

Clashes at Sea: Explaining the Onset, Militarization, and Resolution of Diplomatic Maritime Claims

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Abstract: Maritime disputes feature prominently in global politics and yet we lack a full understanding about how they arise and why they are militarized. China's maritime conflicts with neighboring states (e.g. Senkaku/Diaoyu, Spratly Islands) generated over a dozen militarized clashes at sea since 1991. Confrontations in the Kerch Strait between Russia and Ukraine in November 2018 created similar concerns about escalation of the situation to interstate war. Maritime diplomatic clashes are frequent; the Issue Correlates of War (ICOW) project identifies 270 dyadic diplomatic claims over maritime areas globally from 1900-2010, with close to a third of these disagreements experiencing militarization. This paper explores why countries experience diplomatic disagreements over maritime zones, why some maritime claims are militarized, and how countries can peacefully resolve these conflicts. The project is situated theoretically in the issue approach to world politics. Empirical analyses show that maritime areas with more salient resources (oil, fish stocks, minerals, etc.) and previous militarization become more violent on average. States with greater naval capabilities make more claims to offshore maritime areas and utilize more coercive strategies unless they are facing countries with similar naval strength. Unlike territorial disputes, maritime conflicts are more likely to occur between democratic, developed states and are more successfully settled through multilateral institutions. The findings show the conditions under which maritime claims may become a flashpoint for broader clashes at sea between major powers.

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Maritime disputes feature prominently in global politics in the past century. China's ongoing conflicts with Japan, Vietnam, the Philippines, and other neighboring states involving maritime areas² play an important role in its overall strategic goals and increase tensions with the United States. 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 not only staked out aggressive maritime claims through its nine-dash line (which extends beyond the 200nm EEZ area for China), it also eschewed attempts by international tribunals to settle its maritime claims, including China's lack of participation in the Permanent Court of Arbitration (PCA) case against the Philippines (2016 ruling). The increasing frequency of maritime claims in Southeast Asia 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 claims³ and strategies⁴, 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 like other countries' management of maritime claims in the 20th and 21st centuries? Which factors increase the risks for escalation in these diplomatic conflicts? How does the management of maritime claims compare to the management of other salient issues like territorial claims (e.g. China's border

² This includes claims over maritime areas near the Senkaku/Diaoyu Islands, Pratas Island, Yellow Sea, Spratly Islands, Paracel Islands, and the Gulf of Tonkin.

³ Lyle Goldstein, "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire." *Contemporary Southeast Asia* 33, no. 3 (2011): 320-47.

⁴ Peter Dutton, "Three Disputes and Three Objectives—China and the South China Sea." *Naval War College Review* 64, no.4 (2011), Article 6.

dispute with India)? Which maritime conflicts today represent the greatest hotspots for future wars and major power competition?

While competitive interstate claims to territory have declined over the past century (Figure 1), 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, reduced the number of new maritime conflicts by creating standards and rules for maritime delimitation and establishing elaborate conflict management procedures. Yet declining resources of highly salient fisheries, oil, natural gas, and other minerals are raising the stakes for claims to oceanic resources. Uncertainties in security and maritime law have exacerbated these clashes. The relative decline in US naval power, combined with an increase in China's regional capabilities in Asia, contributed to a rising number of claims by countries to maritime boundaries and marine 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 and competition for marine hydrocarbon resources intensifies.⁵ Conflict is more likely when multiple issues are contested (e.g. Russia and Ukraine in the Sea of Azov) and when revisionist states seeking to change the maritime status quo have naval capabilities. Maritime claims are very likely to become a flashpoint for broader clashes at sea between major powers.

This paper explores why countries experience diplomatic disagreements over maritime zones (claims), why some maritime claims are militarized more often than others (disputes), and how countries can peacefully resolve these conflicts (settlement attempts). Maritime areas with more salient resources (oil, fish stocks, minerals, etc.) and previous militarization become more

⁵ U. Srinivasan, Reg Watson Thara, and U. Rashid Sumaila, "Global Fisheries Losses at the Exclusive Economic Zone Level, 1950 to Present." *Marine Policy* 36 (2012): 544-49.

violent on average. States with greater naval capabilities make more claims to offshore maritime areas and utilize more coercive strategies unless they are facing countries with similar naval strength. However, institutions like UNCLOS increase peaceful attempts to resolve maritime claims and reduce the onset of new diplomatic conflicts. I also compare empirical findings for maritime conflicts to diplomatic conflicts over territory, showing that while many factors that drive militarized conflict are the same (e.g. high issue salience, history of conflict, history of failed negotiations), the processes that lead to maritime claim onset and peaceful negotiations are quite distinct for maritime issues.

The paper is organized as follows. First, I present the issue approach to studying interstate conflict. Second, I examine patterns of global maritime claims using data from the Issue Correlates of War (ICOW) Project.⁶ 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. Third, I develop the maritime ICOW theoretical model which identifies factors that increase the chances for maritime claim onset, militarization, and peaceful resolution. I argue that claims arise when states seek to defend territorial sovereignty and when uncertainties in security or maritime law exist, and I show paradoxically that maritime issues arise most often between highly developed, democratic states. I also identify factors that raise the chances for militarized disputes in ongoing maritime claims including high issue salience and a history of issue/militarized conflict. I identify several factors that increase the chances for peaceful settlement of maritime disputes such as high issue salience, the use of

⁶ Paul R. Hensel and Sara McLaughlin Mitchell, "From Territorial Claims to Identity Claims: The Issue Correlates of War (ICOW) Project." *Conflict Management and Peace Science* 34, no. 2 (2017): 126-40.

binding negotiation techniques, and institutional settlement through UNCLOS. Finally, I conclude with thoughts about future maritime hot spots.

Issue Approach to World Politics

International relations scholars often assume that conflict begins for a reason such as contestation of shared land borders, competition over important resources like oil, or the removal of other states' leaders. Clausewitz' argument that war is the pursuit of political goals by military means reflects this idea, suggesting that wars arise from countries' unsuccessful efforts to settle diplomatic issues peacefully. Yet many of the dominant theories of interstate warfare fail to consider how the issues at stake influence the onset and escalation of violence. Realists focus attention on relative power, offensive and defensive capabilities, and relative vs. absolute gains, but they treat issues as being embedded in a broader national security framework. Liberals identify potential issue linkages between economic and security matters, but typically focus on how domestic and international institutions influence the prospects for peace without considering how interactions might vary across issue areas. Rationalists build models assuming the presence of contested issues like the division of territory, but they typically assume that issue indivisibility is a commitment problem rather than something to be studied explicitly. In short, most major theories of war fail to problematize how the issues at stake in diplomatic clashes influence the potential for escalation to war.

The issues approach to world politics remedies these shortcomings.⁷ Building on work in the American foreign policy literature⁸, issue scholars argue that foreign policy is issue directed,

⁷ Richard Mansbach and John Vasquez, *In Search of Theory: A New Paradigm for Global Politics*. (New York, NY: Columbia University Press, 1981).

