

Patterns of Maritime Conflicts, 1900-2010:
The Onset and Management of ICOW Maritime Claims

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Abstract: While maritime conflicts have become a mainstream feature of modern interstate relations, we have little understanding of their generalizable patterns with respect to claim onset and management. This project utilizes data from the Issue Correlates of War (ICOW) on 270 diplomatic claims over maritime areas globally from 1900-2010 to explore patterns in states' interactions over territorial and resource issues of the seas. After defining maritime claims and summarizing global and regional patterns, the paper examines factors that influence the onset, militarization, and peaceful settlements of maritime disputes. Countries make new diplomatic claims to maritime areas to defend sovereignty over islands and marine resources and to enhance state security. Surprisingly, maritime claims are more likely to occur between wealthier and more democratic countries, although escalation of such disputes to fatal militarized disputes is rare. Systemic and regional changes in naval power create more opportunities for maritime claims. Militarization of maritime claims occurs in about one in four cases globally, with the presence of potential oil resources and migratory fish stocks increasing the risks for militarized confrontations. Higher levels of maritime claim salience combined with a history of militarized conflict increases risks for further violence. Peaceful settlements of maritime claims have occurred more frequently in high salience cases where third parties are involved as conflict managers. The United Nations Convention on the Law of the Sea (UNCLOS) has also been successful in settling member states' existing claims and preventing the onset of new diplomatic conflicts. These findings help us understand how prominent cases like the South China Sea disputes fit into the broader landscape of maritime conflicts.

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Introduction

Maritime disputes have been a prominent feature of global politics in the past century. China's ongoing conflicts with Japan, Vietnam, the Philippines and other neighboring states involving maritime areas around the Senkaku/Diaoyu Islands, Pratas Island, Yellow Sea, Spratly Islands, Paracel Islands, and the Gulf of Tonkin have played an important role in its overall strategic goals.¹ Over a dozen militarized disputes have occurred in China's maritime claims since the end of the Cold War, including clashes between China and Japan in contested maritime areas, as coast guard and air space incursions heighten interstate tensions. China has not only staked out aggressive maritime claims through its nine-dash line (which extends beyond the 200nm EEZ area for China), it has also eschewed attempts by international tribunals to settle its maritime claims, including China's lack of participation in the Permanent Court of Arbitration case involving the Philippines (2016 ruling). The increasing frequency of maritime claims in Southeast Asia has also occurred in an era of declining US naval capabilities and rising Chinese investments in sea power. Scholars and pundits have focused much attention on China's maritime claims and strategies (Dutton 2011; Goldstein 2011), but we know less about how these disputes fit into the broader landscape of maritime conflicts. Is the frequency and management of China's maritime claims similar to other countries' management of maritime claims in the 20th and 21st centuries?

While competitive interstate claims to territory have declined over the past century, over 100 dyadic diplomatic maritime claims are ongoing today. The United Nations Convention on the Law of the Sea (UNCLOS), which was signed in 1982 and entered into force in 1994, helped to reduce the number of new maritime conflicts by creating standards and rules for maritime delimitation and establishing elaborate conflict management procedures. Yet declining resources of fish, oil, natural gas, and other minerals are raising the stakes for claims to oceanic resources. The relative decline in US naval power, combined with an increase in China's regional capabilities in Asia, have contributed to a rising number of claims by countries to maritime boundaries and resources. Wars involving disputed maritime areas like the Falkland Islands conflict are rare, but the potential for future water wars exists as global fisheries stocks continue to decline (Srinivasan et al 2012) and competition for marine hydrocarbon resources intensifies. Conflict is more likely when multiple issues are contested, such as Russia and Ukraine's recent clashes in the Sea of Azov fueled by maritime boundary disagreements dating to 1993, territorial claims over Crimea since 2014, and identity claims stemming from the treatment of ethnic Russians living in Ukraine.²

This paper examines patterns of global maritime conflicts using data from the Issue Correlates of War (ICOW) Project (Hensel et al 2008; Nemeth et al 2014; Hensel and Mitchell 2017). First, I review the ICOW definition of maritime claims and provide examples of types of maritime conflicts that have occurred since 1900. I present descriptive statistics about global and regional patterns of maritime claims, including peaceful and militarized attempts to settle the claims.

¹ The Issue Correlates of War (ICOW) Project identifies 11 ongoing dyadic maritime claims involving China and other states in Southeast Asia: Senkaku/Diaoyu (Taiwan (1949-), Japan (1970-)), Pratas Island (Taiwan (1949-)), Yellow Sea/Ieodo (South Korea (1996-)), Spratly Islands (Vietnam (1951-), Philippines (1956-), Malaysia (1971-), Brunei (1984-)), Paracel Islands (Taiwan (1949-), Vietnam (1956-)), and Gulf of Tonkin (Vietnam (1974-)).

² Sara McLaughlin Mitchell. December 5, 2018. "Could the new fighting between Russia and Ukraine escalate into all-out war?" https://www.washingtonpost.com/news/monkey-cage/wp/2018/12/05/russia-and-ukraine-are-clashing-at-sea-what-do-we-know-about-the-danger-of-escalation/?utm_term=.5123c0a8c010.

Second, I discuss factors that increase the chances for maritime claim onset, including the decline of US naval capabilities, joint democracy, and issue rivalry. Third, I identify factors for ongoing maritime claims that raise the chances for militarized disputes between claimants including high issue salience, a history of militarized conflict, migratory fish stocks, and the potential for oil exploration in the area. Finally, I identify several factors that increase the chances for peaceful settlement of maritime disputes such as high issue salience and the use of binding negotiation techniques (e.g. arbitration and adjudication). UNCLOS has a good track record for helping states resolve ongoing conflicts with third party conflict management tools and preventing the onset of new maritime claims. I conclude the paper with thoughts about future analyses that would be beneficial for uncovering additional patterns for maritime conflicts and predictions about the chances for conflict and cooperation in China's disputes.

Defining Maritime Claims

The issue approach to world politics demonstrates the benefits of understanding interstate conflict dynamics by focusing on the issues at stake in diplomatic conflicts (Mansbach and Vasquez 1981; Hensel 2001; Hensel 2008). Scholars focus a great deal of attention on territorial issues because contiguous states face much higher risks for wars than non-contiguous states (Bremer 1992) and territorial issues have been the leading cause of interstate war over the past several centuries (Huth 1996; Hensel 2001; Vasquez 2009). The ICOW Project identifies 843 dyadic territorial claims between 1816 and 2001, with 41% of the diplomatic conflicts experiencing at least one militarized dispute (Frederick et al; 2017; Hensel and Mitchell 2017). Territorial claims are typically high on both major dimensions of issue salience: tangible salience and intangible salience.³ ICOW expanded its data collection beyond territorial claims (see Table 1) to include issues high in tangible salience, but low in intangible salience (maritime claims, river claims), and issues low in tangible salience, but high in intangible salience (identity claims).⁴ Going beyond the traditional data collection approach which records issues at stake in militarized disputes or wars (e.g. Holsti 1991, Vasquez and Henehan 2001), the ICOW Project identifies conflicts that begin as diplomatic claims between the official representatives of two or more independent states. This approach is fruitful because while territorial issues are the leading cause of interstate wars, 59% of all interstate diplomatic disagreements over land or island territories have been resolved without any militarized foreign policy tools.

In addition to learning more about resources high in tangible salience and low in intangible salience, collecting data on maritime claims is also useful given the increasing frequency of maritime disagreements globally since World War II. President Truman's 1945 declaration that expanded US sovereignty of maritime resources beyond the customary law area of three nautical miles (nm) to include resources in the subsoil and seabed of the continental shelf led to an increasing number of competing claims to territorial sea, contiguous zone, and fisheries areas. Disagreements about states' varying maritime claims created the impetus for the law of the sea

³ Hensel et al. (2008) present a typology of contentious issues identifying issues that typically have high or low values for tangible salience, based on tangible values of security, survival, and wealth, and for intangible salience, based on intangible values of culture/identity, equality/justice, independence, and status/prestige/influence. Territorial issues can involve both types of salience because land contains valuable resources and because historical claims or sacred sites increase the intangible value of the contested areas. Maritime and cross-border river claims, on the other hand, are valued primarily for tangible salience such as fish, oil, and hydroelectric power generation. States do not typically attach psychological or historically significant attachments to maritime spaces or rivers.

⁴ For a detailed description of all ICOW issue claims, see Hensel et al (2008) and Hensel and Mitchell (2017).

negotiations from 1958 to 1982 (Rothwell and Stephens 2010). Maritime conflicts were also a potential threat to the emerging democratic peace in the 20th century, as militarized disputes between pairs of democracies often involved fishing and hydrocarbon resources of the sea (Mitchell and Prins 1999).

