



 REPORT ARAB REGIONAL SECURITY

Oceans of Opportunity

Maritime Dimensions of Security in the Arab World

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Despite the common perception that the desert is at the heart of Arab tradition, there is in fact a long and rich history of seafaring throughout what is now the modern Arabic-speaking community of nations. This is not just a note of historical interest. Regional maritime issues are not only important in themselves: addressing them can also contribute to wider regional security and well-being.

Like many of their contemporaries around the globe, policymakers in the Arabic-speaking world tend to a continental mindset, often forgetting the seas around them as they focus on their lands. And yet the strategic impact of the sea—its ecological health, the safety of those who sail on it, the security of those who live along its shores, and the prosperity of those who rely on its resources—is vital to Arab societies and their economies. This lack of maritime awareness is a challenge because the complex issues are too important to be ignored. But maritime matters also offer opportunities, not only for their intrinsic value but also because they tend to have a comparatively low public profile compared with more contentious matters on land. Consequently, the maritime domain can offer a discreet but productive arena for improving relationships, creating stability, and setting precedents that can be applied ashore.

The ocean is strategically crucial to the region, even though much of the public may not recognize it. The Middle East and North Africa (MENA) region is an immense, diverse area, which may include Turkey or Iran depending on who defines it, and it shares its seas with Europe, eastern Africa and South Asia. Waters washing the shores of Arabic-speaking countries of the Gulf, North Africa, and the Mashreq (the eastern portion of the Arabic-speaking world, which, by some definitions, includes Israel) stretch from the Indian Ocean to the Atlantic, connected by the strategically vital Suez Canal. These seas can be an arena for conflict and instability, but their significance is also positive. Seas are not barriers; they are segments of a global ocean that covers 70 percent of the Earth's surface, is a source of valuable resources, carries 90 percent of global trade by volume, and links the MENA region with the world.

There is a vast body of international experience in maritime confidence building and security improvement, and recently the MENA region has made a notable contribution to it. Between 1993 and 2004, MENA states, including Israel, achieved a significant level of naval security and maritime safety dialogue in innovative and ground-breaking ways. That experience is still relatively fresh and should be a sound basis for enhancing regional stability at this volatile time. The region needs to reduce the risk of unintended consequences from naval interaction, ensure the safety of all mariners, and make sustainable use of the economic potential of the region's seas.

The first challenge in establishing regionwide maritime security dialogue is deciding how to start. The discussion in this chapter suggests five steps. First, players in the region need to think critically about certain assumptions and biases about the nature of security. Second, regional actors need to understand what advantages maritime dialogue can bring

to the wider issue of MENA security and prosperity. Third, there needs to be a common understanding of the region's maritime security imperatives. Fourth, the experience already gained over more than a decade should be reviewed for lessons that apply now. Finally, a strategy and plan of action needs to be identified.

Order from Ashes

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Reimagining Security Paradigms

Before exploring prospects for improved regional maritime security, it is useful to question often-unrecognized biases and misconceptions. Some are not easy to recognize, let alone discard, yet identifying them is an essential first step. Too often, strategies and plans rely on questionable assumptions and misunderstandings, or on comfortably familiar ways of thinking that have become obsolete. Emotion and ideology are enemies of evidence-based, disciplined policymaking, and uncritical thinking can be as dangerous as any pirate, smuggler, terrorist, or military force.¹

Security, Properly Understood

Security is not the same as defense, yet the two terms are frequently confused. Understanding the difference is crucial to effective policymaking. Defense is a capability, usually defined as resistance against attack. It is primarily a military and constabulary issue. Security, by contrast, is a state of being: a freedom from danger or fear. It is worth noting that its definition in most English-language dictionaries includes the word “confidence.” A state of security is not achieved by living behind higher and stronger walls to shut out threats, but rather by establishing the level of confidence that makes such walls redundant and unnecessary. To be secure is not to be better armed and readier for conflict than a prospective adversary—by the same logic, the potential adversary will then lack confidence, feel insecure, and be compelled to redress the balance. Maintaining sufficient military strength to deter and defend is, of course, a basic responsibility of a sovereign state in an uncertain world. But a sustainable, robust, and resilient security architecture requires a degree of trust between and among neighbors, who must feel confident that they will behave rationally toward each other despite inevitable differences. To be clear, security will never be perfect. The realistic security policy goal is not to attempt the impossible task of eliminating all conceivable hazards and areas of disagreement. Rather, it is to strive for stable

relationships, notwithstanding political or ideological differences. At a minimum, it means working cooperatively to manage risks, whether human caused or natural. Ideally it should foster active cooperation, not just to prevent problems but to achieve positive ends.

The Importance of Confidence-Building

Initiatives to improve competing or adversarial relationships frequently aim for early negotiation and adoption of confidence-building measures (CBMs), but such measures are too often pursued automatically and uncritically. As Canadian security analyst James Macintosh has advocated, the focus should not be on the “measures” created, but rather on the process of transforming relationships into something better than they are now.² This “transformational view” is useful because it puts the focus on honest and honorable intentions rather than a legalistic focus on texts that may or may not be negotiated to include loopholes or exceptions. Trust requires more than agreements or treaties. After all, as philosopher Onora O’Neill has observed, it is a misconception to talk about “building trust.” Trust is an outcome—a response to behavior that demonstrates trustworthiness.³ Consequently, the focus of confidence-building, whether maritime or otherwise, should be on transforming the relationship by demonstrating mutual trustworthiness, rather than on simply negotiating documented “measures.” The trust and confidence will follow.

Challenging Assumptions

As any military staff college graduate knows, it is essential to question assumptions critically, because a wrong assumption may invalidate an entire plan. Consequently, responsible policymakers must continuously examine their prevailing assumptions, dogmas, and attitudes if they are to develop effective security strategies. Most governments are good at analyzing external threats, but often less capable of recognizing the enemy within—the biases and logical fallacies common among all human beings, whether as individuals or groups. Two common fallacies are particularly relevant to maritime security: the illusions of control and of exceptionalism. They are familiar enough, and generally harmless in our personal lives, but can have disastrous consequences when allowed to creep into the management of international affairs.

Decision-makers suffering from the control illusion—an all-too-common affliction—put excessive confidence in the mistaken belief that they have all the necessary information and understand it well enough to assure control of events. Optimism is healthy, but not when it is based on limited facts or wrong information. It must also be tempered by recognition of what Nassim Nicholas Taleb has called “black swan” events, which have not been foreseen but can have extreme impact. “What is surprising is not the magnitude of our forecast errors,” writes Taleb, “but our absence of awareness of it. This is all the more worrisome when we engage in deadly conflicts: wars are fundamentally

unpredictable.”⁴ Policymakers must be conscious of this risk, crafting strategies, policies, and plans accordingly. In Daniel Kahneman’s book *Thinking, Fast and Slow*, the Nobel laureate economist calls this optimism the “planning fallacy,” in which decision makers rely on overly optimistic plans and forecasts “unrealistically close to best-case scenarios.”⁵ This is bad enough when it results in a complex project being completed late and over budget, but much worse when leaders launch risky undertakings like offensive military operations. Even in peaceful times, complacency is unwarranted. Eric Schlosser’s 2014 study of nuclear weapon accidents and near-accidents, as well as a more recent article in the *New Yorker*, dramatically describe how human error, minor technical malfunctions, or simple accidents have almost had disastrous consequences for the entire planet.⁶

The twentieth century demonstrated time and again that, except in self defense, warfare in the modern world is ill-conceived policy, almost inevitably leading to unintended consequences and counterproductive outcomes. As John G. Stoessinger wrote in his classic and highly regarded study *Why Nations Go to War*, “the most important single precipitating factor in the outbreak of war is misperception.”⁷ In a complex, highly technological world, information is rarely complete, and leaders consistently misperceive their own as well as their adversary’s character, intentions, abilities, and capabilities. A fundamental function of government is to assure the security, safety, and welfare of its citizens. Allowing conflict to erupt through misperception is more than a policy failure: it is an abdication of fundamental responsibility. The question, then, is how to eliminate or at very least reduce misperception in maritime affairs.

The exceptionalism illusion carries a different set of dangers for security planning. One of our most common and deeply rooted human social instincts is to divide the world into “us” versus “them.” This is not just an unfortunate habit carried over from a simpler past: there is evidence that it is genetically ingrained. “Within an area of the brain called the medial prefrontal cortex, there is a group of neurons that fire when we think about ourselves and people who are like us.”⁸ This explains but does not excuse the ways in which this fallacy is able to affect policymaking. Such instincts served us well when a few million primitive hunter-gatherers were scattered across the planet, but they can be dysfunctional with more than seven billion interdependent individuals in the world, half of them squeezed into urban areas, their numbers growing steadily, and a tiny minority capable of exterminating most if not all of the others. An uncritical acceptance of in-group/out-group bias as a default is no longer rational.⁹ The idea that “we” are a differentiated group of unique individuals, while “they” are a homogeneous mass sharing common faults, is simply contrary to all evidence. As British diplomat and politician Chris Patten has written: “Decency is decent everywhere; honesty is true; courage is brave; wickedness is evil; the same ambitions, hopes and fears crowd around and result from similar experiences in every society.”¹⁰ Responsible leaders cannot afford to denigrate or demonize others as an undifferentiated mass based solely on lines drawn on maps, religion, race, ideology, or any other generalization.