⁸ James N. Rosenau, "Pre-theories and theories of foreign policy." In R. B. Farrell (ed.), *Approaches to Comparative and International Politics*. (New York, NY: Free Press, 1966), pp. 27-93.

that cooperative and conflictual foreign policy tools are substitutable means for issue-related ends⁹, and that actors' preferences for foreign policy options are driven by the salience that states attach to issues.¹⁰ Issue scholars classify the *tangible* and *intangible* aspects of *issue salience* in diplomatic conflicts¹¹ and use this information to understand the onset of diplomatic claims and escalation of these claims to militarized conflict. Issues that have high levels of intangible salience, such as territorial disputes involving sacred sites or historical homelands, are more likely to be settled through war than issues that involve mostly tangible stakes, such as fishing rights in EEZ areas or water quantity rights in cross-border rivers. While some issues (e.g. territory) are more salient overall than other issues (e.g. rivers), the issue approach also codes within issue variance for issue salience. Some maritime conflicts (e.g. Beagle Channel), are highly salient if they involve fishing and oil resources and occur in strategic locations, while other maritime issues are less salient (e.g. Beaufort Sea) because they have fewer resources or strategic importance to the countries involved.¹²

Figure 1 shows the theoretical model for the issue approach. Stage 1 begins with an identification of pairs of states that could experience various types of issue conflicts. For example, states that share land contiguous borders or cross-border rivers have more opportunities to start new diplomatic conflicts over territorial and river issues. The United States and Mexico share a direct land border and multiple rivers like the Rio Grande, thus they have potential for

⁹ Paul R. Hensel, "Contentious Issues and World Politics: Territorial Claims in the Americas, 1816-1992." *International Studies Quarterly* 45, no.1 (2001): 81-109.

¹⁰ Paul R. Hensel, Sara McLaughlin Mitchell, Thomas E. Sowers II, and Clayton L. Thyne, "Bones of Contention: Comparing Territorial, Maritime, and River Issues." *Journal of Conflict Resolution* 52, no. 1 (2008): 117-43.

¹¹ Ibid. The authors 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.

¹² Table A1 presents the general typology of issues developed by the ICOW Project.

diplomatic conflicts over these issues. In stage 2, states with opportunities for issue claims either start new diplomatic conflicts or maintain the issue status quo. States seeking to change the status quo are called *challengers* (revisionists), while states defending the status quo are called *targets*. The United States challenged Mexico's sovereignty claims over California and Texas in the 1830's-1840's, while Mexico challenged US territorial control of the border area starting in the 1880's. Once an issue claim is underway, states can try to achieve their issue goals with military force, by negotiating peacefully, or by doing nothing. The US went to war with Mexico in 1846 to win territorial control of California and Texas. The two sides also negotiated peacefully frequently to resolve their issue claims. The issue approach hypothesizes that militarized force and peaceful resolution strategies occur more often if the issues are highly salient, if states have a history of militarizing the issues previously, and if there are many failed peaceful negotiations to resolve the claim.¹³ Other factors like power parity, dyadic regime type, and conflict management institutions influence the prospects for militarized conflict or peaceful resolutions.

The issue approach to world politics demonstrates the benefits of understanding interstate conflict dynamics by focusing on the issues at stake in diplomatic conflicts. Scholars focus on territorial issues because contiguous states face much higher risks for wars than non-contiguous states¹⁴ and territorial issues are the leading cause of interstate war over the past several centuries.¹⁵ The ICOW Project identifies 843 dyadic territorial claims between 1816 and 2001, with 41% of these diplomatic conflicts experiencing at least one militarized dispute.¹⁶ Territorial claims are typically high on both major dimensions of issue salience: tangible salience and

¹³ Ibid.

¹⁴ Stuart A. Bremer, "Dangerous Dyads: Conditions Affecting the Likelihood of Interstate War, 1816-1965." *Journal of Conflict Resolution* 36, no. 2 (1992): 309-41.

¹⁵ John A. Vasquez, *The War Puzzle Revisited*. (Cambridge, UK: Cambridge University Press, 2009).

¹⁶ Bryan A. Frederick, Paul R. Hensel, and Christopher Macaulay, "The Issue Correlates of War Territorial Claims Data, 1816-2001." *Journal of Peace Research* 54, no. 1 (2017): 99-108.

intangible salience.¹⁷ Table 1 shows militarization rates for territorial claims based on salience levels. Consistent with the issue approach, challengers are more likely to use force to capture territory when it valued for intangible reasons (e.g. historical homeland, ethnic kin living on land). Wars are also much more likely if intangible salience is high.¹⁸ Contestation of tangible resources (e.g. natural resources, large population) also increases conflict risks.

ICOW expanded its data collection beyond territorial claims (Table A1) 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).¹⁹ Going beyond the traditional data collection approach which records issues at stake in militarized disputes or wars²⁰, 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 interstate diplomatic disagreements over land or island territories have been resolved without any militarized foreign policy actions. A focus on diplomatic claims allows for a better understanding of theoretical factors that push towards peaceful or militarized settlement.

Defining Maritime Claims

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

¹⁷ Hensel et al, "Bones of Contention", 120-121.

¹⁸ Paul R. Hensel and Sara McLaughlin Mitchell, "Issue Indivisibility and Territorial Claims." *GeoJournal* 64, no. 4 (2005): 275–85.

¹⁹ Hensel and Mitchell, "From Territorial Claims to Identity Claims"

²⁰ Kalevi J. Holsti, *Peace and War: Armed Conflicts and International Order, 1648-1989*. (Cambridge: Cambridge University Press, 1991).

expanded United States 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 negotiations from 1958 to 1982.²¹ 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.²²

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.²³ To collect data on maritime claims, the ICOW Project identified dyads that have potentially overlapping maritime zones (e.g. 200nm exclusive economic zones) using *Jane's Exclusive Economic Zones*.²⁴ For each pair of countries with an overlapping maritime zone, ICOW researchers constructed news chronologies to determine if two or more countries 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 experience multiple ICOW issue claims because they share a contiguous land border, an internal sea, and similar ethnic groups.

²¹ Donald R. Rothwell and Tim Stephens, *The International Law of the Sea*. (Portland: Hart, 2010).

²² Sara McLaughlin Mitchell and Brandon Prins, "Beyond Territorial Contiguity: Issues at Stake in Democratic Militarized Interstate Disputes." *International Studies Quarterly* 43, no. 6 (1999): 169-83.

²³ Paul K. Huth, *Standing Your Ground: Territorial Disputes and International Conflict*. (Ann Arbor, MI: University of Michigan Press, 1996).

²⁴ Martin Pratt and Clive Schofield, Editors, *Jane's Exclusive Economic Zones, 2nd edition*. (Surrey: Jane's Information Group Limited, 2000).

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 area.²⁵ 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 maritime boundary agreement 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.²⁶ 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.

²⁵ “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>.

²⁶ ICOW identifies two types of militarization for issue claims: any militarized interstate dispute (MID) and MIDs that produced at least one battlefield fatality. Both are coded based on the Correlates of War project's Militarized Interstate Dispute data set; 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. See Hensel and Mitchell, “From Territorial Claims to Identity Claims”.

Types of ICOW Maritime Claims

Several types of maritime claims are recorded in the ICOW dataset (Table 2). Around half of 270 dyadic global maritime claims since 1900 are disagreements about the demarcation of a *maritime boundary* involving the territorial sea, EEZ area, or extension of the continental shelf.²⁷

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 United States 75% of the Georges Bank area and 5/6th of the total Gulf of Maine maritime area.²⁸ The inequities in resources that would derive from a strict interpretation of UNCLOS rules for delimitation resulted in Canada making competitive claims and winning some concessions in the adjudication of the case.

²⁷ For a detailed analysis and original dataset of maritime boundary settlements, see Aslaug Ásgeirsdóttir and Martin Steinwand, "Dispute Settlement Mechanisms and Maritime Boundary Settlements." *Review of International Organizations* 10, no. 2 (2015): 119-43.

