

1981

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Recommended Citation

Booth, Ken (1981) "Law and Strategy in Northern Waters," *Naval War College Review*: Vol. 34 : No. 4 , Article 3.
Available at: <https://digital-commons.usnwc.edu/nwc-review/vol34/iss4/3>

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Whatever the prospects for UNCLOS III, history shows that norms will change and will bring about changes in the law of the sea. Of immediate concern in this paper is the issue of "creeping jurisdiction" and its effects on naval diplomacy and arms control. A proposal for control of strategic ASW is presented.

LAW AND STRATEGY IN NORTHERN WATERS*

by

Ken Booth

Almost all law of the sea (LOS) issues have had a good airing in the recent past, and in most respects the market place for papers is well past saturation point. There is little scope for new ideas. Nevertheless, a further look at the relatively neglected strategic aspects of the subject will provide an opportunity to check the validity of old ideas, and see whether changing circumstances are likely to affect the desirability or undesirability of various possibilities.

This discussion of the relationship between law and strategy in northern waters falls into two main parts. The first examines "the immediate future," that is, the military implications (mainly the lack of them) of the law of the sea as it seems likely to emerge from UNCLOS III. This subject has been widely if not deeply discussed. There has been general agreement about the prospects, and the main conclusions do not require challenging. The second part is more speculative. It examines the

"longer term" implications of the changing regime at sea, that is, the possibilities that might emerge after the dust has settled from UNCLOS III, or in the event of it not settling. The setting for these possibilities is the drift towards creeping jurisdiction.

The Strategic Significance of Northern Waters. Northern waters have been the area of major sustained naval confrontation since World War II. A useful distinction can be made between the North Atlantic as an *arena* and as a *source* of international conflict.¹ Throughout the postwar period the strategic significance of these waters has been as an arena of conflict. This

*This paper was prepared for a colloquium organized by the Centre of Defence Studies, University of Aberdeen, entitled "Northern Waters: Resources and Security Issues."

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4 NAVAL WAR COLLEGE REVIEW

will be the case in future, but nor so exclusively.

In broad terms the strategic significance of northern waters can be seen from four different points of view:

NATO Europe. The success of NATO rests on the ability of its members to use the sea in peace and war: it is an alliance cemented by seawater. In peacetime, NATO Europe is heavily dependent upon maritime transport for trade, energy, and raw materials. In addition, the North and Norwegian Seas and Arctic waters have become increasingly important as actual and potential sources of economic wealth, especially in the energy field. In wartime the Atlantic would provide access between NATO Europe and the linchpin of the alliance, the United States. The bulk of the reinforcements upon which the successful prosecution of a long war would depend would have to move by sea. The Norwegian Sea and the Greenland-Iceland-United Kingdom (GIUK) gap would be areas in which major battles would be fought for both sea denial and sea control purposes. NATO forces would seek to minimize the Soviet submarine threat and create the conditions for the provision of reinforcements and the projection of force. Important battles would take place for the control of northern Norway, the Baltic exits, and Iceland, for these would be immediate Soviet targets. Because of the critical importance of the reinforcement of NATO Europe in the event of war, it is politically important that the European allies have confidence that the United States has both the will and capability to carry out the task. Conversely, the undermining of this confidence in peacetime is a tactic by which the Soviet Union might hope to weaken the bonds of the alliance.

NATO North America. In peacetime, the North Atlantic provides access for a wide variety of imports and exports, and is an increasingly significant actual and

potential source of energy. The North Atlantic provides a major deployment area for U.S. SSBNs and aircraft carriers targeted against the Soviet Union; it is also a vital area for the deployment of U.S. antisubmarine and antisurface surveillance efforts. In wartime, the main sea line of communication (SLOC) for the bulk of (mainly U.S.) reinforcements to all parts of the alliance would pass through northern waters; these SLOCs would therefore be the scene of critical battles.

The Soviet Union. In both peace and war the northeast Atlantic provides ingress and egress for the main Soviet Fleet and its associated air forces based on the Kola Peninsula. The Soviet Northern Fleet contains about two-thirds of the Soviet Navy's SSBNs, cruise missile submarines and missile-armed maritime aircraft. The western Atlantic and the Barents Sea are deployment areas for Soviet SSBNs. Extensive U.S. nuclear power is targeted at the U.S.S.R. from northern waters, and so the northeast Atlantic provides access for Soviet attempts to counter this threat. Since the mid-1960s the Soviet Navy has moved forward to meet its various threats, and so has pushed out its area defense responsibilities in northern waters. But in one respect, the submarine threat to western SLOCs, extensive areas of the North Atlantic have long been of interest to the Soviet Navy. The Baltic is of significance because it provides access to the Leningrad area and the coasts of important Warsaw Pact allies. Apart from fishing, the economic value of northern waters to the Soviet Union is potential rather than actual, but it is interested in resource exploitation in NATO-controlled areas both because of the restrictions that it might entail to their own naval mobility and because of its potentiality for causing disputes within the alliance.

The neutrals. Northern waters are militarily significant for Sweden and

Finland not mainly because they are littoral states, but because these waters play decisive roles in both Soviet and U.S. global strategies. Any Soviet-American confrontation in these waters would affect the security of the neutrals. At present, the latter's chief fear is not of a "direct" Soviet attack but rather fear of the spillover of a superpower conflict.

Because NATO is an alliance held together by the sea, it follows that the Soviet Union can use this dependence to weaken the alliance in peace, and contribute to its defeat in war. For both adversaries, therefore, continued ability to use the sea is crucial, for preventive and positive reasons. If any war in Europe proves to be "long," the battle of the Atlantic will, for the third time, be decisive for the outcome. In the recent past, northern waters have witnessed two main trends: an increasingly dangerous Soviet naval challenge to NATO naval power, and the growth of economic and political problems that have produced a recognition that the significance of these waters has been increasing from all standpoints. We can expect to see more trouble in the future than we have been accustomed to face in the past in these waters. In large part this is because we have become accustomed to expect so little. Now the North Atlantic is an area in which many of the changing economic and military uses of the sea intermix in a peculiarly complex, if not particularly dangerous, fashion.

From this brief discussion of the strategic significance of northern waters it is evident that they will become a new, albeit limited, source of international conflict, while still remaining the arena for the major concentration of contemporary naval power.

Short-Term Implications: Life After UNCLOS III. As a result of the session at Geneva in the summer of 1980, UNCLOS III produced a Draft Convention (Informal Text), and a feeling of confidence that a treaty will

finally be signed in 1981. The treaty will enter into force when a specified number of states have ratified it, a process that may be neither smooth nor short. There remains some uncertainty about the precise character of the post-UNCLOS III maritime regime, but about the military aspects there seems to be relatively little doubt. The status quo will be maintained. The present text is satisfactory for the naval powers: for the time being it assuages their fears about a more restrictive regime.

