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**NAVAL CONFIDENCE BUILDING MEASURES
IN A REGIONAL CONTEXT:
PROSPECTS FOR THE MIDDLE EAST**



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In keeping with our practice of commissioning papers from Canadian academics for the consideration of the Arms Control and Regional Security Working Group, Canada asked The Centre for Foreign Policy Studies at Dalhousie University, Halifax, Nova Scotia, to prepare two papers on Maritime CBMs. This paper is the second. The first was distributed at the Maritime CBMs Workshop, held in Sydney, Nova Scotia in September.

In addition to the first paper on Maritime CBMs, previous papers in this series have included an examination of the Canadian approach to CBMs generally, and an examination of the application of the Open Skies concept to the Middle East.

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**NAVAL CONFIDENCE-BUILDING MEASURES IN A REGIONAL CONTEXT:
PROSPECTS FOR THE MIDDLE EAST**

Abstract

This paper examines theoretical and practical aspects of select naval confidence-building measures (NCBMs) within the overall Middle East peace process. Specifically, it looks at the feasibility of introducing a structure of "Incidents at Sea" agreements between various Middle East countries and of establishing a coordination organization to facilitate non-political activities at sea such as search and rescue. Further, the paper discusses the potential benefits that could accrue through less formal agreements, such as routine staff talks between regional navies. The paper concludes that a progressive approach to NCBMs could work in the Middle East and that initial efforts should focus on developing a series of bilateral search and rescue coordination agreements and simple "Incidents at Sea" agreements. These would be a catalyst for deeper cooperation.

INTRODUCTION

The aim of this discussion paper is to examine the prospects for implementing select Naval Confidence Building Measures (NCBMs) in the Middle East, specifically the Eastern Mediterranean and the Red Sea/Suez Canal/Gulf of Aqaba areas.

Because NCBMs are a relatively new and largely untried means of reducing tension between the naval forces of states, there are few case studies upon which to build a convincing argument for either probable success or failure of specific measures. Thus, any examination of the feasibility of such measures must be founded on theory. However, theory can be put to the test in

part through a subjective examination of the dynamics of the region under study.

Historically, there has always been a tacit degree of maritime cooperation in the Middle East through requirements for cross-border trade, transportation (including pilotage, vessel traffic management, and ship safety in recent years), fishing, and resource exploitation. The working relationships implicit in such cooperation function largely outside the complex realm of formal state-to-state politics. Military operations at sea in the Middle East, however, reflect more the political factors as opposed to the traditional customs observed by mariners. This tends to isolate regional navies from each other rather than draw them together. Incorporating traditional maritime procedures into the naval dimension of Middle East politics thus holds the promise of confidence-building between participating states. This paper will examine the prospects for such measures.

SUMMARY OF NAVAL CONFIDENCE BUILDING MEASURES (NCBMS)

A background paper on NCBMs prepared by the Centre for Foreign Policy Studies in September 1993 identified three categories of measures:

- (1) **Information and Communication Measures**, intended to increase the transparency of military plans and activities, can be further categorized into:
 - **information measures**, such as: publication of naval force information and naval weapon system development, exchanges of schedules of naval activities (naval calendars), and personnel exchanges;

- communication measures, including the family of bilateral "Incidents at Sea" (INCSEA) agreements, bilateral "hot-line" arrangements and bilateral/multilateral "joint crisis control centres";
- notification measures, that include the provision of advance notice of naval exercises involving specified types and numbers of units, location, and duration of the exercises;
- observation-of-movement conduct measures, that are essentially extensions of notification measures, and make provision for on-scene observers during naval manoeuvres;

(2) **Constraint Measures**, that are also intended to increase transparency, but with the added factor of permitting greater examination of plans, programs, and activities, and of reducing ambiguity, are:

- inspection measures, which are similar to observer measures but with a greater degree of intrusiveness in order to verify compliance with the terms of an agreement or arms control regime;
- non-interference (with verification) measures, whereby a state undertakes not to interfere with an established verification process;
- activity constraint measures, which are measures designed to reduce the risk of "provocative naval activities";
- deployment constraint measures, intended to control, restrict, or forbid the use of specific

areas by naval forces, many of these measures build on the provisions of the 1982 Convention on the Law of the Sea;

- technology constraint measures, that seek to limit or restrict the application of specified technologies to maritime operations, in this respect the destructive capability of modern naval weapon systems may make it more useful for NCBM negotiations to focus on the technology fitted in ships, submarines and aircraft rather than on the number of those platforms.
- (3) Tacit Measures, which can be described as elements of the existing regime of maritime law, agreements and codes of conduct that routinely govern the operation of ships, including numerous traditional, unwritten and written rules of conduct observed by mariners worldwide. Many of the historical practices have been codified by international conventions, such as the International Rules for the Prevention of Collisions at Sea and The 1982 Convention on the Law of the Sea.

NCBMs IN A REGIONAL CONTEXT

Applying the broad theory of NCBMs to the Middle East region requires the application of many factors. The absence of precedents in most cases does not simplify the task of determining whether a particular measure or group of measures has any prospect for acceptance or success. Hence, this analysis must be largely subjective.

The process used in this study to examine the prospects for NCBMs is systematic whereby each sub-category of the three general areas (information and communication; constraint; and

tacit) are discussed in sequence. That done, the analysis will present an overall concept by which a regime of mutual trust at sea could be developed.

As in any such undertaking, the political factors are always the most difficult to predict. That the maritime dimension of the region has functioned for centuries in virtual isolation of political factors does not necessarily mean that traditional mutual understanding and cooperation between mariners is transferable to the more complex dimension of regional politics. It is possible, though, that the naval and para-military maritime forces of the various states may provide the necessary linkage.

Information and Communication Measures

Information Measures

Today most naval programs are transparent, and only those states able to conduct their own military Research and Development, and who have a full internal defence industrial base, are able to impose a significant degree of secrecy on their military programs. Even then, it is seldom easy to maintain total secrecy. Also, any requirement to involve third parties in armament programs makes secrecy very much more difficult. Moreover, there are information networks throughout the world that provide a readily available flow of data on military programs and plans.

In the Middle East today, only Israel approaches self-sufficiency in a broad range of military technologies. Even so, Israel still buys some major equipment from other countries and makes little attempt to hide its procurement programs. A regime of information exchanges would thus be a more symbolic CBM, though no less useful for that.

Exchanging schedules of naval activities (naval calendars) is also a largely symbolic CBM because such schedules are not

binding. Nevertheless, there is much to be gained in terms of developing mutual trust through such an exchange. In the Middle East situation, most naval forces are not sufficiently large to be deemed strategic threats in themselves. For the most part, Middle East naval forces are defensive and intended to operate mainly in their own coastal zones. The Israelis, however, are an exception. Their naval forces have a "sea control" capability that appears to be increasing through new ship and submarine programs. Should Egypt modernize its submarine fleet, it too may have a limited "sea control" capability. For these reasons, observing the actual movement of warships becomes the key issue because unusual deployments or operating patterns provide warning of a preemptive attack from the sea. Ocean surveillance thus becomes an important factor in regional stability. Again, the problem is how to coordinate that activity. Under these circumstances **exchanging operating schedules would be a positive step in confidence-building.**

In seeking further ways to reduce misunderstanding, there is also room for a submarine "water-space management" agreement similar to that used in NATO and in the North Pacific as a means of avoiding mutual interference. Creating and establishing such a process would not be easy and could require the involvement of third parties (or external naval organizations) in coordination. The key questions, of course, are where would the coordination centre be located and which countries would participate.