Case Study: Cuba 1962

The 1962 Cuban Missile Crisis, known in the former Soviet Union as the Caribbean Crisis and in Cuba as the October Crisis, is an instance where both the control and exceptionalism illusions came into play in a major international incident—and came close to causing a nuclear war. Even though this example occurred far from the Middle East, it provides lessons about both the dangers and the opportunities these illusions present.

By the autumn of 1962, the Soviet Union under the leadership of Nikita Khrushchev had installed intermediate-range ballistic missiles in Cuba, only ninety miles from the American coast. In response, U.S. president John F. Kennedy declared a “quarantine” (a euphemism for a blockade) around Cuba. By the end of October, Soviet vessels carrying additional missiles were nearing the quarantine zone. Then, an American reconnaissance aircraft was shot down. Several other incidents caused unprecedented tensions, and Cuban president Fidel Castro, convinced that an invasion was impending, urged Khrushchev to conduct a preemptive nuclear strike on the United States, which by that time had placed its own strike forces at the highest alert short of war.¹¹ Meanwhile, both Kennedy and Khrushchev were secretly communicating to try to avert disaster.¹²

While all this was happening, U.S. warships and naval aircraft tracking Soviet submarines approaching Cuba had been dropping small explosive charges in accordance with a “notice to mariners” on “Submarine Surfacing and Identification Procedures” published three days earlier.¹³ At least one Soviet submarine commander, however, was unaware of the notice. Convinced that he was under imminent threat, with the heat becoming intolerable in a submarine designed for northern operations and with his vessel’s batteries and oxygen nearly exhausted, he decided that he was within his rules of engagement to fire a nuclear-tipped torpedo at the American ships. Only the refusal of the embarked flotilla commander to insert the necessary third firing key prevented the attack.¹⁴ If the personality of this relatively junior officer, a naval commander (lieutenant-colonel equivalent) had been different, it is quite possible that a nuclear war would have erupted between the superpowers—an outcome that no responsible political authority would have intended or wanted.¹⁵

Although we like to believe otherwise, we remain equally vulnerable to the same kind of risk today. The most technologically advanced militaries are entirely capable of entering into out-of-control conflagrations because of mistaken assumptions or bad interpretations of information; this is all the more true of less-capable militaries and governments. Incidents such as those involving Iranian speedboats and U.S. naval forces in the Strait of Hormuz should focus minds on the significant risk of sudden misunderstanding and miscalculation at sea.¹⁶ For the sake of security, it is vital to search out opportunities to strengthen collaboration and communications, even when they are not directly related to a broader geopolitical or defense strategy.

The Maritime Advantage

Maritime dialogue can make a significant contribution to national security policy, particularly in countering the fallacies described above. Professional mariners are, by nature of the environment in which they live and work, an epistemic community of individuals sharing common experience of the sea, and thus a common professional and social culture transcending national boundaries.¹⁷ This fact offers an opportunity to reduce misperception, improve understanding, and enhance overall national and regional security.

For centuries, mariners have respected mutually understood norms of behavior at sea, and while issues on land must be addressed within a political mosaic of territories, the sea is different. It is more like a tapestry of interwoven issues and interests or, as American naval historian Alfred Thayer Mahan described it in the 1890s, a “wide common” traversed by all, and governed by distinct international law and convention.¹⁸ Foremost among those legal instruments is the United Nations Convention on the Law of the Sea (UNCLOS), which effectively is a “constitution for the ocean” that emphasizes that “the problems of ocean space are closely interrelated and need to be considered as a whole.”¹⁹ Germanborn maritime law expert Elisabeth Mann Borgese put it more poetically: “Fish, currents, waves and winds respect no ‘boundaries’ contrived by human minds. The law of the land cannot swim.”²⁰

The maritime advantage is particularly significant to security policy because interaction between navies is different from that between armies. Warships may cross paths at sea as a matter of routine, while armed bodies of troops ashore remain separated by national boundaries. Armies do not conduct “innocent passage” across the borders of neighboring countries. Furthermore, the mutually understood norms of naval culture transcend nationality. The nature of warfare at sea is attacking platforms rather than people, and its history is full of ferocious fights followed by the humane rescue of survivors. This chivalrous tradition can be overstated, but it is nonetheless a useful basis upon which to start developing a relationship of understanding and trust.²¹

Norms of Behavior

Since the origins of seafaring stem more from trade than warfare, there is a long history of cooperation—or at least mutually understood norms of behavior— among naval and merchant mariners. Maritime law is traceable to a code administered on the Mediterranean island of Rhodes three thousand years ago. Well before the earliest-known source for maritime law as we know it today— the *Rules of Oléron* established in the twelfth century—laws governed maritime trade in ancient Greece, Byzantium, and in medieval Italian city-states. By the fourteenth and fifteenth centuries, “shippers

and consignees cooperated with little consideration of nationality, borders, or sovereignty” and “when passports were unknown, when people travelled into strange territory at their peril, and when transnational disputes were still solved by the sword, ocean transportation thus had a clearly understood legal basis for the settlement of most conflicts.”²²

For more than a century now, mariners worldwide have been complying with collision avoidance procedures that originated with the Trinity House rules of 1846. These evolved into rules jointly adopted by Britain and France in 1863 which, by 1864, had been adopted by more than thirty countries. Today, the current *International Regulations for Preventing Collisions at Sea* is binding on any vessel sailing anywhere on the global ocean. All seagoing ships can communicate, irrespective of language, through an equally well-established *International Code of Signals*. Upon such foundations, a vast body of regulation and law of the sea has now evolved. It is universally acknowledged because it is mutually beneficial to do so. It also provides a variety of technical forums in which all states can participate, whether hostile to each other or not. These face-to-face interactions between individuals from many nations are an ongoing contribution to mutual understanding and mutual confidence.²³

Naval Confidence-Building

Because the term “confidence-building measure” was introduced into the security lexicon during Cold War arms control negotiations in a continental European context, much of the literature on confidence-building assumes that the concept itself developed in the mid-1970s. However, this is not true; it is not only older, but also has a long maritime heritage. Following the War of 1812, for example, the Rush-Bagot Treaty (as it is now known) limited naval armament on the Great Lakes straddling the national boundaries of the United States and what is now Canada. The initial exchange of notes consisted of mutually announced freezes on naval construction and an exchange of lists of naval forces on each side—something that today would be described as a “constraint and information-exchange CBM.” Although the details of the agreement have long since become obsolete, it remains in force and the spirit respected. Although the United States and Canada are now friendly neighbors, the agreement was invoked by Canada in the early 1960s when the United States considered deploying ship- or submarine-launched ballistic missiles on the Great Lakes. More recently, when the United States decided to arm its Coast Guard vessels on the Great Lakes after the 9/11 attacks, it formally advised Canada, which raised no objection, on the grounds that the decision was a law enforcement rather than a naval matter. The point is that after two hundred years, the spirit of the agreement still holds even though its precise language has grown obsolete. This is only one example, but it is sufficient to illustrate that sailors have a long history of confidence-building, offering a useful precedent today.²⁴

Incident Prevention and Management

Navies are instruments of foreign policy, and as such they have a long history of behaving with mutually understood predictability when they are not at war. In recent decades, a number of arrangements have evolved to prevent or minimize the negative impact of naval incidents in volatile regions. Many have drawn upon the precedent of a highly successful bilateral arrangement between the Soviet Union and the United States: the 1972 Incidents at Sea (INCSEA) agreement, which is still in force between the United States and Russia today. Although there are now several variations around the world, the original U.S.- Soviet INCSEA is still the best example of a highly innovative and successful arrangement that established not just procedures and rules of behavior at the tactical and operational levels, but also annual consultations between high ranking officers to discuss incidents, draw lessons, and make recommendations to higher authorities.²⁵

Over the years, similar bilateral arrangements have been instituted or discussed with varying degrees of success between a range of countries, including Greece and Turkey, Malaysia and Indonesia, and the United States and China. Although the INCSEA agreement and its counterparts are bilateral, the guiding principles of the agreement are relevant to creating more complicated regional or subregional multilateral arrangements. Currently, the only multinational arrangement is the Code for Unplanned Encounters at Sea (CUES), agreed by the heads of some twenty Western Pacific navies in 2014. Significantly, the document applies across that entire region, including areas of dispute. Indeed, political leaders of China and the ten members of the Association of Southeast Asian Nations (ASEAN) agreed specifically that CUES would apply within the volatile semiencloded waters of the South China Sea.²⁶

Clearly, it is possible to create workable multilateral arrangements in complex regions, although doing so is neither simple nor straightforward. CUES took almost fifteen years to complete, is complex (the English-language version is twenty-five pages long), does not apply to nonnaval vessels, and has no mechanism to address bilateral concerns. This latter point is significant because most bilateral disagreements do not lend themselves to exposure to a larger forum. Nonetheless, no problem is insoluble. In 2001, when CUES was in its early stages of development, Malaysia and Indonesia created their own bilateral agreement to address their particular issues privately and without prejudice to their participation in CUES.²⁷ And, as will be discussed later, the MENA region has its own experience with developing a multilateral arrangement.

