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ESCALATION AT SEA

Stability and Instability in Maritime East Asia

Ian Bowers

In recent years, the seas of East Asia have witnessed frequent clashes among naval, coast guard, and paramilitary vessels and civilian actors. This has created academic and policy concerns regarding the potential for significant escalation in the region. This article argues that low-level instability is to be expected with maritime boundary disputes or when power competition occurs at sea; however, sustained escalatory cycles are unlikely, because of the characteristics of the maritime strategic environment. The maritime theater possesses unique strategic characteristics. These include the nature of potential strategic threats, the speed of response, and quick attribution of responsibility. These characteristics reduce the potential for escalation and allow de-escalatory strategies to achieve greater success. These findings demonstrate that the maritime sphere in East Asia is more stable than is commonly thought.

In East Asian waters, disputes over the sovereign control of islands, the extent and delimitation of maritime jurisdictional boundaries, and the operational rights and obligations of military vessels in jurisdictional waters coexist with conflicting nationalist narratives and fears of great-power competition.¹ China's growing presence and actions in this strategic maritime arena are upending the post-World War II status quo and shifting the power dynamics that have

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maintained stability in the region. This, in combination with political and strategic uncertainty arising from the election of Donald Trump to the American presidency, has led to increasing fears about conflict escalation at sea.² Such instability is manifested in fractious interactions among growing naval (indigenous and external), civil maritime

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law-enforcement, and civilian actors who aim to assert or contest perceived economic and navigation rights at sea. Reflecting this reality, in 2016 the commander of U.S. Pacific Command, Admiral Harry B. Harris, stated that the region was “ripe for miscalculation that could escalate to conflicts that no one wants, in an area vital to global prosperity.”³

On the surface, given the publicity that clashes at sea garner, such a fear may seem well-founded.⁴ Numerous studies have revealed the propensity for conflict escalation over the issue of sovereign control of land, including disputed islands.⁵ However, the potential for escalation arising from incidents at sea and the strategic effect of such incidents remain largely understudied phenomena.⁶ By focusing solely on incidents at sea, this article argues that in areas of contested maritime jurisdictional claims or maritime zones in which strategic competitors meet, peaceful interactions among military, law-enforcement, and civilian actors should not be expected. However, accidental, inadvertent, or even intentional acts that result in clashes between rival forces should not trigger sustained escalatory cycles or be construed as a prelude to major conflict at sea or on land. Rather, such events should be viewed as an expected consequence of operations in contested maritime environments. In short, at sea, the threshold for stability in contested areas is low, and therefore escalatory incidents are likely; however, escalatory cycles or sustained conflict, including war at sea, are unlikely to follow such incidents.

To justify this contention, this article argues that a maritime strategic environment imposes specific conditions on escalatory and triggering dynamics. Disputed maritime borders, unlike those on land, cannot be held, and thus must be contested. Despite this requirement of contestation and the impossibility of exercising total control, conflicts at sea typically do not present an existential strategic threat to the involved parties. Escalation arising from inadvertence or miscalculation is easier to control, owing to the realities of operating in a maritime environment.⁷ At an operational level, it is easier to achieve controlled de-escalation at sea than on land. The options to use new weapons systems or attack new types of targets (vertical escalation) are limited, and geographic expansion of the area of conflict (horizontal escalation) is unlikely.⁸

The article develops this argument by discussing how the nature of the maritime strategic environment simultaneously can sustain low-level instability yet dampen escalatory pressures. It supports these ideas by examining U.S.-USSR maritime interactions during the Cold War and by analyzing incidents at sea that have arisen from disputed maritime boundaries across the globe since the Cold War. The article finishes by using these findings to consider the implications for our understanding of how stability and instability in maritime East Asia manifest themselves.

CONTESTED SEAS, STABLE INSTABILITY, AND WAR

Maritime geography enhances the potential for instability at sea, since it allows actors in competition or in conflict to interact to a greater extent than is possible on land.⁹ This section argues that this instability should be expected unless maritime boundaries are agreed to or strategic competition is rendered inert. Further, it shows that, despite this instability, sustained vertical or horizontal escalation past any initial incident is unlikely.

Disputed Maritime Rights

In the case of contested territory or strategic competition on land, the role of a state's armed forces is to defend demarcated borders or to seize and hold enemy territory.¹⁰ Control of territory brings about the capacity to govern both the land and the people and to use both for economic advantage. It is only during times of war that borders dissolve, the armed forces of competing states interact, and the control of territory becomes uncertain.

At sea, the type of control that allows for the maintenance of land borders is not possible. Except for areas close to shore, the sea is controlled permanently by no one. Sovereign boundaries—such as those delineating territorial waters, contiguous zones, and exclusive economic zones (EEZs), as defined under the United Nations Convention on the Law of the Sea (UNCLOS)—are not demarcated by the permanent presence of navies or civilian agencies; rather, they are maintained by political agreements on land.

If a party chooses to ignore UNCLOS or parties have differing interpretations of its parameters and the obligations it imposes, the possibility for clashes is heightened, since in contested areas at sea any exercise of administrative control is fluid and limited.¹¹ If one power vacates an area of the sea, control does not transfer automatically to another party; rather, it is left vacant.¹² Parties who possess the requisite naval or maritime capacity easily can enter disputed waters to contest control or undertake resource-exploitation activities.