Table 1: Typology of ICOW Contentious Issues by Claim Salience

	<i>Low Intangible Salience</i>	<i>High Intangible Salience</i>
<i>High Tangible Salience</i>	<ul style="list-style-type: none"> • River (Turkish dam projects on Euphrates River) • Maritime (Cod Wars) 	<ul style="list-style-type: none"> • Territory (Golan Heights, Alsace-Lorraine)
<i>Low Tangible Salience</i>	<ul style="list-style-type: none"> • Firms or industries (Airbus subsidies, shrimp imports) 	<ul style="list-style-type: none"> • Identity (Germans in South Tyrol, Russians in Ukraine)

Collection of ICOW territorial claims began with a list of dyads that shared contiguous land borders directly or through colonies. Issue claims for these potential border disputes were identified based on historical and news sources for each potential case, as well as existing social science compilations of territorial disputes (Holsti 1991; Huth 1996). Similarly, cross-border river claims were coded based on historical analysis of dyads that shared rivers of 100 miles or greater that crossed or formed an international border.⁵

To collect data on maritime claims, the ICOW Project identified dyads that have potentially overlapping maritime zones (e.g. 200nm exclusive economic zones). Coders compile historical chronologies of events for these dyads with news and historical sources to determine which cases qualify as maritime claims. Pratt and Schofield’s (2000) *Jane’s Exclusive Economic Zones, 2nd edition* helped to identify pairs of countries with potentially overlapping maritime areas. For each potential pair of countries with an overlapping maritime zone, ICOW researchers constructed news chronologies to determine if two or more countries have made competitive and contentious claims to the same area. For example, the United States and Canada have several areas of overlapping maritime jurisdiction (e.g. Juan de Fuca Strait, Beaufort Sea, Gulf of Maine) that became the source of diplomatic conflict between the two governments. Some pairs of countries like Russia and Ukraine may experience multiple ICOW issue claims because they share a contiguous land border, an internal sea, and similar ethnic groups.

The ICOW project defines a *maritime claim* as a diplomatic conflict that involves explicit contention between two or more states over the ownership, access to, or usage of a maritime

⁵ ICOW identifies 143 dyadic river claims globally from 1900-2001; 11.2% have experienced at least one militarized dispute (Hensel and Mitchell 2017).

area.⁶ The project focuses on maritime claims from 1900 to the present. Delimitations of overlapping maritime boundaries that occur through purely peaceful negotiations are excluded from the maritime claims dataset. For example, on January 20, 1961, Argentina and Uruguay declared that the external limit of the Río de la Plata was determined by a straight line drawn between Punta Rasa on Cabo San Antonio in Argentina and Punta del Este in Uruguay. This agreement delimiting the two states' overlapping maritime boundary was finalized in the November 1973 "Treaty of the Río de la Plata and its Maritime Limit". Because the two sides agreed cooperatively on the boundary demarcation, no contentious issue claim occurred between the states. On the other hand, if other states do not recognize the delimited border, a maritime claim can emerge. The United States initiated a diplomatic conflict against Argentina and Uruguay in 1963 asserting that because the entrance of the estuary from the Atlantic is more than 24 miles wide, the Río de la Plata should be considered international waters. Once a claim is identified, ICOW records all peaceful (bilateral/multilateral negotiations, mediation, inquiry, conciliation, arbitration, adjudication, peace conferences, etc.) and militarized attempts to settle the contested diplomatic issue.⁷ The United States did not utilize additional peaceful or militarized foreign policy strategies to pursue their claims in this case, but the statement of their lack of recognition of the maritime area qualifies the case as an ICOW maritime claim.

Types of ICOW Maritime Claims

Several types of maritime claims are recorded in the ICOW dataset (Table 1). Around half of 270 dyadic global maritime claims⁸ since 1900 have involved disagreements about the demarcation of a *maritime boundary* involving the territorial sea, EEZ area, or extension of the continental shelf.⁹ UNCLOS establishes clear rules for states' maritime claims in terms of the territorial breadth of such claims (12 nm territorial sea, 200nm for EEZs, and up to 350nm for continental shelf claims), but many disputes arise due to uncertainties that stem from how states draw baselines, inequities in resources within overlapping EEZ areas, and ambiguities that arise from territorial claim disagreements. In many EEZ boundary cases, states simply disagree about where the boundary should be drawn. Prior to the signing of UNCLOS, the United States and Canada sought to establish fishing zones in the Gulf of Maine including the Georges Bank area, rich in cod, haddock, flounder, and scallops. Rules under UNCLOS would allow for the United States to claim the entirety of the Georges Bank in its 200nm EEZ from the land areas of Maine, New Hampshire, Massachusetts, and Cape Cod. Seeking resource equity for its fishermen, Canada sought a boundary that would give it exclusive resource rights in half of the fishing grounds. The boundary case was settled by the International Court of Justice in 1984 and a compromise was struck, giving the US 75% of the Georges Bank area and 5/6th of the total Gulf of Maine

⁶ "Official representatives" include such individuals as a country's head of state, foreign minister, and other legitimate political or military officials speaking on behalf of the state's government. See the ICOW maritime codebook for more information: <http://www.paulhensel.org/Data/marcode.pdf>.

⁷ ICOW identifies two types of militarization for issue claims: any militarized interstate dispute (MID) and MIDs that produced at least one battlefield fatality. Both forms of conflict are based on the Correlates of War project's Militarized Interstate Dispute data set (Ghosn et al 2004); the ICOW project examines every MID that occurs during an ongoing issue claim, consulting historical sources and news archives to determine whether or not it was related to that specific issue claim. This includes 435 MIDs that occurred in the context of 1,251 territorial, maritime, and river issue claims (Hensel and Mitchell 2017).

⁸ This includes coded cases for all regions except Africa where the number of claims (49) is an estimate based on preliminary news collection efforts.

⁹ For a detailed analysis and original dataset of maritime boundary settlements, see Ásgeirsdóttir and Steinwand (2015).

maritime area (Legault and Hankey 1985). The inequities in resources that would derive from a strict interpretation of UNCLOS rules for delimitation resulted in Canada making competing claims and winning some concessions in the adjudication of the case.

Maritime boundaries can also be complicated by pre-existing or legacy territorial disputes. Competing jurisdictional claims of Canada and the United States over the waters of the Hecate Strait and the Dixon Entrance stemmed from disagreements that accrued from the Alaska Boundary Tribunal settlement of the land boundary dispute.¹⁰ In 1903, the Alaska Boundary Tribunal settled the land boundary dispute and established the “A-B line”, yet differences of opinion remained about how to interpret the A-B line with respect to the maritime boundary (Nowell 1990). Canada asserted that the A-B line should be treated as an international maritime boundary, while the United States argued instead for an equidistance method to draw the maritime boundary, which would favor the US by moving the boundary twelve miles south of the A-B line throughout most of its length (McDorman 1990). Similarly, the establishment of EEZ boundaries between Greece and Turkey in the Aegean Sea have been complicated by contested ownership of various islands in the area and disagreements about how much Greek islands near the Turkish mainland should be taken into consideration when drawing the EEZ boundary. Eritrea and Yemen’s fishing dispute in the Red Sea stemmed from territorial disputes about the ownership of the Hanish Islands, with the Permanent Court of Arbitration ruling in 1998 that while Yemen owned the islands, Eritrean fishermen would have access to resources in the area. Conflict continued until 2003 due to Yemen’s interpretation that the arbitration ruling should also allow reciprocal access for Yemeni fishermen in Eritrean waters.

Another group of ICOW maritime claims arises due to disagreements about the *status of islands and rocks* that countries use for making maritime claims. As described in Article 121 of UNCLOS, an island is a naturally formed area of land that is surrounded by water and above water at high tide, while a rock is a natural feature that is submerged under water at times and unable to sustain habitation or economic life (Schofield 2009, 23). UNCLOS allows for the full suite of (200nm) EEZ, territorial sea, contiguous zone, and continental shelf claims around islands which can substantially increase the breadth of states’ EEZ resource areas. If an island had no maritime neighbors within 400nm, this could generate up to a 125,664nm² EEZ area; if the island were designated as a rock, EEZ claims around it would amount to only 452nm² (Schofield 2009). Many maritime claims occur because countries try to assert EEZ claims around islands that other countries consider to be rocks or sand bars. In 1997, the governments of Antigua and Barbuda, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines made diplomatic objections to Venezuela’s maritime claims around Aves (Bird) Island, an uninhabited island that was historically useful for guano fertilizer but became valued for potential hydrocarbon resources in the area. Storm surges sometimes submerge Aves Island completely underwater, which challenges Venezuela’s claim that it is an island. Another example stems from the broader Senkaku/Diaoyu conflict, in which China disputes Japan’s EEZ claims around the Okinotorishima coral reef, claiming it is a rock, not an island (Fravel 2010, 147). Prior to the creation of EEZ limits in UNCLOS, states also disagreed about claimed exclusive fishing zones (EFZs), such as Denmark and Iceland’s conflict over fishing claims around the Faroe Islands.

¹⁰ The Hecate Strait lies between the Canadian Queen Charlotte Islands and the mainland of British Columbia, while the Dixon Entrance lies between the northern end of Queen Charlotte Island and the Alaskan Prince of Wales Island.

Maritime claims can also arise if countries seek EEZ claims around islands based on *historic rights*, even in situations when islands are located geographically outside the 200nm EEZ area from a state's homeland. The most prominent case today involves China's claims in the South China Sea as part of its nine-dash line that is contested by Vietnam, the Philippines, Malaysia, and Brunei. China's claims to the Spratly Islands and other areas of the South China Sea stem from discovery of the islands by Chinese navigators in the 15th century and the administration and usage of the area by Chinese fisherman since. Canada's drawing of straight baselines from the High Arctic Islands in 1985 due to historic use by the Inuit peoples was met with opposition from the United States government, which sought to treat the Northwest Passage area as an international strait (Byers 2013). The two governments also disagreed over ownership of Machias Seal Island off the Atlantic coastline, as the United States tried to press its claims on the basis of historic occupation by Americans of the island since the 1783 Treaty of Paris declared US sovereignty over the island. Canada claimed ownership of the island and surrounding (potential) oil resources by asserting it was part of the Grand Manan Archipelago and awarded to Canada in 1817 by Great Britain (Gray 1997).

