased US and other NATO countries' concerns about the security of the Black Sea region.

Extremism and terrorism

In recent years, the issue of extremism and terrorism in the Black Sea region has become increasingly worrying as terrorist groups such as ISIS and al-Qaida seek to expand their influence and recruit members in the area.

A major source of extremism and terrorism in the Black Sea region is the Crimean peninsula, which was annexed by Russia in 2014. Pro-Russian separatist groups and terrorist organizations such as Hizb ut-Tahrir,¹²⁹ became active in Crimea after the Russian annexation and began recruiting members to achieve their goals. Several supporters of terrorist organisations such as ISIS and al-Qaida have also been arrested in Crimea in recent years.

In recent years, Hizb ut-Tahrir has been subjected to security crackdowns by governments, particularly in the Black Sea region, because of its alleged links to terrorism and Islamic extremism. In 2003¹³⁰, the Russian government banned Hizb ut-Tahrir as a terrorist organisation and launched a crackdown on its members. Arrests of Hizb ut-Tahrir members have also been reported in Ukraine, Georgia and other countries in the region.

In 2018, Crimean authorities carried out several raids in which they arrested several Hizb ut-Tahrir supporters, accusing them of involvement in "terrorist activities". There are also reports that Hizb ut-Tahrir is active in other parts of the world, including the Black Sea region.

In Turkey, terrorist attacks have increased in recent years and terrorist groups such as ISIS and the PKK continue to be active in the region. This has led to increased security at Turkey's land and sea borders, and Turkish authorities have tightened security controls at ports and airports in the Black Sea region.

In addition, there are concerns about the possibility of terrorist groups using drug and human trafficking corridors in the Black Sea region to finance their terrorist activities.

Drug trafficking and smuggling in the Black Sea: threats to regional security

The Black Sea, located in the strategic region of Eastern Europe, faces significant security challenges. In addition to traditional threats such as geopolitical conflicts and regional instability, drug trafficking and smuggling are also of concern. These illicit activities damage the economies, public health and social stability of the countries bordering the Black Sea.

In recent years, the production and transit of drugs such as opium and heroin from Afghanistan has increased significantly. Land and sea routes from Central Asia and the Middle East through the Black Sea region are used to transport drugs to European markets. For example, traffickers often use Ukrainian or Bulgarian ports to smuggle heroin into Western Europe.

Sea routes from South America to Europe pass through this basin, and drug traffickers often use merchant ships, small boats or even homemade submarines to avoid detection.

Cigarette smuggling is one of the most widespread illegal activities in the region. Smuggled cigarettes are brought from Ukraine, Moldova or Russia and sold on the black market, generating significant losses for the budgets of the riparian states.

Illegal trade in protected animals and plants is also a problem in the Black Sea region. Some species of rare animals or plants are illegally caught or felled and the resulting products are sold on the black market, contributing to the degradation of biodiversity and the loss of the region's natural heritage.

In 2019¹³¹, Ukrainian authorities made a significant drug seizure in the port of Odessa. Approximately 7.5 tons of cocaine were discovered in a container from South America. This was one of the largest cocaine seizures in Ukrainian history and highlighted the involvement of the Black Sea in drug trafficking routes.

In 2021¹³², Bulgarian authorities carried out a large-scale operation against drug traffickers in the Black Sea region. Significant quantities of heroin, cocaine and marijuana were seized and several people involved in drug

¹²⁹ Hizb ut-Tahrir ("Liberation Party") was founded in 1953 in Jordan by a Palestinian judge and theologian named Taqiuddin al-Nabhani. He created the organisation with the stated aim of restoring the Islamic Caliphate and uniting the Muslim world under a single leader. It is important to note that Hizb ut-Tahrir is banned in several countries, including Russia, Germany, Turkey and Central Asian countries, and its activities and aims are closely monitored by authorities and security organisations.

¹³⁰ <https://newsmaker.ro/rusia-fsb-announces-arrest-of-new-islamists-from-hizb-uttahrir/> con sultata 20.03.2023.

¹³¹ <http://lyberti.com/captura-impresionanta-de-droguri-in-odesa-politistii-au-confiscat-75-tone-de-substante-narcotice/> accessed 02.03.2023 .

¹³² <https://ziare.com/europa/bulgaria/captura-impresionanta-de-droguri-in-bulgaria-400-kg-de-heroina-confiscate-in-portul-varna-1662670> accessed 02.03.2023.

trafficking networks were arrested. This operation demonstrated the persistence of drug trafficking and the need for close cooperation between the countries bordering the Mediterranean to combat this phenomenon.

In 2018, Romanian and Bulgarian law enforcement agencies worked together to dismantle an international drug trafficking network operating in the Black Sea region. Significant quantities of drugs, including cocaine and heroin, were seized and members of the network were arrested. This action highlighted regional cooperation in the fight against drug trafficking and the need for concerted efforts to tackle this common threat.

In 2021¹³³ a ton and a half of heroin was discovered in the Port of Constanta. The drugs were concealed in containers of building materials that travelled on the Iran-Romania route, with a final destination in Western European countries.

These examples illustrate that drug trafficking in the Black Sea region remains an ongoing problem and that the authorities in the countries bordering the Black Sea need to step up their efforts to combat this phenomenon, including by strengthening regional and international cooperation.