To maintain legitimacy in contested waters, states are required to undertake operations to assert and defend their perceived rights. This can take the form of sailing through disputed waters, exploiting maritime zones for economic purposes, or performing law-enforcement and naval operations consistent with sovereign control. Absent an intervening authority such as the United Nations, political agreement on land, or compatible interpretations of the UNCLOS regime, this can create substantial friction, leading to clashes among military vessels, other state-controlled vessels, and civilian vessels such as fishing boats.

This friction has been illustrated in a number of clashes between democratic countries over maritime economic exploitation rights. The “Lobster War” between Brazil and France in early 1963, the “Cod Wars” between Iceland and the United Kingdom in the mid-1970s, and the Canadian-Spanish “Turbot War” in

1995–96 all saw democratic countries deploying military force to assert their perceived maritime economic rights against other democracies. Similarly, a 2006 incident between South Korea and Japan over exploration in a potentially lucrative fishing zone surrounding the disputed Dokdo/Takeshima Islands saw military and maritime law-enforcement assets being deployed to assert both countries' claims.¹³

This type of deployment of military and civilian maritime law-enforcement actors to contested maritime zones has not yet resulted in substantial levels of escalation. The three earliest cases described above each ended with a political solution, while the fourth, between South Korea and Japan, has resulted in sustained but low-level instability characterized by the periodic dispatch of military and civilian law-enforcement assets to indicate the respective country's claims.

As represented in table 1, data extracted from the Dispute Narratives of the Military Interstate Dispute dataset provide further evidence of sustained low-level instability at sea. However, in no case did this instability evolve into war; indeed, no substantial escalation occurred past the initial clash.¹⁴ These data indicate that instability and clashes are to be expected in contested maritime environments, but substantial escalation, including to the point of interstate war breaking out, is unlikely.

TABLE 1
DISPUTE NARRATIVES, 1993–2010: GLOBAL MILITARIZED INTERSTATE DISPUTES AT SEA

Total Number of Cases 561		Cases at Sea 116		
Source of Dispute	Frequency No. (%)	Level of Force Used		
		Use of Force	Display of Force	Threat to Use Force
Activities in disputed waters	50 (43.1)	30	18	2
Illegal fishing operations	20 (17.2)	19	1	0
Operations around disputed islands	13 (11.2)	2	11	0
Strategic and security operations	18 (15.6)	3	13	2
Other	15 (12.9)	10	5	0
Total number of disputes	116	64 (55.2%)	48 (41.4%)	4 (3.4%)

Sources: Data from "Dispute Narratives, 1993–2001, Correlates of War Project MIDv.4.0, 13 December 2013" and "Dispute Narratives 2002–2010, Correlates of War Project MIDv4.0, 13 December 2013," both in Glenn Palmer et al., "The MID4 Dataset, 2002–2010: Procedures, Coding Rules and Description," *Conflict Management and Peace Science* 32, no. 2 (2015). (The table does not include data for the Korean Peninsula; see below.)

Notably, operations in waters with disputed maritime boundaries accounted for over 40 percent of the interstate disputes at sea. These were caused primarily by resource-exploitation operations, including fishing and oil exploration. In several cases—notably in the Gulf of Fonseca, on the Pacific coast of Central America—multiple interactions took place within short periods, but there is no evidence that any escalation in the level or mode of violence occurred. In a number of theaters, including the South and East China Seas, economic and strategic operations in disputed waters resulted in the consistent display and use of force to enforce perceived maritime rights, yet again no further escalation occurred.

Power Competition at Sea

Disputed maritime borders are not the only source of conflict at sea. Power competition there is manifested in a different manner than on land. The sea is a global commons with free access for all.¹⁵ Consequently, geographically distant but still adversarial powers can operate in closer proximity and with greater freedom than they would on land in areas of mutual strategic interest, thereby heightening the risk of interstate clashes. This risk can be exacerbated further in that under UNCLOS littoral states cannot restrict innocent passage through territorial waters.¹⁶ Naval forces therefore legally can pass through the maritime territory of a competing state. Further, differing legal interpretations of the necessity for notification of innocent passage and the operating rights of military vessels in the EEZ can lead to conflict, because littoral states may seek to limit the ability of others to enjoy the navigation and operating freedoms commonly understood to be granted under UNCLOS.¹⁷

During the Cold War, the sea was a marginal strategic arena when compared with the NATO-USSR divide that dominated continental Europe. While the opposing land forces did not engage each other directly during this period, their navies often operated in proximity, both in important geostrategic areas such as the waters of northern Europe and the Mediterranean and in their respective littoral zones. This resulted in numerous distinct acts of extremely dangerous behavior. As table 2 shows, over the thirty-five-year period between 1950 and 1984, there were 422 acts between U.S. and Soviet naval and state-controlled vessels and aircraft that at least one side described as exceeding peaceful operations.¹⁸

Such incidents included the harassment of vessels during normal operations, dangerous maneuvers such as crossing and shouldering, and the pointing of weapons and use of fire-control radars to track opposing ships and aircraft. Pointing was considered particularly hazardous, as it blurred the line between peacetime harassment and preparation for attack.¹⁹

TABLE 2
REPORTED INCIDENTS AT SEA BETWEEN THE UNITED STATES AND USSR: 1950–84

Total Number			422		
Type of Incident					
Dangerous Maneuvers	Harassment	Pointing/Tracking	Collision/Shouldering	Loss of Life	Other
135	130	109	17	1	30

Source: Data taken from Winkler, *Cold War at Sea*, pp. 177–210.

Despite these multiple acts, war did not break out; rather, low-level instability persisted without resulting in a sustained escalatory cycle or the substantial heightening of political tensions between the parties.