In addition to maritime boundary and island/rock disagreements, ICOW maritime claims also occur when states compete over *resources* in maritime zones, even if they are not claiming sovereignty of the area. Disagreements between the United Kingdom, (West) Germany, and Iceland in the Cod Wars involved protests by the British and German governments about Iceland's increasing territorial sea claims (from 4nm to 12nm to 50nm to 200nm). Britain sought to protect access to fishing grounds around Iceland for its fishermen, but it did not make sovereignty claims over the maritime spaces around Iceland. Similar conflicts arose in the Turbot wars between Canada and Spain in the 1990s, culminating in the Canadian government firing at and seizing a Spanish trawler in 1995. In response to overfishing in the Grand Banks, Canada amended its Coastal Fisheries Protection Act in March 1995 to make it an offense for Spanish and Portuguese vessels to fish Greenland halibut on the Grand Banks of Newfoundland off Canada's Atlantic coast outside its 200-mile exclusive fishing zone. After warning EU fishing vessels to withdraw on March 5, warning shots were fired and Canadian officers boarded and seized the Spanish fishing vessel, the *Estai*, found 218 miles off the Canadian coast. Spain responded by sending a naval patrol vessel to protect the safety of Spanish trawlers. Although Spain pushed for economic sanctions in retaliation, the European Community helped to negotiate a peaceful settlement between the two sides in April 1995 (Song 1997).

States with large fishing fleets also pursue diplomatic claims against countries that make territorial sea claims well beyond the 12nm allowed in UNCLOS. The United States, in seeking to protect access for US fishermen to rich tuna areas, protested Chile, Peru, and Ecuador's claims of 200nm territorial sea areas in the 1952 Santiago Declaration. The US insisted that waters beyond the 3nm territorial sea area (customary law at the time) were international waters. Thirteen militarized disputes occurred between the US and Ecuador (8) and the US and Peru (5) in the five decades following the onset of the claim, as each side sought to defend its maritime claims in the contested area with force. In each of these claims, countries sought equity and fairness when extracting resources of the sea.

Finally, states also protest restrictions on *navigational rights* placed by other countries in international waters and straits which should allow freedom of passage. The International Court

of Justice resolved a conflict between Albania and the United Kingdom in 1949 after Albania sought to restrict passage of vessels through mining of the Corfu Channel.

Global Maritime Claim Patterns

The ICOW Project has identified 270 total dyadic maritime claims globally from 1900-2010.¹¹ Table 2 provides a breakdown of the frequency of claims by region, as well as the occurrence of militarized disputes (MIDs) or MIDs with fatalities in these cases. Maritime claims have occurred most frequently in Europe (N=75) and the Western Hemisphere (N=68) and least frequently in the Middle East (N=31). Of the 221 maritime claims coded outside the African region, 65 (29%) have experienced at least one militarized dispute. This is a higher rate of militarization than river claims (11%) but a lower conflict rate than territorial claims (41%) (Hensel and Mitchell 2017). Fatal militarized disputes occurred in only 13 dyadic claims (6%).¹² Maritime conflicts often involve coercive foreign policy strategies, but they do not typically escalate to high levels of violence. Conflict rates vary across regions ($\chi^2 = 16.86$, $p < .001$), however, with Asia/Oceania (46.8%) and the Western Hemisphere (36.8%) have higher rates of militarization of maritime claims than Europe (18.7%) or the Middle East (12.9%).

ICOW has identified 935 peaceful attempts to settle the 221 dyadic maritime claims coded by the project (Table 3). The most frequent method for settlement is bilateral negotiations (51.8%) followed by multilateral negotiations (25.2%) and mediation (9.7%). Binding settlement attempts through arbitration panels or standing international courts have occurred in 29 cases (3.1%). Settlement patterns also vary across regions. Bilateral negotiations have been used most frequently in the Western Hemisphere, reflecting the high participation by two major powers (US, UK) in the region's claims. Multilateral negotiations have been employed much more often in Asia (39.5%) and Europe (23.5%) than in other regions. Mediation is the preferred third party peaceful settlement strategy in the Middle East (27.7%). These differences in peaceful settlement strategies are dependent on region ($\chi^2 = 156.6$, $p < .001$). The chances for reaching agreement in a given peaceful settlement attempt also vary across regions (average = 61.5%), with the highest number of agreements reached in Asia (70.7%) and the Western Hemisphere (64.9%) ($\chi^2 = 38.97$, $p < .001$).

Why Countries Make Maritime Claims

States make maritime claims against other states to defend sovereignty rights over maritime spaces and to secure access to marine resources in other states' claimed areas. The creation of the EEZ space strikes a balance between the freedom of the seas (*mare liberum*) and the enclosure of maritime spaces (*mare clausum*) by giving states sovereignty rights over resources in the EEZ, but other states' freedom of navigation in the area. The previous section describes the stakes underlying most maritime claims, yet it is useful to consider what theoretical factors might explain which pairs of countries are mostly likely to experience maritime disagreements.

¹¹ As noted earlier, the estimate for Africa (49 claims) is based on preliminary research that is not finalized. The number of Middle Eastern dyads is 31 rather than 28 as reported in Hensel and Mitchell (2017) due to changes that occurred in the data cleaning process.

¹² Fatalities occurred between US-Ecuador (fishing), Mexico-Guatemala (fishing), Argentina-UK (Falklands), UK-Iceland, UK-Albania (Corfu Strait), Greece-Turkey (Aegean Sea), Iraq-Iran (Persian Gulf), North Korea-South Korea (Sea of Japan), North Korea-Japan (Sea of Japan), Japan-Russia (Kuril Islands), Vietnam-China (Spratly Islands & Gulf of Tonkin), Cambodia-Thailand (Gulf of Thailand).

Regional patterns for maritime claims show extensive variation in terms of the frequency and timing of diplomatic conflicts. In this section, I review research on maritime claim onset.¹³ Given that most analyses of maritime disputes have focused on border settlement agreements (e.g. Ásgeirsdóttir and Steinwand 2015) or court cases (e.g. Keyuan 2010), we know less about the onset of competing diplomatic claims to maritime areas. Empirical analyses that employ the ICOW maritime claim data suggest that new claims emerge due to states' attempts to secure natural resources and enhance maritime security. Dyads with major powers or histories of militarized disputes experience more maritime claims, showing that heightened security environments increase the potential for issues rivalries to emerge. Furthermore, major changes in global and regional naval capabilities increase risks for new maritime claims. Interestingly, wealthy and democratic dyads experience more claims than developing and autocratic pairs of states because they have the technological ability to extract maritime resources at great distances.

Defend territorial sovereignty

Many maritime claims are related to ongoing (or legacy) territorial claims involving the extension of the land border into the sea (e.g. Juan de Fuca Strait) or the maritime claims surrounding islands whose sovereignty is contested (e.g. Senaku/Diaoyu). States may initiate maritime claims to bolster their territorial claims and to secure exclusive access to important oil, natural gas, fishing, and mineral resources. Pursuit of issue goals in one conflict can help states' leverage in bargaining situations of other conflicts (Dreyer 2010b). The Falkland (Malvinas) Islands dispute between the United Kingdom and Argentina provides a good example. The British effectively controlled the islands since the 1830's. Argentina asserted territorial claims to the South Georgia Island in 1927 and the South Sandwich Islands in 1948 (Day 1987, 389). A maritime claim began in 1966 when Argentina claimed a 200nm territorial sea limit, including maritime zones around the Falklands, South Georgia, and South Sandwich Islands, a claim not accepted by the British government. The two sides made additional claims to fishing rights around the Falkland Islands as the claim progressed. In addition to bolstering Argentina's position in the territorial dispute, the territorial sea claim would give the country resource rights over marine areas rich in fish and oil. The two governments could not come to agreement in dozens of negotiations about the ownership of the islands or the maritime claims stemming from them (or Argentina's homeland), but they reached a series of functional agreements about conservation of fisheries stocks, fishing rights, contracts for oil exploration, and use of air space. The dynamics of this maritime conflict are similar to those seen in the Senkaku/Diaoyu claim, as China and Japan contest ownership of the islands and surrounding maritime spaces, yet reach functional agreements on resource exploration and extraction in the area (Fravel 2010). In these cases, the multidimensional nature of the issues at stake increases the salience of the contested areas and increases the risks for militarized conflict (Mitchell and Thies 2011).¹⁴

¹³ I do not consider geographical factors that could increase the baseline chances for maritime claims, such as longer maritime borders or greater shared ocean areas (e.g. US-Canada).