²⁸ L.H. Legault and Blair Hankey, "From Sea to Seabed: The Single Maritime Boundary in the Gulf of Maine Case." *American Journal of International Law* 79, no. 4 (1985): 961-91.

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.²⁹ 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. 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.³⁰ Similarly, the establishment of EEZ boundaries between Greece and Turkey in the Aegean Sea is 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

²⁹ 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.

³⁰ Ted L. McDorman, “The Canada-France Maritime Boundary Case: Drawing a Line Around St. Pierre & Miquelon.” *American Journal of International Law* 84, no. 1 (1990): 157-89.

unable to sustain habitation or economic life.³¹ 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 452nm².³² 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 Senkaku/Diaoyu conflict, in which China disputes Japan's EEZ claims around the Okinotorishima coral reef, claiming it is a rock, not an island.³³ 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.

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,

³¹ Clive Schofield, "The Trouble with Islands: The Definition and Role of Islands and Rocks in Maritime Boundary Delimitation." pp. 19-37 in Hong Seoung-Yong and Jon M. Van Dyke (eds.), *Maritime Boundary Disputes, Settlement Processes, and the Law of the Sea* (Leiden, the Netherlands: Martinus Nijhoff, 2009), p. 23.

³² *Ibid.*

³³ M. Taylor Fravel, "Explaining Stability in the Senkaku (Diaoyu) Dispute," pp. 144-164 in Gerald Curtis, Ryosei Kokubun and Wang Jisi (eds.), *Getting the Triangle Straight: Managing China-Japan-US Relations*. (Washington, DC: The Brookings Institution Press, 2010), p. 147.

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.³⁴ 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.³⁵

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

³⁴ Michael Byers, *International Law and the Arctic*. (Cambridge, UK: Cambridge University Press, 2013).

³⁵ David H. Gray, "Canada's Unresolved Maritime Boundaries." *IBRU Boundary and Security Bulletin*. Autumn, 5, no. 3 (1997): 61-70.

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 EC 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 1995.³⁶

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 claims, as each side sought to defend its maritime claims in the contested area with force. In each of these claims, countries sought fairness when extracting resources of the sea, but they did not claim sovereignty rights over the resources.

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.

³⁶ Yann-Huei Song, "The Canada-European Union Turbot Dispute in the Northwest Atlantic: An Application of the Incident Approach." *Ocean Development and International Law* 28, no. 3 (1997): 269-311.

Global Maritime Claim Patterns

The ICOW Project has identified 270 total dyadic maritime claims globally from 1900-2010.³⁷ Table 3 provides a breakdown of the frequency of claims by region and the occurrence of militarized disputes (MIDs) or MIDs with fatalities in these cases. Maritime claims 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%).³⁸ Fatal militarized disputes occurred in only 6% of dyadic claims. Maritime conflicts often involve coercive foreign policy strategies such as seizures of other states' fishing vessels or shows of naval force, but they do not typically escalate to high levels of violence unless they also involve territorial disputes. Conflict rates vary across regions ($\chi^2 = 16.86, p < .001$) with Asia/Oceania (46.8%) and the Western Hemisphere (36.8%) having higher rates of militarization of maritime claims than Europe (18.7%) or the Middle East (12.9%).

ICOW identifies 935 peaceful attempts to settle the 221 dyadic maritime claims coded by the project (Table 4). 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 occurred in 29 cases (3.1%). Settlement patterns also vary across regions. Bilateral negotiations are used most frequently in the Western Hemisphere, reflecting the high participation by two major powers (US, UK) in the region's claims. Multilateral negotiations are employed more often in Asia (39.5%) and Europe

³⁷ 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 ("From Territorial Claims to Identity Claims") due to changes that occurred in the data cleaning process.

³⁸ Ibid.

(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%) ($\chi^2 = 38.97$, $p < .001$).

A Maritime ICOW Approach: Onset, Militarization, and Resolution of 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 explain which pairs of countries are mostly likely to experience maritime disagreements. Regional patterns for maritime claims show extensive variation in the frequency and timing of diplomatic conflicts. Figure 2 provides an overview of the theoretical factors influencing the onset and militarization of maritime claims, adapting the general issue approach in Figure 1 to the more specific context of maritime claims.

Stage 1 captures the potential dyads that could experience diplomatic conflicts over maritime areas. This includes coastal states with overlapping maritime/EEZ boundaries and great powers with global sea power reach. Stage 2 indicates the occurrence of a diplomatic *maritime claim* between a potential pair of claimants. Use of purely cooperative negotiations (e.g. drawing a maritime boundary) or preserving the status quo represents a case of *no maritime claim* (e.g.

Argentina-Uruguay 1973 agreement). For dyads that experience claims, countries can use coercive (Stage 3) or peaceful (Stage 4) tools to help resolve the contested issues. These strategies may ultimately resolve the maritime claim (Stage 5), returning the pair of states back to Stage 1. Dyads may experience more than one ongoing maritime claim at the same time (e.g. US-Canada: Gulf of Maine, Hecate Strait, Northwest Passage, etc.). In the sections that follow, I explain the theoretical arguments in each stage and present empirical evidence for each factor.

Maritime Claim Onset (Stage 2)

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. Senkaku/Diaoyu). States may initiate maritime claims to bolster their territorial claims and to secure exclusive access to oil, natural gas, fishing, and mineral resources. Pursuit of issue goals in one conflict can help states' leverage in bargaining situations of other conflicts.³⁹ The Falkland (Malvinas) Islands dispute between the United Kingdom and Argentina provides an 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 1948.⁴⁰ 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

³⁹ David R. Dreyer, "One Issue Leads to Another: Issue Spirals and the Sino-Vietnamese War." *Foreign Policy Analysis* 6, no. 4 (2010): 297-315.

⁴⁰ Alan J. Day, *Border and Territorial Disputes (Keesing's Reference)*. (Cartermill International, 1987), p. 389.

progressed. In addition to bolstering Argentina's position in the territorial dispute, the maritime claim would give the country exclusive 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 like 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.⁴¹

Uncertainties in Security and Maritime Law

States are more likely to start new diplomatic conflicts in maritime spaces when they face security uncertainties (e.g. decline in allies' naval capabilities or parity with neighboring states' sea power) or they see inconsistencies in maritime law that allow them to exploit local resources. 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. This created uncertainty in the lengths of states' territorial sea areas and resulted in the proliferation of many new diplomatic maritime conflicts (see Figure 3). After UNCLOS was signed (1982) and came into force (1994), however, these uncertainties were reduced, and the number of new maritime claims significantly decreased.⁴² Offshore oil rig technology also became available in 1947, increasing states' interests in declaring sovereignty

⁴¹ Fravel, "Explaining Stability in the Senkaku (Diaoyu) Dispute"

⁴² Stephen C. Nemeth, Sara McLaughlin Mitchell, Elizabeth A. Nyman, and Paul R. Hensel, "Ruling the Sea: Managing Maritime Conflicts through UNCLOS and Exclusive Economic Zones." *International Interactions* 40, no. 5 (2014): 711-36.

over maritime spaces.⁴³ After World War II, the United States emerged as the global naval hegemon, holding over 70% of global warship tonnage in the mid to late 1940's (Figure 4).⁴⁴ Yet America's *relative* share of global naval capabilities declined during the Cold War. We can see in Figure 4 that the total number of maritime claims increased dramatically as the share of US global naval power declined. A negative binomial regression model (Table A2) 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, see Figure A1). Relative declines in US sea power increase revisionist claims because states view the chances for US military response as less likely.