From a military point of view, reading the latest UNCLOS text is like watching Hamlet without the ghost. Strategic considerations played an important part in the negotiating of the text, but they are most noteworthy in the end-product by their absence. The latest text gives more restrictive powers to coastal states, but leaves the military aspects of the exercise largely unaffected. These can be stated briefly. The 12-mile territorial sea, which extends the innocent passage provision, has no major military significance. Its main meaning was in relation to the possible nationalizing of hitherto international straits. However, the text provides for essentially unimpeded passage for ships, submarines, and aircraft through or over straits. The proposed transit rights are equivalent to high-seas passage. The Baltic Straits are the only important straits for the present discussion, and their regime is unaffected as a result of Article 35(c) concerning those straits regulated by "long-standing international conventions in force." More significant than changing straits-regimes in northern waters is the problem of the seabed. In the past, some have argued in favor of the complete demilitarization of the seabed but it has not proved possible to go beyond the Seabed Treaty; this entered into force in 1970 and prohibits the emplacement of nuclear weapons and other weapons of mass destruction. UNCLOS III has agreed that the deep seabed be reserved

6 NAVAL WAR COLLEGE REVIEW

for "peaceful purposes," a form of wording that the naval powers see as perfectly consistent with their projected military activities. There has been some disagreement whether "military" listening devices are peaceful, and there is scope for disagreement about what is "scientific" research, for much scientific research in the oceans has military implications. For the present, seabed military activities remain intact, if not unchallenged.

A major innovation of UNCLOS III is the 200-mile exclusive economic zone (EEZ), in which coastal nations have specified rights over fish, oil and gas, environmental protection, and the conduct of marine scientific research. The UNCLOS text has circumvented disputes about military activities in EEZs by adopting a tactic of silence. Behind this silence has been hidden a number of rights for navies.² What is not prohibited is permitted. UNCLOS III has not spoken any last rites over naval strategy.

From this brief discussion it would appear that there are no major strategic implications in northern waters arising out of the military provisions (or lack of them) of the Draft Convention of UNCLOS III. There have been some minor implications, but these could have been expected regardless of UNCLOS III. Pollution, economic exploitation, increased traffic control and other considerations have combined to draw new attention to the policing or constabulary task of navies in coastal waters, and threaten some restriction on naval movement. Changing international regulations are not self-enforcing: warships and aircraft act as badges of sovereignty and agents of enforcement. In addition to new constabulary tasks, military power is necessary for more serious possibilities. In areas of disputed jurisdiction, nations that do not want to lose them will have to show a willingness to defend their patches of water. Their claims will normally require naval support as well as legal

arguments. In these circumstances small powers trying to assert their rights in the face of stronger neighbors will be given additional confidence if their claims are supported by a unified alliance. Displays of aggressive determination will have their part. Although the circumstances were peculiar, it should be remembered that Iceland gained considerable diplomatic leverage by the vigorous use of its handful of gunboats during its mid-1970s fishing dispute with Britain. Naval forces will have an important role in the process of regime change. The process will be neither speedy nor free of problems, and naval forces will help determine the resolution of jurisdictional questions, and the development of particular norms.

The changes in naval strategy and technology that have been and are occurring in northern waters are for the most part the result of factors other than changes in the law of the sea. They are much more the result of the interplay between domestic politics in the countries concerned, the momentum of technical innovation, and the dialectic of the strategic relationship with the adversary. But the law of the sea does have some direct implications for the area as a source of conflict, both within NATO and between various NATO allies and the Soviet Union.

A major regime change can always be expected to cause disputes and conflicts, especially where security and resource issues are involved. Disputes in northern waters can be expected over boundaries and conflicting ocean use, but among the NATO allies it is unlikely that there will be any dispute serious enough to involve military manifestations, even at a low level. Such disputes as might arise should be amenable to settlement by other means: they have several characteristics that lead one to expect that they will be settled in an orderly fashion.³ However, if any dispute should become prolonged, it could

help exacerbate outstanding problems and so contribute to a loosening of the bonds of the alliance. Disagreements over fishing in the North Sea and between the United States and Canada are the most relevant disputes at present, but they have no strategic significance.⁴ The incentives for agreement among the allies are strong, but experience shows that this is never a guarantee that trouble will be avoided. Among other things, domestic pressures can upset rational foreign policy calculations.

Not all disputes in the region are free of danger. Between one NATO ally and the Soviet Union there are two worrying issues, Svalbard and the delimitation of the Barents Sea. The two issues prompt some different responses among the allies, but both derive their strategic significance from the importance of the Barents Sea for Soviet security. The origins and character of the issues have been thoroughly discussed elsewhere, and do not need repeating. It is merely necessary to note that they have three main military features. In the first place, Soviet naval interests (especially the desire to minimize external involvement across the trafficways of the Northern Fleet) will significantly affect the Soviet stance on all jurisdictional questions in the area. If the past is any guide, security issues are those on which the Soviet Union is most obdurate and highly sensitive. Secondly, it is thought unlikely that Svalbard would be the target of bolt-from-the-blue Soviet aggression. Instead, as an outpost of an adversary alliance, it can be expected that Svalbard will be squeezed occasionally by the Soviet Union, in order to test Norway's resolve. In this sense it will play the role of a northern Berlin. The Soviet Union can hope to engage Norway on a non-NATO basis, and hope to weaken its ties with the alliance. Thirdly, this means that the allies should do whatever is possible (which presumably

means what Norway thinks is desirable) to give Norway the confidence to stand up to the Soviet Union, without actually provoking it. It is important that Soviet policymakers believe that the NATO allies support Norway's position.

In the short term, naval developments in northern waters will be shaped more importantly and more directly by political, economic, and technical developments unrelated to changes in the law of the sea. These developments will primarily affect northern waters as an arena of conflict. The changes that will emerge, clearly or messily, from UNCLOS III will primarily affect northern waters as a source of conflict, to the extent that they exacerbate political relations between the NATO allies and provide an occasion for disputes between the Soviet Union and Norway.

Long-Term Implications: Living with Creeping Jurisdiction. The long-term military implications of the changing law of the sea arise from the possibility—perhaps the likelihood—that some aspects of UNCLOS III will not have a long lifetime. The law of the sea has fluctuated in the past, and will undoubtedly continue to do so in future. One cannot predict how long it may take before changing norms will threaten the rules to be established in UNCLOS III, but it is well to remember that UNCLOS I (1958) started to be superseded within 10 years, and its provisions will formally be changed after 23 years. Who expected the rapid reversal of policy by the traditional maritime powers on a 200-mile EEZ? Who would have thought an International Seabed Authority probable 10 years ago, or the relatively easy codification of the 12-mile territorial sea? Conservative expectations about the future might be just as fragile as were these ideas in the recent past. In international politics, norms invariably outrun the law.