Terrorist and extremist groups can obtain funding through drug trafficking and smuggling. For example, there are cases where terrorist organisations such as ISIS have been involved in drug trafficking from Afghanistan via the Black Sea routes, using the money obtained to fund their terrorist activities.

Some separatist groups in the Black Sea region have obtained financial and logistical resources through drug trafficking and smuggling. These resources enable them to undertake destabilising actions and fuel regional conflicts. For example, in the Transnistrian region of Moldova, drug trafficking and smuggling are known to help finance and support separatism.

Approaches and strategies for ensuring security in the Black Sea region

Strengthening regional security in the Black Sea through cooperation and strategic partnerships

Security in the Black Sea is a common concern for the littoral states and the international community. International cooperation and diplomatic dialogue are essential tools in ensuring regional stability and security. By strengthening strategic partnerships, information exchange, political dialogue and preventive diplomacy, solid foundations can be built to promote security, stability and cooperation in the Black Sea region. It is essential that the littoral states continue to work together to identify and effectively manage common threats, and that the international community supports these efforts through diplomatic engagement and cooperation in key areas so that the Black Sea region remains a secure and prosperous area.

Strengthening regional security through cooperation and strategic partnerships in the Black Sea region can be achieved through various mechanisms and initiatives. Here are some relevant examples:

- NATO and the Partnership for Peace (PfP) - Black Sea littoral states such as Bulgaria, Romania and Turkey are members of NATO, while others, such as Ukraine and Georgia, are part of the Partnership for Peace. They receive security support and assistance from NATO allies and participate in joint military exercises and training activities;
- Members of the Black Sea Economic Cooperation Initiative (BSEC) work together in areas such as regional security, infrastructure development, energy, transport, tourism and environmental protection;
- Black Sea Group¹³⁴ - this group brings together law enforcement agencies from the Black Sea littoral states to combat cross-border crime, including drug trafficking, smuggling and corruption. Members share information and best practices, coordinate joint operations and support the exchange of experts;

¹³³ <https://www.zdg.md/stiri/stiri-externe/video-captura-record-aproape-o-tona-si-jumatate-de-heroina-descoperita-in-portul-constanta/> accessed 02.03.2023.

¹³⁴ The Black Sea Group is a regional initiative for cooperation in the fight against organised crime in the Black Sea region. It was established in 1996 and is made up of the Black Sea littoral states, including Albania, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Serbia, Turkey and Ukraine. The Cross-Border Organised Crime Task Force organises regular meetings where representatives of member states discuss and coordinate joint actions to address security and crime issues in the Black Sea region.

- Joint military exercises and naval operations - the Black Sea littoral states, in cooperation with international partners, conduct joint military exercises and naval operations to improve interoperability and responsiveness in case of crisis or conflict;
- Black Sea littoral states conduct political dialogues and bilateral consultations to address regional security issues and promote common understanding. These may include discussions on crisis management, economic development and infrastructure investment.

Through these examples of cooperation and strategic partnerships, the aim is to strengthen regional security and promote stability in the Black Sea region. These mechanisms allow the littoral states to collaborate, share expertise and respond together to security challenges, thus contributing to a secure environment.

The EU promotes political dialogue and diplomacy in the Black Sea region, facilitating negotiations and consultations between the littoral states and international partners. Through its representatives and European institutions, the EU supports cooperative approaches to security issues and conflict mediation.

The EU provides financial assistance and support for economic development, infrastructure and energy security in the Black Sea littoral states. Through assistance instruments and specific programmes, the EU fosters regional cooperation and promotes sustainable development in the region.

The European Neighbourhood Policy (ENP)¹³⁵ has a clear focus on security and stability in the EU's eastern neighbourhood, including the Black Sea region. Through the ENP, the EU supports political reforms, institution-building and security modernisation in partner states.

The EU promotes the coordination of security actions in the Black Sea region through Common Security and Defence Policy (CSDP) Joint Missions and Operations¹³⁶. These can include monitoring of the security situation, development of defence capabilities and crisis management.

Joint CSDP missions and operations may involve a wide range of activities, such as monitoring compliance with peace agreements, assisting security sector reform, training and educating local security forces, managing humanitarian crises or evacuating civilians in emergency situations. These actions are deployed in different regions of the world and can be tailored to the specifics of each situation.

The joint missions and operations of the CSDP are carried out through cooperation between EU Member States and involve human, financial and technological resources from them. They are coordinated by the European External Action Service (EEAS), which is the institution responsible for planning, implementing and monitoring these actions.

An example of a CSDP mission is the European Security Assistance Mission to Mali (EUCAP Sahel Mali)¹³⁷, which aims to support the Malian authorities in strengthening security and governance capacities. This involves providing technical assistance and advice in the security sector, as well as developing law enforcement and justice institutions in Mali.

¹³⁵ The European Neighbourhood Policy (ENP) is an external policy of the European Union (EU) aimed at developing relations with countries in its immediate neighbourhood. It was launched in 2004 as a framework for cooperation and assistance to partner countries in the east and south of the EU, with the aim of strengthening stability, security, prosperity and democratic values in these countries. Under the European Neighbourhood Policy, the EU works with 16 partner countries, 12 of which are in the Eastern Neighbourhood (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine) and 4 in the Southern Neighbourhood (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Tunisia). The European Neighbourhood Policy has evolved over time and was revised in 2015.