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 a dyadic analysis of maritime claim onset, Daniels and Mitchell find that maritime claims are 94% more likely in dyads with major powers.⁴⁵ When maritime interests are embedded in broader rivalry environments, the potential for new maritime

⁴³ Elizabeth Nyman, "Offshore Oil Development and Maritime Conflict in the 20th century: A Statistical Analysis of International Trends." *Energy Research & Social Science* 6, no. 1(2015): 1-7.

⁴⁴ This measure divides total tonnage of US warships by the total tonnage of all countries in the same year. The data is taken from Brian Benjamin Crisher and Mark Souva, "Power at Sea: A Naval Power Dataset, 1865-2011." *International Interactions* 40, no. 4 (2014): 602-29.

⁴⁵ Kelly Daniels and Sara McLaughlin Mitchell, "Bones of Democratic Contention: Maritime Disputes." *International Area Studies Review* 20, no. 4 (2017): 293-310. The authors 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.

claims also rises. Daniels and Mitchell 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.⁴⁶

In Table 5, I replicate Model 1 from Daniels and Mitchell (2017: 303) for maritime claim occurrence (1900-2007). This analysis considers all possible dyads that could have maritime claims⁴⁷ (Stage 1, N=125,891) and codes whether an ICOW maritime claim occurs in a dyad year (Stage 2, N=5,794 or 4.6%). To capture security uncertainty, I add several measures of naval capabilities including possession of naval power by one or both sides and relative naval power⁴⁸ if both sides have non-zero naval capabilities.⁴⁹ The results in Table 5 show that states with greater naval strength initiate more diplomatic claims to maritime zones. Furthermore, dyads who are closer to parity 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.⁵⁰ Parity in naval power increases uncertainty about which side would prevail in a conflict, encouraging each state to initiate maritime claims.

Developed/Democratic Dyads

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

⁴⁶ Sara McLaughlin Mitchell and Cameron G. Thies, "Issue Rivalries." *Conflict Management and Peace Science* 28, no. 3 (2011): 230-60.

⁴⁷ See footnote 45.

⁴⁸ 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). If only one state has naval power, the value is coded as 1.0. Because this is common, the average value of this measure is high (0.945).

⁴⁹ Crisher and Souva, "Power at Sea"

⁵⁰ In separate analyses (not shown), I also look at the effect of US naval capabilities on maritime claim onset. Results suggest that the effect depends on location, as claims are less likely to arise when US naval tonnage (as percent of global tonnage) is higher and the area is of strategic importance to the US. But these deterrent effects of US naval power are not present in non-strategic locations.

food and energy. 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 UK, and the US.⁵¹ Many of the maritime claims discussed in the paper thus far (e.g. Cod Wars, Turbot Wars, Northwest Passage, Tuna Wars) occur between fully democratic countries.

Few territorial disputes occur between fully democratic states, although a high percentage democratic militarized disputes involve oil and fishing resources. Of the 97 dyadic MIDs that occurred (1946-1992) between two democracies, 43% involved fishing, oil, or mineral resources (Mitchell and Prins 1999). Fully democratic countries do not often contest each other's land borders, but they engage frequently in maritime claims. My replication of the Daniels and Mitchell (2017) model (Table 5) evaluates whether democratic dyads face higher risks for maritime claims than other regime pairings among all dyads (N=125,891) that could experience diplomatic disagreements over such issues. The authors' bivariate analyses 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 my replication model (Table 5, Model 1). 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, 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 (29%) involve militarized disputes. Maritime issues thus create a bone of democratic contention and could threaten the democratic peace in the future as marine

⁵¹ Elizabeth R. DeSombre and J. Samuel Barkin, *Fish*. (Cambridge, UK: Polity, 2011). Pp. 30-31.

resources become more contested in an increasingly scarce global environment. The negative and significant effect of the UNCLOS treaty being in force, however, shows that the risks for new jointly democratic maritime claims decreased in more recent decades given that the treaty has been ratified by 85% of all countries in the world.

Militarization of Maritime Claims (Stage 3)

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 over the issues in a claim. Variation in issue salience provides great 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.

High Issue Salience

The issue approach to world politics focuses on variance in issue salience to explain states' foreign policy choices for managing diplomatic conflicts.⁵² 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 and the target,

⁵² Hensel et al, "Bones of Contention"

creating a twelve-point issue salience scale.⁵³ 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.⁵⁴
- 2) Offshore: ICOW records whether the claim involves one or more offshore islands (excluding islands in maritime areas 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 highly valuable 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: ICOW records the level of fishing in the contested maritime claim area: 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: 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 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 ICOW maritime claim. Militarized confrontations are significantly more likely to occur if the claim involves offshore islands, if there is a resource

⁵³ 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.

⁵⁴ 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.

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. While the indicator for oil resources is not significant, we can see that the highest risks for militarized conflict occur in claims that involve areas with the potential for hydrocarbon extraction. Countries like China and Vietnam use coercive foreign policy strategies in response to their competitors seeking oil exploration and extraction agreements.

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.⁵⁵ 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 (on a 12-point scale). The areas contain oil and fishing resources and some claims involve strategic chokepoints. 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.⁵⁶ High issue salience is also a significant predictor of militarized conflict for other diplomatic issue conflicts (territory, river, identity).⁵⁷

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. Migratory fish

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Hensel and Mitchell, "From Territorial Claims to Maritime Claims"

stocks show a particularly strong relationship to militarization, reflecting the tendency for diplomatic conflicts with distributional issues to be more intractable for settlement.⁵⁸ This is consistent with the idea that uncertainty creates more conflicts because navies are more likely to follow fishing vessels across contested maritime boundaries when fish stocks are migratory. These patterns are confirmed in Table 6.

Issue/Militarized Rivalry

If countries are issue rivals, the multidimensional nature of the issues at stake increases the salience of the contested areas and the potential for more frequent diplomatic and militarized conflict.⁵⁹ Pairs of states become issue rivals if they experience multiple diplomatic issue claims such as conflicts over land borders, rivers, and shared ethnic groups.⁶⁰ The management and militarization of highly salient territorial issues increases the chances for diplomatic conflicts over other issues, such as maritime zones and cross-border rivers. As noted earlier, the United States and Mexico 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. Considering dyads with two or more territorial, maritime, or river claims ongoing at the same time, there are 66 issue rivalries in the Western Hemisphere and Western Europe between 1816 and 2001. ICOW dyads that experience issue rivalries face significantly higher risks for militarized disputes, while militarized rivalries (or conflict histories)

⁵⁸ Nemeth et al, "Ruling the Sea"

⁵⁹ Mitchell and Thies, "Issue Rivalries"

⁶⁰ David R. Dreyer, "Issue Conflict Accumulation and the Dynamics of Rivalry." *International Studies Quarterly* 54, no. 3 (2010): 779-95.

in turn increase the chances for interstate wars over contested issues.⁶¹ Dyads with two or more ongoing ICOW issue claims, for example, face a 35% higher risk for militarized disputes than states with only one issue claim.⁶²

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 1979.⁶³ 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. We see similar patterns between Russia and Ukraine in the Sea of Azov where risks for conflict escalation are reasonably high 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).⁶⁴

⁶¹ Hensel et al, "Bones of Contention"

⁶² Mitchell and Thies, "Issue Rivalries". 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. See Fravel, "Explaining Stability in the Senkaku (Diaoyu) Dispute".

⁶³ Dreyer, "One Issue Leads to Another: Issue Spirals and the Sino-Vietnamese War."