Norms will change, and will bring about changes in the law of the sea. For

8 NAVAL WAR COLLEGE REVIEW

the present discussion the most important feature of change is the phenomenon of "creeping jurisdiction" (over and under the ocean, in straits, coastal zones, the seabed, and what was formerly the high seas). Creeping jurisdiction is of evident concern for those governments wishing to operate warships and carry out other military tasks under and over the sea. It threatens the mobility of warships, and hence their military essence. The doctrine of the "common heritage of mankind" has already been described as containing the germ of the progressive neutralization of the oceans.⁵ We are a long way from that, but we are also a long way from that navalist Eden when the seas were free and resources were plentiful, at least for those with the will and power to exploit that situation. In the 1970s the traditional maritime regime fell back before the advancement of national claims that were given legitimacy by the international community. It is unlikely that this process will stop: it will only slow down. The result will be that large areas of the sea will be filled out with denser patterns of national administration. In the troubled common, the unilateralist impulse will be powerful in a world in which the belief is growing that there is not enough for everyone.

As a result of the unilateralist impulse, the sea is becoming "territorialized." National administration over the land is extending seaward on matters of good order, the exploitation of resources, and the exercise of sovereignty. *Territoriality* is a politically relevant term, although international lawyers might quibble with its implications. In ethology, territoriality refers to an area over which one group is dominant: the group regards that area as its own private property and will resist intrusion by others. Increasingly, national groups are having such feelings about parts of the sea. Icelandic protection of "its" fishing grounds in the mid-1970s was a good illustration of such attitudes.

The most salient aspect of the dispute was Icelandic feelings about ownership, not the actual state of the law of the sea.

Creeping jurisdiction is here to stay. The natural tendency will be for governments to push out regulations into the EEZ, and in some cases even beyond. The impulse to govern efficiently will encourage such a trend, and economic and pollution problems will create plenty of incentives. All nations bordering on northern waters will want a bigger say in their own maritime backyards, areas that were formerly the unclaimed "blue water" of naval powers. It is from the rubbing together of these two interests and perspectives—coastal state management and blue-water naval strategy—that the longer-term naval implications of the changing law of the sea will derive.

The implications of a more restrictive regime can be usefully discussed in relation to the main types of ocean area affected, namely, straits, the seabed, and EEZs.

Straits. The only strategically important strait in northern waters is that leading into and out of the Baltic. Restrictions for warships were unilaterally imposed by Denmark in 1857, and were embodied in the 1958 convention. No more than three warships at a time can pass without special permission, and submarines have to pass on the surface. These restrictions present some problems for the Soviet Union, and at times it has indicated its misgivings; but to date it has followed the rules, at least as well as other nations. Vessels other than warships are governed by the right of innocent passage.

Rights of transit through straits have been one of the major issues in UNCLOS III. It is a bone of contention on which there is still plenty to chew in future. For the Baltic this might involve the passage of fewer ships at a time, the need for more advance warning, restrictions on the size and type of warships allowed, the prohibition of

nuclear-powered ships, and so on. The opportunity to apply such rules leniently or to the letter would give straits states important discretion over the passage of foreign warships. It would thereby enhance the strategic significance of those countries at the "chokepoints."

Clearly, a more restrictive regime for the Baltic Straits would affect the Soviet Navy more than NATO, but a more restrictive Baltic regime is one with which both superpowers could live. However, their main opposition to such a trend would be concern about the extension of such principles to straits elsewhere that are of more importance to their national security.

A major NATO interest in the Baltic is in showing that the sea is not a Soviet lake. This is thought desirable in order to reassure both allies and neutrals. NATO forces therefore occasionally exercise in the Baltic, mainly in the southern portion. In addition, ships are occasionally sent in on a non-NATO basis in order to demonstrate their right to be there. Soviet and other Warsaw Pact maritime activity is monitored by aircraft and naval vessels. These activities could still be maintained under a more restrictive regime but a change would imply, though not demand, that a greater responsibility for NATO maritime activity should fall on the shoulders of the local allies, West Germany and Denmark. Accepting such a burden would be a useful signifier of the international character of alliance responsibilities.

For the Soviet Union a more restrictive Baltic regime would impede the activities of the Baltic Fleet, because its major chokepoint would be supervised by unfriendly (if not always uncooperative) states. Despite this disadvantage there are some countervailing considerations. The Soviet Union might welcome more restrictions on (nonlittoral) NATO activity in the Baltic. Furthermore, the areas to which the Baltic gives access can already be served by the

Northern Fleet, which is bigger and more capable. Nor do restrictions on straits necessarily hamper either the buildup or diplomatic salience of naval forces. The success and visibility of Soviet naval activity in the Mediterranean since the mid-1960s, despite the Montreux Convention, is instructive in this respect. Finally, it is important to note that the Soviet Union, up to the late 1960s, periodically tried to get the Baltic, along with the Black Sea, declared a regional sea, effectively closed to nonlittoral states. Strategically the prospect of a more restrictive regime for the Baltic would not be unthinkable from the Soviet perspective. In practice, Soviet opposition to such a development would derive from its concern about the general principle of passage through straits, rather than this particular case. Movement toward more restricted naval activity in the Baltic, if it were ever thought desirable, would have to come from some version of a "sea of peace" idea, rather than from a change in the law of the sea as such.

If a more restrictive regime were put into operation it would entail a variety of political problems with possible strategic implications. A more restrictive regime would increase the potentiality for disputes and conflicts between the straits states and military users; most importantly, this would involve the Soviet Union and Sweden and Denmark, the former being neutral and the latter being one of NATO's smallest members. For naval considerations the Soviet Union would have an interest in increasing its influence over these states, by a mixture of carrot and stick, in order to encourage a favorable interpretation of the rules of passage. This might cause embarrassment for the straits states. A failure to agree with the Soviet Union, or the objection to the passage of a particular ship, might be regarded as an "unfriendly" act, and so cause important political repercussions. Alternatively, constant giving way on

10 NAVAL WAR COLLEGE REVIEW

marginal cases would be an admission of weakness and lack of confidence.

In sum, both superpowers could accept a more restrictive regime for the Baltic Straits without seriously degrading their overall strategy, but they are not likely to accept it as a change in the law of the sea because it might set precedents for strategically more important straits. It would therefore have to come about as a version of an arms control (disengagement) proposal, but even here the superpowers might fear precedents. In addition, the neutrals and NATO allies do not favor any move toward the idea of the Baltic becoming a closed sea dominated by the Soviet Union: and it is this factor rather than any purely military consideration that should govern NATO's attitude.

The seabed. A more restrictive regime would attempt to define with more precision what was "military" and therefore presumably not "peaceful." This would be a frustrating exercise: even if any agreement were reached, there would be room for ambiguity. Despite such problems, calls for restrictions on the military use of the seabed can be expected, especially in the areas over which coastal states already have rights, and believe that they should have more. This means continental shelves and the seabed below the EEZ.

There have already been harbingers of what might happen. In its adherence to the Seabed Treaty in 1973 India announced that there could be no restriction on its sovereign right to verify, inspect, remove or destroy any weapon, device, structure, installation or facility that might be emplaced on or beneath its continental shelf by any other country. The position of the United States was that the rights of coastal states were restricted to the exploration and exploitation of natural resources, and therefore were not concerned with military equipment. Further out, on the deep seabed, UNCLOS agreed that it be reserved exclusively for "peaceful pur-

poses." The U.S. Navy, not surprisingly, has chosen to define seabed listening devices as falling under this heading. Some would disagree. The Soviet Union has similarly taken a permissive (conservative) attitude toward this problem, arguing that states have the same rights on the continental shelf as on the high seas.