Instability at Sea and the Transition to War

It is important to emphasize that in cases of both disputes over maritime boundaries and power competition at sea, despite clashes involving varying levels of force and lethality, there is no evidence that significant escalation followed any incident. Indeed, there is little historical evidence that clashes at sea are a primary reason for the occurrence of interstate conflict, either at sea or on land. In other words, war is unlikely to break out as the sole result of clashes on the water. In modern history, the British-Spanish War of Jenkins’s Ear between 1739 and 1748 is a notable exception. Conflicts such as the War of 1812, the First Sino-Japanese War (1894–95), and the Pacific theater in World War II had substantial maritime components, yet the wars at sea were secondary to the broader strategic, political, and economic issues at stake on land.²⁰

To understand why, we must return to the relationship between the sea and the land. As the highly regarded British naval theorist Sir Julian Corbett noted when discussing naval warfare, “Since men live upon the land and not upon the sea, great issues between nations at war have always been decided—except in the rarest cases—either by what your army can do against your enemy’s territory and national life or else by the fear of what the fleet makes it possible for your army to do.”²¹ In other words, what happens on the sea can be understood only in the context of its relationship with the land and the material effect such events have on populations.

Acts at sea rarely have an immediate influence on a state’s survival or the living conditions of the populace. They often occur far from the public eye and evoke less emotional responses.²² Therefore the escalatory pressure on decision makers is reduced, so low-level or tactical interactions at sea generally do not have an impact on the broader strategic picture. Consequently, the Cold War’s numerous and severe incidents at sea between the two superpowers did not result in

escalation. Such events did not impact strategic stability and were not important enough to warrant a response that could trigger conflict in the core theater of continental Europe or risk the possibility of nuclear war. The high strategic stakes of the Cold War ensured that even serious clashes at sea, much like higher-profile incidents such as the Cuban missile crisis, were contained, since the leadership of neither side desired a mutually catastrophic conflict.²³

The Korean Peninsula provides ample further evidence of these dynamics. Between 1954 and 2010 there were 510 cases of what the South Korean Ministry of National Defense classifies as local provocations at sea.²⁴ These include 490 cases of North Korean–flagged naval and civilian vessels crossing into South Korean waters and twenty cases of naval engagements.²⁵ Since 1999, there have been several high-profile incidents near the contested Northern Limit Line (NLL) on the west coast of the peninsula. These include three battles at sea: the first and second battles of Yeonpyeong (1999 and 2002) and the battle of Daecheong (2009). The sinking of ROKS *Cheonan* in 2010 cost the lives of forty-six South Korean naval personnel but did not result in escalatory actions either at sea or on the Korean Peninsula itself. These incidents, while costly in terms of lives and equipment, did not warrant the risk of starting an escalatory cycle that could impact the broader strategic balance on the peninsula, and by extension the physical and economic well-being of South Korea.²⁶

Similarly, the capture of the intelligence-gathering ship USS *Pueblo* in 1968 by North Korean forces resulted in substantial pressure on the Johnson administration to escalate in response to Pyongyang's actions. While the United States did deploy extra naval assets to the region as a show of force, there was a clear preference on the part of the U.S. government to find a negotiated solution. As Clark Clifford, a U.S. presidential adviser, stated, a spy ship was not worth going to war over.²⁷

FACTORS THAT FURTHER INHIBIT ESCALATION

Beyond the often asymmetrical strategic importance of incidents at sea compared with those on land, other factors further explain why significant escalation is unlikely at sea. The nature of naval combat and operations at sea reduces the likelihood of a sustained escalatory cycle. This, combined with the factors of time and distance and, frequently, the opacity of incidents at sea, has a calming influence on the wider political and strategic picture, thereby contributing to making de-escalation easier.

Attribution

Escalation is rendered less likely by the often-opaque nature of incidents at sea. The difficulty of attribution following incidents at sea, something that is magnified in the case of submarine operations, reduces the escalatory potential of an

incident, even one as serious as the sinking of a vessel.²⁸ Richard Smoke argues in his analysis of the Italian submarine campaign of 1937 that because of the anonymous character of submarine warfare, “[t]he immediate and direct connection to the responsible nation in this sense was broken, and the probability of a response directly against Italy reduced.”²⁹

This argument seemingly was confirmed following the sinking of *Cheonan*. The South Korean corvette sank on March 26, 2010, yet while North Korea immediately was suspected of being behind the incident, the lack of eyewitnesses and the difficulty of collecting evidence made the immediate authoritative attribution of the attack to North Korea particularly challenging. This reduced South Korea’s ability to justify an immediate military response.³⁰ It also provided time for Washington and, as Robert Gates suggests, Beijing to work to de-escalate postsinking tensions.³¹ Ultimately, it took almost two months for an international investigatory team to attribute the attack officially to a North Korean torpedo.³²

The time needed to investigate incidents at sea has provided the necessary breathing room to de-escalate tensions in other cases as well. The 1904 Dogger Bank incident, in which a Russian fleet transiting from Europe to Asia accidentally sank a number of British fishing vessels, demonstrates that the time needed to establish the facts fully allowed both governments and outside powers to ameliorate substantial public ire, control the military response, and reduce internal pressures to go to war. The incident ultimately was resolved with an apology and the establishment of an international investigatory commission.³³

Distance and Escalation Dominance

The operational space that characterizes the sea also reduces the possibility of escalation. Naval and other maritime forces have the capacity to transit greater distances and to do so much more quickly than land forces.³⁴ Yet the areas in which individual vessels and units operate often are much larger than those on land.³⁵ Unless there is a specific and demarcated area of contention, such as the aforementioned NLL, forces at sea tend to be dispersed. Therefore, following an accidental or isolated clash at sea, time is required for additional forces to enter the area of operations. Conversely, the lack of geographical barriers allows for clashing vessels to separate quickly without losing control of territory, as would occur on land. The speed of modern naval warfare supports the case that distance and dispersal reduce the likelihood of escalation.