⁶⁴ 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.

As a history of conflict accrues, the chances for militarized disputes increase as both sides harden positions. Issue rivalries compound this problem, 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.⁶⁵ Empirical analyses show support for these hypotheses. Previous militarized conflicts and failed peaceful settlement attempts significantly increase the risks for militarized disputes in maritime claims.⁶⁶ Nemeth et al (2014) also find that prior MIDs significantly increase the risks for future maritime militarized disputes. We see similar patterns for territorial conflicts as well, as a history of conflict significantly increases risks for future MIDs and wars.⁶⁷

In Table 7, I replicate the Hensel et al (2008) models comparing militarization of territorial and maritime claims in the Western Hemisphere, Western Europe, and Middle East. I also add variables for naval capabilities and institutions (years when UNCLOS is in force, 1994-2001). We see that the core variables of the issue approach (issue salience, past conflict, and past failed peaceful negotiations) significantly influence the chances for militarized conflict for both types of issues. However, we see some differences in the other variables' effects when comparing territorial and maritime issues.

Relative capabilities have a stronger effect on the escalation of territorial claims than maritime claims.⁶⁸ Naval capabilities are not statistically significant in the models for territorial claim militarization, but maritime claims where the challenger has naval forces see significantly

⁶⁵ Mitchell and Thies, "Issue Rivalries"

⁶⁶ Hensel et al, "Bones of Contention", 136

⁶⁷ Ibid.

⁶⁸ Capability imbalance captures the stronger state's share of dyadic power using the Correlates of War CINC score, thus higher values indicate the revisionist state has more military, economic, and demographic power than the target state.

higher risks for the threat, display, or use of military force.⁶⁹ Institutions like UNCLOS help to prevent the onset of new diplomatic conflicts over maritime spaces (Table 5), but once they occur, these institutions do not prevent the escalation of such claims to disputes. In fact, maritime claims have a higher risk of militarization in the era since UNCLOS went into force.⁷⁰

Based on the results in Table 7, we would predict that China is very likely to use military force to pursue its maritime goals. 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.⁷¹ It is also a naval power and challenger in many claims and the average salience levels for its claims are high. However, conflict risks might be mitigated somewhat in the presence of large asymmetries in capabilities between the challenger and target state in a maritime dispute.⁷² This would indicate that China's interactions with the Philippines or Malaysia face lower conflict risks than its interactions with Japan or South Korea. However, when I interact issue salience with (challenger) naval capabilities, I find that militarized disputes are more likely in asymmetric naval dyads when issue salience is high. The effects of challenger naval power are conditional on the salience of the contested area. This helps us understand why many maritime claims arise between large sea powers and weaker adversaries in areas with valuable marine resources.⁷³

⁶⁹ I re-estimated the models using aircraft carriers instead of naval tonnage and found these estimated parameters insignificant. One reason is that the number of countries that have aircraft carriers is small and the potential number of militarized disputes is much smaller in this condition. While there are 141 MIDs between states with joint naval capabilities, there are only 12 MIDs between states with joint aircraft carriers. Furthermore, the results are not driven by the Cold War. I estimated models in the 1990-2001 post-Cold War period and found that the challenger state's naval power significantly increases risks for militarized disputes.

⁷⁰ Nemeth et al, "Ruling the Sea", also code UNCLOS membership dyadically and find that it has no effect on the occurrence of MIDs in maritime claims, but that it increases chances for third-party settlement attempts.

⁷¹ 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).

⁷² Ibid.

⁷³ Analyses in the Appendix (Table A3) show systemic effects for naval power. Maritime issues experience much higher rates of militarization in years when US share of systemic naval capabilities is low (Table A3, Model 1). As seen in Figure A2, 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). I also test the effect of the number of US

Peaceful Negotiations and Resolution of Maritime Claims (Stages 4 and 5)

High Issue Salience

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. 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.⁷⁴ 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 yet fails to settle many of the underlying issues at stake in these maritime conflicts.

In Table 8, I replicate the peaceful settlement attempt model from Hensel et al (2008) for the Western Hemisphere, Western Europe, and the Middle East, comparing territorial and maritime claims. Similar to the authors' original results, we see that while past militarization and failed peaceful attempts significantly increase the chances for future negotiations, issue salience is not significant for predicting peaceful attempts for maritime claims. Jointly democratic dyads are more likely to negotiate their territorial claims peacefully than non-democratic dyads, but the relationship is reversed for maritime claims. This reflects what we observed in the claim onset model because maritime issues are an important flash point for conflict in democratic, developed

Navy Freedom of Navigation Operations on systemic maritime MIDs from 1979 to the present, finding no significant relationship.

⁷⁴ Ibid.

dyads. General measures for relative capabilities are significant for both types of claims, with stronger challengers being less likely to negotiate peacefully, but we also see that naval capabilities have a significant effect only for maritime claims. We observe that dyads closer to naval preponderance are more likely to seek peaceful settlements, reflecting the powerful actor's ability to push for its issue preferences in negotiations. More generally, countries have taken a multilateral approach to handling maritime conflicts contrasted with a bilateral strategy for managing territorial claims.⁷⁵ Multilateral negotiations have been used most frequently in the Asian region (Table 4), reflecting the active role of ASEAN and other institutions in helping states resolve diplomatic conflicts.

Institutions

Maritime issues are distinct from other geopolitical issues like land border disputes 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%) 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.⁷⁶ The widespread

⁷⁵ Andrew P. Owsiak and Sara McLaughlin Mitchell, "Conflict Management in Land, River, and Maritime Claims." *Political Science Research and Methods* 7, no. 1 (2019): 43-61.

⁷⁶ 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.

acceptance 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 and more likely to use peaceful negotiation strategies.⁷⁷ We also see a systemic effect when UNCLOS is in force (1994-) in Table 8, with the chances for peaceful settlement attempts significantly higher in this period. The resolution of existing claims and avoidance of new ones helps explain the pattern in Figure 1 of 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. Research also suggests that UNCLOS casts 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.⁷⁸ 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).⁷⁹

Arbitration/Adjudication

Diplomatic issue 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 involved binding techniques (Table 4). This is unfortunate because maritime and territorial claims settled through international courts have compliance rates

⁷⁷ Nemeth et al, "Ruling the Sea"; Owsiak & Mitchell, "Conflict Management in Land, River, and Maritime Claims."

⁷⁸ Sara McLaughlin Mitchell and Andrew P. Owsiak, "Judicialization of the Sea: Bargaining under the UNCLOS Regime." Working paper (2020).

⁷⁹ 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.

that exceed 95%.⁸⁰ The flexibility and encouragement of judicial settlement in UNCLOS has improved countries' willingness to employ these effective forums, however.⁸¹ Court cases also play an important role in clarifying ambiguities in the law of the sea or resolving competing focal points in bargaining. From 1900-2019, the PCA settled 25 maritime claims, the World Court heard 28 cases involving maritime (and territorial) claims, and the International Tribunal for the Law of the Sea (ITLOS) settled 29 maritime claims.⁸² 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. Regional and global institutions have been successful in articulating states' rights for making maritime claims, reducing the frequency and militarization of maritime disputes.

Conclusion

Analyzing 270 dyadic diplomatic claims over maritime areas globally from 1900-2010, this paper explores why maritime claims arise, why they are militarized, and how they are resolved

⁸⁰ Sara McLaughlin Mitchell and Paul R. Hensel, "International Institutions and Compliance with Agreements." *American Journal of Political Science* 51, no. 4 (2007): 721-37.