Because of the naval traffic patterns of both alliances in the northeast Atlantic, it is an area that is impregnated with listening devices. The U.S. SOSUS system has attracted most attention.⁶ If there were to be pressure for more restrictions on seabed military use, the major naval powers would object, because restrictions would degrade their surveillance capabilities. In practice, it is difficult for nonspecialists to make evaluations about this problem because of the secrecy of the subject and hence the impossibility of being able to determine the significance of seabed sensors in the overall sum of the naval confrontation. To what extent will the next battle of the Atlantic depend on the information gathered from seabed listening devices? Specialists are divided about the capabilities of ASW in the foreseeable future. All one can say with confidence is that technical developments will lead to steady improvements in whatever capability already exists. But will countermeasures improve commensurately, or even more quickly? In any case, the potential value of such devices in the event of war has to be set against the widespread belief that major war is unlikely. If this is the case, it might be argued that seabed listening capabilities might be sacrificed for political bargains in other aspects of the development of the law of the sea.

The question of seabed listening devices raises the issue of the very desirability of tracking the adversary's SSBNs. If it is a superpower's intention to maintain an invulnerable second-strike capability, then it should be solicitous about its adversary's retaliatory

force. Attempting to track an adversary's SSBNs will decrease his confidence in his second-strike potential, and as such will be "destabilizing" in the Western theory of mutual deterrence. From this point of view, strategic ASW is not only costly, but also strategically undesirable. But for NATO, ASW is not merely a matter of strategic deterrence: it is also concerned with protecting vital allied SLOCs. Monitoring Soviet submarine activity through the GIUK gap is at least as important in relation to tactical ASW (concerned with the potential defense of convoys) as it is with strategic ASW (concerned with countering the adversary's nuclear-strike potential).

If pressures mount for a more restrictive regime that will affect seabed listening devices, we can expect opposition from both superpowers. The United States will be at the fore because of its reputed advantages in the "state of the art" and the special interest of NATO in tactical ASW. Nevertheless, some of the arguments above suggest that restrictions on seabed use could be accepted; this would obviously be the case if there were to be some technical developments that decreased the relative significance of seabed sensors. A more restrictive seabed regime would generally favor NATO because of its possession of the "waterfront real estate." As long as the northern members of NATO remain bound together, seabed military use in critical areas could continue: presumably even sensitive allies could allow such out-of-sight, out-of-mind activities. A more restrictive regime would increase the strategic significance of those countries with the relevant waterfront, Norway, Denmark (Greenland), the U.K., and Iceland. These countries would become even more important to the United States. In the case of the smaller countries, the increased significance of their location would give them increased intra-alliance bargaining power.

Because of the relative advantages presently and foreseeably envisaged for the United States in ASW techniques, the Soviet Union might be expected to see some advantages in a more restrictive seabed regime. But the problem for the Soviet Union in this respect is geographical rather than legal. Again, its chief objections, seabed restrictions in the north might derive from wider considerations, particularly the boost such a development would give to creeping jurisdiction elsewhere. However, any restrictions on NATO activity in northern waters would be attractive to some Soviet naval strategists.

The EEZs. Although UNCLOS III was particularly concerned about restrictions on naval movement through straits, a more serious long-term concern for the naval powers is the possibility of restrictions on the passage of warships through EEZs. This would threaten naval activity in extensive areas that were formerly "high seas" and so "free" for transit and demonstration. For the immediate future warships have transit and other rights (by default, not designation) but it can be expected that constraints will accumulate because of territorial impulses on the part of coastal powers, beginning in the reasonable guise of traffic and pollution control. Some coastal states have already shown their sensitivity to foreign warships and intelligence gatherers.

Various restrictions can be envisaged. They include a requirement for prior notification, limitations on numbers in passage at any one time, a ban on certain types (intelligence gatherers or nuclear-powered ships), movement in designated sealanes or restrictions on "military" activities while in passage (no exercises, or ASW activity, or aircraft flights). Restrictions on the passage of submarines in EEZs would be difficult to inspect and enforce, but claims to restrict them might nevertheless be made. If this were to become widespread, it could be embarrassing for the

12 NAVAL WAR COLLEGE REVIEW

naval powers to ignore them. The discovery of a foreign submarine through accident or other means in areas claimed by the coastal state would entail diplomatic costs. Other possible restrictions include a maritime version of air defense identification zones. Pollution-conscious Canada has already taken steps in this direction for the control of merchant ships.⁷ Such procedures will probably spread. Will they also come to encompass warships?

The possibility of the growth of restrictions such as those suggested above would threaten the mobility of warships and therefore would appear to undermine their usefulness as instruments of foreign policy in peacetime. Normal deployment patterns would be interrupted, crisis deployments would be hindered, and some scientific work with military value might be prohibited.

Because of the configuration of the lands and seas in northern waters, such changes would affect the Soviet Union more than NATO. There is a "NATO" EEZ barrier across the access routes of the Soviet Northern Fleet. In contrast, U.S. and other NATO forces would have unrestricted access to most normal operating areas, with the exception of parts of the Barents Sea. A more restrictive EEZ regime would be a major impediment for the Soviet Union's oceanic navy. Soviet authorities would therefore attempt to stand out against any drift in this direction, though some of its objections might not be as strong as otherwise might be expected if those analysts are correct who have argued that the anti-SLOC mission has a low priority in the Soviet naval mission structure.⁸

International norms will change, regardless of Soviet preferences. Territorial impulses on the part of coastal states seem likely to be especially strong in northern waters, bounded as they are by states that are technologically advanced, energy-short, maritime-

mindful, and administratively competent. If restrictions are to grow in the north it would seriously complicate Soviet naval behavior. The United States, on the other hand, could more easily operate within a more restrictive regime, inasmuch as its allies control the important coastal waterfront. This condition would not be present in most other parts of the world, and so the United States would be concerned about endorsing the general principle of the extension of territorial control. As a result, both superpowers would share a common and hostile attitude toward restrictions on the passage of warships through EEZs.

Should a large section of the international community decide in favor of increased restrictions on foreign warships in EEZs, both superpowers would have to consider a variety of possible regional military implications. It would mean that if the U.S. Navy is to continue to have a free run of the northeast Atlantic, then it would be imperative to maintain the loyalty of the allies. The withdrawal from the alliance of any one of the northern flank allies would be even more serious than at present. This in turn would give those states increased bargaining power over the United States. On the Soviet side, the potential use of its navy for crisis deployments in the North Atlantic would be seriously challenged, but so far this role has been very limited. To overcome some of its problems the Soviet Union might attempt to negotiate special arrangements with particular coastal countries in order to ensure continuing naval access; rejecting such a proposal might be politically embarrassing for any coastal country. If, in the event of a more restrictive regime being claimed, the Soviet Union felt it had to disregard the wishes of a coastal state in a particularly urgent case, this could create a difficult diplomatic situation, but not one the Soviet Union would avoid if its "vital interests" were affected. Soviet leaders

might be willing to pay the diplomatic price involved or, alternatively, might attempt to circumvent the problem by keeping more forces fully deployed forward, in order to avoid any delay in reaction time in a crisis. This would put a premium on strategically placed countries for the use of their bases and facilities. The Caribbean and West Africa would be the likely areas of increased Soviet interest. This requirement would complicate Soviet foreign policy, but it would also add a new direction of threat to NATO shipping in the event of war.