<https://www.europarl.europa.eu/factsheets/ro/sheet/170/politica-europeana-de-vecinatate> ac ceased on 06.03.2023.

¹³⁶ The CSDP Joint Operations have been developed within the European Union (EU) in a series of stages and decisions taken between 1999 and 2003. Subsequently, in 2003, a European Council Decision was adopted creating a permanent structure for the conduct of EU military and civilian operations. This led to the establishment of CSDP Joint Missions and Operations and strengthened the EU's capacity to act in the field of security and defence in the framework of foreign and security policy. Since then, the EU has deployed a number of missions and operations in different regions of the world, such as Africa, the Western Balkans, the Middle East or the Mediterranean, to promote peace, stabilisation and crisis management. These actions are coordinated by the European External Action Service (EEAS) and involve the contribution of EU Member States in military and civilian forces. <https://www.europarl.europa.eu/factsheets/ro/sheet/159/politica-de-securitate-si-aparare-comuna> ac ceased 14.03.2023.

¹³⁷ EUCAP Sahel Mali is a European Union civilian mission that was launched in 2014 under the EU's Common Security and Defence Policy (CSDP). The mission aims to support and develop the institutional capacities of Mali's security forces, in particular in the area of crisis management and security sector reform. <https://www.consilium.europa.eu/ro/press/press-releases/2021/01/11/eucap-sahel-mali-mission-extended-until-31-january-2023-and-mandate-adjusted/> acc esat 12.03.2023.

The EU Advisory Mission in Ukraine (EUAM Ukraine) and the EU Monitoring Mission in Georgia (EUMM Georgia) are two civilian missions deployed by the European Union in these countries with the aim of supporting and strengthening democratic processes, rule of law and security reforms.

EUAM Ukraine was established in 2014 in response to Ukraine's request for support in security sector reform and rule of law processes. The mission aims to provide assistance and advice to the Ukrainian authorities in areas such as civilian management of the security sector, respect for human rights, police reform, the fight against corruption and the strengthening of justice.

Through the expertise and experience provided by international experts, EUAM Ukraine works closely with Ukrainian institutions to improve their capacity and effectiveness in the field of security and justice. The mission also promotes democratic values, respect for human rights and good governance in Ukraine.

EUMM Georgia was launched in 2008 in response to the conflict between Russia and Georgia. The mission's role is to monitor the security situation and promote stability in the occupied Abkhazia and occupied Tskhinvali region (South Ossetia) and adjacent areas.

EUMM Georgia consists of international observers who monitor the situation on the ground, facilitate dialogue and help build confidence between the parties. The mission also plays an important role in facilitating humanitarian access and freedom of movement in conflict-affected regions.

The overall aim of EUMM Georgia is to contribute to the peaceful settlement of the conflict and respect for the territorial integrity of Georgia, promoting European values and regional cooperation.

Thus, the EU plays an active role in promoting regional security in the Black Sea through diplomacy, financial support, coordination of security actions and promotion of European values and norms. Through these efforts, the EU contributes to strengthening stability and sustainable development in the region.

Strengthening long-term security in the Black Sea region: proposals and recommendations

To further strengthen regional security in the Black Sea, the European Union (EU) could adopt the following additional measures:

- Stepping up support for security reforms - the EU can continue to provide technical and financial assistance to strengthen defence and security capabilities in the Black Sea littoral states. This can include modernising and professionalising security forces, improving security infrastructure and facilitating information exchange;
- Strengthening cooperation on cyber security - data and digital infrastructure are becoming increasingly vulnerable in the digital age and cyber threats can affect regional security. The EU should strengthen cooperation with neighbouring states and international partners on cyber security, promoting the exchange of best practices, capacity building and strengthening cyber protection;
- supporting institutional reforms and the rule of law - strengthening the rule of law and democratic institutions is essential for regional security. The EU should continue to support and monitor institutional reforms, promoting transparency, accountability and respect for human rights in the littoral states.

The EU can intensify partnerships and regional dialogue with organisations and states in the Black Sea region, including the Organisation of the Black Sea Economic Cooperation (BSEC), the Three Seas Initiative and NATO partners. Through these partnerships, joint projects can be developed, information exchange promoted and security cooperation strengthened.

The EU can continue to provide financial and technical support for regional development projects in the Black Sea region. These projects can target transport, energy and communications infrastructure, facilitating connectivity and regional economic integration. By promoting sustainable development and economic growth, it can contribute to strengthening security and stability in the region.

By adopting these additional measures, the EU could play a more active role in ensuring regional security in the Black Sea and promoting stability, cooperation and sustainable development in the region.