¹⁴ As noted earlier, risks for conflict escalation are reasonably high in the recent Russia vs. Ukraine conflict in the Sea of Azov because the rivalry includes a *maritime claim* involving demarcation of the Sea of Azov (since 1993), a *territorial claim* by Ukraine protesting Russia's control of Crimea (since 2014), and an *identity claim* by Russia protesting the treatment of ethnic Russians in Ukraine (since 1991).

https://www.washingtonpost.com/news/monkey-cage/wp/2018/12/05/russia-and-ukraine-are-clashing-at-sea-what-do-we-know-about-the-danger-of-escalation/?utm_term=.a5cb96a821b4.

Pairs of states may become issue rivals if they experience multiple diplomatic issue claims such as conflicts over land borders, rivers, and shared ethnic groups (Dreyer 2010a; Mitchell and Thies 2011). The management and militarization of highly salient territorial issues can increase the chances for diplomatic conflicts over other issues, such as maritime zones and cross-border rivers. The United States and Mexico, for example, experienced salient territorial claims involving ownership of Texas and California, which contributed to the 1846-1848 Mexican-American War. These early militarized clashes were followed by diplomatic conflicts over shared rivers (Rio Grande and Colorado) and tuna fishing rights in the Gulf of Mexico and Eastern Pacific, with 17 total dyadic issue claims between the US and Mexico recorded by ICOW. Considering dyads with two or more territorial, maritime, or river claims ongoing at the same time, we find 66 issue rivalries in the Western Hemisphere and Western Europe between 1816 and 2001. ICOW dyads that experience issue rivalries have a significantly higher risk for militarized disputes, while militarized rivalries (or conflict histories) in turn increase the risks for interstate wars over contested issues (Hensel et al 2008). Dyads with two or more ongoing ICOW issue claims, for example, face a 35% higher risk for militarized disputes than states with a single issue claim (Mitchell and Thies 2011).

One reason that the risks of violent conflict increase with issue accumulation is that states come to see all issues through the lens of the rivalry, which reshapes states' perceptions of their rivals' intentions. Territorial conflicts between China and Vietnam over the Paracel and Spratly Islands and the Gulf of Tonkin, along with disagreements about the treatment of ethnic Chinese in Vietnam, created a strategic rivalry in the 1970's, culminating in an interstate war in 1979 (Dreyer 2010b). Territorial and maritime claims became embedded in the larger strategic environment, with China and Vietnam seeking to use gains in their dyadic disputes to improve foreign policy goals towards the Soviet Union, Cambodia, and other states in the region. As the issue rivalry progressed between China and Vietnam, the two sides came to see each other more through enemy lenses which increased the salience and tension of subsequent diplomatic issues. Militarizing early issues in a dyadic relationship also increases the risks for future maritime (and other issue) claims and makes future militarized disputes more likely to occur (Mitchell and Thies 2011). Thus when considering maritime conflicts within the broader landscape of geopolitical issues, we see that claims arise more frequently when maritime issues are connected to other territorial issues and when they are embedded in a broader environment of strategic rivalry.¹⁵

Enhance security

Related to territorial sovereignty issues, states initiate maritime claims as part of a broader strategy to enhance their regional or global security. Major powers, especially naval powers like the United States and United Kingdom, have incentives to protect their citizens' access to oil, fisheries, and minerals in their own or other states' maritime zones. Naval powers also have the capacity to protect fishing vessels at greater distances. To illustrate, the British Navy protected the rights of UK trawlers fishing in contested Icelandic waters during the Cod Wars, while the US Navy and Coast Guard protected US fishing vessels in contested waters off the coast of Peru, Ecuador, and Chile. In an analysis of maritime claim onset involving coastal dyads in the same

¹⁵ It is also possible for larger strategic environments to minimize the risks of escalation if major power rivalries are relevant. China's pursuit of its goals in the Senkaku/Diaoyu Islands claim, for example, are deterred by Japanese de facto control of the islands and the US alliance with Japan (Fravel 2010).

regions or dyads involving a coastal state and a major power (see Table 3 below), Daniels and Mitchell (2017) find that maritime claims are 94% more likely in dyads with major powers.¹⁶ As noted in the previous section, when maritime interests are embedded in broader rivalry environments, the potential for new maritime claims also rises. Daniels and Mitchell (2017) find that pairs of countries are 577% more likely to experience new diplomatic maritime claims if they also experienced one or more militarized interstate disputes in the same year. This is consistent with the finding that militarized rivalry increases the potential for future diplomatic conflict (Mitchell and Thies 2011).

Maritime conflicts increased dramatically following the Truman declaration in 1945 because United States' territorial sea claims beyond 3nm upended existing customary law based on the cannon shot rule. Offshore oil rig technology also became available in 1947 (Nyman 2015), increasing states' interests in declaring sovereignty over maritime spaces. After World War II, the United States also emerged as the global naval hegemon, holding over 70% of total warship tonnage in the mid to late 1940's (Figure 1).¹⁷ Yet America's relative share of global naval capabilities declined during the Cold War. We can see in Figure 2 that the total number of maritime claims increased dramatically as the share of US global naval power declined. A negative binomial regression model (not shown) shows that the two variables are significantly related. The expected number of ongoing maritime claims in a given system year increased from 45 to 113 as US sea power moved from its maximum to its minimum value (a 61% increase).

Maritime claims are also more likely to be settled with coercive foreign policy tools in eras with lower US naval advantages. In Table 4, I estimate the effect of US naval capabilities on the total number of militarized disputes each year from 1944-2001 that are related to maritime claims in the ICOW dataset. Maritime disputes experience much higher rates of militarization in years when US share of systemic naval capabilities is low (Model 1). As seen in Figure 2, moving from the maximum naval capabilities to the minimum value increases the number of militarized disputes occurring each year from 1.2 to 8.9 (86% increase).¹⁸ Maritime claims were also less likely to be militarized in years after the signing of UNCLOS (Table 4, Model 1), but not reduced further after UNCLOS came into force in 1994 (Table 4, Model 2). In Model 3, I estimate the systemic effect of the implementation of US Navy Freedom of Navigation Operations from 1979 to the present, finding no change in militarization rates of maritime issues.

In Table 5, I replicate a model from Daniels and Mitchell (2017) for maritime claim occurrence in all (coastal and major power) dyad years from 1900-2007.¹⁹ I add several measures capturing

¹⁶ Daniels and Mitchell (2017) create a dyad-year data set that pairs all coastal states in a given region ($N = 93,047$) and each major power in the system with each coastal state in a region ($N = 32,844$) for all regions of the world except Africa. Maritime claim onset occurred in 5,794 (4.6%) of the 125,891 total dyads in the opportunity set.

¹⁷ This measure divides total tonnage of US warships in a given year by the total tonnage of all countries in the same year. The data is taken from Crisher and Souva (2014). US meets the criteria for naval hegemony established by Modelski and Thompson (1988): (1) holding over 50 percent of the total warships in the world, (2) a minimum share is equal to 10 percent of the total warships in the world, and (3) demonstration of ocean-going power projection capability.

¹⁸ In separate analyses, we also find that increases in China's naval capabilities relative to Australian and Japanese sea power have significantly increased the chances that maritime claims in the region will be militarized.

¹⁹ The dataset pairs all coastal states that share a region ($N=93,047$) and major powers with all coastal states ($N=32,844$).

naval capabilities including US naval power share, possession of naval power by one or both sides, and relative naval power²⁰ if both sides have non-zero capabilities. I also include a measure to capture the strategic importance of an area to see if US projection of naval strength abroad mitigates the risks for militarized conflicts in strategic zones such as the Straits of Malacca, Hormuz, and Gibraltar. The results in Table 5 show that states with greater naval strength initiate more diplomatic claims to maritime zones. Furthermore, dyads who are closer in naval capabilities are more likely to experience claims; as the relative naval capability measure increases towards preponderance, dyadic diplomatic conflicts are less likely to arise. The interaction between US naval capabilities and strategic location is negative, showing that countries are less likely to initiate maritime conflicts in these areas when US sea power is strong.

Broader shifts in the systemic security environment can also be relevant for global maritime conflicts. As Klein (2011, 10) notes, maritime security issues include piracy, terrorist attacks, illicit trafficking of drugs, arms, or people, illegal fishing, and environmental destruction. Several incidents have heightened states' maritime security risks and resulted in international policy changes, including the September 2001 terrorist attack in the United States. The 1988 Suppression of Unlawful Acts (SUA) Convention, which identified unlawful acts taken against ship such as destroying cargo or harming persons, was created in response to the 1984 hijacking of an Italian vessel by the Palestinian Liberation Organization. After the September 2001 terrorist attacks, the International Maritime Organization (IMO) enhanced port security measures through the International Ship and Port Facility Security Code (ISPS). This was followed by other security enhancements related to shipping containers and cargo, which gave states greater rights for boarding threatening vessels and requiring advanced notice of goods shipped into a country (Klein 2011, Chapter 4). While these policy changes have clearly followed high profile threats to maritime states, overall risks for new dyadic maritime claims have not significantly increased after 2001 (Daniels & Mitchell 2017).

Bones of developed/democratic contention

Maritime claims often stem from states' economic goals as more developed countries seek to extract hydrocarbon and fishing resources of the sea to meet increasing local demands for food and energy.²¹ More economically advanced states also tend to be more democratic, with institutions that provide for free and fair elections and protect property rights. Democracy and development go hand in hand with maritime conflicts because most of the largest fishing fleets in the world come from wealthy democratic states, such as Japan, Spain, India, the United Kingdom, and the United States (DeSombre and Barkin, 2011, 30–31). Many of the maritime claims discussed in the paper thus far (e.g. Cod Wars, Hans Island, Turbot Wars, Northwest Passage, Tuna Wars) occur between fully democratic countries.