It should be evident that it would not be impossible for either superpower to live with a more restricted regime in northern waters, but it also should be evident that neither would welcome such a development because of its naval implications both regionally and further afield. Regionally the difficulties would be much more serious for the Soviet Union, but the rights being questioned are those that the United States would particularly not wish to concede elsewhere. Consequently, the superpowers will resist change. Although they would hold out strongly on issues affecting national security, it should be remembered how quickly their positions changed on the 200-mile zone when faced by the bulk of the international community. Norms that do not have the support of the most powerful will always be shaky, and their codification into law might prove impossible, but one should not underestimate the capacity of the more powerful to adjust in the face of changing circumstances. In this case naval interests could be overcome by economic or political arguments and lobbies. If, as was suggested earlier, the territorialization of coastal zones becomes irresistible (and restricting the activities of foreign warships might well prove a very popular step), this trend would become an international reality that it would be difficult for the superpowers to ignore.

Naval Diplomacy and Arms Control: The Effects of Creeping Jurisdiction. Assuming an irresistible drift towards a more restrictive regime, we should now examine the implications for naval diplomacy (the use of warships in support of foreign policy) and for the increasingly confused and maligned concept of arms control.

Naval diplomacy. The almost unanimous opinion in naval circles is that a more restrictive LOS regime would seriously hamper naval mobility, and hence would be undesirable. In contrast, it can be argued that while a more restrictive regime would certainly pose many new problems for major navies, it would also provide new challenges and opportunities.⁹ Indeed, it can be argued that a new and more sensitive patchwork of maritime jurisdiction would not hobble naval diplomacy but would in fact rescue it from some of its difficulties in recent years, where it seems to have suffered somewhat as a signaling device.

Jurisdictional changes will open up new diplomatic possibilities for warships. Opportunities will be present for both supportive and coercive signaling, and all the gradations between. Naval displays in friendly waters will take on more significance because of the increased "national" feeling about such waters, and so this traditional usage will be enhanced. Similarly, there will also be more scope for coercive uses. There will be new boundaries to cross, and these will entail political, legal, economic, and diplomatic costs, not to mention the possibility of facing physical opposition. The territorialization of the sea will bring about new restrictions, but this very development will enhance the importance of naval diplomacy. Naval diplomacy will be used less, but it will be more visible.

In future, the problem will not be whether opportunities will exist for a renewal of naval diplomacy, but whether and how they can be exploited. We can expect that they will be

14 NAVAL WAR COLLEGE REVIEW

exploited in northern waters, and for three main reasons. First, the hardware is in existence, and there will be an impulse to find employment for expensive assets. Secondly, it is unlikely that there will be any basic change in the NATO-Warsaw Pact confrontation in the foreseeable future. The need will remain for the countries involved to reassure allies, and to deter or coerce adversaries by military means. Finally, signaling by military means is particularly important and subtle in the North Atlantic region. It has a very receptive audience.

The signals of naval diplomacy are already carefully scrutinized. The Soviet Union has for over 30 years been sensitive to NATO naval activity, and recently Soviet naval behavior has received the same attention in the West. So far the Soviet Navy has had limited diplomatic scope in the North Atlantic but, within limits, its general-purpose naval forces have been an active instrument of political influence in the region.¹⁰ This tendency would be increased rather than decreased by creeping jurisdiction. The Soviet Union would use naval diplomacy to maintain rights of presence against the development of restrictive norms. In addition, the politicostrategic importance of the area, together with the new boundaries, will give the Soviet Navy the opportunity to send signals with high political visibility (but also with the opportunity to withdraw with relative ease). There have been harbingers of such possibilities. The new sensitivity toward maritime affairs, and also the scope for manipulating this sensitivity by displays of "power in evidence," has been seen in the anxiety shown by North Sea states at the presence and evident interest of Soviet warships in oil rigs and other installations. Soviet behavior has been legal, but it has raised Western temperatures. Related Soviet behavior can be expected in future, for so much of the international politics of the region is

conducted by the manipulation of psychological processes. Discussion of the international politics of the region is characterized by words and phrases such as *deterrence*, *reassurance*, *looming power*, *military overhang*, *provocation*, and *confidence building*. It is a region in which the vocabulary of psychostrategic confrontation can be fully employed; it is, after all, the home of the much used and often criticized, but well understood concept of "finlandization," the idea of political accommodation to predominant military power. In such an area, new boundaries, and the significance of crossing them for either supportive or coercive purposes, will add to the vocabulary of psychostrategic signaling.

There is developing what Hedley Bull has called "a maritime territorial imperative," involving feelings about the sea that are much closer to those that nations have previously had only about their sovereignty over the land.¹¹ Nevertheless, the new boundaries at sea will obviously remain less clear, less immediately sensitive and further from national nerve-endings than those on land. For this reason, nations will never be as sensitive to warships passing through their seas as they always have been, for obvious reasons, to armies tramping over their national homelands. But the more feelings about the ownership of the sea grow, the more will the two sensitivities converge. Together, relative freedom of movement across the sea and growing national sensitivities about the sea will provide future opportunities for dramatic naval diplomacy.

Arms control. The immediate future is not propitious for the development of arms control, given the present chilly relations between the superpowers and the widespread belief that the next 5 years are likely to be more dangerous than any period since 1962. The prospects would seem to be particularly bleak in northern waters, for even examinations of the subject in calmer

times concluded that there was little promise of mutually agreeable schemes.¹²

Despite such gloomy but realistic prognostications, the present might be a good time to start rethinking one form of naval arms control, namely strategic ASW. First, it will be argued that creeping jurisdiction together with various economic and strategic considerations makes this a more promising idea than hitherto. Secondly, experience suggests that when a chilly period gives way to a relaxation of tensions, then this may be a productive time for arms control proposals, and new ideas might be more effective than warmed-up old ones. Thirdly, it is important from all points of view to try to slow down the arms race, and it is not too soon to be working to head off decisions that might be made around 1990 for the weapons of the next century. Among these decisions, those affecting strategic deterrence will remain paramount.

Controlling ASW would be a tricky business. It has been discussed occasionally in the past, but has made no practical progress. It remains a topic on the arms control agenda, but a low priority. In its latest manifestation it was suggested as a possible subject for SALT III, if SALT II comes to pass. Despite present problems and prognostications there are some positive aspects to the control of strategic ASW. It is an idea whose time might yet come, for it is an idea in which arms control and long-term law of the sea developments overlap and promise to enhance the stability of deterrence.