Many INCSEA-like arrangements are described as incident prevention mechanisms, but prevention is not always possible. Navies are instruments of national policy, so there may be times when governments choose to precipitate a confrontation at sea for political reasons. That, however, is precisely why mechanisms like INCSEA are so important: to minimize the risk of unintended consequences, and to establish conditions at sea that can enable political leaders to seek a resolution.

Successful examples include not only mechanisms for tactical and operational communication when incidents occur, but also provision for regular, frank, open professional consultation between senior commanders. Consultation between high-ranking officers not only permits parties to clarify positions and identify lessons for better managing such cases in the future, but in some cases it has also led to political resolution of irritant issues. In 1988, for example, the provisions of the 1972 U.S.-Soviet INCSEA agreement enabled both governments to manage conflicting political objectives both during and after a “freedom of navigation” exercise conducted by two U.S. warships in the Black Sea, which passed through the Soviet territorial sea off Crimea, declaring “innocent passage.” The Soviet government denounced this as deliberate “military provocation” and deployed two Soviet warships to intercept and deliberately bump into the Americans. Little damage was done and, as might be expected, both governments made public statements condemning the other. Nonetheless, four months later, at the routine annual consultation between navies mandated by the INCSEA, admirals from both sides discussed the incident with remarkable openness and frankness. As a result, they were able to make recommendations to their respective governments that resulted, a year later, in a political agreement that resolved the issue in a mutually satisfactory manner.²⁸

Regional Maritime Security Policy Considerations

Maritime security is not purely a naval, military, or policing matter: it is multifaceted. It includes ensuring maritime safety, enforcing mutually acceptable rules for sustainable use of marine resources, and dealing with the impacts of climate change both on the sea and on coastal communities. The ocean is, after all, the planet’s life-support system, and it is under considerable stress. Only cooperation, at least to a minimum level expected of responsible members of the international community, can address that concern. Consequently, immediate requirements for improved MENA maritime security can be grouped under two broad headings, both of which warrant innovative approaches based on critical thinking and fact-based analysis.

- *Physical security.* To be achieved without conflict, physical security relies on contact, communication, and mutual understanding. Political differences or periods of tension are no excuse for failing to do this. They are, in fact, precisely why it is essential. A rational contemporary military/naval security strategy needs to meet two requirements. First and foremost, it must make every effort to prevent outright conflict. Second, it must cultivate at least a minimal level of mutual naval and military communication and consultation. It is not necessary to be friends or allies to avoid unwanted incidents or to resolve potential misunderstanding.
- *Socioeconomic and environmental security.* This is a transnational issue, since the sea recognizes no boundaries and is governed by a “constitution for the ocean” in the form of UNCLOS.²⁹ Furthermore, mariners have been developing commonly understood maritime customs and rules since long before the modern concept of nation-state evolved.

Working to achieve socioeconomic and environmental security with rather than against each other is a basic responsibility of global citizenship. No nation can achieve security in isolation.

The Maritime MENA Region and Its Security Imperatives

The MENA region has a rich maritime heritage to be celebrated and built upon. Phoenician seafarers from what are now Lebanon and Syria, trading as far as Britain and perhaps even around Africa, may have been the first mariners to navigate by the stars. Ancient Egypt pioneered use of the sail, as well as naval operations that today we would describe as maritime power projection, amphibious operations, and maneuver warfare. It is also worth noting that the predominant heritage of seafaring in the Arab world was generally one of peaceful and cooperative trade, the Barbary Pirates and the Barbarossa brothers in the Mediterranean notwithstanding. The great entrepôt ports of the eastern Mediterranean supplied Europe with valuable Asian cargoes like spices and silk, while seafarers from around the Arabian peninsula have traded across the Indian Ocean from time immemorial.³⁰ And, perhaps also of note to those nostalgic for the glory days of classical Islam, Muslim jurists of the Islamic Golden Age (from the eighth to thirteenth centuries CE) addressed many contemporary issues now enshrined in international maritime law, such as freedom of the seas and norms of common behavior by mariners sailing both within and beyond the Islamic world (dar al-Islam), albeit relying heavily on land-sea analogies.³¹ Heritage aside, however, the important consideration today is the importance of the sea to contemporary physical, economic, and environmental security.

Physical Maritime Security Imperatives

The misfortune of the MENA region is that, despite its enormous human and material potential, its recent history and current situation are scarred by conflict. Yet as the Organisation for Economic Co-operation and Development (OECD) points out, it has contributed much to the historical, scientific, and cultural progress of humanity, has a youthful and dynamic population, and contains a large share of the world's energy resources.³² Nonetheless, that great potential is confounded by political volatility and violence. The region has given rise to the world's worst refugee crisis since World War II. According to the most recent statistics at the time of writing, more than 5.2 million Syrians are refugees, with another 6.1 million internally displaced.³³ In Iraq, more than 3.3 million people had been displaced from January 2014 to December 2016 alone, with ten million in need of at least some humanitarian assistance.³⁴ In Yemen, some 70 percent of the country's twenty-seven million residents needed humanitarian assistance as of October 2017.³⁵ And in Libya at the end of 2016, there were some 350,000 internally displaced persons (IDPs) and three hundred thousand returnees, while an estimated one hundred thousand refugees and asylum-seekers needed protection and humanitarian assistance.³⁶ The

unemployment rate in Gaza is the highest in the world, and its gross domestic product is only 40 percent of its potential, while the relatively stable oil exporters of the MENA region are grappling with low oil prices alongside chronic youth unemployment and undiversified economies.³⁷ And the situation is not improving.

This curse of instability in the MENA region is a concern for the entire world, including for maritime matters. Among other things, the region straddles some of the world's vital trade routes, which depend on safe and secure marine transport. It also straddles the less visible routes of undersea cables that are vital to international telecommunications. In 2008, for example, breaks in two separate submarine cables in the Mediterranean near Alexandria, Egypt not only disrupted 70 percent of that country's Internet network, but also affected at least sixty million users in India, twelve million in Pakistan, and 4.7 million in Saudi Arabia.³⁸ Illegal migration across the Mediterranean has become a security and humanitarian concern for Europe. Marine piracy from Somalia in the early years of the present millennium required a substantial international naval effort, and considerable cost to shipping companies.³⁹ Attacks off Yemen all highlight the risk to naval operations as well as to commercial shipping. These include the attacks on the oil tanker Limburg in 2002, the American warships USS Cole in 2000, and (possibly) the USS Mason in 2016,⁴⁰ as well as on the Saudi frigate Al Madinah in the Red Sea in January 2017.⁴¹

For these and a variety of political reasons, states outside of the MENA region take a close maritime interest in the region, with some maintaining a permanent or semipermanent naval presence: Russia in Syria; China, Russia, the United States, and others in Djibouti; the United Kingdom and the United States in Bahrain; and France in the United Arab Emirates. The simple reality for regions of global strategic interest is that if littoral states do not coordinate the management of their maritime security affairs effectively, others will.

Socioeconomic and Environmental Maritime Security Imperatives

Aside from instability and conflict, much of the MENA region also faces such challenges as low diversification, inadequate education systems, poor infrastructure, inadequate political and governance structures, and social and financial inequalities. These factors, plus the region's fragile and unstable domestic situations and geopolitical tensions, make addressing the challenges in a sustainable manner both complex and urgent.⁴² The security and health of the region's maritime environment is a key factor in improving the well-being of the region's people. Three of the world's sixty-six "large marine ecosystems" are bounded entirely or in part by MENA countries, and all three are vulnerable and under stress because of human activity.⁴³ Marine life in the Mediterranean is severely threatened by pollution both from ships and shore. The Red Sea, and especially its coral reefs, suffers from increasing pollution from oil spills, industrial contaminants, and coastal developments. The Arabian Sea, along with the Gulf, is heavily affected by oil pollution, mining operations, destructive fishing practices, and the impacts of war-related activities.⁴⁴ Even such apparently benign

uses of the sea as recreation activities on the water and coastal tourism ashore are causing damage where they are poorly regulated; in the environmental context, as elsewhere, the sea recognizes no human-drawn boundaries. Clearly, if longterm prosperity is to be assured for future generations, the regional states need to adopt a collaborative approach to marine and coastal management. Further, as indicated by the holistic definition of security established at the beginning of this chapter, issues such as environmental degradation, economic strength, conflict, and defense are ultimately entangled. None can be considered in total isolation from the others.