It is doubtful if **personnel exchanges** beyond the naval attache level, other than between Egypt and Israel, would achieve much in the Middle East in the short term. There are better ways of furthering mutual understanding quickly. **For instance, the process of formal bilateral navy-to-navy staff talks is a time-honoured and tested way of exchanging information and for developing trust.** Egypt and Israel could well be at the stage where such sessions would be productive and could lead to a

greater level of cooperation. The process of formalising bilateral agreements, such as INCSEA, can provide the first step in a sequence of formal staff talks.

Communications Measures

Communications measures are logical in theory, particularly in the form of crisis control centres. However, the Middle East navies do not have a great deal of operational contact with each other and thus have little experience in coordinated operations. As long as their naval forces have primarily "policing" roles or act as extensions of land operations, there is little incentive for increased cooperation. But when those forces are used in broader constabulary roles, especially within the framework of the 1982 Convention on the Law of the Sea or in support of a specific maritime convention (SAR and pollution control in particular), the need for cooperation increases. In this, establishing Regional Crisis Control Centres becomes a very logical objective with considerable potential. Furthermore, such centres might eventually grow into surveillance and movement coordination centres that would integrate naval and commercial shipping operations into regional traffic control systems similar to those used in many international straits and high-use maritime areas.

Activity Constraint Measures

Activity constraint measures would normally be imposed either as a result of a military defeat or by mutual agreement. Only the latter situation is of interest in this study. Because of the lack of routine contact between the various regional naval forces, formal INCSEA agreements of the type structured for the North American and European navies are likely to have reduced application in the Middle East. However, there is considerable symbolic value in such agreements. Moreover, as has been discussed, the annual meetings called for in existing INCSEA

Agreements can serve as a useful mechanism for beginning the process of regular staff consultations.

In practice, rather than building on a series of relatively complex information exchange signals, as found in the existing agreements, it might be appropriate to explore whether Middle East INCSEA agreements could incorporate a simple framework of concise messages. Such messages would be intended to allow individual or small groups of ships in proximity to each other to remove any ambiguity over their intended movements. For instance, if a patrol boat of one state were operating close to the maritime border of another state, it could display a simple signal (by day or night) to indicate the nature of its operations. This is done routinely by larger navies when conducting anti-submarine warfare (ASW) exercises, or operating divers and helicopters. Further, the vessel can change its signal quickly if the activity changes.

The idea of **closing certain bodies of water** to naval traffic has merit in theory, but adopting the principles contained in the 1982 Convention on the Law of the Sea would accomplish essentially the same objectives. However, such measures may be of limited value in a crisis. For instance, in the 1987-88 Tanker War in the Persian Gulf, war aims had little respect for the provisions of international maritime law, particularly in confined waters.

Imposing or agreeing to **Deployment constraints** serves the same purpose as activity constraints. In this the 1982 Convention also provides an adequate framework for limiting the movement of naval forces in the coastal zone and on the high seas. **In the Middle East case, the primary focus should be on coastal waters and international straits.** At the moment, only the submarine forces of the various Middle East states have a clear "high seas" role.

For the longer term future, technology constraints could work within an overarching regional arms control structure. The Sea Bed Treaty, for instance, has been signed by several Middle East states, but then they do not have the technology to deploy that category of weapon. Two other weapon categories, however, are of concern in regional security.

- (1) The anti-ship missile, some of which can be converted quite easily for a land attack role, has become the weapon of choice for most coastal defence naval forces. Traditionally, naval arms limitations have focused on platforms. Today, and the Middle East is a good example, constraints must be directed to the weapons, missiles in particular. Again, a broadly based multilateral agreement would be needed to control the spread of those weapons. Implementing controls of any form on these weapons would be extremely difficult and unlikely to succeed outside a more broadly-based arms control regime.
- (2) The other weapon that could eventually be considered for control measures is, of course, the sea mine. But the indiscriminate way in which both Iran and Iraq used mines in the Persian Gulf stands in testimony of the difficulty of imposing constraints on the use of these weapons. Warehouse inspection is probably the only way by which some measure of control could be imposed.