While there is little contemporary evidence of what the precise nature of naval warfare in a modern combat environment will be, it likely will be a rapid affair in which combat between vessels would be over quickly.³⁶ This lessens the likelihood that the use of force will evolve organically, as any clash would be finished before reinforcements could arrive.

Once again, the sea battles on the NLL provide the best evidence to support this argument, as they are among the few examples of contemporary modern naval combat, albeit without the use of missiles. In the first battle of Yeonpyeong, once the North Korean vessels opened fire the engagement lasted fourteen minutes. The second battle of Yeonpyeong, including the arrival of proximate South Korean reinforcements, lasted approximately thirty minutes. The battle of Daecheong lasted eight minutes.³⁷ In each of these cases, South Korean naval forces quickly achieved dominance in the engagement, either sinking their North Korean opponents or forcing them into retreat before North Korean reinforcements could arrive. After the initial clash, the combination of South Korean superiority, the North Korean navy's inability to concentrate force, and the North Koreans' ability to escape resulted in clashes that ended without further escalation.

The importance of escalation dominance also was demonstrated during the Lobster War of 1963, when President Charles de Gaulle deployed a French naval destroyer to protect French fishing interests off the coast of Brazil. The Brazilian navy deployed its aircraft carrier, *Minas Gerais*, and the French force quickly backed down.³⁸ The situation de-escalated because the Brazilian forces achieved escalation dominance and distance prevented the French from providing reinforcements quickly. This speaks to the importance of the local balance of forces in the area of engagement, as opposed to the total capability of opposing navies. Even weaker powers can achieve escalation dominance if their deployed forces are superior. Reflecting these findings, several studies on deterrence have found that it is not the ratio of total capabilities but the "immediate or short-term balance of forces" in proximity to the target that has the greatest impact on deterrence calculations.³⁹

The Naval and Maritime Profession

The nature of shipboard life and the technical expertise needed to operate at sea require a relatively high level of professionalism and minimize the number of individuals capable of undertaking escalatory action, in comparison with land forces. Command chains in most navies are more structured than they are in the other military services, with obedience to the commanding officer an absolute requirement in the rigid world of ships often operating away from port.⁴⁰ The technical nature of naval operations also places a premium on following procedures.⁴¹ In combination, these realities ensure that inadvertent escalatory action on the part of a crewmember is less likely (although not impossible).

This reality also places a lot of responsibility on the senior officers of vessels. During the Cold War, the United States and the Soviet Union signed the 1972 Incidents at Sea Agreement (INCSEA). A primary driver behind the Soviets' agreeing to such a measure was the rapid expansion of their navy, which had

resulted in inexperienced officers being promoted. This created fears within the Soviet command that such inexperience could “inadvertently lead to an incident with grave consequences for both countries.”⁴²

The importance of the commanding officers for avoiding or initiating escalation at sea can be seen during the so-called lock-on incident between Japanese and Chinese vessels in 2013. Media reports suggest that it was the Chinese vessel’s commander himself who made the decision to lock a fire-control radar onto a Japan Maritime Self-Defense Force ship.⁴³ Equally, the decision whether to respond was in the hands of the Japanese commander himself.⁴⁴ In this case, restraint following the initial escalatory act led to de-escalation of the situation.

Expense and Pride

As states develop their navies and invest more money in them, they are less likely to be willing to sacrifice expensive and prestigious assets by escalating clashes in a nonexistential context. While warships are purchased and designed to fight, they represent large capital investments and are linked closely to national pride and achievement.⁴⁵ Clashes in nonexistential environments rarely justify the loss of such assets.

This argument only is strengthened when navies grow in power. The costs of miscommunications and clashes at sea increase as more-powerful platforms become involved, since losing such a ship has both a high financial and a high political impact. As Abram N. Shulsky points out, as the Soviet navy expanded, its platforms increased, not only in number and power, but in monetary and ideational value.⁴⁶ While this provided the Soviet leadership with greater signaling options at sea, it also ensured that the accuracy of such signaling increased in importance, as both the USSR and the United States stood to lose more if operations at sea escalated.

For many smaller states, modern warships are among the most expensive military assets they possess and are not easy to replace. Modern, high-technology warships are more powerful and their increasing multifunctionality means they are capable of fulfilling a wider number of roles, but their rising costs have reduced fleet numbers.⁴⁷ This places a premium on the survival of expensive platforms and ensures that these vessels will be risked only if national interests demand it.

Agreements and Managing Escalation

Escalation through an inadvertent miscalculation or following an isolated incident can be prevented or mitigated by the establishment of agreements that both set the rules of interaction between maritime forces and provide mechanisms for the alleviation of tension.