The MENA Experience, 1993–95: The Middle East Peace Process

The Middle East peace process of the mid-1990s included maritime security dialogue on two critical issues: incident prevention and maritime safety. These meetings and processes provide many lessons and models that can be followed today. The practical, nonpolitical focus of the maritime initiatives proved to be particularly fertile grounds for cultivating cooperation between the parties to the process. Countries that had opposing political aims dealt with pragmatic issues that were of equal concern to all.

Maritime Activities and the Middle East Peace Process

Beginning with a conference in Madrid in 1991 and the 1993 Oslo Accords, the peace process followed two tracks: bilateral negotiations between Israel and its neighbors, and multilateral tracks involving both regional and extraregional states. The multilateral talks had a broader and more forward-looking focus than the bilateral ones, as they were intended to “explore the changes necessary to create and sustain a Middle East at peace after decades of confrontation.”⁴⁵ In 1993, the multilateral Arms Control and Regional Security (ACRS) working group invited Canada to facilitate an initiative to explore maritime CBMs that would support the peace process. In consultation with all concerned, Canada proposed two initiatives: one on maritime search and rescue (SAR) and the other on agreement for prevention of incidents at sea (INCSEA).⁴⁶ Experts from the Canadian Coast Guard (CCG) led SAR activities and the Canadian Navy led INCSEA ones.⁴⁷

An initial workshop at the Canadian Coast Guard College in September 1993 established that both INCSEA and SAR initiatives were desirable and achievable, and that neither presented any impossible technical impediments to success. Six months later, in March 1994, a technical workshop in Antalya, Turkey, produced a preliminary framework for a regional INCSEA agreement that incorporated areas of agreement and identified the issues that would require more work. Participants also reached consensus that a “voluntary, informal, and incremental” approach to SAR, along with a stress on exchanging information, would provide a solid foundation upon which to build regional cooperation in this purely humanitarian and nonpolitical issue. In addition, the facilitators were asked to explore prospects for arranging a

meeting of senior naval officers from the region, as well as a practical at-sea demonstration of both INCSEA and SAR.

As a result, in July 1994, a Canadian naval frigate operating in the Mediterranean was tasked to embark regional participants in Venice, Italy, and rendezvous with a U.S. Navy vessel and Italian naval aircraft to demonstrate INCSEA and SAR scenarios. Aside from the technical points, this was also a confidencebuilding milestone as it marked the first time that Arab and Israeli naval officers had been to sea together in a common endeavor. Two months later, Canada held a Senior Naval Officers' Symposium hosted by the commander of Canada's Atlantic fleet and organized by the Centre for Foreign Policy Studies at Dalhousie University in Halifax. Again, the focus was practical, with tours of the Rescue Coordination Centre for the northwest Atlantic as well as a second at-sea SAR demonstration, this time aboard a CCG vessel. This dialogue proved invaluable, not only in advancing INCSEA and SAR work but also in building a spirit of commitment and good faith. Some delegates even discussed the possibility of unilaterally putting certain aspects of the INCSEA and SAR material into force, even if still in draft form, informing others as appropriate. Finally, the participants suggested that, given the success of the Venice demonstration, the next logical step would be to arrange another confidence-building event at sea in the region, this time using regional assets.

Despite the encouraging progress of these initiatives, the potential for maritime collaboration proved to have politically determined limits. A workshop in Jordan in November 1994 resulted in broad agreement on an INCSEA text, although it was agreed that the title needed further discussion. It also produced a draft framework for maritime SAR cooperation, with an initial stress on information exchange. The delegations also recommended that the Senior Naval Officers' Symposium become an annual event. Meanwhile, work advanced on arranging a regional "maritime activity." A planning conference in Tunisia in January 1995 was notable for its businesslike level of cooperation between Israeli, Palestinian, and other Arab naval and coast guard officers, and the event was scheduled for March 1995. Unfortunately, troubles with other aspects of the overall peace process and an unfortunate mention of the proposed activity in the Israeli press led to the event being postponed. Nevertheless, an ACRS operational meeting in April 1995 noted continuing planning for a rescheduled event, reviewed progress on prospective SAR arrangements, and endorsed the proposed INCSEA agreement, now described by the long but carefully negotiated title *Guidelines for Operating Procedures for Maritime Cooperation and Conduct in the Prevention of Incidents at Sea on and over the Seas in the Middle East*. This meeting also identified other potential areas for professional maritime dialogue such as meteorology, naval diving, and maritime medicine. A planning meeting for a second Senior Naval Officers Symposium was held in Canada in July 1995, but by then the peace process as a whole was in political trouble and no further events occurred.⁴⁸

Relevance Today

In retrospect, what is impressive is not that the maritime collaboration initiatives eventually ran aground, but that they

proceeded as far as they did in a political environment that was otherwise so difficult. Despite the demise of the overall Middle East peace process, the maritime delegates had succeeded in drafting an incident prevention agreement at the technical level that was ready for political approval at the time that the entire enterprise came to a halt. The effort was not wasted: it had brought rivals and former combatants together in a process of joint problem-solving that did much to improve mutual understanding, as well as to lay foundations for discreet cooperation at sea that could continue even after the political environment had again become confrontational. The INCSEA document has never been published, but should be available in the archives of the governments involved. Everyone involved recognized that SAR efforts, being a humanitarian issue and an international obligation, should be pursued independently and without prejudice to political positions. In a little over a year and a half, maritime professionals from across the entire MENA region had developed a common understanding of the issues and of each other. There is no reason that could not happen again.

The MENA Experience 1997–2004: A Maritime Safety Colloquium

After the Middle East peace process collapsed, the government of Canada, with support from the U.S. Department of State, initiated a series of workshops to “avoid losing the progress made in ACRS, particularly its work on search-and-rescue (SAR) and incidents-at-sea (INCSEA) activities.”⁴⁹ Maritime safety was an obvious topic because it is both an international obligation and clearly a humanitarian issue that should remain above politics. Canada’s Department of Foreign Affairs worked with the CCG to develop and facilitate a forum for regional maritime safety dialogue.⁵⁰ The CCG had an established history in the region that included equipping and training the Palestinian Coastal Police, assisting Egypt with vessel traffic management capabilities, and training officer cadets from the Saudi Arabian and Emirati coast guards. It had also facilitated the maritime safety aspect of the ACRS process. This served as a politically acceptable rationale for continuing dialogue between MENA naval and coast guard officers demonstrably independent from the faltering Middle East peace process.

The Maritime Safety Colloquium

The first Maritime Safety Colloquium (MarSaf) in 1997 was a week-long event in Canada, with the initial five days at the Canadian Coast Guard College involving working sessions of lectures, discussion, and rescue coordination exercises in the college’s simulator. Participants then traveled the four hundred kilometers (250 miles) to Halifax to visit a real rescue coordination center, a maritime operations center, a maritime communication and traffic services center, and the CCG base and Bedford Institute of Oceanography. Subsequent MarSaf sessions were held annually in Canada, Jordan, and Qatar, with two exceptions: in 2000, when a planned meeting in Morocco was canceled because of the outbreak of the Second Intifada, and in 2003 because of the war in Iraq. In the six events held between 1997 and 2004, discussion

extended well beyond SAR activities. A sampling of the contents of MarSaf Proceedings for the years between 1997 and 2004 demonstrates just how wide the discussions ranged:

- Marine traffic monitoring systems
- The international system of terrestrial technology, satellites, and shipboard radios to provide rapid alerts to shore authorities and other vessels in the event of an emergency
- The International Safety Management Code, which establishes the international standard for safe management and operation of ships at sea



PRO-GOVERNMENT FORCES WALK IN THE PORT OF THE WESTERN YEMENI COASTAL TOWN OF MOKHA AS THEY ADVANCE IN A BID TO TRY TO DRIVE THE SHIITE HUTHI REBELS AWAY FROM THE RED SEA COAST ON FEBRUARY 9, 2017. FORCES SUPPORTING PRESIDENT ABEDRABBO MASNOUR HADI, BACKED BY THE COALITION, BEGAN A MAJOR OFFENSIVE ON JANUARY 7 TO RECAPTURE THE COASTLINE OVERLOOKING THE STRATEGIC BAB AL-MANDAB STRAIT. SOURCE: SALEH AL-OBEIDI/AFP/GETTY IMAGES.