²⁰ Relative naval capabilities are measured by dividing the larger state's naval tonnage by the dyadic total. This produces a measure that ranges from 0.5 (naval parity) to 1.0 (naval preponderance). The average value is 0.94.

²¹ At the systemic level, however, higher levels of development and foreign direct investment reduce the onset of new ICOW claims including maritime disputes (Lee & Mitchell 2012). Part of this stems from the decline in territorial conquest that occurred as globalization increased and trade for resources became more efficient than military conquest (Brooks 1999).

Few territorial disputes occur between fully democratic states, although a high percentage of militarized disputes between democracies involve oil and fishing resources.²² Of the 97 dyadic MIDs that occurred between two democracies (scoring six or higher on Polity democracy scale), 43% involved fishing, oil, or mineral resources (Mitchell and Prins 1999). Thus democratic dyads have been able to avoid traditional land border disputes, which helps to preserve interstate peace, although maritime conflicts between democracies have been very common. Fully democratic countries do not often contest each other's land borders, but they engage frequently in maritime claims.

Daniels and Mitchell (2017) seek to evaluate whether democratic dyads face higher risks for maritime claims than other regime pairings among all dyads (N=125,891) that could experience diplomatic disagreements such issues. Their bivariate analyses, replicated in Table 5, show that democratic dyads have a significantly higher risk for maritime claims (7.09%) than non-democratic dyads (4.68%; $\chi^2=203.1308, p < .001$), a finding confirmed in a broader multivariate model. The risks of maritime claim onset are 46% higher for democratic dyads than non-democratic dyads. Consistent with democracies' global economic interests driving these conflicts, the authors also find that maritime claims are 300% more likely if a dyad involves economically advanced states. These patterns suggest that maritime conflicts between democracies are quite frequent, which is surprising given that many of them involve militarized disputes. Among all ICOW maritime claims, 29% have experienced at least one militarized dispute, a rate of conflict lower than for traditional territorial conflict (41%), but higher than for river claims (11%; Hensel and Mitchell 2017). Maritime issues thus create a bone of democratic contention and could threaten the democratic peace in the future as water resources become more contested in an increasingly scarce global environment.

Why Countries Militarize Maritime Claims

Close to a third of all ICOW dyadic maritime claims experience at least one militarized dispute over the contested issues at stake. This is a conservative estimate of the effects of maritime issues on conflict, however, because ICOW excludes MIDs that are not fought directly about the issues in an ICOW claim. Variation in issue salience provides a great deal of leverage for predicting militarized disputes, with more salient issues involving oil, migratory fish stocks, and land disputes becoming more violent on average. A history of conflict and rivalry also raise the risks that a dyadic maritime claim will become militarized.

Issue salience

The issue approach to world politics focuses on variance in issue salience to explain states' foreign policy choices for managing diplomatic conflicts (Hensel et al 2008; Hensel and Mitchell 2017). The basic idea is that countries are more likely to use coercive or peaceful negotiation tools over foreign policy issues that are more highly salient. As described earlier, maritime issues primarily involve tangible salience factors related to security, survival, and wealth. Each ICOW issue is assigned six indicators to capture the importance of the contested issue for the challenger (the state seeking to revise the issue status quo) and the target (the state defending the status

²² Territorial peace scholars (e.g. Gibler 2012) note however that the relationship may be reversed. The settlement of borders and diminished security threats in a state's neighborhood may allow for the development of democracy.

quo), creating a twelve point issue salience scale.²³ The maritime claim salience index is comprised of the following indicators:

- 1) Homeland territory: This captures whether the claimed maritime area is administered or claimed as an extension of homeland territory for the challenger and target states. For example, the Senkaku/Diaoyu would be coded as homeland territory for China and Japan; the Turbot Wars would be coded as homeland territory for Canada, but non-homeland territory for Spain. 66% of dyadic claims involve homeland for the challenger state and 88% involve homeland for the target state.²⁴
- 2) Offshore: ICOW records whether the claim involves one or more islands not including claims to maritime areas located off the shores of the primary territory of island countries; coded zero for a maritime claim that involves a maritime area adjacent to a nation's mainland territory. 25% of dyadic maritime claims involve offshore islands.
- 3) Resource: ICOW captures whether there is a resource basis for the maritime claim. 72% of dyadic claims involve resources, consistent with states' goals to defend territorial sovereignty and resources of the sea.
- 4) Strategic location: Some contested maritime areas are considered to be highly value for strategic purposes, such as chokepoints that involve canals or straits that could be closed to international shipping (e.g. Panama Canal, Suez Canal, and Straits of Malacca). 25% of all dyadic maritime claims involve strategic locations.
- 5) Fishing: This variable measures the level of fishing in the contested maritime claim area and can take on three possible values: 0 (none-73%), 1 (fishing resources for local consumption only-18%), and 2 (fishing resources harvested for export-9%).
- 6) Migratory Stocks: EEZ boundary divisions can be more contentious in situations where fish migrate across two states' EEZ areas. ICOW identifies the presence of migratory fishing stocks in 54% of dyadic maritime claims.
- 7) Oil: This variable measures the level of hydrocarbon resources in the contested maritime claim area and can take on four possible values: 0 (none-46%), 1 (potential oil resources but not yet extracted-27%), 2 (extracted oil resources used for local consumption only-3%), and 3 (extracted oil resources that are exported-25%).
- 8) Territorial Claim: ICOW notes whether a maritime claim is related to an ICOW territorial claim because as described earlier, the contestation of the land and maritime boundary in an area increases the salience of the issue and the risks for militarization. 26% of dyadic maritime claims are connected to territorial claims.

Table 6 shows how each of these issue salience indicators relates to the occurrence of one or more militarized disputes to manage an ongoing ICOW maritime claim. Militarized confrontations are significantly more likely to occur if the claim involves offshore islands, if there is a resource basis for the diplomatic conflict, if the claim occurs in a strategic location, if there are migratory fish stocks in the contested area, and if the conflict is related to a territorial claim involving land/island sovereignty. While the indicator for oil resources is not significant,

²³ Fishing stocks and migratory stocks are listed separately but in the aggregate ICOW salience index, they are combined into a single indicator (among the 6 total). Offshore is not used in the calculation of the aggregated salience index.

²⁴ These values are collected from a collapsed version of the claim dyad year dataset that records the maximum value for each salience indicator in a dyad. This excludes data from the African region.

we can see that the highest risks for militarized conflict occur in claims that involve areas with the potential for hydrocarbon extraction.

Theoretically, the issue approach asserts that as maritime claim salience increases, countries are more likely to threaten or use military force to pursue their claim related goals (Hensel et al 2008). States are willing to incur greater costs for fighting if they highly value the stakes. Over half of China's ongoing maritime claims have experienced militarized conflict, which is not surprising given that the average salience score for these issues ranges from 7-12. The areas contain oil and fishing resources and some claims involve strategic chokepoints as well. Hensel et al (2008) show that as maritime claim salience increases, the likelihood of militarized conflict significantly rises, with the most salient issues having a 400% higher risk for violence than the least salient issues.

We can also learn more about the specific drivers of issue salience by connecting the indicator variables for the aggregated index to militarized conflict more explicitly. Analyses employing ICOW maritime claims data suggests that pairs of countries with ongoing maritime claims face higher risks for militarized conflict if the claims involve migratory fish stocks, strategic locations, exported oil, and connections to ongoing territorial claims (Nemeth et al 2014; Jin and Mitchell working paper). Migratory fish stocks show a particularly strong relationship to militarization, reflecting the tendency for diplomatic conflicts with distributional issues to be more intractable for settlement (Nemeth et al 2014). These patterns are confirmed in Table 6.

Conflict history

Another important component of the issue approach is the history of militarized conflict or failed peaceful settlement efforts. An accumulation of previous militarized disputes or failed negotiations reflects the salience of the issues at stake and the difficulty of settlement. As a history of conflict accrues, the chances for militarized disputes increase as both sides harden positions and see the other side through enemy lenses (Hensel et al 2008; Dreyer 2010a). Issue rivalries compound this problem as noted earlier, as multidimensional issues increase incentives for countries to use coercive tactics in one arena to gain leverage in another. Militarization of the first major diplomatic issue in a relationship also increases the risks for future diplomatic conflicts and additional militarized disputes (Mitchell and Thies 2011).