Internaval or intergovernmental agreements that aim to mitigate potential clashes at sea have proved successful. This was especially true during the Cold War. INCSEA provided rules for both navies on how to operate and provided relief mechanisms when incidents occurred. The agreement was negotiated at a time when incidents at sea between the two sides were becoming increasingly robust, including a number of collisions and near collisions. The concern was that, aside from the actual danger to lives and equipment that an incident at sea represented, there was substantial risk that an incident could cause a crisis, or even direct combat, to erupt.⁴⁸

Importantly, both sides acknowledged that incidents at sea were an inevitable consequence of great-power interaction at sea, but that such incidents needed to be managed. As Sean Lynn-Jones points out, INCSEA accepted “the reality of U.S.-Soviet competition and competitive interaction. . . . [I]t implicitly assumes that U.S. and Soviet warships and aircraft will continue their rivalry at sea and engage in ‘gunboat diplomacy’ to influence political outcomes.”⁴⁹

The agreement provided for an annual meeting at which violations were reviewed, and when required naval attachés assigned to their respective embassies served as liaisons. While the agreement was not perfect and clashes continued at sea, it was an effective release valve that reduced tensions and mitigated the risk of miscalculation.

The effectiveness of this agreement was predicated on the reality that neither side wanted to escalate tensions inadvertently and damage valuable government assets. This resulted in both the United States and the Soviet Union actively seeking to improve INCSEA and engaging with each other via its processes.⁵⁰ This suggests that for an agreement to have utility, both sides must view it as beneficial. Professional understanding between naval officers of the two sides also was a key component in ensuring the success of INCSEA.⁵¹ Professional empathy created by consistent working-level interactions between officers of conflicting sides cannot eliminate the possibility of inadvertent escalation but can reduce it. Another successful component was the agreement’s relative obscurity; keeping it out of the public eye allowed both navies to administer the agreement with minimal political interference.⁵²

Beyond formal agreements such as INCSEA, open channels of communication also are viable methods of reducing tension. Establishing hotlines between governments, ministries of defense, and military services can reduce the risk of misunderstandings and aid in coordinating de-escalatory measures. However, as with operational agreements, hotlines are not a panacea, nor do they guarantee peace. Rather, their primary utility, as was demonstrated during the Cold War, is as a crisis-management tool.⁵³

ESCALATION IN EAST ASIAN WATERS

This section asks whether the dampening effect that a maritime strategic environment has on escalation applies to the current situation in East Asia. This theater presents a complex array of challenges, with maritime boundary disputes interacting with the wider issues that have developed because of China's rise and the increasing sophistication of its maritime strategy.

Currently, the nature of interactions at sea in East Asia conforms to the construct outlined above. Boundary and strategic disputes in the region have created a maritime environment in which instability is a prominent feature, yet escalatory acts, though frequent, have remained limited in nature and so far have not created an escalatory spiral or resulted in the outbreak of sustained violence.

Maritime Disputes

China's 2015 defense white paper, *China's Military Strategy*, calls for the "traditional mentality that land outweighs sea" to be abandoned and for China to develop into a maritime power.⁵⁴ This white paper documents China's progressive emphasis on sea power, both to protect its regional interests and to support its growing number of overseas strategic priorities.⁵⁵ Such an approach is designed to further China's vision of a new maritime status quo for the region, one in which China has broad economic exploitation rights beyond those that UNCLOS grants and in which China maintains a position of geostrategic preeminence.⁵⁶

China's approach has been to legitimize its maritime claims in East Asia through the use of domestic law, obstruct other littoral nations from exploiting their own resources, and facilitate the operations of Chinese state and nonstate economic actors in the region.⁵⁷ The coercive actions of these state and civilian actors in carrying out Beijing's vision have led to several incidents and clashes, which have resulted in sustained low-level instability but no significant escalation.

Disputes over resource exploitation arising from contested maritime boundaries also have occurred among other claimant states in the South China Sea. The naval and maritime law-enforcement forces of Taiwan, the Philippines, Indonesia, Malaysia, and Vietnam all have clashed at sea. These disputes have resulted in standoffs, gunfire, and spectacular water fights at sea between rival sets of coast guard and civilian actors. However, as with the incidents involving China directly, they have not yet resulted in war, sustained escalation, or significant loss of life.

A snapshot of significant maritime incidents in the South China Sea reveals that, of fifteen significant clashes in 2016, twelve involved Chinese naval or coast guard forces.⁵⁸ The level of force used included ramming, harassment, and even the firing of shots, but in none of the cases did escalation occur after the initial clash. A similar pattern prevailed in 2015, during which eight out of ten major incidents involved Chinese forces.⁵⁹

In the East China Sea, a comparable trend of low-level instability without escalation can be observed. Chinese government and private vessels consistently have operated in Japanese-claimed waters, particularly around the disputed Senkaku/Diaoyu Islands.⁶⁰ According to the Japanese government, over a four-year period between 2012 and 2016, each month an average of fifty-seven Chinese governmental and nongovernmental vessels operated in the contiguous zone surrounding the disputed islands, and an average of nine vessels operated in the claimed territorial seas.⁶¹ These monthly averages are punctuated by occasional spikes in activity; for example, in August 2016 over two hundred Chinese fishing vessels escorted by China Coast Guard ships entered the contiguous zone around the islands.⁶² Such contestation operations have resulted in some significant but isolated clashes in the region, including collisions between fishing boats and coast guard vessels, the use of water cannon, and the previously highlighted lock-on incident.