The International Ship and Port Security Code, which defines international minimum security arrangements for ships, ports, and government agencies

- Electronic chart technology
- Piracy and armed robbery against ships
- Illegal migration
- Port state control
- Dumping of contaminated ballast water
- Oil spill response
- Marine chemical spill response
- Fisheries management
- Coastal zone management
- Disaster risk reduction and emergency management.

After the planned 2000 Morocco meeting was canceled, a periodic Maritime Safety Newsletter was published to enable participants to keep in touch.⁵¹ In addition, separate events were planned in conjunction with MarSaf, notably a 2001 seminar in Jordan on “Maritime Forces in Peacekeeping Operations” presented by faculty of Canada’s Pearson Peacekeeping Centre.

The MarSaf project lost momentum after 2004, but its demise was caused by Canadian bureaucratic reasons, not because of any deficiencies or problems with the initiative. By the time it ended, there were more than a hundred alumni from almost all MENA nations.⁵² Participants came from navies, coast guards, port authorities, shipping companies, maritime governance authorities, fisheries departments, marine radio and vessel traffic services stations, scientific institutions, humanitarian agencies, coastal police, petroleum companies, border guards, and government ministries ranging from transport to defense. Reportedly, some continue to keep in touch today.⁵³

Relevance Today

The demise of MarSaf resulted from extraregional bureaucratic issues rather than any decision of regional participants themselves. In fact, regional commitment to MarSaf grew steadily over the years, and participants developed not only a cooperative professional and collegial spirit but also personal and social connections. The peace process and Maritime Safety Colloquium experience both showed that it is entirely possible to create and sustain regionwide maritime security initiatives that include all willing MENA littoral states regardless of the tensions in their relationships. Both addressed the two main threads of maritime security mentioned earlier: one physical and the other socioeconomic and environmental. Assuming that the policy goal is to avoid unnecessary conflict—surely the goal of any responsible government—the military aspect of maritime security must be based on operational clarity. In other words, it must ensure that neither misunderstandings nor uncritical thinking cause unintended or undesired results. Achieving maritime socioeconomic and environmental security requires governments to cooperate as members of the global community of nations, addressing issues of mutual concern irrespective of, and without prejudice to, resolution of political or ideological disagreements.

Prospects for Progress

Some might be tempted to advocate an initial focus on localized, subregional arrangements—for example, in the Mediterranean, Red Sea, or Gulf. But far from being a simpler option than a MENA-wide approach, it would be a mistake for two reasons. First, while a patchwork approach may address a local crisis here or a single issue there, it would be unlikely to lead to any systemic, regionwide, enduring security framework in the foreseeable future. Besides, many issues span subregional boundaries. Second, it would be an unnecessary step backward. The Middle East peace process and MarSaf experience already have laid a substantial foundation upon which to build. It would be a far more positive approach to pick up where they left off rather than create a patchwork of subregional arrangements. To dismiss the previous work would be to miss an invaluable opportunity to foster real and meaningful security improvement in regional security.

For its people to prosper in peace, the MENA region needs to improve not only physical security at sea but also maritime socioeconomic and environmental security. Prospects for the first could be improved by building on the Middle East peace process experience and resuming progress toward an agreement for naval incident prevention and management. Prospects for the second could be improved by building on the MarSaf experience to bring maritime professionals together to address common safety concerns.

All the same, it is not the business of maritime operational and technical specialists to address political problems. Equally, it is not the best use of political time and talent to grapple with technical and professional minutiae that their respective experts are better placed to address. Consequently, the most effective role of political leadership in enhancing maritime confidence and cooperation is to set the political parameters within which delegated professionals are free to discuss technical details candidly and honestly. This is particularly important in the naval and military security realm where, traditionally and understandably, political leadership is cautious about militaries talking directly to militaries on possibly sensitive issues related to national security. Fortunately, as discussed above, there are precedents for such arrangements around the world from which to draw lessons.



DOHA, QATAR - JUNE 16: SOLDIERS ARE SEEN ON THE DECK OF A WARSHIP AT HAMAD PORT IN DOHA, QATAR ON JUNE 16, 2017. AFTER 12 BILLION DOLLARS WORTH F-35 FIGHTER JET AGREEMENT UNITED STATES AND QATAR VESSELS HELD A JOINT MILITARY EXERCISE AT PERSIAN GULF. SOURCE: ANADOLU AGENCY/GETTY IMAGES.

Safe and Predictable Naval Operations

Those who are mandated to exercise legitimate force on behalf of a state have a special responsibility to ensure that unwanted conflict is not an unintended consequence of an incident. Thus, operational clarity is an essential prerequisite for avoiding conflict and managing tensions. The MENA region has contributed its own experience to the global body of knowledge through maritime aspects of the Middle East peace process in the 1990s. The legacy of that effort is not just the painstakingly crafted INCSEA document. It is also the evidence that it proved that, despite political differences, naval and civilian officers, officials, and technical experts from across the region can work together successfully and to common advantage. It is likely that the participants, agencies, and organizations involved have preserved the documents

and information from these meetings and workshops, and further developments in other regions have continued to add to the body of experience upon which MENA analysts and policymakers can draw. All that is required is for policymakers to recognize the value of doing so, and for someone to make the first step in reaching out. All concerned would need to refresh their understanding of the principles and worldwide experience to date, but analysis suggests that a renewed effort on maritime collaboration should focus on six characteristics:

- *Operational focus.* The requirement is for a pragmatic arrangement for safety, whenever and wherever vessels and aircraft are operating in proximity to one another, regardless of whether they are in disputed waters or airspace. A successful and effective arrangement does not attempt to address political differences. It is therefore created and implemented by practical mariners and aviators, as delegated and authorized by their respective political leaders. If a new agreement were interpreted as a diplomatic treaty to prevent incidents, then any incident would become a “violation” and the subject of disagreement. The spirit of a successful arrangement is just the opposite: an incident is just an incident, something to be managed safely at the time and then discussed frankly afterward.⁵⁴ The arrangement, whatever it is called, should be “sailor-made” on behalf of governments, and in accordance with national policy.
- *Honesty and openness.* An effective arrangement requires frank, honest, professional dialogue to ensure safe management of operations. It must not become an opportunity for posturing, either privately or in public. At the tactical working level at sea, this means adhering to the arrangement and communicating clearly. At the operational level, it means enabling headquarters to manage situations in real time as respective political leaders would wish. Strategically, it requires regular face-to-face consultation between senior commanders to discuss recent incidents and agree on how future incidents might be better managed. These consultations have the additional political advantage of becoming a source of informed suggestions for resolving difficult political issues, as the 1988 Black Sea incident demonstrated. Leaving events to chance is not managing, and an unmanaged incident is a policy failure.⁵⁵ The spirit is as important as the letter because interaction at sea is too complex to be governed solely by legal arrangements and political postures, and too important to rely on best guesses about each other’s intentions, especially when the volatile mixture of aggression and adrenaline starts flowing.⁵⁶
- *Discretion.* Honesty and openness can happen only when consultations are kept out of the public eye. No political or naval leader is going to agree to a system in which maritime incident resolution results in a public record of discussions stating that their own sailors made a mistake or misjudged a situation. If the arrangement is to be about achieving safety and managing events, all parties must commit themselves to keeping the discussions unpublicized and private—particularly when relations are strained.

- *Simplicity.* An effective arrangement is a simple means of clarifying intentions and resolving confusion, not an attempt to coordinate operations. This becomes particularly important in an arrangement that may include multiple countries, as was the case in the draft MENA agreement. Following the creation of the INCSEA agreements between the Soviet Union (later Russia) and other states, it was the practice of most parties' warships to carry concise checklists on their bridges so that the rules would be readily accessible to watch officers and their commanding officers. Many of the INCSEA agreements were published nationally in Annual Notices to Mariners so that every oceangoing vessel, civilian as well as naval, had access.
- *Collegiality.* One of the unique and innovative aspects of the original U.S.- Soviet INCSEA negotiations and subsequent consultations was the collegial, hospitable nature of the sailor-to-sailor interaction. From the very first meeting, the precedent was established that the host would pay all incountry costs; that the social program would not be planned before arrival through diplomatic channels, but rather arranged together as a first order of business; and that the interaction during the visiting delegation's stay would be as informal and social as possible. The epistemic communities of common professional and technical cultures transcend national, political, and linguistic differences. This is a powerful tool for international policymaking, one that can not only facilitate the management of transnational maritime issues but also build bridges between governments.
- *Practicality.* An effective agreement enables on-scene commanders to achieve what their governments want them to do, safely and simply. It is a politically authorized tool for managing practical problems in an inherently dynamic and complex environment. If it were to be interpreted as a constraint on legitimate operations, its use would be likewise constrained and therefore its effectiveness undermined. As one admiral has noted, "if it does not work under adversity, it's not worth the paper it's written on."⁵⁷

Civil Maritime Cooperation

Preventing or managing naval incidents at sea is a fundamental first step, but it will not be enough to ensure safe, secure, healthy, and productive seas and coastal populations. The broader scope of maritime governance includes numerous policy, law, and management issues that require at least a minimal level of coordinated action among littoral states. Many issues transcend the limits of national maritime jurisdiction. Nonetheless, although political realities in volatile areas may make formal cooperation difficult, it is still possible to make policies, laws, and procedures compatible so that their effects are consistent, even if not overtly coordinated.