NATO (North Atlantic Treaty Organisation) could consider the following actions to further contribute to security in the Black Sea region:

- NATO could increase its military presence in the Black Sea region through more exercises and maritime presence, as well as regular rotation of forces to bases in the littoral states. This would demonstrate NATO's commitment to the security of the region and strengthen deterrence against potential threats to states in the region;
- NATO could enhance cooperation with the Black Sea littoral states by strengthening partnerships and political dialogue. This would include promoting information exchange, joint exercises and strengthening the defence and security capabilities of these states. NATO could provide technical assistance and advice on developing security infrastructure and strengthening defence and law and order institutions; although Russia is currently excluded from the partnership equation, viable solutions will be found in a future when Russia ceases to be an aggressor state.
- Given the importance of cyber security in the digital age, NATO should pay increased attention to strengthening cyber defence capabilities in the Black Sea region. This would include supporting the development of national cyber defence capabilities, exchange of information and best practices, and the organisation of joint exercises and training in this field;
- NATO should continue to promote dialogue and diplomacy as a means of resolving disputes and tensions in the Black Sea region. This may include facilitating negotiations and mediation in conflicts, promoting political dialogue between the littoral states and supporting confidence-building initiatives and the development of bilateral and regional relations.

These measures would contribute to strengthening NATO's presence and engagement in the Black Sea region and enhance security and stability in the area.

From a diplomatic perspective, the US should focus its policy in the Black Sea region on Romania, Bulgaria and Ukraine. Romania is the best option for hosting all NATO forces in this area, and through the Danube-Black Sea canal network, it allows for the efficient transfer of forces, thus avoiding the limitations on naval movements imposed by the Montreux Convention.

In order to develop an effective strategy for the Black Sea region, it is necessary to focus on the maritime aspects of the region. In this respect, US military investment in Romanian ports would be essential, with a particular focus on the port of Constanta, but also on Danube ports such as Galati and Braila. The allocation of significant resources for the development of military forces in the Black Sea region would also be essential. Particular attention should be paid to anti-ship missile units, air defences and long-range artillery/missiles to ensure that there is the capability to respond quickly and effectively to any Russian challenge. In addition, the US should develop its standing rotational forces in the Black Sea region, which would enhance its ability to conduct surveillance, patrol and intervention operations in case of need. In conclusion, a well-developed and implemented maritime strategy could be key to the security and stability of the Black Sea and the surrounding region.

The Montreux Convention, which regulates access of foreign warships to the Black Sea, imposes a number of restrictions in this respect. However, from a legal point of view, there is a possibility for the US and other NATO states to deploy long-range anti-ship missile boats under 1000 t displacement on the Danube and the Danube-Black Sea canal without violating the Montreux Convention. In general military vessels have a relatively small draught. For example, corvettes are up to 3m and missile boats 2.5m. In this regard, NATO and the US could consider developing a force, comprising fast and efficient missile boats, specifically designed to counter large Russian platforms in the Black Sea.

This strategy would provide an opportunity for the US and NATO states to increase their military presence in the Black Sea and strengthen their strategic position in the region. It would also allow countering Russian capabilities in the Black Sea, which could pose a threat to NATO ships and interests in the region.

In addition, this approach would provide a solution to the restrictions imposed by the Montreux Convention, which limits access of foreign warships to the Black Sea. Instead of focusing on large warships, which could be

restricted by the convention, the US and NATO states could use smaller, more manoeuvrable ships with considerable firepower.

Senators Mitt Romney and Jeanne Shaheen introduced the Black Sea Strategy bill last year. It calls on the US government to create a comprehensive Black Sea strategy, including mechanisms for regional political, military and economic engagement and a clear plan to counter Russian aggression in the Black Sea. A coherent Black Sea strategy would recognize the US interest in the Black Sea as a gateway to the Eurasian heartland, identify as a goal the creation of a dominant maritime position in the Black Sea in cooperation with US allies and regional partners, recognize Ukraine's role in a future Black Sea order, and create a roadmap for future strategic action in the Black Sea. A fit-for-purpose Black Sea strategy, more simply, would give US policy a coherence it currently lacks.

Such a strategy would provide an opportunity to strengthen the US presence in the region and promote its interests more effectively. It would also allow for the creation of a network of alliances and partnerships to help ensure stability and security in the region. In addition, by developing a specific strategy for the Black Sea, the US would be able to demonstrate its commitment to its regional allies and give them a clear direction for joint action.

Safety and security in the Black Sea is of great importance to the countries bordering the Black Sea, given the strategic position of the area and cross-border security threats such as drug trafficking, smuggling, corruption, terrorism and internal conflicts in the region. To address these threats, the riparian states have stepped up their efforts to cooperate and coordinate their security policies.

Measures that should be taken by the littoral states to strengthen Black Sea security

Improving regional cooperation: the littoral states should work together to develop a joint Black Sea security action plan. This plan could include measures such as increased naval and air patrols, intelligence sharing and increased capacity to respond to threats.

With the increase in maritime traffic and economic activity in the area, it is becoming increasingly important to strengthen monitoring and control capacity. Coastal states should develop advanced monitoring technologies and improve border control capabilities at borders and border crossing points.

Effective communication and information sharing between security agencies in the region could help prevent and combat security threats. Border states should improve cooperation between their security agencies and share relevant information on suspicious activities.

Cooperation with international partners, such as NATO and the European Union, is an effective way to strengthen Black Sea security. By developing strategic partnerships, the littoral states could benefit from the expertise and resources of these organisations in the fight against security threats.

In the event of future crisis situations in the area, it is important that the riparian states have rapid response capabilities to ensure security and stability.