Violent clashes at sea, with no further escalation, also occur in the fertile fishing grounds off the coast of South Korea. Chinese fishing vessels consistently have performed illegal fishing activities in South Korean waters, even in the highly sensitive areas around the NLL. South Korean sources suggest that between April and June—the height of blue crab season—over two hundred Chinese boats per day have fished illegally in that region.⁶³ Such activities have resulted in numerous, even deadly clashes between South Korean coast guard vessels and Chinese fishermen. In 2011, a South Korean officer was murdered by a Chinese fishing captain during efforts to seize the Chinese vessel.⁶⁴ In 2016, three Chinese fishermen were killed accidentally during boarding operations, and in a separate incident a small South Korean coast guard vessel was sunk after being rammed by a Chinese trawler.⁶⁵

The United States, China, and Freedom of Navigation

While the United States is not a claimant state in the disputes in the East and South China Seas, it does have substantial strategic and economic interests in the region. China's use of coercive pressure to enforce its claims and its island-building activities have drawn substantial criticism from U.S. policy makers. This derives from both normative and strategic concerns. China presents a potential challenge to U.S. maritime dominance in Asia and is in dispute with many U.S. allies and security partners, most notably Japan. Further, the United States does not recognize China's expansive claims in the region, nor does it accept China's assertion that China as a coastal state can regulate foreign military activities in its EEZ.⁶⁶ These factors have combined to create substantial but not insurmountable strategic tensions between Washington and Beijing.

The United States challenges China's expansive claims in the region through its freedom of navigation operations (FONOPs). This has resulted in operations at

sea that have brought U.S. naval vessels into proximity with Chinese civilian, paramilitary, and military actors. While the United States officially views FONOPs as normal operations, the Chinese perceive them as potentially threatening. In 2016, a Chinese admiral stated that “China consistently opposes so-called military freedom of navigation, which brings with it a military threat and which challenges and disrespects the international law of the sea.”⁶⁷ Despite such sentiments, to date the Chinese have not challenged U.S. FONOPs substantially on an operational level, instead preferring to engage on a political and rhetorical one.

Under the Obama administration, U.S. naval vessels conducted five widely reported FONOPs in the South China Sea, and at the time of this writing the U.S. Navy has conducted four more FONOPs since President Trump took office.⁶⁸ So far no case of FONOPs has resulted in escalation to the use of substantial force; however, robust incidents have occurred. These incidents, as with clashes over maritime disputes, conform to the pattern of low-level instability seen in recent years at sea. The now-infamous 2009 incident of Chinese harassment of USNS *Impeccable* highlighted the potential for diverging views of freedom of navigation to lead to isolated clashes at sea. The general Chinese response has been to shadow vessels conducting such operations with naval and coast guard assets. Additionally, it has been reported that in the case of USS *Lassen* a number of Chinese fishing and merchant ships maneuvered around the U.S. ship as it sailed by the Chinese installation on Subi Reef.⁶⁹ In December 2016, a Chinese vessel removed a U.S. underwater drone from the water within eyeshot of a U.S. naval vessel.⁷⁰ This was a blatant obstruction of U.S. navigation rights, yet it did not result in an escalation to violence.

FONOPs also were carried out during the Cold War. The initial Soviet response was diplomatic, but the Soviets felt that such FONOPs were unnecessarily provocative, and responses escalated to more-forcible measures, notably the ramming of USS *Yorktown* in 1988 while it was conducting a FONOP in the Black Sea. However, the parties found military and political solutions.⁷¹ The military solution prescribed further rules for interaction between vessels. The political solution, agreed to in 1988, saw the Soviet Union acceding to the U.S. interpretation of the law of the sea and the United States determining that it no longer needed to assert its right of freedom of navigation in the Black Sea.⁷² This was an elegant solution for both sides, in that the United States did not give up its right to perform FONOPs, yet it got the USSR to agree to the established laws of the sea, while the Soviet Union put a stop to what it perceived as destabilizing behavior. This suggests that political solutions to freedom of navigation issues can be found and that clashes over FONOPs, if they occur, can be managed once it is in the interests of both parties to do so.

The Potential for Escalation

Currently, available data suggest that the trend of maritime interactions in the seas of East Asia is mirroring that seen during and after the Cold War. This would indicate that sustained low-level instability will continue to characterize the strategic picture, but that escalation is unlikely.

Significant clashes did occur in the South China Sea in 1974 and 1988. However, in both cases, Chinese and Vietnamese forces clashed over the control of disputed features, not as a result of operations at sea. In 1974, China wrested control of the Paracel Islands from Vietnamese forces, and in 1988 the militaries of the two countries fought as they attempted to secure Johnson South Reef in the Spratly Islands. While this article focuses on the potential for escalation arising out of clashes resulting from incidents at sea, it also is worth noting that following both of these cases no substantial further escalation occurred.⁷³

However, East Asia has a unique characteristic when it comes to strategic-level interactions. Unlike during the Cold War and the case of the Korean Peninsula, in East Asia the main crucible of interaction is located at sea. China and the United States have no forces opposing each other on land, and with the exception of Taiwan there are no arenas where the United States and China could clash that have significant populated areas. This arguably reduces the risk of a clash at sea spilling over onto land; therefore, the restraining effect of devastating war that was operative during the Cold War may be weaker. This may allow Chinese or U.S. commanders the freedom to escalate a clash, given that the potential strategic costs resulting therefrom would be lessened.⁷⁴

However, while there is no existential threat, conflict between the United States and China would mean conflict between the world's two biggest economies in some of the world's most economically vital seas. This places pressure on both sides to manage the instability caused by conflictual interactions. As Chinese foreign minister Wang Yi stated in 2017, "There cannot be conflict between China and the United States, as both sides will lose and both sides cannot afford that."⁷⁵