Tacit Measures

As already established, tacit measures form the basic foundation upon which a regime of mutual trust and thus greater stability can be built. In this regard, the maritime dimension of the Middle East is essentially a stable environment. The issue, therefore, is how to keep it stable and how to transfer this level of stability to other maritime activities in the region which do not presently enjoy it. One of the logical ways

of enhancing stability is to build on the existing framework of international maritime conventions.

Although a comprehensive fabric of international maritime agreements and conventions exists, the extent of ratification and acceptance is far from consistent throughout the world. In this respect, the Middle East is no exception. Nevertheless, those instruments are respected on a sufficiently wide basis to show that Middle East states generally accept the maritime responsibilities outlined in them. This can be seen by looking at a cross section of the major conventions:

- 1) 1948 Convention on the International Maritime Organization (IMO);
- 2) 1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Sub-soil Thereof (SEABED);
- 3) 1982 United Nations Convention on the Law of the Sea (82CON);
- 4) 1974 International Convention for the Safety of Life at Sea, (SOLAS74), amended in 1981, 1983;
- 5) 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREG72);
- 6) 1979 International Convention on Maritime Search and Rescue (SAR79)
- 7) 1954 International Convention for the Prevention of Pollution of the Sea by Oil (OIL54)

The tables below show which of the various Middle East states have accepted or ratified those conventions.

Table I - Eastern Mediterranean

States	Ratified Maritime Conventions						
	IMO	SEA BED	82CON	SOLAS	COL- REG	SAR	OIL
Egypt	*		*	*	*		*
Israel	*			*	*		*
Lebanon	*	*		*			*
Syria	*				*		*
Turkey	*	*		*	*	*	

Table II - Red Sea/Suez Canal/Gulf of Aqaba Area

States	Ratified Maritime Conventions						
	IMO	SEA BED	82CON	SOLAS	COL- REG	SAR	OIL
Djibouti	*		*	*	*		*
Egypt	*			*	*		*
Ethiopia	*	*		*	*		
Israel	*			*	*		*
Jordan	*	*		*			*
Saudi Ara- bia	*	*		*	*		*
Sudan	*	*	*	*			
Yemen	*	*	*	*	*		*

NOTE: As of 24 May 1993, Eritrea assumed responsibility for the maritime dimension of Ethiopia. So far, the new state has not yet ratified any of the conventions formerly acknowledged by Ethiopia.

The pattern of ratification/endorsement is interesting as it shows, on the one hand that some states will agree to most conventions provided that action carries no financial commitment,

while on the other hand the true maritime states support only those conventions which directly affect them. Further, most of the provisions of the 1982 Convention on the Law of the Sea have already been accepted as customary law. Ratification per se has less practical meaning now. That all states support the IMO may be one of the more significant factors, for it is through this agency that progress is being made in such issues as SAR coordination and countering piracy and terrorism at sea.

There are two scientific UN Regional Seas Conventions which might eventually have some potential for expansion and might lead to a comprehensive regime based on respect for international maritime law. These are:

- a) 1976 Convention for the Protection of the Mediterranean Sea Against Pollution, (also known as the Barcelona Convention or the Mediterranean Action Plan) with a series of protocols dealing with scientific issues and communication between organizations. Of the eastern Mediterranean states only Egypt and Turkey are part of that process.
- b) 1982 Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment, has been signed by all the littoral states except Egypt, Israel and Djibouti.