Empirical analyses show support for these hypotheses. Previous MIDs and failed peaceful settlement attempts significantly increase the risks for militarized disputes in maritime claims (Hensel et al 2008, 136). Nemeth et al (2014) also find that prior MIDs significantly increase the risks for future disputes. In these models, conflict history also has the largest substantive effect among all independent variables. China has experienced MIDs in half of its ongoing maritime claims in the past 25 years, increasing the risks for future conflict in the region.²⁵ Conflict risks can be mitigated somewhat in the presence of large asymmetries in capabilities between the challenger and target state in a maritime dispute. As the challenger state holds more of the total military, economic, and demographic power in a claim dyad, the chances for militarization of the claims drops (Nemeth et al 2014). In the Asian context, this suggests that while the overall rate

²⁵ The number of MIDs over China's maritime claims since 1993 is as follows: Senkaku/Diaoyu (6 vs. Japan, 1 vs. Taiwan), Pratas (1 vs. Taiwan), Yellow Sea (1 vs. South Korea), Spratly (2 vs. Philippines), and Gulf of Tonkin (1 vs. Vietnam).

of militarization in the region increases the risks for future conflict, China's interactions with the Philippines or Malaysia may face lower conflict risks than its interactions with Japan or South Korea.²⁶

Why and How Countries Settle Maritime Claims Peacefully

One of the broader goals of the ICOW Project is to study the onset and management of diplomatic conflicts in order to learn more about the factors that promote peaceful settlement. Prior conflict scholars' tendency to code issues at stake in militarized disputes, crises, or wars ignores the potential for selection effects. For example, if UNCLOS members are more likely to resolve maritime claims with purely peaceful tactics, we might underestimate the importance of this global institution by focusing only on maritime disputes that reach the level of militarization. ICOW analyses have shown that several factors improve the chances for peaceful settlement attempts and the avoidance of new diplomatic claims including characteristics of the claimed area, global institutions (UNCLOS), and the use of international courts or arbitration panels through binding third party settlement.

Claim characteristics

Militarized conflict is more likely for highly salient maritime claims. Yet diplomatic issues of high importance also experience more frequent peaceful attempts to settle the issues at stake. High salience factors (e.g. migratory fish, strategic chokepoints, oil) increase the likelihood of bilateral negotiations or third party efforts to settle maritime claims (Hensel et al 2008; Nemeth et al 2014; Owsiak and Mitchell 2018). States prefer to employ bilateral negotiations, good offices, and multilateral negotiations to help resolve maritime claims while eschewing the involvement of courts or arbitrators in these cases (Owsiak and Mitchell 2018). Yet the same factors that increase issue salience and improve the chances for bilateral or third party negotiations also reduce the chances that any given negotiation will end the overall contested issue. Given the high salience for China's maritime claims, it is not surprising that the country pursues a lot of bilateral and multilateral negotiations, but fails to settle many of the underlying issues at stake in these maritime conflicts.

Institutions

Maritime issues are distinct from other geopolitical issues because they have been addressed through a highly institutionalized global organization. The three iterations of the Law of the Sea Conventions arose in response to varying maritime claims by states following the Truman Declaration. Signed in 1982 and coming into force in 1994, UNCLOS established uniform standards for territorial and contiguous sea limits, navigation rights, seabed usage, and dispute settlement. As of 2016, 179 of 194 countries (92.3%) signed the convention, with 164 signatories (91.6%) ratifying the treaty. 44 of the ratifying countries (26.8%) have also made optional Article 287 declarations, recognizing one of four judicial forums for dispute settlement, although compulsory settlement is required for all UNCLOS members through default arbitration procedures should other avenues for settlement fail.²⁷ The widespread acceptance of UNCLOS,

²⁶ My plan is to update the salience and conflict history analyses using the updated maritime claims dataset in the next iteration of the paper.

²⁷ This includes the International Tribunal for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), arbitration under Annex VII of UNCLOS (the default procedure), or arbitration under Annex VIII of UNCLOS.

its clarification of states' rights in maritime spaces, and its extensive peaceful dispute settlement procedures have set the stage for institutional success.

ICOW analyses show that pairs of states that have jointly ratified UNCLOS are less likely to initiate new maritime claims, less likely to use military force to settle existing claims, and more likely to use peaceful negotiation strategies (Nemeth et al 2014; Owsiak & Mitchell 2018). Figure 4 shows that a flattening and then drop in the frequency of global maritime claims following the 1982 signature and 1994 entry into force of the Law of the Sea Convention.²⁸ Research also suggests that UNCLOS may cast a shadow effect on interstate bargaining over maritime claims. If two sides have accepted the same judicial forum through an Article 287 declaration, they are 27% more likely to negotiate peacefully (through bilateral negotiations or non-binding third party techniques) (Mitchell and Owsiak 2018). The success of UNCLOS bodes well for the settlement of maritime disputes in Asia given that all of the countries involved in China's maritime claims have ratified the convention (except Taiwan).²⁹

Third parties

Diplomatic issues conflicts can be settled quite successfully through binding third party techniques of arbitration or adjudication, although countries generally eschew the use of international courts to resolve highly salient issues. Only 3.1% of the 935 peaceful settlement attempts to address maritime claims have involved binding techniques (Table 2). This is unfortunate because maritime claims settled through international courts have compliance rates that exceed 95% (Mitchell and Hensel 2007; Mitchell and Owsiak 2018). The flexibility and encouragement of judicial settlement in UNCLOS have improved countries' willingness to employ these effective forums, however. Court cases also play an important role in clarifying ambiguities in the law of the sea or resolving competing focal points in bargaining. The Permanent Court of Arbitration settled 18 maritime claims between 1905 and 2014, the World Court settled 19 cases involving both territorial and maritime issues and 13 cases involving maritime claims between 1929 and 2014, while the International Tribunal for the Law of the Sea settled 23 maritime claims between 1997 and 2015 (Mitchell and Owsiak 2018). While ITLOS' role initially focused on prompt release and provisional measures, clearly stemming from its jurisdictional role as articulated by the UNCLOS treaty, the court has been used more frequently in recent years to settle boundary cases (e.g. Bangladesh vs. Myanmar, Bay of Bengal), paving the way for a higher density of binding settlement of ongoing maritime conflicts. The PCA has also seen an uptick in maritime cases in recent years, reflecting the importance of arbitration as a default compulsory procedure. Even though China did not appear before the PCA, the ruling is still likely to influence the scope of China's claims in the region given its position on historic rights and the attempt to use artificial islands for maritime claims.

Conclusion

In this paper, I summarize patterns of maritime conflicts globally between 1900 and 2010, focusing on 270 diplomatic claims coded by the Issue Correlates of War (ICOW) project. In addition to providing summary information about the compiled cases, the paper also describes

²⁸ This will be updated to 2010 in the next version of the paper. The temporal span for the claims in the Western Hemisphere and Europe have not been extended from 2001-2010.

²⁹ The Permanent Court of Arbitration case involving China and the Philippines was initiated unilaterally by the Philippines, another unique feature of UNCLOS' dispute settlement procedures.

factors that influence the onset, militarization, and peaceful settlement of maritime disputes. The frequency of claims between economically developed and democratic states suggests that maritime claims will remain a feature of interstate politics for some time to come. The paper also shows that declines in US naval strength have increased the occurrence and militarization rates of maritime disputes. Yet the United Nations Law of the Sea Convention has been an effective regime for mitigating the increase in dyadic claims and preventing new conflicts from arising between member states. Maritime claims have seen fairly regular militarization (29% of cases), although a small number have produced fatalities. While UNCLOS created clear standards for maritime claims around states' homeland areas, competition for resources in the "Area" outside countries' EEZ spaces, including in the Arctic region, has the potential to generate new conflicts. Global warming is already opening new sea lanes through the Northwest Passage and Northern Sea Route, increasing states' interest in oil and natural gas resources in the region. Greater environmental threats to fisheries' stocks and increasing demand for oil and natural gas could heighten countries' willingness to make maritime claims and use force to defend them in the future. The past century has seen persistent yet mostly peaceful oceanic claims.

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Table 1. Contentious Issues in ICOW Maritime Claims

Issues	Examples	Points of contestation
Maritime Boundary Delimitation	<ul style="list-style-type: none"> -United States vs. Canada, <i>Gulf of Maine</i> -United States vs. Canada, <i>Hecate Strait & Dixon Entrance</i> -Greece vs. Turkey, <i>Aegean Sea</i> -Denmark vs. Iceland, <i>Faroe Island</i> 	<ul style="list-style-type: none"> -Delimitation of Georges Bank -Extension of the maritime boundary from the “A-B” land boundary demarcation -Role of Greek islands near Turkish mainland for drawing maritime boundary -Disagreement about extensions of fishing limits from 3nm to 12nm
Status of Rocks vs. Islands	<ul style="list-style-type: none"> -Venezuela vs. multiple Caribbean states, <i>Aves Island</i> -China vs. Japan, <i>Okinotorishima Reef</i> 	<ul style="list-style-type: none"> -Whether Aves is a “Rock” or an “Island” -Whether Okinotorishima coral reef is a “Rock” or an “Island”
Historical Rights	<ul style="list-style-type: none"> -China vs. Philippines, Vietnam & other states, <i>Spratly Islands</i> -United States vs. Canada, <i>Northwest Passage</i> 	<ul style="list-style-type: none"> -Whether China’s historical use of the Spratly’s allows for EEZ claims -Whether Inuit use of Arctic islands justifies claimed area in NW Passage
Resources	<ul style="list-style-type: none"> -United Kingdom vs. Iceland, <i>Cod Wars</i> -United States vs. Ecuador & Peru, <i>Tuna Wars</i> 	<ul style="list-style-type: none"> -UK failure to recognize Iceland’s claims of 4-200nm -US failure to recognize Ecuador & Peru claims of 200nm territorial sea areas
Navigational Rights	<ul style="list-style-type: none"> -United Kingdom vs. Albania, <i>Corfu Strait</i> 	<ul style="list-style-type: none"> -Protest of the use of mines by Albania in the Corfu Strait to prevent passage of ships