Operationally, the increasing presence and prominence of civilian law-enforcement actors such as coast guards and the role of paramilitary maritime militias are new phenomena. This introduces a variable that has not been seen previously. A clash between coast guard or militia vessels may escalate to the involvement of naval vessels. However, so far—despite substantial clashes at sea between maritime law-enforcement actors—such escalation has not occurred.⁷⁶

A further issue arising from competing maritime claims in Asia is their linkage with nationalism and history. Contested claims over the sovereign control of islands and operations in contested waters have provoked significant public reaction in countries across the region, including China, Vietnam, and the Philippines. Clashes that occur at sea increasingly are portrayed on social media, and while

that might constrain maritime actors from acting aggressively, it also could stoke protests to which governments might feel the need to respond, to assuage their publics. Significant protests occurred in China following Japan's nationalization of the Senkaku Islands and in Vietnam following China's exploration activities near the Paracel Islands, but these did not result in escalatory processes and the governments in question eventually acted to quell public displays of dissatisfaction.⁷⁷ However, it should be acknowledged that even a single future clash at sea may act as a trigger for nationalist sentiment, which could elevate an incident beyond its objective political or strategic value and result in unforeseen escalation.

As with the Cold War, tensions have produced some positive outcomes, particularly in managing interactions at sea and reducing the risk of miscalculation. The 2014 multinational Code for Unplanned Encounters at Sea (CUES) agreement indicated a desire to manage interactions at sea. Similarly, the 2016 agreement between China and the Association of Southeast Asian Nations (ASEAN) on CUES and ongoing negotiations over a code of conduct for the South China Sea should be seen as starting points to mitigate further the potential for unintended escalation at sea.⁷⁸

Given the concerns that the Soviet Union highlighted in the 1970s regarding the escalatory potential of inexperienced officers, the rapid expansion of Asian coast guards should be noted. The circumstances of East Asia, where coast guards are taking the lead in enforcing maritime claims, suggest a need for similar agreements within this context. Such agreements should be tailored to the specific roles that coast guards undertake.⁷⁹ As with naval agreements during the Cold War, for such agreements to be successful it is vital that all sides perceive their operational and political benefits.

Hotlines also are present in Northeast Asia, most notably between the military services of South Korea and Japan and those of South Korea and China.⁸⁰ There also are moves toward a working-level hotline between China and ASEAN. Further, there is a South Korea–China coast guard hotline, which soon could be replicated between China and the Philippines.⁸¹ However, hotlines are effective only when both sides agree to use them. There is some evidence that in times of crisis China has not used hotlines effectively. In January 2017, a fleet of Chinese military aircraft entered the South Korean air-defense identification zone. Reports suggest that the Chinese did not answer the hotline when South Korean officials attempted to contact them to clarify the fleet's intentions. Nevertheless, Japan and China also are in the process of agreeing on a communication mechanism to de-escalate unintended incidents in the East China Sea.⁸²

This analysis suggests that the fear that escalation will result from an incident at sea is, by and large, overemphasized. Clashes in areas of strategic tension or

contested maritime boundaries are to be expected; however, there is little evidence that such clashes lead to escalatory cycles or sustained violence.

This absence of escalatory behavior can be attributed to several factors that maritime strategic geography imposes. Historically, the strategic or political benefits of escalation at sea rarely have outweighed the potential costs. The bottom line is that what happens at sea rarely materially affects populations on land, and therefore a costly war over maritime issues is less likely to occur.

De-escalation after an incident is facilitated by the fact that the sea cannot be controlled permanently, so the costs of withdrawal are reduced, as such a move does not result automatically in the loss of territory. Further, the size of the maritime environment, coupled with the speed of clashes at sea, allows for easier de-escalation, as time is needed to concentrate often-dispersed maritime forces. Organic escalation therefore is less likely to occur, since political and military elites would be required to commit expensive assets intentionally to continue a clash. Equally, information gathering also is hindered by the nature of operations at sea. Time often is required to ascertain facts fully, and this gap allows for political and strategic tensions to cool.

It would be wrong to suggest that it is impossible for an outbreak of sustained violence at sea in Asia to occur. Decision makers could choose to escalate following a clash at sea, or they might feel they had no other option. Further, the geostrategic situation in East Asia, where the stakes are not existential, may increase the risk of one side seeing a strategic or political benefit from escalating such a clash deliberately. However, to date, incidents at sea in the region have not resulted in substantial escalation; instead, they have conformed to the patterns outlined in this analysis.

More attention should be paid to differences arising from geostrategic competition occurring at sea rather than on land. It is important for all parties to realize and accept that, in the conditions currently present in Asia, clashes at sea are normal. The keys to maintaining stability in these conditions of sustained low-level instability are crisis management and the ability to cope with the initial clashes that inevitably will occur when strategic and territorial interests collide at sea.