- *Existing mechanisms.* This civilian aspect of maritime security has the advantage of being able to draw on many existing structures and models. These include international maritime law, particularly UNCLOS; conventions and

standards of the International Maritime Organization (IMO); Regional Fisheries Bodies and Regional Fisheries Management Organizations under the Food and Agriculture Organization of the United Nations (FAO); and marine environmental management arrangements through the Regional Seas program of the United Nations Environment Programme (UNEP).⁵⁸ These and other programs can provide invaluable resources as well as being platforms for developing regional and subregional cooperation.

- *Humanitarian collaboration.* In addition to marine SAR, the humanitarian nature of disaster risk reduction offers prospects for an improved security climate without regard to political disputes. Naval, coast guard, and civilian marine resources have unique capabilities that can make invaluable contributions to disaster relief and recovery operations, and humanitarian assistance and disaster response is a well-established discipline among many of the world's navies. The massive multinational outpouring of resources in response to the 2004 Indian Ocean tsunami is a rich source of examples of the potential of demonstrating the fundamental humanity of helping those in need, and making gestures of goodwill that can help to counterbalance entrenched habits of suspicion or hostility. When a major disaster occurs in the MENA region, it would be good to have arrangements in place to allow neighbors to assist as a humanitarian gesture, political differences notwithstanding.⁵⁹
- *Environmental peace-building.* Former UN Secretary-General Ban Ki-moon once observed that "The danger posed by war to all humanity and to our planet is at least matched by the climate crisis and global warming."⁶⁰ The impact will have serious security implications that are not yet well recognized. Consequently, "environmental peace-building" is an area that is not receiving as much attention as it should. The advantage of such an approach is that it focuses much-needed attention on the health of the ocean. Common environmental interests suggest that there is significant potential for maritime scientific, academic, and management dialogue in the MENA region. Such professional and personal interactions also enhance the overall security climate. There is already a regional precedent in the Jordan-Israel Red Sea Marine Peace Park straddling the two countries' maritime boundary in the Gulf of Aqaba.⁶¹ Both countries have long collaborated on cross-border marine pollution issues, and although political factors have periodically impeded that cooperation it has never ceased entirely.⁶²
- *Maritime safety.* Maritime safety is everyone's business. SAR, for example, is an international obligation that, according to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, "serves national interests, is an established international practice based on traditional humanitarian obligations, and is founded in international law."⁶³ Compliance with UNCLOS means that every coastal state is expected to "promote the establishment, operation and maintenance of an adequate and effective search and rescue service." The burden of this responsibility need not be borne alone; the convention also says that states may "by way of mutual regional arrangements, cooperate with neighboring States for this purpose."⁶⁴ This is important because it offers a way to

mitigate the costs, since “the fastest, most effective and practical way to achieve this goal is to develop regional systems associated with each ocean area and continent.”⁶⁵ As the IAMSAR Manual says, a regional approach can “reduce cost and improve distribution of distress alerts, coverage and services.”⁶⁶ A forum in which regional maritime safety professionals can gather to discuss common SAR and other safety issues would be a good place to start.

Getting Started

If policymakers wish to avoid unintended maritime incidents, reduce the risk of misunderstandings at sea, and promote mutual safety and security without prejudice to political positions, many tools and basic materials are readily available. The question, then, is how to get started. One example worth considering is a forum that, beginning in 2001, brought retired admirals from Pakistan and India together to discuss issues of mutual concern. Some were former heads of their respective navies and all were respected and influential in their home countries. They initially met to discuss prevention of incidents at sea, but over the course of fifteen years they became engaged in such issues as humanitarian treatment of detained fishermen, disputed maritime boundaries, extension of continental shelf jurisdiction, maritime trade arrangements, law of armed conflict and rules of engagement, coast guard cooperation, and maritime emergency management and marine piracy. A notable characteristic of this group is that its members had the credibility and connections to provide informed advice to policymakers in their home countries, encouraging and discreetly supporting official initiatives to achieve practical solutions to risks, misunderstandings, and irritants that had been plaguing the relationship.⁶⁷

In the MENA region, a similar forum of retired but still influential senior naval and, perhaps, coast guard officers might be an effective starting point for building upon earlier regional work. One way to begin could be a historical conference to examine the regional experience and what relevance it might have today. This could be an achievable, affordable, and effective way to begin exploring what might be done in the longer term to enhance contemporary physical, socioeconomic and environmental maritime security.

Conclusion

During more than a decade at the turn of this century, serving naval and civilian officers, officials, and technical experts from across the MENA region, from the Maghreb to the Gulf—including Israel—proved that they could work well together toward mutually beneficial goals. There is no reason that this collaboration cannot happen again if there is a will to do so. Because of the nature of the environment in which they live and work, naval and coast guard officers share a common professional culture that transcends national boundaries. This can be a significant political asset in

transforming any region's security architecture. Experience has shown that enabling professional specialists to work cooperatively on maritime issues not only addresses the purely maritime problems, but also can set precedents and serve as a catalyst for more comprehensive security improvement on land as well as the sea.

This discussion has highlighted the issues that need to be addressed in the MENA region, two of which are not only important in themselves but also could be promising first steps in transforming overall regional and subregional security relationships. The first is ensuring safe and predictable naval operations at sea to prevent unintended incidents from becoming unwanted political problems. The second is meeting international humanitarian obligations to provide effective and efficient maritime safety services, ideally in the most cost-effective manner.

There is a great deal of experience worldwide in creating maritime incident prevention and management mechanisms, and the MENA region itself came very close to having one in the 1990s. If there is political will to do so, there is no reason that the job could not be completed now, before an unwanted incident turns violent through miscommunication, misunderstanding, or miscalculation.

SAR is not just a logical topic with which to begin maritime safety cooperation. It also creates a foundation for discussion that can extend gradually into more challenging areas of common maritime interests. As described above, a survey of MarSaf Proceedings demonstrates just how widely the deliberations of this MENA forum ranged over the years. The MarSaf experience shows that conversations that begin with SAR efforts can naturally grow into other areas as people come to know, trust, and understand each other.

If political leaders wish to improve physical, socioeconomic, and environmental maritime security in the MENA region, they can draw upon a vast amount of experience from other regions. International and regional frameworks and mechanisms for ocean governance are already in place. Representatives from almost all MENA countries already have laid a solid foundation through the work they began during the peace process in the 1990s and the subsequent MarSaf. If national governments wish to advance regional maritime security, there are more than enough tools, materials, and blueprints to do the job. If they enable the creation of a forum, or forums, in which maritime professionals from the region are free to discuss technical and professional matters candidly and honestly within whatever political parameters their governments choose to set, there is no limit to the possibilities for improving confidence and cooperation in the region's waters. One place to begin would be a conference in which people who were involved in the Middle East peace process and MarSaf meet to explore the lessons already learned. There is nothing to be lost and much to be gained from trying.