A PROGRESSIVE APPROACH TO IMPLEMENTING NCBMs

In order for an NCBM process to be initially successful, some underlying degree of trust between states is essential. Without a sense of mutual trust, furthering the process by introducing more effective measures (ie. more intrusive) is essentially impossible. Keeping in mind that success in NCBM negotiations depends heavily on the orderly implementation of each stage, each phase is dependent on the advances made by the previous stage. An evolutionary process, founded on initiatives

with limited and achievable objectives, is more likely to work than one that starts out too ambitiously. Therefore, a progressive approach to NCBMs is suggested:

- 1) **Tacit measures should be first priority because in many cases they are founded on principles and procedures that have been in place for many years, although not recognized specifically as NCBMs. If these measures are observed by a state, then that state can be seen as being willing to cooperate in maritime matters, and this will also establish a foundation of credibility to build upon in further negotiations. Emphasizing a state's proven respect of the existing "tacit measures" is a potentially useful short term NCBM for creating a positive negotiating atmosphere for more explicit NCBMs.**
- 2) **The second stage or medium term measures of the NCBM process would be to employ the information and communication measures. Although more explicit in committing a state to certain behaviour, these measures are still largely unintrusive in nature and, as a result, easier for states to accept and implement.**
- 3) **The final stage of the NCBM process is the successful implementation of constraint measures. These longer term measures represent the most difficult measures for states to accept because:**
 - they are sometimes considered arms control measures which some states are unwilling to discuss; and
 - they are seen in some cases as infringing on a state's sovereignty, such as deployment constraint measures.

Applied to the Middle East, a progressive approach would see emphasis being given to the development of coordination procedures for the routine management of regional waters. Of related tasks, search and rescue, pollution control, and counter-terrorism hold the most promise.

Search and Rescue coordination procedures are normally developed on a bilateral basis in the first instance and cover a specific body of water. When those procedures are well established, they can be expanded. The principle issues to be agreed are:

- respective areas of primary responsibility and procedures for designating the search commander when necessary;
- number of units available for cooperative SAR operations and their readiness;
- language of co-operation;
- coordination procedures between both vessel control agencies and on-scene units (air and surface) including communication frequencies beyond the normal marine distress frequencies; and
- search and incident termination procedures.

In the case of the Middle East, it might prove easier to begin developing coordination procedures for the Red Sea/Gulf of Aqaba than for the Mediterranean. Shipping density and the environmental sensitivity of the area naturally lead towards common objectives whereas the openness of the eastern Mediterranean is less conducive to bilateral cooperation.

Information and Communication measures can take many forms. Of these, the acceptance of the need to hold routine formal bilateral naval staff talks is the logical first step. In this respect, as experience attests, **the development of an "Incidents at Sea" INCSEA agreement can easily provide the initial opportunity to begin those talks.** Because of the uniqueness of the situation and the fact that regional navies are largely for coastal defence purposes, the first objective of an INCSEA agreement should be to remove ambiguity, so that naval units of different states can quickly determine the nature of operations and intentions of each other. Much of this can be done by simple flag hoists and lights by night. In time, when the basic procedures have become well entrenched, a more complex system of signals, even using radios, could be accepted if necessary. As noted, however, the main point is to provide the means of quickly determining what another vessel is doing. In much the same way the International Regulations for Preventing Collisions at Sea prescribes a logical set of rules and signals for ensuring the safety of mariners, an INCSEA agreement can provide a framework for military safety.

Constraint measures will be much harder to implement, particularly in a Middle East setting where sovereign rights have greater symbolic value. Hence, governments are less likely to accept measures that might be seen as impinging on their ability to react to a potentially volatile situation. In this, greater regional stability is probably a precursor to any regime involving constraint measures. Nevertheless, such measures have the potential to further stability and should thus not be overlooked in a future initiative.

CONCLUSION

In the belief that any significant initiative must start from a humble beginning, it seems that a progressive approach to

selective naval confidence-building measures in the Middle East has the likelihood of success. Overall, it would appear that the willingness of two or more states to work together towards a simple "Incidents at Sea" agreement would pay dividends and serve as a catalyst to a series of naval staff talks that could lead to greater cooperation at sea, particularly in such areas as search and rescue and pollution control. A key to success would thus seem to be to get the senior officers of the various navies to accept ocean management tasks for their forces in addition to traditional security functions.

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