

The EU and the Governance of Contested Global Spaces

Espaces communs : espaces contestés et stratégiques

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Qu'il s'agisse des océans, du cyber, de l'espace extra-atmosphérique ou encore de l'Arctique, les espaces communs - appelés comme tels car ils sont au-delà des juridictions nationales - sont aussi des espaces contestés faisant l'objet d'enjeux de gouvernance internationale, mais aussi et surtout de souveraineté avec une tension grandissante entre grandes puissances. L'Union européenne a commencé à se positionner mais doit s'adapter en permanence pour défendre ses propres intérêts et valeurs. Les éléments de réflexion qui suivent, et qui sont extraits des conclusions de Bruno Dupré à la conférence du Collège d'Europe, jettent les premières bases politico-juridiques d'une réflexion plus globale et stratégique qui sera au cœur de la future présidence française de l'UE (1er semestre 2022). Nous publierons sur *Diploweb* dans les semaines et mois à venir des documents sur les évolutions de ce dossier afin de mieux cerner, thème par thème comme nous avons commencé à le faire, ces enjeux et leurs conséquences pour l'autonomie stratégique française et européenne.

. Global Commons - such as Polar Regions, Cyberspace, Outer Spaces and High Seas (including maritime security and deep seabed mining) - are domains that are **out of national jurisdiction**. They represent the "last frontiers" of global politics and international law making. A growing international challenge ;

. These global commons are today an integral part of the **European and international agenda**. The recently adopted EU strategies on cyber and Arctic (2020, 2021), the possible revisions of maritime security and space strategies (respectively adopted in 2014 and 2016) and the priority given by the HRVP and the next French Presidency to the adoption of the Strategic Compass (where Global Commons figure high) confirm this dynamics ;

. The idea of relatively **free and open spaces is somehow coming to an end**. Because nations are always looking for appropriation of new territories and resources, in particular in times of unstable political environment, global commons have been increasing sources of tension. Access and control of these spaces are becoming more politicised and subject to geopolitical and geo-economic competition. The three "Cs" paradigm applied to outer space - **contested, congested and competitive** - is certainly reflecting increasingly the situation today for all global commons. The AUKUS agreement is only the latest example of this multipolar rivalry with strategic consequences still to be analysed for Europe ;

. Given the stakes at play in terms of governance and security, all **major international organizations have recently adopted policies and strategies** related to common spaces. Surprisingly, they have done it only recently : UN 2021, NATO 2019, EU 2016 (EUGS). The main explanation given is that common spaces have been for decades a bipolar military issue with little possibility to open up the topic to multilateralism and good governance. Climate and digital issues - two domains at the heart of global governance and global commons - have changed the equation, making more urgent to control the increasing rivalry around these contested spaces ;

. To better understand how **congested these spaces have become**, we must not only differentiate between "traditional" actors (US, Russia, EU to a certain extent) and "emerging" ones (e.g. China, India on Outer space and High Seas) but also reflect on a private sector that

takes increasingly a growing part (Outer Space, Cyber) ;



. Traditional international governance tools (UNCLOS, Outer Space Treaty) are to a large extent incomplete or even **obsolete** with important loopholes regarding their full application. Regarding the more recent contested domains, such as cyber and the Arctic, the international community is still navigating in between two types of norms - simple international guidelines and legally binding commitments - which makes the genesis of new standards difficult to emerge. Cyber space is a certainly the best example. It is a “transversal commons” affecting all the others. It is also a game changer revealing not only states’ vulnerabilities but also a new idea of war and conflict. This normative uncertainty touching all global commons provides great powers with an important margins of political manoeuvres ;

. **Not surprisingly, and reflecting on the above, China, US and Russia** are leading and reshaping the game (without denying the new dynamics of the private sector) creating new economic and military realities. The increasing economic and political competition between China and the United States makes it more difficult for the international community to find common grounds in relevant forum. Taking advantage of this polarisation, Russia strengthens its position of spoiler ;

. **The EU is a late comer to most of those contested issues** : maritime security (2014), space strategy (2016), cyber (2020) and the recent Arctic Strategy (2021). Why so late ? Geopolitics is not in the initial DNA of the European Union. In fact, the EU was created to avoid geopolitics (e.g. EURATOM, ECSC). The silo culture, which may be seen as a result of this approach, has obviously played a role into this. Not only it has isolated security (CFSP) from economic issues (first pillar) but it has also split transversal issues into a number of relevant DGs. The example of ocean governance is telling : Fisheries, trade, climate, security, space and industry are dealt with by different DGs.

. Despite this fragmentation of competences, and probably to remedy it, the EEAS has been recently active to promote a more global and political approach with a “**principled pragmatism**” based on good governance but also on the defence of its strategic interests (2016 EU Global Strategy). The EU has been looking in particular for a balancing act between a value driven approach and a power/interest stance, a fine line between multilateralism and strategic autonomy. This will amount to no less than a change of culture. This change of culture will rest on two pillars : strengthening internal capabilities and new strategic partnerships, a political vision at the heart of the mandate of the HR/VP, Josef Borrell ;

. The EU needs to develop a more pro-active **strategic and common approach to these global spaces**. Security and economics should be reconciled for a more integrated approach of these contested territories. Stronger linkage between those spaces and EU economic agenda of Digital and Green transitions and infrastructures/connectivity agenda is required. Ocean governance will probably be the 2022 test as many parallel EU initiatives are on the table (Strategic Compass, International Ocean Governance Communication, possible revision of the EU Maritime Security Strategy) ;

. The real challenge and task for the EU is to be much better at developing **anticipatory governance and in assessing the strategic and foreign policy/security dynamics** that characterise these spaces. This would deserve further joint analytical work between the EEAS and the Commission.

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In conclusion, these spaces are not only becoming more contested, congested and competitive, they are also to become more connected. **Connectivity** is probably the missing link between them. There is indeed a continuum to be found from the sea to the outer space, from digital to cyber, from raw material to development and security and from the public to the private sector. To be sure a topic that will be at the heart of [the French EU presidency](#).

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P.-S.

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