Notes

1. This paragraph is adapted from David N. Griffiths, "Maritime Discourse, Dialogue and Deliberation in the 21st Century," in *Maritime Economy, Environment, and Security Cooperation: Bringing the West Pacific and the Indian Ocean Closer*, Proceedings of the 6th International Maritime Conference, 14–16 February 2015 (Karachi, Pakistan: National Centre for Maritime Policy Research, Bahria University, 2015), 15.
2. James Macintosh, *Confidence Building in the Arms Control Process: A Transformation View* (Ottawa: Department of Foreign Affairs and International Trade, 1996).
3. Onora O'Neill, "What We Don't Understand about Trust," talk at TEDxHouses of Parliament, London, June 4, 2013, published on YouTube on September 25, 2013, https://www.youtube.com/watch?v=1PNX6M_dVsk.
4. Nassim Nicholas Taleb, *The Black Swan: The Impact of the Highly Improbable* (New York: Random House, 2010), xxiii.
5. Daniel Kahneman, *Thinking, Fast and Slow* (London: Penguin Books, 2011), 250.
6. Eric Schlosser, *Command and Control: Nuclear Weapons, the Damascus Incident and the Illusion of Safety* (New York: Penguin Books, 2013); and Eric Schlosser, "World War Three by Mistake," *The New Yorker*, December 23, 2016, <http://www.newyorker.com/news/news-desk/world-war-three-by-mistake>.
7. John G. Stoessinger, *Why Nations Go to War*, 8th ed. (Boston and New York: Bedford/St. Martins, 2001), 253–58.
8. "Within an area of the brain called the medial prefrontal cortex, there is a group of neurons that fire when we think about ourselves and people who are like us," writes Daniel J. Levitin in his book *The Organized Mind: Thinking Straight in the Age of Information Overload* (Toronto: Penguin Canada Books, 2014), 152.
9. Griffiths, "Maritime Discourse, Dialogue and Deliberation," 18.
10. Chris Patten, *East and West* (Toronto: McLelland and Stewart, 1998), 140.
11. Robert McNamara, *In Retrospect* (New York: Vintage Books, 1995), 97.
12. Khrushchev made a point of appealing to their common humanity, writing to Kennedy: "I have taken part in two world wars, and I know that war ends only when it has rolled through cities and villages, sowing death and destruction everywhere. . . . You are a military man, and I hope you will understand me." Nikita S. Khrushchev to John F. Kennedy, October 26, 1962, quoted in Laurence Chang and Peter Kornbluh, eds., *The Cuban Missile Crisis, 1962* (New York: The New Press, 1998), 171–2.
13. Most nations that publish nautical charts also promulgate "notices to mariners" to advise sailors of important safety information. See David F. Winkler, *Preventing Incidents at Sea: The History of the INCSEA Concept* (Halifax: Dalhousie University Centre for Foreign Policy Studies, 2008), 61. The book is a reprint of Winkler's *Cold War at Sea: High-Seas Confrontation between the United States and the Soviet Union* (Annapolis, Md.: Naval Institute Press, 2000), with an afterword by David Griffiths and Peter Jones describing other INCSEA-type arrangements.
14. William Craig Reed, "Cuban Missile Crisis Secret Revealed—Four Soviet Submarines Came within Moments of Firing Nuclear Armed Torpedoes at U.S. Fleet," *Ottawa Citizen*, October 31, 2012, <http://blogs.ottawacitizen.com/2012/10/31/cuban-missile-crisis-secret-revealed-four-soviet-submarines-came-within-moments-of-firing-nuclear-armed-torpedoes-at-u-s-fleet/>. Arkhipov's story has been dramatized in a one-hour PBS television movie, *The Man Who Saved the World*, 2012, <http://video.pbs.org/video/2295274962/>.
15. More than twenty-five years later, individuals who had been at the heart of the crisis met to identify and discuss the

lessons. They included Cuban president Fidel Castro; Kennedy's former secretary of defense, Robert McNamara; and senior Soviet decision-makers, along with Nikita Khrushchev's son. All agreed that, if that submarine had fired its nuclear-tipped torpedo, a general nuclear exchange would have followed. See James Blight and Janet M. Lang, *The Armageddon Letters: Kennedy / Khrushchev / Castro in the Cuban Missile Crisis* (Lanham, Md.: Rowman & Littlefield Publishers, 2012).

16. See, for example, Sami Aboudi, "U.S. Navy: Iran Jeopardizing International Navigation, Harassing Ships with Their Navy," *Business Insider*, March 22, 2017, <http://www.businessinsider.com/us-navy-iran-jeopardizing-international-navigation-harassing-ships-with-their-navy-2017-3>.

17. An epistemic community is "a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area." Peter M. Haas, "Introduction: Epistemic Communities and International Policy Coordination," *International Organization* 46 no. 1 (1992): 1-35, <https://www.unc.edu/~fbaum/teaching/articles/IO-1992-Haas.pdf>.

18. Alfred Thayer Mahan, *The Influence of Seapower upon History, 1660-1783* (Mineola, N.Y.: Dover Publications, 1987), 25. This is a republication of the fifth (1894) edition of the book first published by Little, Brown and Company, Boston, 1890.

19. The phrase "constitution for the oceans" was first used by Tommy T. B. Koh, president of the Third United Nations Conference on the Law of the Sea, at the final session of the Conference at Montego Bay in 1982. The quotation from UNCLOS is taken from the preamble to the United Nations Convention on the Law of the Sea of 10 December 1982, accessed September 22, 2017, http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

20. Elisabeth Mann Borgese, *The Oceanic Circle: Governing the Seas as a Global Resource* (Tokyo, New York, and Paris: United Nations University Press, 1998), 6.

21. For a lengthier discussion see David N. Griffiths, "Confidence Building at Sea" in *Canadian Gunboat Diplomacy: The Canadian Navy and Foreign Policy*, ed. Ann L. Griffiths, Peter T. Haydon and Richard H. Gimblett (Halifax: Centre for Foreign Policy Studies, Dalhousie University, 1998), 322-3.

22. Edgar Gold, *Maritime Transport: The Evolution of International Marine Policy and Shipping Law* (Toronto and Lexington, Mass.: D.C. Heath and Company, 1981), 26.

23. This paragraph draws heavily from David N. Griffiths, "Maritime Security, Terrorism and the 'New Economy,'" in *Ocean Yearbook*, Volume 19, ed. Aldo Chircop and Moira L. McConnell, (Chicago: University of Chicago Press, 2005), 293-94.

24. For more details see David N. Griffiths, *Maritime Aspects of Arms Control and Security Improvement in the Middle East* (San Diego: University of California, Institute on Global Conflict and Cooperation, 2000), 8-9, <http://escholarship.org/uc/item/1622666f>.

25. For a detailed history of the U.S.-Soviet agreement, see Winkler, *Preventing Incidents at Sea* The afterword by David Griffiths and Peter Jones discusses other arrangements.

26. In September 2016 at the Nineteenth China-ASEAN Summit in Vientiane, Laos.

27. MALINDO *Prevention of Incidents at Sea Cooperative Guidelines* signed by the naval commanders of both countries in Jakarta in 2001. For discussion of this and other examples see the appendix to David N. Griffiths, *U.S.-China Maritime Confidence Building: Paradigms, Precedents and Prospects* (Newport, R.I.: China Maritime Studies Institute, U.S. Naval War

College, 2010), https://www.usnwc.edu/Publications/Publications/documents/CMS6_Griffiths.aspx. The text of CUES is available on the website of the U.S. Naval Institute, accessed September 22, 2017, <https://news.usni.org/2014/06/17/document-conduct-unplanned-encounters-sea>.

28. Winkler describes the incident in *Preventing Incidents at Sea* 188–91. The formal title of the resulting agreement was Joint Statement by the United States of America and the Union of Soviet Socialist Republics on the *Uniform Interpretation of Rules of International Law Governing Innocent Passage*, informally called the “Jackson Hole Agreement,” after the place at which it was signed on September 23, 1989. The text was published in the *Law of the Sea Bulletin*, no. 14 (1989): 12–13.

29. With the exceptions of Israel, Syria, and Turkey, all MENA states are signatories to UNCLOS, although Iran, Libya, and the Emirates have yet to ratify it.

30. This subject is beyond the scope of this chapter but, for a few examples, see George F. Hourani, *Arab Seafaring*, expanded ed. (Princeton, N.J.: Princeton University Press, 1995); Gregory P. Gilbert, *Ancient Egyptian Sea Power and the Origin of Maritime Forces* (Canberra: Sea Power Centre—Australia, 2008); Shirley Kay, *Seafarers of the Gulf* (Dubai: Motivate Publishing, 1992); and Oman, *A Seafaring Nation* (Muttrah, Oman: Ministry of National Heritage and Culture, 1991).

31. For a full discussion see Hassan S. Khalilieh, *Islamic Maritime Law: An Introduction* (Leiden, Boston, and Köln: Brill, 1998).

32. Active with *MENA: The Middle East and North Africa* (Paris: OECD Global Relations Secretariat, 2016), 3, http://www.oecd.org/mena/Active_with_MENA_EN.pdf.

33. “Syrian Regional Refugee Response,” United Nations High Commissioner for Refugees (UNHCR), last updated September 28, 2017, http://data.unhcr.org/syrianrefugees/regional.php#_ga=2.243057025.2086710348.1507073509-664755155.1506739237; and “UNHCR Global Appeal 2017 Update—Middle East and North Africa (MENA) Regional Summary,” UNHCR, December 2016, <http://www.unhcr.org/publications/fundraising/5874f9f67/unhcrglobal-appeal-2017-update-middle-east-north-africa-mena-regional.html>.

34. “Syrian Regional Refugee Response” and “UNHCR Global Appeal 2017 Update.”

35. “Yemen Emergency,” UNHCR, last updated October 2, 2017, <http://www.unhcr.org/en-us/yemen-emergency.html>.

36. “UNHCR Global Appeal 2017 Update.”

37. “Middle East and North Africa: Overview,” World Bank, accessed September 22, 2017, <http://www.worldbank.org/en/region/mena/overview#1>.