In conclusion, the development of a Black Sea strategy is essential for the littoral states, NATO, the promotion of American interests in the region and the strengthening of the US position in Eurasia. This strategic document should provide a clear direction for military, economic and political action in cooperation with regional allies, thereby helping to ensure stability and security in the region.

Conclusions

The Russian invasion of Ukraine has generated widespread concern among US allies and partners about security in and around the Black Sea. While it remains uncertain how the conflict in Ukraine will end, its consequences will have long-term effects on regional security.

In recent years, the Black Sea has become a key area of strategic conflict and regional security. Its importance is due to its strategic position, as well as to the natural resources and critical trade routes that transit through it. With the intensification of Russia's aggressive actions in recent years, concerns about the security of the Black Sea and its surrounding regions have grown and become a major security issue for NATO and its partners.

NATO and its partners in the region have taken security measures to protect vulnerable areas and counter Russia's aggressive actions. In this regard, the United States has announced a new Black Sea security plan, which includes increasing its military presence in the region and improving the defence capabilities of its partners in the region.

The Russian invasion of Ukraine has heightened concerns about the security of the Black Sea and surrounding regions. In these circumstances, it is important that NATO and its partners continue to take steps to counter Russia's aggressive actions and strengthen regional security in the long term. In order to develop an effective strategy for the Black Sea region, it is necessary to focus on the maritime aspects of the region. In this regard, US military investment in Romanian ports would be essential, with a particular focus on the port of Constanta, but also on Danube ports such as Galati and Braila.

The Montreux Convention, which regulates access of foreign warships to the Black Sea, imposes a number of restrictions in this respect. However, from a legal point of view, there is a possibility for the US and other NATO states to create a naval military base in Romania which can provide a perfect location in the port of Agigea where there is a terminal quay equipped with facilities belonging to CFR marfa and where the two ferries "Mangalia" and "Eforie" are in storage. With minimal investment this location offers the perfect place for the development of a NATO naval base.

There are at least three solutions to create this basis by circumventing the restrictions of the Montreux Convention:

The first can be most easily achieved by unblocking the procurement of ships for the Romanian Naval Forces and giving priority at EU level to their simultaneous construction in several yards, thus accelerating delivery in a relatively short time.

The second can be achieved by the cession by NATO or coalition countries of at least two ships of the frigate or corvette type, three ships specialized in mine countermeasures and other Romanian ships that under Romanian flag can enter the Black Sea. The Romanian Naval Forces can ensure with minimum adaptation their operation and use by having crews operating fully interoperable ships of this class in the NATO system. By operating these ships under NATO command there will be no problems in forming even mixed crews.

Another possibility could be the transit of suitable small military vessels on the Danube. The minimum depths recorded along the Danube all the way to Romania are max 2.5 m and vary according to the season, the most favourable being spring when such values are not reached.

To this end, NATO and the US could consider developing a force, comprising fast and effective missile vessels, specifically designed to counter large Russian platforms in the Black Sea that could pose a threat to NATO ships and interests in the region.

In addition, this approach would provide a solution to the restrictions imposed by the Montreux Convention, which limits the access of foreign warships to the Black Sea and Turkey's position vis-à-vis Russia. Instead of focusing on large warships, which could be restricted by the convention, the US and NATO states could use smaller, more maneuverable ships with considerable firepower.

We are now in a period of increasing global instability, caused by a mixture of Cold War reminiscences, the emergence of revisionist threats and a competition of moral, political and religious value systems. Against the backdrop of this general instability in the Black Sea region we now have an open conflict where we identify,

concentrated, all aspects of global instability, but also the terrain where NATO and the EU can be put to the test. And in this context the evolving geopolitical situation in this region may have consequences beyond this area, affecting the security interests of democratic states.

The situation in Ukraine is becoming increasingly complex, and a mutually agreed solution seems increasingly distant. This calls for NATO to react as quickly as possible to identify a new strategy for the Eastern flank and especially for the Black Sea region, to strengthen its presence in the region and to take preventive action to deter credibly. The militarisation of Crimea since 2014 has allowed Russia to increase its influence in the region, but also in the Eastern Mediterranean. NATO and the EU must therefore both address the unrest in the Black Sea and the Eastern Mediterranean, but also start to actively engage in other regions to counter Russia and China's desire to impose their own vision. Because beyond strategic considerations and spheres of influence, what is at stake in the Black Sea, in the context of the war in Ukraine, is a battle for values. Russia is basically trying to impose at regional and global level the questioning of democratic values, the rule of law and human rights.

Russia's illegal annexation of Crimea and Russia's war against Ukraine, which can be seen as an aggression against the entire democratic community and the rules-based international order, has led the Alliance to assess how it is able to fulfil its core mission - collective defence - to ensure its credibility. Action has been initiated to strengthen NATO's presence on the Eastern flank as a fair, defensive and proportionate response to Russia's use of military force or information warfare against its neighbours. The war in Ukraine is also a justification, if one were needed, for initiating moves to develop a new NATO strategy for the region.