⁸¹ Compared with maritime issues, territorial claims have been resolved much more frequently with arbitration rather than adjudication, reflecting the lack of a multilateral institution designed to foster systemic norms of peaceful settlement. See Owsiak and Mitchell, "Conflict Management in Land, River, and Maritime Claims."

⁸² Mitchell and Owsiak, "Judicialization of the Sea"

peacefully. States with greater naval capabilities make more claims to offshore maritime areas and utilize more coercive strategies unless they are facing countries with similar naval strength. Unlike territorial disputes, maritime conflicts are more likely to occur between democratic, developed states and they are more successfully settled through multilateral institutions. Maritime areas with more valuable resources and dispute histories are managed with more violence. While states' overall military and economic capabilities influence their resolution of land border disputes, naval power influences only the management of maritime claims.

These clashes at sea set for the stage for potential major power wars in the future. First, many sea powers are revisionist actors in ongoing maritime claims and my results show that militarization is more likely when the challenger state has naval capabilities. China has actively militarized maritime claims where it challenges the issue status quo (e.g. Senkaku/Diaoyu, Pratas Island, Yellow Sea, Paracel Islands, and Gulf of Tonkin). Several of the top rising sea powers also have revisionist goals as they seek to expand sovereignty over maritime spaces, increasing risks for future conflicts (e.g. Russia (Baltic, Barents, and Okhotsk Seas), Egypt (Gulf of Aqaba and Gulf of Suez), Indonesia (Celebas/Sulawesi Sea), India (Bay of Bengal), Iran (Persian Gulf and Strait of Hormuz), and North Korea (Sea of Japan). Second, major power wars often arise through alliance ties and the failure of extended deterrence. While the US Navy has worked cooperatively with various states in southeast Asia to defend their maritime claims (e.g. Japan, South Korea, Philippines, Taiwan, and Vietnam), freedom of navigation operations have had little impact on states' decisions to use coercive force (Table A3). Third, climate changes will negatively impact fisheries and increase competition over migratory fish stocks, a situation that has been dangerous in past maritime disputes.

The paper also shows that legal and security uncertainties increase the frequency and militarization of maritime conflicts. The Truman Declaration and relative decline of US naval power in the Cold War increased competition over maritime areas. While UNCLOS helped to reduce legal uncertainties by creating 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 increase average issue salience and 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. Challenges to territorial integrity norms (e.g. Crimea) and increased competition for oceanic resources by rising sea powers may alter these long-standing trends.

Table 1. Issue Salience Characteristics and Militarized Dispute (MID) Occurrence for Territorial Claims (N=837, 1816-2001).

Salience Indicator	% Claims with MIDs (1 or more)	Chi-Square (significance)
<u>Homeland challenger</u>		
No	29.8%	0.000
Yes	45.4%	
<u>Homeland target</u>		
No	25.4%	0.000
Yes	49.9%	
<u>Offshore islands</u>		
No	44.0%	0.012
Yes	33.3%	
<u>Resources</u>		
No	34.8%	0.000
Yes	49.9%	
<u>Strategic location</u>		
No	40.0%	0.388
Yes	43.0%	
<u>Population</u>		
None	39.1%	0.011
Towns/Villages	40.9%	
1 or more cities > 100,000	62.0%	
<u>Identity Groups (Challenger)</u>		
No	37.2%	0.000
Yes	50.7%	
<u>Identity Groups (Target)</u>		
No	34.8%	0.000
Yes	54.0%	
<u>Historical Sovereignty (Chal.)</u>		
No	38.2%	0.008
Yes	47.4%	
<u>Historical Sovereignty (Target)</u>		
No	32.1%	0.288
Yes	42.2%	

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.

Table 2. 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 3. Frequency and Militarization of ICOW Claims.⁸³**A. Territorial Claims (1816-2001)**

<u>Region</u>	<u>Number of Claims</u>	<u>MID over Claim</u>	<u>Fatal MID over Claim</u>
Western Hemisphere	128	54 (42.2%)	28 (21.9%)
Europe	236	102 (43.2%)	79 (33.5%)
Africa	161	46 (28.6%)	30 (18.6%)
Middle East	101	47 (46.5%)	35 (34.7%)
Asia and Oceania	217	104 (47.9%)	60 (27.7%)
<i>Total</i>	<i>843</i>	<i>353 (41.9%)</i>	<i>232 (27.5%)</i>

B. Maritime Claims (1900-2010)

<u>Region</u>	<u>Number of Claims</u>	<u>MID over Claim</u>	<u>Fatal MID over Claim</u>
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>

⁸³ Data on territorial claims is taken from Frederick et al (2017).

Table 4. Frequency and Types of Peace Settlement Attempts for ICOW Maritime Claims, 1900-2010.

Region	West. Hemis.	Europe	Middle East	Asia/Oceania	Total
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%)
<i>Total</i>	<i>251</i>	<i>272</i>	<i>47</i>	<i>365</i>	<i>935</i>
Reach Agreement	163 (64.9%)	128 (47.1%)	26 (55.3%)	258 (70.7%)	575 (61.5%)

Table 5. Replication of Daniels and Mitchell (2017) Maritime Claim Occurrence Model (1900-2007).⁸⁴

Variable	Model 1:	Model 2:	Model 3:
<i>Daniels & Mitchell Variables</i>			
Democratic Dyad	0.38 (0.05)**	0.43 (0.05)**	0.24 (0.05)**
Mixed Dyad	-0.22 (0.04)**	-0.14 (0.05)**	-0.34 (0.05)**
Relative Energy Production	-2.42 (0.12)**	-1.53 (0.14)**	-2.06 (0.13)**
Major Power in Dyad	2.81 (0.05)**	2.62 (0.05)**	2.39 (0.05)**
Dyadic MID	2.08 (0.07)**	2.02 (0.07)**	1.98 (0.07)**
Americas	3.13 (0.06)**	3.18 (0.06)**	3.20 (0.06)**
Europe	1.32 (0.05)**	1.30 (0.05)**	1.21 (0.05)**
Asia	2.84 (0.06)**	2.75 (0.06)**	2.67 (0.06)**
Middle East	2.32 (0.09)**	2.26 (0.11)**	2.34 (0.10)**
Year	0.95 (0.10)**	0.55 (0.12)**	0.53 (0.12)**
Year Squared	-0.00 (0.00)**	-0.00 (0.00)**	-0.00 (0.00)**
<i>Other Controls</i>			
UNCLOS in Force	----	-0.35 (0.07)**	-0.32 (0.07)**
Relative Naval Capabilities	----	-1.79 (0.14)**	----
State 1 has Naval Power	----	----	1.05 (0.05)**
State 2 has Naval Power	----	----	0.49 (0.04)**
Constant	-937.99 (97.15)**	-550.86 (121.70)**	-529.69 (119.34)**
Sample Size	84,287	71,719	84,287
LR χ^2	7239.81**	6820.92**	7885.83**

⁸⁴ Dependent variable is occurrence of one or more ICOW maritime claims in a dyad year. Entries are coefficients followed by standard errors; *p<.05, **p<.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.