38. “Severed Cables Disrupt Internet,” *BBC News*, January 31, 2008, <http://news.bbc.co.uk/2/hi/technology/7218008.stm>. See also “Cable Damage Hits One Million Internet Users in UAE,” *Khaleej Times*, February 4, 2008, <http://www.khaleejtimes.com/article/20080204/ARTICLE/302049920/1002>.

39. For an extensive analysis of marine piracy, particularly off Somalia, see the results of the Dalhousie University Marine Piracy Project in *Marine Affairs Technical Reports* 1–8, 10, and 12, Dalhousie University website, accessed September 22, 2017, <https://www.dal.ca/faculty/science/marine-affairs-program/research/research-news/map-technical-series-reports.html>.

40. There is still uncertainty about the attack on USS Mason. See Sam LaGrone, “Pentagon Still Unsure if USS Mason Was

Attacked on Saturday," *USNI News*, October 18, 2016, <https://news.usni.org/2016/10/18/pentagon-still-unsure-uss-mason-attacked-saturday>.

41. For Limburg and Cole, see Michael Richardson, *A Time Bomb for Global Trade: Maritime- Related Terrorism in an Age of Weapons of Mass Destruction* (Singapore: Institute of Southeast Asian Studies, 2004). For the attack on Al Madinah, see Sam Lagrone, "Video Shows Houthi Boat Attack on Saudi Frigate," *USNI News*, February 7, 2017, <https://news.usni.org/2017/02/07/houthi-boat-attack-saudi-frigate>.

42. OECD, Active with MENA, 3.

43. The large marine ecosystems in question are twenty-six in the Mediterranean, thirtythree in the Red Sea, and thirty-two in the Arabian Sea. Large marine ecosystems are "relatively large areas of ocean space . . . adjacent to the continents in coastal waters where primary productivity is generally higher than in open ocean areas," and are thus vital to the regional economy, for both their living and nonliving resources. See "Large Marine Ecosystems of the World," University of Rhode Island website, accessed September 22, 2017, http://lme.edc.uri.edu/index.php?option=com_content&view=featured&Itemid=101.

44. "List of Ecoregions: Marine Ecoregions," World Wildlife Fund, accessed March 20, 2017, http://wwf.panda.org/about_our_earth/ecoregions/ecoregion_list/.

45. Peter Jones, "Confidence-Building Measures in the Middle East" in *Naval Confidence-Building in the Middle East*, ed. Peter T. Haydon, Maritime Security Occasional Paper 2 (Halifax: Centre for Foreign Policy Studies, Dalhousie University, 1996), 87-88.

46. Participants in the multilateral maritime discussions were Algeria, Bahrain, Egypt, Israel, Jordan, Kuwait, Mauritania, Morocco, Oman, the Palestinians, Qatar, Saudi Arabia, Tunisia, the United Arab Emirates, and Yemen.

47. The author was a Canadian naval advisor.

48. Some of the material in this section is taken from personal notes of the author, who was a Canadian naval advisor on the INCSEA work. For published detail, see Peter Jones, "Confidence-Building Measures in the Middle East." For a broader perspective on the ACRS Working Group and its possible relevance to the region today, see Jones, "The Arms Control and Regional Security Working Group: Still Relevant to the Middle East?," *EU Nonproliferation Consortium Background Paper*, July 2011, <http://www.nonproliferation.eu/web/documents/backgroundpapers/jones.pdf>. See also Emily B. Landau, "ACRS: What Worked, What Didn't, and What Could Be Relevant for the Region Today," Institute for National Security Studies Disarmament Forum, 2008, <http://www.inss.org.il/publication/acrs-what-worked-what-didnt-and-what-could-be-relevant-for-the-region-today/>.

49. Dalia Dassa Kaye, *Talking to the Enemy: Track Two Diplomacy in the Middle East and South Asia* (Santa Monica, Calif.: RAND Corporation, 2007), 45.

50. Canada's Department of Foreign Affairs contracted this author, as a former naval officer who had been engaged in the ACRS process, to work with the director of international relations for the CCG for this purpose.

51. The author was responsible for the publication of this newsletter, in his role as the Canadian facilitator.

52. Participants had come from Algeria, Bahrain, Egypt, the Emirates, Iraq, Israel, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, the Palestinian Authority (as it was then identified), Qatar, Saudi Arabia, and Tunisia. Two people from

Iran registered for the 2004 session but were unable to obtain visas in time. Another two from Libya registered but, for reasons unknown, did not arrive. Neither Syria nor Yemen participated in any session.

53. For an overview of MarSaf history, see Kaye, *Talking to the Enemy*, 45–46. Proceedings for the 1997, 1998, 1999, 2001, and 2002 sessions were published by the Canadian Coast Guard College in Sydney, Nova Scotia. Proceedings were also prepared after the 2004 event but were never published.

54. As an example, one arrangement with which this author is familiar was signed by foreign ministers instead of heads of navies because the former had no other agreement to sign at the end of a summit. Consequently, it was entered into the foreign ministries' treaties system. Some years later, when a simple change of a radio frequency was required, the process had to go through the entire treaty amendment process, rather than allowing two admirals to simply sign off on a mere operational matter without delay.

55. There are many examples. Before the Soviet Union concluded INCSEA agreements with the United States and others, suggestions were made in the U.S. Congress that American commanding officers should be authorized to shoot at Soviet ships threatening collision. Several incidents occurred which could well have triggered armed response, and several Soviet sailors died in a collision with a British aircraft carrier. More recently, in 2011, Indian and Pakistani warships collided while returning from assisting a merchant vessel with a crew of both Indians and Pakistanis who had been captured by Somali pirates. The incident may have been a ship-handling misjudgment, but what should have been a model of cooperation between rivals turned into a media circus of mutual blame. See NDTV, "Video Shows Celebrations on Pak Warship after It Hit INS Godavari," YouTube, August 4, 2011, <https://www.youtube.com/watch?v=64eEQv6L8R8>.

56. Griffiths, U.S.-China Maritime Confidence Building, 1–2.

57. Quoted in Winkler, *Preventing Incidents at Sea*, 178

58. For IMO work see "Our Work," FAO website, accessed September 22, 2017, <http://www.imo.org/en/OurWork/Pages/Home.aspx>. FAO's Regional Fisheries Bodies and Regional Fisheries Management Organizations are described in "Regional Fisheries Management Organizations and Deep-Sea Fisheries," FAO website, accessed September 22, 2017, <http://www.fao.org/fishery/topic/166304/en>. For UNEP's Regional Seas, see "Regional Seas," UNEP website, accessed September 22, 2017, <http://web.unep.org/regionalseas/>.

59. Ships can serve as floating bases and even airfields for emergency response, independent of devastated communities ashore. They can provide hospital and dental facilities, desalinize water for potability, and even provide electrical power to communities. For more examples, see David N. Griffiths, "Maritime Dimensions of Disaster Management," in *Maritime Threats and Opportunities in the 21st Century: A Global Perspective on the Indian Ocean, Proceedings of the First International Maritime Conference* (Pakistan: National Centre for Maritime Policy Research, Bahria University, 2008), 56. See also David N. Griffiths, "War and Other Disasters," in *ibid.*, 119–22.

60. "Climate Change Is Our Top Priority, Says UN Chief," *Guardian*, March 2, 2007, <https://www.theguardian.com/environment/2007/mar/02/climatechange.climatechangeenvironment>.

61. 61. The Red Sea Marine Peace Park is described in *MPA News* 9, no. 9 (April 2008): 2, <https://mpanews.openchannels.org/sites/default/files/mpanews/archive/MPA95.pdf>.

62. For a full discussion, see Michelle E. Portman and Yael Teff-Seker, "Factors of Success and Failure for Transboundary

Environmental Cooperation: Projects in the Gulf of Aqaba," *Journal of Environmental Policy and Planning*(2017), http://portman.net.technion.ac.il/files/2012/07/Portman_2017_Teff_seker_RSMPP_Factors-1.pdf.

63. *IAMSAR Manual: International Aeronautical and Maritime Search and Rescue Manual Volume 1: Organization and Management*, (London and Montreal: IMO and International Civil Aviation Organization, 2003), article 5.1.2.

64. UNCLOS, Article 98.2.

65. IAMSAR Manual, article 1.6.2.

66. *Ibid.*, article 1.7.2.

67. For a description and copies of its reports, see "Confidence and Cooperation in South Asian Waters," Centre for the Study of Security and Development, accessed September 22, 2017, <https://www.dal.ca/sites/cssd/projects0/RMSP/rms-indian-ocean/confidence-and-cooperation.html>.



David N. Griffiths, Contributor

David N. Griffiths conducts independent applied research in international affairs. A former Canadian naval officer, he has extensive experience in facilitating maritime aspects of confidence and cooperation in regions of tension. He holds a master's degree in marine management and research fellowships with academic institutions in Canada and abroad.