The Black Sea region will continue to be a long-term priority for the Russian Federation and will work to strengthen its military capabilities, but also to reinforce its authoritarian position using information warfare. As dialogue with Russia will be increasingly reduced, the role of NATO and EU member states in the region becomes more important and they must act in a coordinated manner to highlight the strategic importance of the Black Sea region. They must also act to prevent the escalation of conflicts in the region and to strengthen the common deterrent posture. The need to ensure a permanent NATO military, naval and air presence must also be promoted, with the aim of ensuring a balance of forces in the region.

A NATO Black Sea security strategy will need to take into account the provisions of the Montreux Convention on the Regime of Straits, which while regulating passage through the Straits, also contains aspects of the security concerns of the countries bordering the Black Sea. At present the Russian Federation controls access for military, NATO and other non-Black Sea littoral countries, using Turkey, which apparently exercises access control in the common interest of the littoral countries.

But Romania, Ukraine, Georgia and even Bulgaria are interested in achieving a balance of forces in the region, in ensuring a stable security environment in the region, favourable to development, and the limitations generated by the convention prevent these goals from being achieved.

Another important regional issue is the protracted, frozen conflicts in the Black Sea basin, which require a realistic assessment of their nature and purpose in order to identify the appropriate political, diplomatic and economic instruments to defuse their explosive potential and facilitate an eventual resolution. And a reassessment of the security threats on NATO's Southern and Eastern flanks is needed, making a clear distinction between military and non-military challenges.

The United Nations Convention on the Law of the Sea signed in Montego Bay in 1982 continues to codify and regulate concepts such as: delimitation of marine areas between neighbouring States; rights of riparian States over the exclusive economic zone, exploitation of the international zone of submarine territories, combating pollution, scientific research; creation of two new international bodies: the International Seabed Authority and the International Tribunal for the Law of the Sea.

New conventions relating to the marine environment were adopted in the 2000s, including one on anti-fouling systems (AFS 2001)¹³⁸, another on ballast water management to prevent the invasion of alien species (BWM 2004) and another on ship recycling (Hong Kong International), the Convention for the Safe and Environmentally Sound Recycling of Ships (2009). In the 2000s, States also focused on maritime security, with the entry into force in July 2004 of a new comprehensive security regime for international transport, including the International Ship and Port Facility Security (ISPS) Code, which became mandatory under the amendments to SOLAS adopted in 2002.

In 2005, the IMO adopted amendments to the Convention for the Suppression of Unlawful Acts (US) against the Safety of Maritime Navigation, 1988, and its related Protocol (the 2005 US Protocols), which, among other things, introduce the right for a State Party seeking to board a ship flying the flag of another State Party when the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship is, has been or is about to be involved in the commission of an offence under the Convention.

The IMO Member State Audit Scheme, which became mandatory under a number of key IMO instruments on 1 January 2016, will increasingly play a key role in supporting effective implementation by providing an audited Member State with a comprehensive and objective assessment of how effectively it administers and manages and implements those mandatory IMO instruments that are covered by the scheme¹³⁹.

These efforts are to be joined by the new Convention on the Conservation and Sustainable Development of Marine Biological Diversity in Areas beyond National Jurisdiction. In this way, humanity's common heritage stands a good chance of being protected and secured, with the Convention as the arm that has the noble role of saving it from danger. When will it be signed? How will it be implemented? Will its noble purpose overcome the blockages of financial interests? These are questions to be answered by future legal doctrine and practice.

In a geopolitical sense, it can be said that the problems of what we now call *maritime security* have been the subject of study and policy-making since the beginning of European overseas expansion in the 15th century. The defining aspect of maritime security at that time was the assumption of state responsibility for ensuring maritime security in the distant seas. In the 15th-16th centuries the world's seas and oceans were dominated by Portugal and Spain, who tried, ultimately unsuccessfully, to establish a centralised, state-controlled maritime security regime based on the *mare clausum* principle. There then followed a period between the 17th and 19th centuries in which the maintenance of global maritime security shifted from the responsibility of the state to that of powerful private actors, especially the large European trading companies. In this sense, shipowners became largely responsible for the security of their own ships under the *mare liberum* principle. From the end of the 19th century until the 1990s there was an era of *maritime power*, during which the developed European and US navies imposed a fairly effective global maritime security regime that ensured freedom of navigation and safe conditions for trade in the world's most important maritime areas. In the post-Cold War era that followed, although it seemed that responsibility for maritime security would shift back to shipowners and private companies, with the state weakening its efforts in this regard, the growing importance of traditional maritime security issues due to the rise of China and the Russian-Ukrainian conflict may lead to a reversal of this. This is in fact the era in which security issues of the maritime environment are grouped under the concept of *maritime security* and *maritime security studies* are emerging which outline this field of study and research as a field in its own right.

Thus, what for the 20th century was rather recognised as maritime power is becoming in the 21st century maritime security, a concept that is gaining more and more interest and popularity. International maritime security studies are today a growing field of analysis. The need for clear maritime policies by various military and civilian

¹³⁸ Fouling is the accumulation of marine organisms, algae, bacteria, crustaceans, molluscs and other organisms, as well as sediments, on the underwater surfaces of ships, marine structures or underwater equipment. It is a natural phenomenon that occurs in the marine environment and can occur on any surface that is exposed to water, including ship hulls, mooring piles, submerged pipelines, underwater equipment and other marine structures. AFS 2001 (Antifouling System 2001) is a type of antifouling system used to prevent or reduce the accumulation of marine organisms, such as algae, crustaceans and molluscs, on the exterior surfaces of ships and marine structures.