Table 7. Replication of Hensel et al (2008) Militarized Settlement Attempt Model (1816-2001).⁸⁵

Variable	Territorial Claims		Maritime Claims	
	Model 1: Baseline	Model 2: Enhanced	Model 3: Baseline	Model 4: Enhanced
<i>Issue Approach Variables</i>				
Within-Issue Salienc	0.14 (0.04)***	0.14 (0.04)***	0.12 (0.05)**	0.10 (0.04)**
Militarized Disputes	0.84 (0.10)***	0.76 (0.11)***	1.10 (0.15)***	0.89 (0.17)***
Failed Peaceful Attempts	0.20 (0.06)***	0.28 (0.09)***	0.11 (0.08)	0.15 (0.08)*
<i>Control Variables</i>				
Joint Democracy	-0.48 (0.27)*	-1.12 (0.35)***	-0.19 (0.23)	-0.56 (0.23)**
Capability Imbalance	-1.78 (0.52)***	-2.88 (0.88)***	-0.75 (0.72)	0.64 (1.38)
<i>Naval Capability Variables</i>				
Challenger has Naval Power	----	0.50 (0.34)	----	2.30 (1.03)**
Target has Naval Power	----	0.05 (0.36)	----	0.49 (0.37)
Relative Naval Capabilities	----	0.49 (1.17)	----	-1.18 (1.17)
<i>Institutional Variables</i>				
UNCLOS in Force	----	0.97 (0.52)*	----	0.55 (0.29)*
Constant	-3.34 (0.55)***	-3.27 (1.40)**	-4.08 (0.73)***	-6.54 (1.55)***
Sample Size	6,021	3,867	3,162	2,784
LR χ^2	270.22***	245.01***	105.72***	99.64***

⁸⁵ Dependent variable is occurrence of one or more MIDs in a claim dyad year. Entries are coefficients followed by standard errors; * p<.10, ** p<.05, ***p<.01

Table 8. Replication of Hensel et al (2008) Peaceful Settlement Attempt Model (1816-2001).⁸⁶

Variable	Territorial Claims		Maritime Claims	
	Model 1: Baseline	Model 2: Enhanced	Model 3: Baseline	Model 4: Enhanced
<i>Issue Approach Variables</i>				
Within-Issue Salienc	0.11 (0.02)***	0.13 (0.02)***	0.02 (0.03)	0.03 (0.03)
Militarized Disputes	0.34 (0.07)***	0.26 (0.09)***	0.35 (0.13)***	0.37 (0.15)**
Failed Peaceful Attempts	0.45 (0.04)***	0.54 (0.05)***	0.59 (0.07)***	0.55 (0.07)***
<i>Control Variables</i>				
Joint Democracy	0.41 (0.10)***	0.40 (0.13)***	-0.05 (0.12)	-0.25 (0.13)*
Capability Imbalance	-1.12 (0.28)***	-1.09 (0.50)**	-0.58 (0.39)	-2.25 (0.73)***
<i>Naval Capability Variables</i>				
Challenger has Naval Power	----	0.00 (0.16)	----	0.10 (0.22)
Target has Naval Power	----	-0.17 (0.18)	----	0.15 (0.19)
Relative Naval Capabilities	----	0.24 (0.62)	----	1.51 (0.80)*
<i>Institutional Variables</i>				
UNCLOS	----	0.35 (0.24)	----	0.37 (0.16)**
Constant	-2.05 (0.29)***	-2.40 (0.73)***	-2.08 (0.42)***	-2.25 (0.73)***
Sample Size	6,021	3,867	3,162	2,784
LR χ^2	388.96***	340.03***	118.94***	124.81***

⁸⁶ Dependent variable is occurrence of one or more peaceful settlement attempts in a claim dyad year. Entries are coefficients followed by standard errors; * p<.05, ** p<.01

Figure 1: Issue Approach: Onset, Militarization, and Resolution of Diplomatic Conflicts.

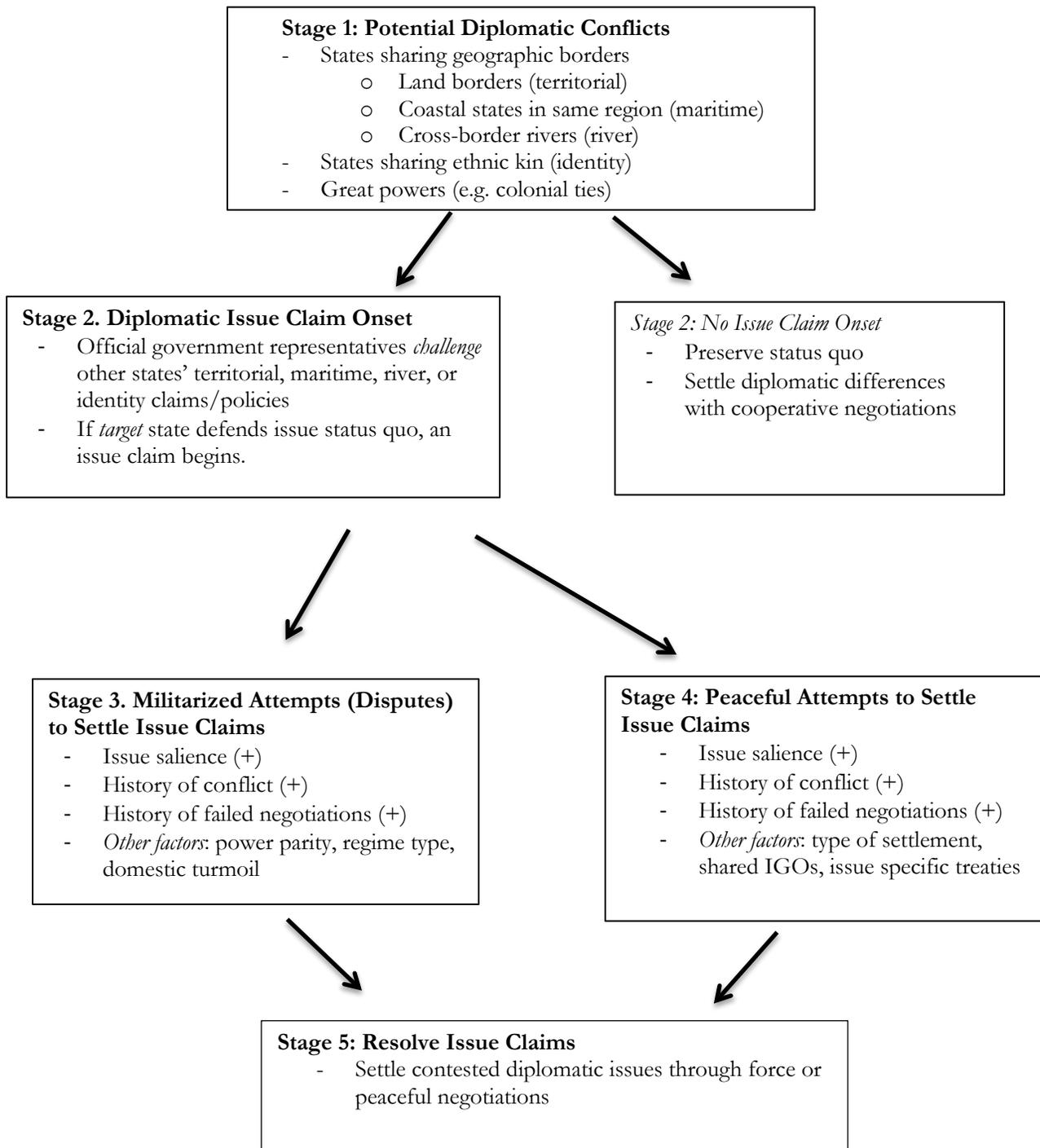


Figure 2. Explaining Onset, Militarization, and Resolution of Diplomatic Maritime Conflicts.