Table 2: Frequency and Militarization of ICOW Maritime Claims, 1900-2010

Region	Number of Claims	MID over Claim	Fatal MID over Claim
Western Hemisphere	68	25 (36.8%)	3 (4.4%)
Europe	75	14 (18.7%)	3 (4.0%)
Africa	49	--	--
Middle East	31	4 (12.9%)	1 (3.2%)
Asia and Oceania	47	22 (46.8%)	6 (12.8%)
<i>Total</i>	<i>270</i>	<i>65 (29.4%)</i>	<i>13 (5.9%)</i>

Table 3: Frequency and Types of Peace Settlement Attempts for ICOW Maritime Claims, 1900-2010

Region	West. Hemis.	Europe	Middle East	Asia/Oceania	<i>Total</i>
Bilateral Negotiations	163 (64.9%)	162 (59.6%)	24 (51.1%)	135 (37%)	484 (51.8%)
Good Offices	29 (11.6%)	16 (5.9%)	6 (12.8%)	32 (8.8%)	83 (8.9%)
Mediation	16 (6.4%)	12 (4.4%)	13 (27.7%)	50 (13.7%)	91 (9.7%)
Arbitration	3 (1.2%)	1 (0.4%)	1 (2.1%)	---	5 (0.5%)
Adjudication	5 (2%)	13 (4.8%)	2 (4.3%)	4 (1.1%)	24 (2.6%)
Other 3 rd Party	8 (3.2%)	3 (1.1%)	---	---	11 (1.2%)
Multilateral Neg.	27 (10.8%)	64 (23.5%)	1 (2.1%)	144 (39.5%)	236 (25.2%)
Peace Conferences	---	1 (0.4%)	---	---	1 (0.1%)
Reach Agreement	163 (64.9%)	128 (47.1%)	26 (55.3%)	258 (70.7%)	575 (61.5%)
<i>Total</i>	<i>251</i>	<i>272</i>	<i>47</i>	<i>365</i>	<i>935</i>

Table 4: Poisson Regression of Systemic Maritime MIDs, 1944-2001

	Annual Number of MIDs					
	Model 1		Model 2		Model 3	
US Naval Power	-0.066	***	-0.039	***	-0.067	***
	(0.011)		(0.007)		(0.014)	
UNCLOS1982	-0.559	*				
	(0.303)					
UNCLOS1994			1.218			
			(0.362)			
Freedom of Navigation Operations					-0.520	
					(0.365)	
Global Level of Democracy	0.469	***	-0.206		0.414	***
	(0.119)		(0.178)		(0.109)	
Constant	3.068	***	3.690	***	3.356	***
	(0.564)		(0.616)		(0.755)	
N	58		58		58	
LR χ^2	85.14	***	95.09	***	83.75	***

Note: Entries are coefficients with standard errors; ***p < .01, **p < .05, *p < .1; Two tailed test.

Table 5: Replication of Daniels and Mitchell (2017) Maritime Claim Occurrence Model (1900-2007)

	<i>Dependent variable:</i>			
	Maritime Claim Onset			
	(1)	(2)	(3)	(4)
US Naval Power	0.003 (0.003)	0.001 (0.003)	0.009*** (0.003)	0.006* (0.004)
Strategic Location			1.423*** (0.191)	1.230*** (0.199)
Possession of Naval Power	0.526*** (0.072)		0.496*** (0.072)	
Relative Naval Power		-1.210*** (0.161)		-1.134*** (0.162)
Democratic Dyad	0.046 (0.056)	0.139** (0.059)	0.155*** (0.058)	0.236*** (0.063)
Mixed Dyad	-0.353*** (0.049)	-0.223*** (0.052)	-0.304*** (0.050)	-0.180*** (0.054)
Rel. Energy Prod.	-2.220*** (0.134)	-1.434*** (0.159)	-2.169*** (0.135)	-1.416*** (0.160)
Major Power Dyad	2.678*** (0.049)	2.608*** (0.049)	2.640*** (0.050)	2.572*** (0.050)
Dyadic MIDs	2.236*** (0.078)	2.212*** (0.083)	2.273*** (0.078)	2.245*** (0.083)
Americas	3.417*** (0.064)	3.409*** (0.064)	3.473*** (0.066)	3.457*** (0.066)
Europe	1.582*** (0.063)	1.589*** (0.063)	1.634*** (0.065)	1.631*** (0.065)
Asia	2.864*** (0.065)	2.816*** (0.066)	2.742*** (0.069)	2.712*** (0.070)
Middle East	2.345*** (0.100)	2.213*** (0.118)	2.301*** (0.100)	2.170*** (0.119)
Year	0.966*** (0.336)	0.694** (0.352)	1.118*** (0.338)	0.831** (0.354)
Year squared	-0.0002*** (0.0001)	-0.0002** (0.0001)	-0.0003*** (0.0001)	-0.0002** (0.0001)
US Naval Power*Strategic Location			-0.022*** (0.004)	-0.019*** (0.004)
Constant	-959.403*** (332.625)	-687.267** (348.203)	-1,109.724*** (334.312)	-822.660** (350.502)
Observations	63,883	54,701	63,883	54,701
Log Likelihood	-11,544.280	-10,404.680	-11,511.910	-10,382.660
Akaike Inf. Crit.	23,116.570	20,837.360	23,055.830	20,797.330

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 6: Issue Salience Characteristics and Militarized Dispute (MID) Occurrence

Salience Indicator	% Claims with MIDs (1 or more)	Chi-Square (significance)
<u>Homeland challenger</u>		
No	25.0%	0.249
Yes	32.6%	
<u>Homeland target</u>		
No	30.7%	0.936
Yes	30.0%	
<u>Offshore islands</u>		
No	26.5%	0.049
Yes	40.7%	
<u>Resources</u>		
No	16.4%	0.006
Yes	35.5%	
<u>Strategic location</u>		
No	23.9%	0.001
Yes	49.1%	
<u>Fishing</u>		
None	10.5%	<i>0.06</i>
Local	23.1%	
Export	34.2%	
<u>Migratory fish stocks</u>		
No	23.0%	0.035
Yes	36.2%	
<u>Oil & natural gas</u>		
None	25.0%	0.318
Potential	39.3%	
Local	33.3%	
Export	29.6%	
<u>Territorial claim</u>		
No	26.3%	0.037
Yes	41.1%	

Note: chi-square test for independence values in bold are significant at the 95% confidence level while values in italics are significant at the 90% confidence level.

Figure 1: UK and US Percentage of Total Warship Tonnage in the World, 1900-2001

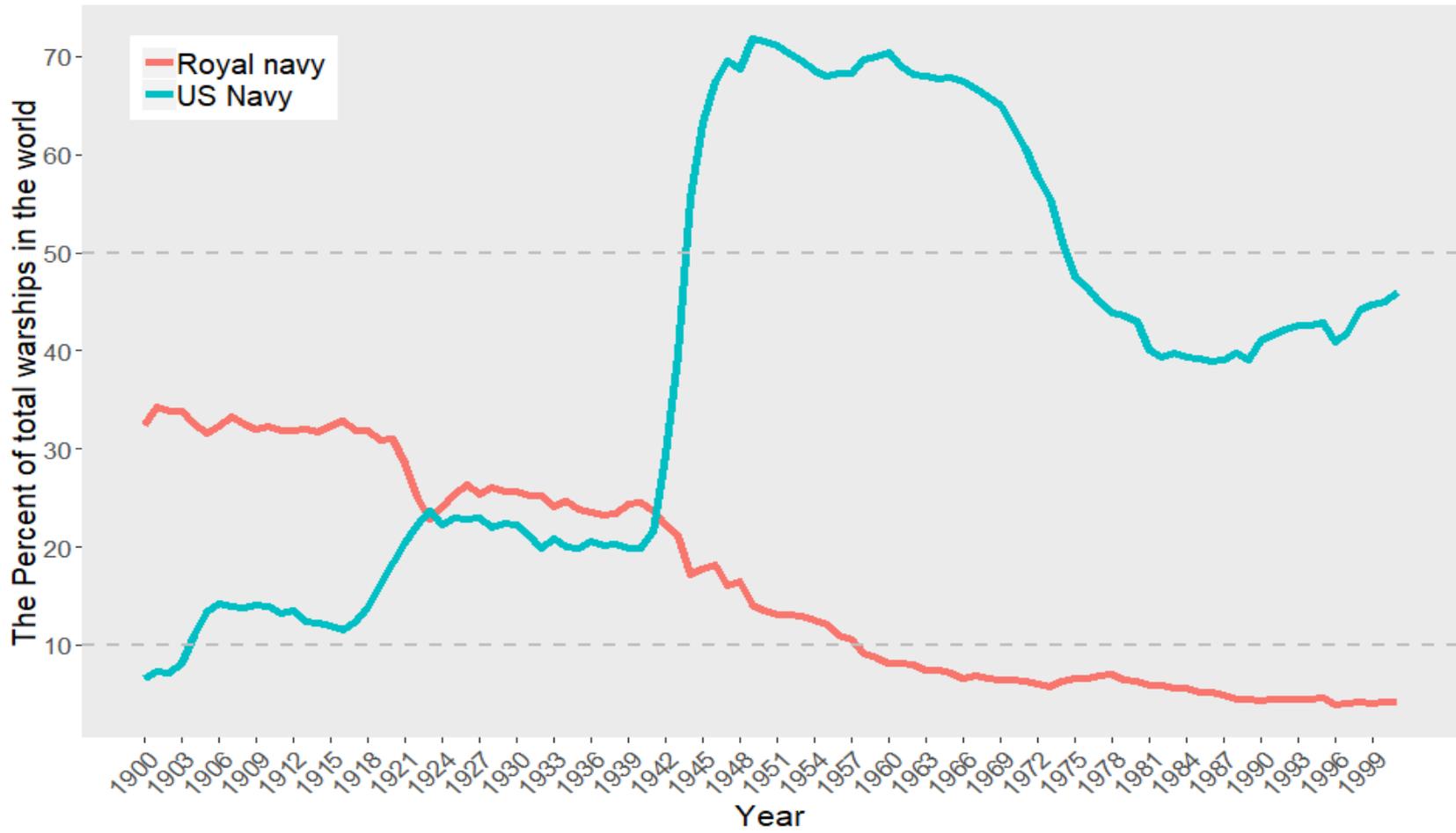


Figure 2: Effect of US Naval Power on Systemic Maritime MIDs (Table 4)