¹³⁹ The source of these details is the organisation itself, details can be found here: <https://www.imo.org/en/About/Pages/Default.aspx>, accessed 18.04.2023.

authorities, as well as the interests of commercial actors, including those in the shipping industry, have increasingly highlighted the usefulness of maritime security studies. However, in order to provide a better understanding of contemporary global maritime security challenges, experts in this field should develop an independent research agenda that responds to the requirements of all maritime stakeholders. In this way, maritime security studies can produce the knowledge needed to design the right maritime security regime for the 21st century.

Defining maritime security from a Romanian perspective is a major challenge for the agencies involved in this process, and requires involvement even at the national level.

The process of defining maritime security should start with the definition of Romania's national interests in the maritime field and the analysis of the risks and threats to these interests, as other countries and organisations that have developed and adopted the concept have done .

From the three perspectives of approaching the concept of maritime security presented above, the matrix approach could mainly be used in defining and explaining the Romanian concept, depending on our particularities, and from the others we could select elements to adapt to the specific situation of the maritime environment of interest to Romania and "It is very important not to forget that security is the need that arises at the intersection of interests, on the one hand, and dangers and risks, on the other. The answer to this need is security".¹⁴⁰

An analysis of the most recent national maritime security strategies, from 2013/2014 to 2022, drawn up by states with considerable maritime power such as the USA, the Russian Federation, the UK, France, but also those with significant maritime power such as Spain and Poland, clearly shows that they are based primarily on their own national maritime interests, take into account the risks and threats to these interests from state and non-state actors and natural disasters/disasters, international and domestic legislation related to maritime governance and safety, national and individual security, specific or related maritime economic activities, etc. It is clear that maritime security is part of national security and requires specific maritime policies, appropriate legislation and complex structures under national leadership and coordination, comprising representatives, forces and assets from all areas that can contribute to maritime security and safety in maritime (and river) areas of national interest.

In consolidating the concept, we must also take into account recent developments in the geopolitical situation in the (wider) Black Sea area and the lessons learned from the Russo-Ukrainian war, which have particular consequences for the approach to maritime security and the way in which the battle is fought at sea.

The identification of a suitable Romanian concept project can provide the Maritime Security Forum with a solid basis to start working towards the goals and objectives assumed at its establishment.

For Romania: "Maritime security, as part of national security, is a coordinated set of organisational and practical measures that ensure a favourable internal and international political situation/situation, which allows the assertion, promotion and, if necessary, the defence of Romania's maritime interests in relations with other state and non-state actors involved and/or active in the maritime domain and the protection of these interests against any risks and threats".

Romania needs a maritime policy and a maritime strategy to maximise the economic and environmental benefits of the country's maritime areas and to effectively manage aquatic and coastal resources, the economic, social and environmental benefits of maritime activities and to protect national interests in maritime areas.

A well-developed maritime policy and strategy could help develop maritime industries, improve regional cooperation and manage marine resources efficiently.

The current situation calls for the development of a maritime policy and maritime strategy, adapted to the national specificities, integrated into Romania's national policies and strategies, which can

¹⁴⁰*Maritime Security Treatise*, Gheorghe MARIN, Romulus Hăldan, p.31.

become a country project on the basis of a broad consultation of the economic, social and governmental environment.

Until now we had a saying: "Romania's best neighbour is the Black Sea". But the time has come to understand that even the Black Sea is no longer a good neighbour, with the militarisation of Crimea, the illegal, unprovoked and brutal invasion of Ukraine by Russia and the dramatic change in the strategic balance in this area.

The countries with a coastline have the duty to promote their interests in the Planetary Ocean and to develop their defence capabilities in the maritime field, and in the case of Romania also in the river field, as the economic development of the country may depend on this space. From this perspective, Romania is obliged to exercise its role as a regional maritime power. This obligation must be supported doctrinally by the "National Defence Strategy". In the current circumstances, Romania cannot shirk its regional responsibilities to promote and ensure a climate of stability and security in the Black Sea region.

The war unleashed by the Russian Federation against Ukraine, the modern geostrategic realities represented by the eastern flank of the Alliance, which includes the Black Sea region, the political, economic and cultural links with the eastern Mediterranean, the Middle East and the South Caucasus, all make the Black Sea part of an arc of instability that is and must be a concern for the countries of the region, NATO and the EU. Thus, the Black Sea region, which has traditionally been treated as a less important area, takes on a new strategic significance.

In this geopolitical context, Romania can be a centre of regional interests, a vector of stability, democracy and promotion of Euro-Atlantic values in the region. For these reasons, our country, by openly and clearly defining and promoting its own interests in the maritime and river environment, can become a vector of Euro-Atlantic interests in the region, at a time when it is increasingly clear that the interests of the Alliance and Europe are also Romania's.

The implementation and protection of Romania's national interests in the maritime and inland waterway sector are ensured by state institutions with responsibilities in this field, local public authorities, state or privately owned companies and civil society institutions. Russia's aggressive actions and the outbreak of war against Ukraine demonstrate that the role of the power factor in international relations has not diminished, and Romania must be able to respond adequately to aggressive actions and protect its national interests in the maritime and river sector by developing its maritime and river power.