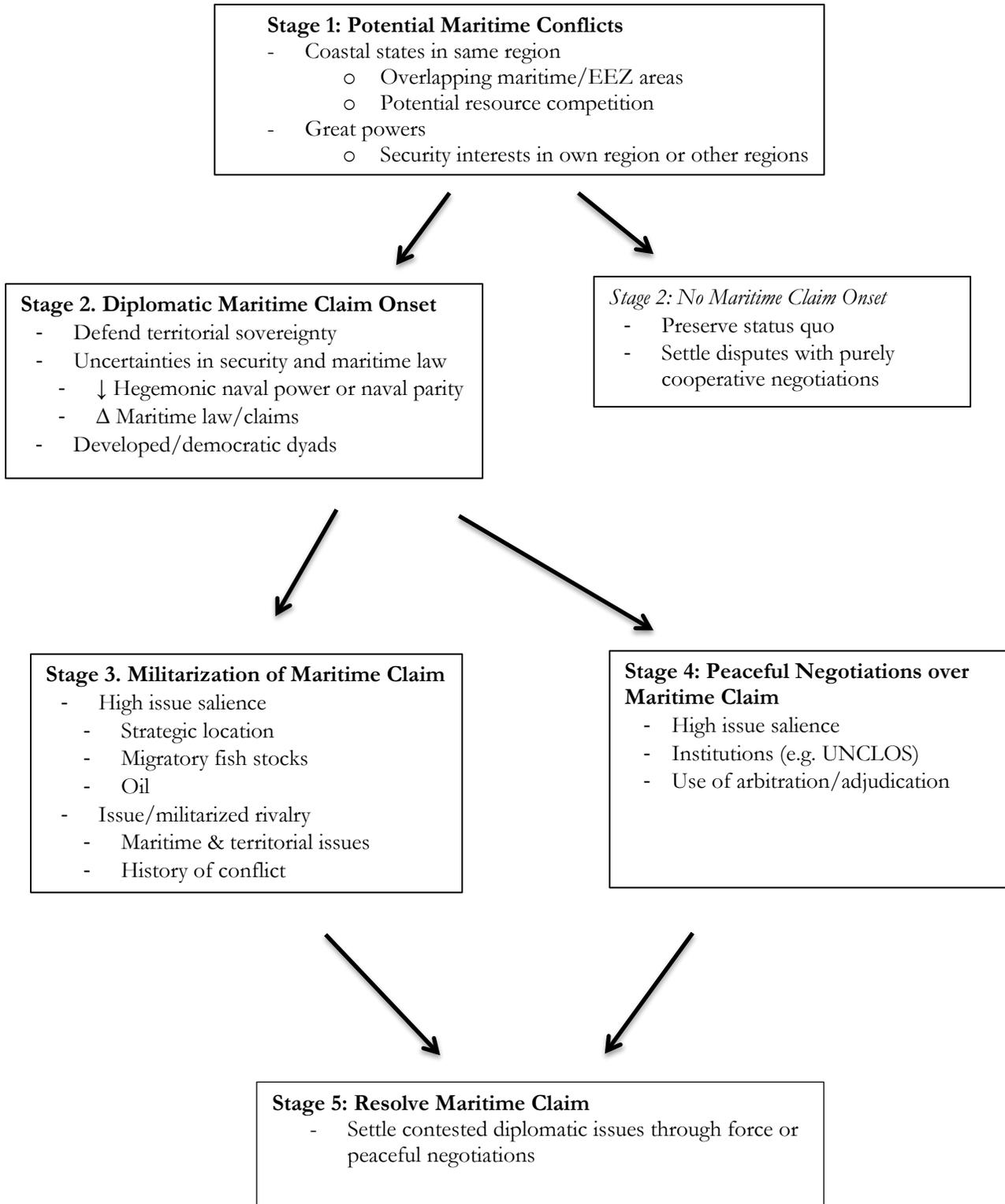


Figure 3: Average Number of Ongoing Territorial and Maritime Claims, 1900-2001.

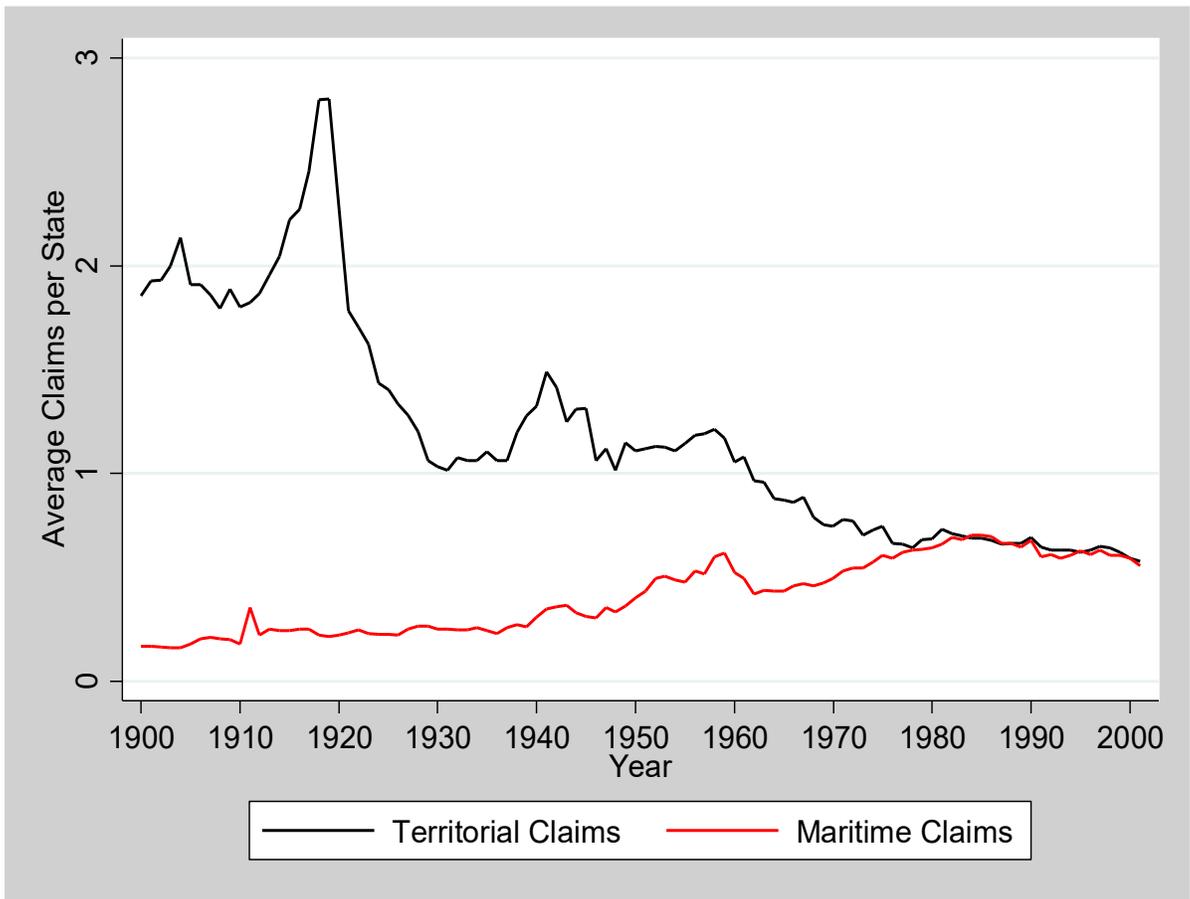


Figure 4. US Naval Power Share and Number of Ongoing ICOW Maritime Claims.