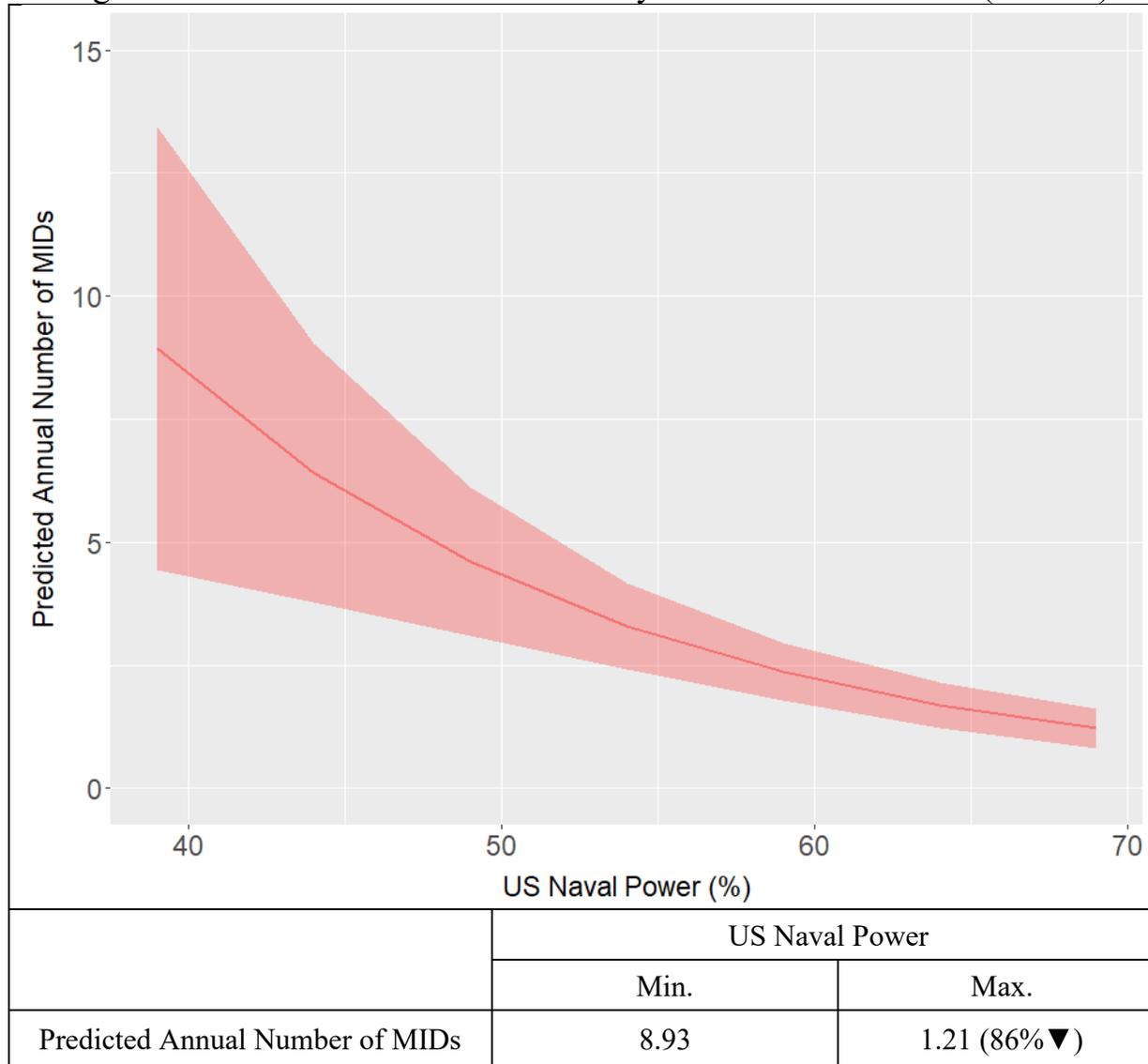


Figure 3: US Naval Power Share and Number of Ongoing ICOW Maritime Claims

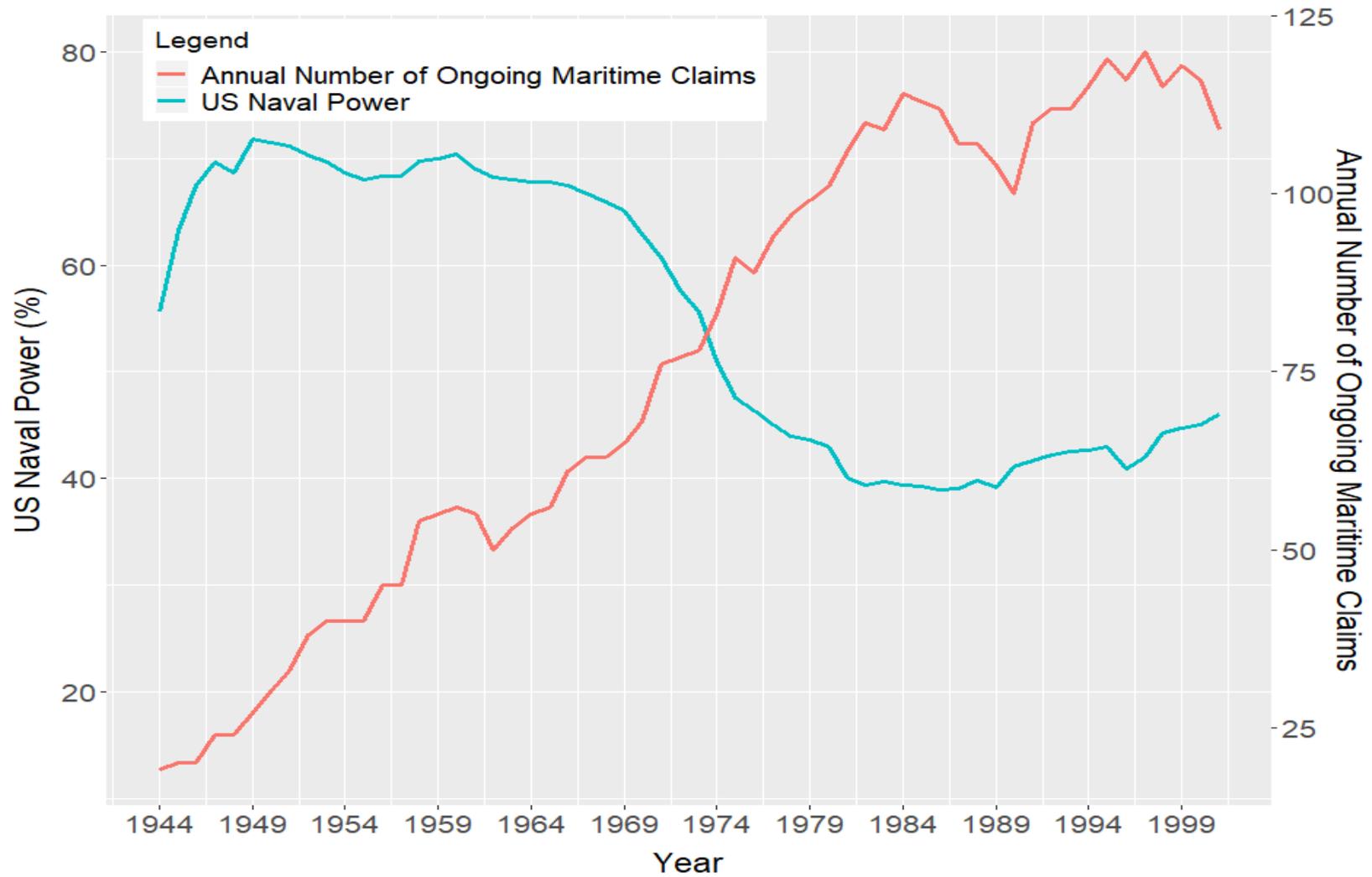


Figure 4: Frequency of Ongoing ICOW Maritime and Territorial Claims, 1900-2001