NOTES

1. Peter Dutton, "Three Disputes and Three Objectives: China and the South China Sea," *Naval War College Review* 64, no. 4 (Autumn 2011), pp. 44–55.
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Update (New York: Council on Foreign Relations, April 2015); Katie Hunt and Tim Hume, "Has South China Sea Ruling Set the Scene for Next Global Conflict?," CNN, July 13, 2016, www.cnn.com/; Tan Ming Hui, "Escalations in the East China Sea: Is

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3. *The Challenge of Conventional and Hybrid Warfare in the Asia-Pacific Region: The Changing Nature of the Security Environment and Its Effect on Military Planning; Hearing Before the H. Comm. on Armed Services*, 114th Cong. (February 24, 2016) (statement of Adm. Harry B. Harris Jr., USN, Commander, U.S. Pacific Command).
 4. This article modifies the Correlates of War project's definition of *militarized interstate disputes* to define a clash at sea as an act in which one or more military, paramilitary, or civilian actors at sea threaten, display, or use nonlethal or lethal force at a level below full-scale war. See Joseph Grieco, G. John Ikenberry, and Michael Mastanduno, *Introduction to International Relations: Enduring Questions and Contemporary Perspectives* (London: Palgrave Macmillan, 2014), p. 141.
 5. Paul K. Huth and Todd L. Allee, *The Democratic Peace and Territorial Conflict in the Twentieth Century* (Cambridge, U.K.: Cambridge Univ. Press, 2002), p. 31. For a detailed study of the use of force and the potential for escalation over disputed islands, see M. Taylor Fravel, "Power Shifts and Escalation: Explaining China's Use of Force in Territorial Disputes," *International Security* 32, no. 3 (Winter 2007/2008), pp. 44–83.
 6. A notable exception is a brief piece written by Steven Stashwick. See Steven Stashwick, "South China Sea: Conflict Escalation and 'Miscalculation' Myths," *The Diplomat*, September 25, 2015, thediplomat.com/.
 7. Inadvertent escalation or escalation as a result of miscalculation occurs without the "explicit decisions of the responsible leaders of the participating nations." See Herman Kahn, *On Escalation: Metaphors and Scenarios* (London: Praeger, 1965), p. 285.
 8. This article uses the definitions of vertical and horizontal escalation set out in Forrest E. Morgan et al., *Dangerous Thresholds: Managing Escalation in the 21st Century* (Santa Monica, CA: RAND, 2008), pp. 18–19.
 9. This article adapts Avery Goldstein's definition of *instability*, defining it as the willingness to use force, no matter how limited, to achieve aims at sea. See Avery Goldstein, "First Things First: The Pressing Danger of Crisis Instability in U.S.-China Relations," *International Security* 37, no. 4 (Spring 2013), p. 51.
 10. Karen A. Rasler and William R. Thompson, "Contested Territory, Strategic Rivalries, and Conflict Escalation," *International Studies Quarterly* 50, no. 1 (2006), p. 147.
 11. Norman Friedman, *Seapower as Strategy: Navies and National Interests* (Annapolis, MD: Naval Institute Press, 2001), pp. 40–41.
 12. James John Tritten, "Is Naval Warfare Unique?," *Journal of Strategic Studies* 12, no. 4 (1989), p. 497.
 13. Paul Midford argues that this clash directly challenged democratic peace theory, such was its severity. See Paul Midford, "Challenging the Democratic Peace? Historical Memory and the Security Relationship between Japan and South Korea," *Pacific Focus* 23, no. 2 (2008), pp. 189–211.
 14. Of the 445 described disputes on land, six resulted in the outbreak of war.
 15. Barry Posen defines *commons* as "areas that belong to no one state and that provide access to much of the globe." See Barry Posen, "Command of the Commons: The Military Foundation of U.S. Hegemony," *International Security* 28, no. 1 (Summer 2003), p. 8.
 16. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford, U.K.: Oxford Univ. Press, 2011), pp. 116–17.
 17. For a discussion on interpretations of operating rights in an EEZ as defined under UNCLOS, see Peter Dutton, introduction to *Military Activities in the EEZ: A U.S.-China Dialogue on Security and International Law in the Maritime Commons*, China Maritime Studies 7, ed. Peter Dutton (Newport, RI: Naval War College Press, 2010), pp. 7–9.
 18. Data taken from David F. Winkler, *Cold War at Sea: High-Seas Confrontation between the United States and the Soviet Union*

- (Annapolis, MD: Naval Institute Press, 2000), pp. 177–210.
19. Desmond Ball, “Nuclear War at Sea,” *International Security* 10, no. 3 (Winter 1985–86), p. 7.
 20. In the case of the War of 1812, while incidents at sea played a prominent triggering role, domestic factors in the United States and strategic calculations in both London and Washington created the conditions for the conflict. See Jasper M. Trautsch, “The Causes of the War of 1812: 200 Years of Debate,” *Journal of Military History* 77, no. 1 (January 2013), pp. 273–93.
 21. Julian S. Corbett, *Principles of Maritime Strategy* (New York: Dover, 2004), p. 14.
 22. Christian Le Mièrè, *Maritime Diplomacy in the 21st Century: Drivers and Challenges* (Abingdon, U.K.: Routledge, 2014), p. 74.
 23. Richard Ned Lebow and Janice Gross Stein, “Deterrence and the Cold War,” *Political Science Quarterly* 110, no. 2 (Summer 1995), pp. 179–80.
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 31. Robert Gates, *Duty: Memoirs of a Secretary at War* (New York: Random House, 2014), p. 497.
 32. Republic of Korea, *Joint Investigation Report on the Attack against the ROKS Ship Cheonan* (Seoul: Ministry of National Defense, 2010).
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 35. Tritten, “Is Naval Warfare Unique?,” p. 501.
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 41. Callahan, “Stowaway Soldier,” p. 141.
 42. David F. Winkler, “The Evolution and Significance of the 1972 Incidents at Sea Agreement,” *Journal of Strategic Studies* 28, no. 2 (2005), p. 368.
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- South China Morning Post*, March 18, 2013, www.scmp.com/.
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 51. Winkler, "The Evolution and Significance of the 1972 Incidents at Sea Agreement," p. 368.
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