Support for controlling strategic ASW has been based on two main arguments. First, it is sometimes claimed that ASW is "destabilizing." Strategic ASW threatens the invulnerability of ballistic-missile firing submarines, and it is undesirable if either adversary believes that any element of its second-strike forces could be neutralized by a preemptive attack. Such a belief

encourages worst-case analysts to credit the adversary with first-strike intentions. This generates anxieties that in a crisis might produce pressure to move first, in order to preempt the putative preempter. Secondly, the control of strategic ASW has been thought desirable because its steady progress fuels continued research and development to improve submarines and their missile systems. This produces a costly and self-defeating spiral, which results in no more security, only greater weapons sophistication, cost, and political suspicion. For these reasons, control of strategic ASW should slow down the arms race and enhance mutual deterrence.

Superficially, the attractions of controlling strategic ASW are considerable. But most arms control proposals are like icebergs, with most of their obstacles hidden from immediate view. This is the case with strategic ASW. It has made no practical progress. The idea has floundered on the difficulty of distinguishing between so-called tactical and so-called strategic ASW. NATO has a continuing interest in improving ASW techniques in order to protect convoys.

No progress in this form of arms control is foreseeable as long as the problem is conceived as a matter of making distinctions between tactical and strategic ASW. In ASW the systems, techniques, and ideas developed for one are transferable to the other. But there is one possible way forward, and that is through distinctions based on geography rather than missions. An ASW *disengagement* scheme faces many obstacles, but this approach offers more promise than other schemes. The ASW disengagement scheme proposed below is based on the idea of prohibiting ASW in the EEZs of the superpowers (ASWEEZ for short). The scheme would effectively demilitarize the EEZs of the superpowers for all but their own and allied naval activity. To be effective

16 NAVAL WAR COLLEGE REVIEW

it would therefore require a big conceptual jump, especially on the part of naval establishments.

Before discussing other obstacles facing ASWEEZ, it is necessary to identify the factors that make it worth serious consideration:

The potential for Soviet interest in ASWEEZ: The Soviet Navy has become increasingly worried about the development of U.S. ASW capabilities. In recent years an important element of Soviet naval activity has been devoted to protecting its SSBN force in the Barents Sea. With the *Delta*-class submarine, and its associated missiles (the SS-N-8 and SS-N-18), the Soviet Union can hit all the U.S. homeland from the Barents Sea. It is therefore unnecessary for this type of submarine to leave the EEZ in order to discharge its strategic mission. In time the *Yankee*-class submarine will be progressively replaced by classes with longer-range missiles (the *Yankee's* SS-N-6 and SS-NX-17 have ranges of 1,750 nm and 3,000+ nm respectively). This will mean that it will not be necessary for any Soviet submarines to leave the Barents Sea in order to be in a suitable firing position.

A scheme to prohibit U.S. strategic ASW in the Barents Sea might therefore be welcomed by Soviet strategists because this threat has grown and helped shape Soviet naval developments since the late 1960s.¹³ The codification of a Barents Sea "sanctuary" or "bastion" would be in line with the direction of present doctrine, with its SSBN protection mission. The main disadvantages for the Soviet Union in such a scheme would appear to be the relative geographical concentration of its SSBN potential and the relative shallowness of the Barents Sea. These need not be insurmountable obstacles given the huge area enclosed by the Soviet 200-mile zone (an area that makes the MX racetrack look like a sitting duck). In addition, these marginal disadvantages would have to be set against the

advantage that U.S. ASW forces would no longer be able to search for Soviet SSBNs in large expanses of ocean.

The potential for U.S. interest in ASWEEZ: If Soviet ASW efforts were prohibited within 200 miles of the U.S. coast, this would significantly decrease the threat of Soviet tracking of U.S. SSBNs as they leave their U.S. bases. The scheme would not inhibit NATO's tactical ASW efforts, as only the Barents Sea would be excluded from Western ASW activity. Unlike the last war, this is an area in which allied convoys are least likely to operate. The scheme would still allow SSBNs to leave their 200-mile sanctuaries. However, cost, maintainability, crew comfort, and the maintenance of relative invulnerability would be strong incentives to restrict patrols to one's coastal zones, where the adversary's ASW threat would be minimal.

From the U.S. point of view the ASWEEZ approach is in line with the thinking of the advocates of small strategic submarines. The advocates of SUM (Shallow Underwater Mobiles) favor buying invulnerability by investing in the missile rather than in the launch vehicle; they argue that a greater number of smaller, less costly and less sophisticated submarines operating near U.S. coasts represents a better option, strategically, financially, and environmentally, to systems such as *Trident* or the MX. In addition, if it were eventually to lead to the deployment of all the deterrent at sea, it would have the considerable benefit of separating people and the primary targets of a first-strike attack, namely one's retaliatory force.

A scheme to prohibit Soviet strategic ASW off the U.S. coasts might therefore be welcomed by at least some U.S. strategists on the grounds that it promises a more secure and less costly means of strategic strike than those presently foreseen. It might play some part in slowing the arms race (by diminishing the pressure to improve

submarines) and it would also enhance mutual deterrence. Opposition to ASWEEZ would be minimized because the scheme would not interfere with the free-ranging assets of existing SSBNs, and it would not interfere with tactical ASW.

The scheme suggested is a logical extension of, but in important ways different from, a combination of ideas that have been mooted in the past. In particular, it is an extension of Michael McCWire's proposal for a mutual limitation of SSN forces together with the transferring of the SLBM inventory from the *Trident* SSBN to a "spartan diesel submarine force" operating in coastal waters. McCWire's scheme was offered in the interests of slowing down the arms race and stabilizing mutual deterrence.¹⁴ ASWEEZ overcomes some of the difficulties of the McCWire scheme, but has problems of its own. The main difference between the two schemes is simple: whereas McCWire's scheme concentrates on keeping SSBNs operationally tethered to home waters, ASWEEZ concentrates on keeping adversary ASW efforts out of those waters. As a result, in the McCWire scheme, distant-water strategic ASW is supposed to wither away; in the ASWEEZ scheme stopping such behavior is mandatory. A final difference is that the McCWire scheme awaits the building of SUMs, or a major decision to concentrate the seaborne deterrent in such vehicles. ASWEEZ does not depend upon such decisions. SUMs would be a possible consequence, not a necessary precondition for ASWEEZ.

ASWEEZ has several additional advantages over other ideas that have sought to control strategic ASW:

- It should be easier to negotiate. There is no actual disarmament. There need be no wrangle over numbers, one of the familiar stumbling blocks in arms control negotiations. Definitional problems are present, but by the

standards of the day should be relatively small.

- Verification should not be a major problem. The superpowers can have some confidence in verifying whether adversary ASW efforts are taking place within their EEZs. In contrast, they cannot feel confident that the adversary's SSBNs will necessarily remain close to home, as is expected in the McCWire scheme. Existing SSBNs are big investments and are unlikely to be scrapped, and any transformation to a spartan diesel force might take many years.