On the other hand, the modern era is characterised by the increasing intensity of human activity in the maritime environment, and here we refer to the Planetary Ocean, including the expansion of scientific research and economic activities for the use of its resources. In the long term, the importance of the maritime environment will steadily increase due to the depletion of natural resources on land and the need to identify new sources for exploiting resources vital to economic development.

The development of maritime and river activities, maritime potential and the strengthening of defence capabilities in this area are one of the decisive conditions for ensuring Romania's social development and sustainable economic growth.

Transforming the Romanian naval flag into a global competitor requires sustained and coordinated efforts from the authorities and the maritime industry. Investments in fleet modernization, port infrastructure development, innovation and technology stimulation, service quality improvement and promotion of the Romanian flag at international level are just some of the essential directions to achieve this goal. With a strategic and focused approach, Romania has the potential to strengthen its position in the global maritime industry and to become an important and competitive player in international shipping.

The importance of a maritime bank in Romania is obvious, given the potential of the maritime sector and its strategic role in the economy. Such a specialised financial institution would support investments in the maritime fleet, the development of port infrastructure, the facilitation of international trade, the promotion of innovation and job creation. Through this maritime bank, Romania would have the opportunity to strengthen its position in the global maritime industry, contributing to the sustainable growth and development of the country's economy.

Transforming Romanian ports into competitive port centres requires a long-term commitment and a strategic approach. Modernising port infrastructure, simplifying administrative procedures, adopting innovative technologies, promoting partnerships, developing adjacent services and focusing on sustainability are key to attracting companies and trade flows to Romanian ports. Through these efforts, Romanian ports can become important logistics hubs and contribute significantly to the country's economic development, thus strengthening Romania's position on the international maritime trade scene.

The revival of shipbuilding in Romania represents a valuable opportunity for the country's economic development. By creating jobs, stimulating exports, developing an industrial cluster and value chain, transferring technology and diversifying the local economy, this sector could bring significant benefits and strengthen Romania's position in the global maritime industry. With adequate investment, government support and collaboration between the public and private sectors, the revival of shipbuilding can become a driving force for the sustainable development and prosperity of the country.

Maritime spatial planning is essential for the sustainable management of marine resources and human activities in maritime areas. Through conservation of marine biodiversity, sustainable use of resources, protection of the marine environment, sustainable economic development.

Digitised port management is the future of the port industry and has a significant impact on the efficiency, safety, sustainability and competitiveness of ports. Through the use of digital technologies and the implementation of smart solutions, resource management, informed decision-making and collaboration between all stakeholders can be optimised. This ensures the sustainable development of ports and contributes to the economic growth of port regions. It is essential that port authorities and the maritime industry invest in the digitisation of port management in order to reap all the benefits and opportunities offered by this digital transformation.

The importance of professional seafarers in the maritime industry cannot be underestimated. They are the heart and soul of this industry, ensuring not only the transport of cargo, but also safety, environmental protection and global connectivity. Without these brave and dedicated people, we would not be able to benefit from the resources and goods that travel the seas every day.

Romania's representation in international organisations such as the European Union, the International Maritime Organisation and the Organisation of Ships and Boats is essential to protect and promote our maritime interests, to contribute to the development and improvement of our industry and to strengthen Romania's prestige and influence internationally. It is an ongoing effort and a responsibility we have to our country and to the global maritime community.

A well-developed and implemented Maritime Strategy is an essential tool for Romania in promoting sustainable development and exploiting its maritime potential. Through an integrated and coordinated approach to the different aspects of the maritime sector, Romania can ensure economic development, job creation, protection of the marine environment and strengthen its international position. Broad collaboration between government authorities, the maritime industry, academia and other stakeholders is needed to successfully develop and implement such a strategy in order to contribute to Romania's prosperous and sustainable future as a maritime nation.

The revision of maritime legislation in Romania is essential to ensure the sustainable development and competitiveness of the maritime and port sector. It involves updating the legal framework, promoting sustainable development, facilitating trade and economic relations, ensuring safety of navigation and compliance with international standards. Through these measures, Romania can strengthen its position in the maritime field and contribute to the sustainable development of the sector for the benefit of itself and the global maritime community.

The development and maintenance of a strategic maritime fleet composed of both military and civilian vessels is a necessity for Romania in ensuring security and protecting its interests in the maritime environment. A strategic maritime fleet would strengthen sovereignty and territorial integrity, contribute to regional security and enhance Romania's prestige and influence internationally. With adequate

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investment in infrastructure, technology and personnel, Romania could develop a strong maritime fleet capable of meeting the challenges and opportunities of the maritime environment.

In conclusion, Romania needs a **Maritime Policy** and a **Maritime Security Strategy**, and the development of a strategy for the Black Sea is essential for the littoral states, NATO, the promotion of American interests in the region and the strengthening of the US position in Eurasia. This strategic document should provide a clear direction for military, economic and political action in cooperation with regional allies, thereby helping to ensure stability and security in the region.

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*Maritime security refers to
compliance with laws, regulations and
rules to ensure a safe
maritime domain.*