- ASWEEZ should be politically acceptable to third parties. The scheme is tied to the generally accepted 200-mile line rather than any other sanctuary demarcation line. Other lines might leave Norway stranded behind an advanced Soviet maritime frontier. In ASWEEZ, Norway's geopolitical position remains unchanged. Nor need the other neighbors of the Soviet Union fear that Soviet warships are being left supreme in any but legally accepted Soviet waters.

- ASWEEZ maintains SSBN flexibility. The scheme envisages that SSBNs in existence will retain their present flexibility to go wherever their planners think desirable. This would minimize the domestic opposition that would face the idea of imposing strict geographical limitations on their use; such limitations would negate what has been one of the chief selling points of SSBNs over the last 20 years. In practice, the existing SSBN forces may choose to stay in well-protected coastal waters, and may in time wither on the vine into McCWire's spartan force, but under an ASWEEZ regime this would be a matter of choice, not necessity. The choice might well be made because of the advantages of staying in well-protected coastal waters from which adversary ASW forces are excluded.¹⁵

- ASWEEZ does not demand any major shift in nuclear doctrine. The

18 NAVAL WAR COLLEGE REVIEW

McCWire scheme in part rests on a belief that stability is best served by mutually assured destruction rather than a more explicit fighting strategy. Unfortunately for this scheme, there has been a convergence of superpower strategies toward the latter. ASWEEZ does not require a change in strategic doctrine, apart from a willingness to trade a loss in damage-limitation capability for a gain in assured destruction. This should enhance deterrence. However, by leaving SSBNs to roam free, ASWEEZ still leaves open the option (for good or ill) of using the SSBNs in a counterforce role (by operating them at short range against time-sensitive targets).

In addition to these points of difference with the McCWire scheme, some common advantages are shared. Both schemes aim at "confidence-building." If SSBNs were to be kept in home waters, and especially if they had no capability to go further, this would limit their potential as first-strike weapons. In the sense that strategic ASW is a first line of defense (or possibly offense), the pulling back of these forces should contribute to enhanced confidence in one's own retaliatory forces. This is especially important in the years ahead, when nuclear nerves are likely to be less calm than in the last decade. Given their fear of the spillover of a superpower conflict, this should be some comfort to the Nordic countries. Both schemes promise to stop arms competition and enhance mutual deterrence.

As with other arms control schemes, ASWEEZ faces important problems and obstacles. ASWEEZ would give a big boost to creeping jurisdiction. The international significance of the EEZ would be greatly enhanced: the superpowers would appear to be conceding the important principle of keeping their warships out of the EEZs of other countries. In practice, ASW forces would probably have to be defined as all

adversary warships (a concept that could cause some definitional problems). Clearly, scientific research vessels could covertly engage in ASW. Definition and regulation would have to be strict. But this might be a problem time will solve, as creeping jurisdiction leads to increasing state control over all "research" activities in adjacent EEZs. Verification would be a difficult problem. As with SALT, reliance would have to be placed on national means and there would be scope for cheating. In the event of the latter, the only sanction, as with other arms control treaties, would be the threat of abrogation. Uncertainties about the verification of subsurface activity would be a strong inhibition, especially as governments would be reluctant to reveal in any detail the quality of their ASW detection. As with other arms control schemes, ASWEEZ might rechannel arms competition into other areas. In particular, ASW efforts would be channeled into space. There would be opposition from those who would argue on strategic grounds (or from vested interests) against concentrating strategic strike at sea and, within that, concentrating the SSBN force in smaller areas. Finally, there would be criticism from those opposing any arms control that threatens to reduce one's ability to engage in damage limitation, as ASWEEZ would degrade strategic ASW in the event of war. If the present counterforce trend continues, such an argument will have powerful backers.

At present, the prospects for ASWEEZ are very poor. But as the costs of submarines escalate, and as steady progress continues with the multidirectional efforts at ASW, the attractiveness of SSBN sanctuaries will grow. When that time arrives the Soviet Union will no longer need to send any SSBNs out into the Atlantic in order to hit their targets. It might also be a time when governments in an ameliorating international atmosphere are looking for signals of reassurance. It might be a

time for conceptual jumps and diplomatic trading. At that moment, the law of the sea, arms control, and naval strategy might walk hand in hand.

Conclusion. The emphasis in public LOS discussions to date has been on resource rather than strategic questions. Military considerations have played an important part in the policies of some delegations, but the prudence of the participants has helped UNCLOS III to avoid disagreements on military issues from interfering with generally constructive efforts in other spheres. In the post-UNCLOS III period there will be less cause for such silence, especially if important Afro-Asian countries become seriously worried by the new dangers of superpower rivalry in the Third World, and if the projection of naval power looks like playing an important role in this competition. Once resource issues become more settled with the completion of UNCLOS III, there is some expectation that issues of national security will come to the fore. Significantly, some Third World spokesmen have already claimed that the support of the naval powers for a narrow territorial sea represented not so much a defense of the internationality of the oceans, but more a tactic by which they could legally place their warships as close as possible to the shores of coastal states.¹⁶ Whatever the details of the final treaty, the maritime world will be different after UNCLOS III: UNCLOS III has helped to create a new image of the oceans, and hence a new reality. Preeminently, this reality includes the legitimization of the idea that coastal states can and should have greater control over their own newly extended maritime backyards. The future is merely a matter of settling the details of size, shape, and degree of control.

For the ill-defined "short-term," this paper has argued that there are no new important strategic implications for northern waters arising out of UNCLOS

III. A possible but unlikely exception arises out of the scope for disunity in NATO that might result from the process of applying the new rules. A more important danger arises from the Soviet interest in the future of Svalbard and its surrounding waters, and the problems this will entail for Norway. In this issue, and in other matters of regime change, stability at sea requires that the law be supported both by generally agreed norms and by visible naval and air policemen. This new emphasis on constabulary tasks will affect the plans and operations of all the navies of the region, but it is obviously the smaller ones that will be the most preoccupied by law of the sea concerns.

In the ill-defined "longer term," creeping jurisdiction seems irresistible. This will have major military implications in northern waters, especially for the Soviet Union. A more restrictive regime will seriously threaten Soviet naval access to strategic waterways, an access already hindered by geographical disadvantages. Not surprisingly, therefore, Soviet attitudes to LOS issues have always been very political and have generally been conservative.¹⁷

Because of their control of the relevant waterfront, the NATO allies would be in a strong position relative to the Soviet Union in the event of a more restrictive maritime regime, though both adversaries would find the restrictions inconvenient. For reasons to do with the desire to maximize their global maritime mobility, both superpowers could be expected to resist trends toward restriction. Naval establishments in particular would be hostile to such developments. But it has been argued that both major navies could live with a more restrictive regime and still make their basic contribution to their country's foreign policies and wartime strategies. Indeed, the new boundaries and new sensitivities would give the exponents of naval diplomacy additional opportunities to signal either

20 NAVAL WAR COLLEGE REVIEW

displeasure or support. In this respect the Soviet Union would have opportunities for exploiting what some see as an isolated and vulnerable flank of the alliance. The details of Soviet naval behavior are already monitored very closely, and this will undoubtedly increase in future, for the Western defense community has a growing corps of teachers and interpreters of naval sign language.

Although Western naval establishments are opposed to a more restrictive LOS regime, naval interests and overall foreign policy interests are not necessarily identical. One implication of this paper is that if there are political, economic or other reasons for Western States moving towards a more restrictive regime, then the naval situation in northern waters need not inhibit such a move. NATO naval activity would not be hobbled, and it would have a relative advantage. The problems facing maritime mobility would lie in areas outside northern waters. There is a tendency in the West to invest any status quo with moral authority, and to see change as being for the worse. This is not always so. States can and do use changes in the LOS as a continuation of political, economic, and strategic interests. This paper has argued that the Western allies can accept a more restrictive regime in northern waters without detracting from value of their naval sign language.

The ultimate in naval sign language, of course, is the business of strategic nuclear deterrence. Ensuring that this business is successful will be a more pressing imperative in the decade ahead than it was in the decade just passed. Growing fears of instability and imbalance, between the superpowers and regionally, draws renewed attention to the importance of managing the central balance effectively. Nothing is more nightmarish than the prospect of a general nuclear barrage: it would represent the omega of unstrategic competition. Therefore the most challenging

problem for strategists and policy-makers in the years ahead is to develop ideas and programs that promise to strengthen deterrence, restrain arms competition, and do whatever possible to limit the loss of life in the event of war.

The ASWEEZ scheme is offered as one possibility worth serious consideration, difficult though it might presently be to conceive and implement. If it could be agreed, ASWEEZ promises to strengthen deterrence and slow down an important sector of the arms race. Because of its evident benefits it might lead—it would be desirable if it did—to a transfer of all nuclear deterrent forces to sea. What would be lost in terms of the diversity of systems present in the triad concept would be more than compensated by the increased invulnerability of the submarine systems remaining, and by the release of financial and other assets in the other services for increasing nonnuclear deterrence, strengthening diplomatic potential, and applying power in theater roles. In order to overcome the bureaucratic obstacles to an all-maritime deterrent in the United States, it might be necessary to create a new and separate strategic deterrent branch of the armed services.

BIOGRAPHIC SUMMARY



Ken Booth, Senior Research Fellow at Dalhousie University, was educated at the University College of Wales, Aberystwyth, where he taught before coming to Dalhousie, specializing in strategic studies. He was Research Scholar at the Center for Advanced Research, Naval War College, in 1977. He has written articles for several journals, including the *Review*, and is the author of *Strategy and Ethnocentrism*, *Navies and Foreign Policy*, and *The Military Instrument in Soviet Foreign Policy, 1917-1972*.

The advantages of ASWEEZ extend into war. Although the scheme would entail a degradation of strategic ASW, and therefore some loss in damage limitation, this marginal loss would be more than compensated by the physical separation of population centers and retaliatory systems if all the deterrent force was put to sea. Under ASWEEZ, not only would a disabling first-strike attack on retaliatory systems be less likely (because success would be more difficult), but in the event of it occurring

it would not be an attack against the "homeland" as such, and therefore it would not be as likely to trigger an act of punishment against the enemy's population. In short, ASWEEZ could be the key to opening a number of locks which within 20 years could offer more stable deterrence, less risk of a first-strike strategy, fewer casualties in the event of war, and the release of greater military (and therefore diplomatic) potential for the more thinkable contingencies that lie around the corner.

NOTES

1. See Johan J. Holst, "Prospects for Conflict, Management, and Arms Control in the North Atlantic," p. 120 in Christoph Bertram and Johan J. Holst, eds., *New Strategic Factors in the North Atlantic* (Oslo: Universitetsforlaget, 1977).

2. For an earlier discussion, see Elizabeth Young, "Jurisdiction at Sea," *World Today*, June 1978, p. 200.

3. Barry Buzan, *A Sea of Troubles? Sources of Dispute in the New Ocean Regime*, Adelphi Papers, no. 143 (London: International Institute for Strategic Studies, Spring 1978), pp. 45-48.

4. *Ibid.*, pp. 20-24.

5. Daniel P. O'Connell, "Resource Exploitation, the Law of the Sea and Security Implications," in Bertram and Holst, eds.

6. A speculative discussion of this system is in Norman Friedman, "SOSUS and U.S. ASW Tactics," U.S. Naval Institute *Proceedings*, March 1980, pp. 120-123.

7. Under the Eastern Canadian Traffic Regulations System (ECAREG) all ships over 500 g.r.t. entering the ECAREG traffic zone are required to request clearance 24 hours in advance. The stated objective of the regulations was to reduce the danger of pollution and increase traffic safety. The system may well extend to 200 miles. The system is discussed by Edgar Gold and Douglas M. Johnston, "Ship-Generated Maritime Pollution: The Creator of Regulated Navigation," a paper presented at the 13th Annual Conference of the Law of the Sea Institute, Mexico City, October 1979.

8. For recent discussions of Soviet naval mission priorities see, among others, James L. George, *Problems of Sea Power As We Approach the Twenty-First Century* (Washington: American Enterprise Institute, 1978), pp. 43-44, 70-79, 83-84, 201-206; Paul J. Murphy, ed., *Naval Power in Soviet Policy* (Washington: U.S. Govt. Print. Off., 1978), pp. 8-9, 52-54, 163-166, 227-229; a range of possible countermeasures is discussed in Paul H. Nitze and Leonard Sullivan, *Securing the Seas* (Boulder, Colo.: Westview Press, 1979).

9. This and some other of the general problems in this paper are discussed in Ken Booth, "The Military Implications of the Changing Law of the Sea," in John King Gamble, ed., *Law of the Sea: Neglected Issues* (Honolulu: University of Hawaii, 1979). A revised and much expanded version of these arguments is in preparation and will be published under the title *Law, Force, and Diplomacy at Sea* by Allen and Unwin.

10. For example, Robert G. Weinland, "The State and Future of the Soviet Navy in the North Atlantic," in Bertram and Holst, eds., pp. 53-73.

11. Hedley Bull, "Sea Power and Political Influence," in *Power at Sea I*, Adelphi Papers, no. 122 (London: International Institute for Strategic Studies, Spring 1976), p. 8.

12. Bertram and Holst, eds., p. 135 ff.

13. Michael McGwire, "The Rationale for the Development of Seapower," U.S. Naval Institute *Proceedings*, May 1980, pp. 166-167.

14. Michael McGwire, "Soviet-American Arms Control," Prepared for the United Nations Association Soviet-American Parallel Studies Program, November 1978, pp. 50 ff.

15. *Ibid.*, pp. 71-72.

16. Mark Janis, *Sea Power and the Law of the Sea* (Lexington, Mass.: Lexington Books/D.C. Heath, 1976), pp. 69-70.

17. On the Soviet use of ocean law to further policy see Elizabeth Young and Viktor Sebek, "Red Seas and Blue Seas: Soviet Uses of Ocean Law," *Survival*, November/December 1978, pp. 255-262.