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Signaling and Military Provocation in Chinese National Security Strategy: A Closer Look at the *Impeccable* Incident

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ABSTRACT On 8 March 2009, five Chinese vessels shadowed and aggressively maneuvered in close proximity to the US Naval Ship (USNS) *Impeccable*. This paper seeks to explain the incident and its aftermath in the context of Chinese coercive diplomacy. China's strategy, designed to motivate the US to cease surveillance operations near its militarily sensitive areas in the South China Sea, included three components: (1) the use of military provocation, (2) a coordinated media campaign, and (3) a challenge to US interpretations of the United Nations Convention on the Law of the Seas (UNCLOS). This study goes beyond traditional research on Chinese use of force to explain why China's coercive diplomatic campaign took the form it did. Only by understanding the nature and factors affecting Chinese coercive diplomacy can the US design the effective counter strategy needed to protect US regional and global interests.

KEY WORDS: US–China relations, South China Sea, *Impeccable* incident, Coercive diplomacy

For the next generation of political leaders, the relationship between the United States and China will greatly determine the direction of international relations. Because of this, academic and policy research alike have focused on how to meet the challenge of a rising China and its implications for the global order.¹ In particular, debates have centered on what type of great power China is likely to be and whether its rise will be destabilizing for the region and the globe.²

¹For a special issue dedicated to the China challenge, see *Journal of Strategic Studies* 30/4–5, Aug. 2007.

²See Aaron L. Friedberg, 'Ripe for Rivalry: Prospects for Peace in a Multipolar Asia,' *International Security* 18/3 (Winter 1993/94), 5–33; David Kang, 'Getting Asia Wrong:

Relevant to these debates are the conditions under which China tends to use force in its foreign policy. The historical record suggests a Chinese tendency to create crises with respect to a stronger power through displays of military force and threats.³ Given this pattern and the fact that China believes control of the South China Sea and its resources are important to its long-term economic security and its ability to achieve great power status, scholars should focus on this aspect of Chinese behavior.⁴

This study attempts to fill this gap by uncovering why China's coercive diplomacy took the form it did in the case of the March 2009 *Impeccable* incident in which five Chinese vessels shadowed and aggressively maneuvered in close proximity to the US Naval Ship (USNS) *Impeccable* in contravention to accepted naval practice.⁵ At the time of the encounter, the *Impeccable* was approximately 75 nautical miles southeast of the Chinese Sanya Naval Base, in the international waters of the South China Sea, but inside China's claimed Exclusive Economic Zone (EEZ).⁶ Chinese leaders most likely believed that the *Impeccable* was gathering underwater acoustical data that could help track Chinese submarines located nearby and opposed such surveillance activities.⁷ Two of the five ships involved, Chinese-flagged fishing trawlers, came within 50 feet of the US ship and the crew attempted to snag the ship's towed acoustic array sonar. After hours of confrontation, the *Impeccable* was eventually able to leave the area and an American destroyer, the USS *Chung-Hoon*, was sent to provide

The Need for New Analytic Frameworks,' *International Security* 27/4 (Summer 2003), 57–85; Thomas J. Christensen, 'Fostering Stability or Creating a Monster? The Rise of China and US Policy Toward East Asia,' *International Security* 31/1 (Summer 2006), 81–126; Alastair Iain Johnston, 'Is China a Status Quo Power,' *International Security* 27/4 (Spring 2003), 5–56.

³Mark Burles and Abram N. Shulsky, *Patterns in China's Use of Force from History and Doctrinal Writings* (Santa Monica: RAND Corporation 2000); Allen S. Whiting, 'China's Use of Force 1950–1996, and Taiwan,' *International Security* 26/2 (Fall 2001), 124; Andrew Scobell, 'Show of Force: Chinese Soldiers, Statesmen, and the 1995–1996 Taiwan Strait Crisis,' *Political Science Quarterly* 115/2 (2000), 228.

⁴John W. Garver, 'China's Push Through the South China Sea: The Interaction of Bureaucratic and National Interests,' *China Quarterly* 132 (1992), 999–1028. Chinese officials allegedly went so far as to tell two visiting senior Obama administration officials that the South China Sea was regarded a core interest on par with Tibet, Taiwan, and Xinjiang. See 'Chinese Military Seeks to Extend its Naval Power,' *New York Times*, 23 Apr. 2010.

⁵Capt Raul Pedrozo, 'Close Encounters at Sea: The USNS *Impeccable* Incident,' *The Naval War College Review* 62/3 (Summer 2009), 101.

⁶*Ibid.*

⁷'US Ups Ante in South China Sea by Sending Destroyer,' *Taipei Times*, 15 Mar. 2009.

additional protection.⁸ Though the Chinese government publicly denied any role in organizing the actions of the Chinese vessels, the fact that the Chinese ships involved included a navy intelligence collection ship, a Bureau of Maritime Fisheries patrol vessel, and a State Oceanographic Administration patrol vessel, calls this into question.⁹ Furthermore, the fact that the Chinese sailors knew what the towed array sonar looked like as well as its purpose suggests instruction.¹⁰

The *Impeccable* incident is worthy of study for three reasons. First, according to Peter Dutton, professor at the US Naval War College's China Maritime Studies Institute, 'China has embarked on a program of confrontation of US hydrographic survey vessels in China's [claimed] EEZ.'¹¹ The *Impeccable* incident is the most significant confrontation to date, with similar naval incidents occurring with the USNS *Bowditch* (March 2001), USNS *Victorious* (May 2009), and USNS *McCain* (June 2009).¹² Because US surveillance and naval presence in the South China Sea is likely to continue, Chinese behavior can spark future incidents and crises.¹³ Second, the *Impeccable* incident highlights the tactics China prefers to employ in hopes of obtaining gains that might not otherwise be achievable.¹⁴ Last, studies on Chinese use of force tend to focus on historical cases in which Chinese coercive diplomacy failed, such as with India in 1962, Vietnam in 1979, and the Korean War in 1950.¹⁵ By analyzing a recent case that did not result in war, one can

⁸'Destroyer to Protect Ship Near China,' *Washington Post*, 13 Mar. 2009.

⁹'Chinese Vessels Shadow, Harass Unarmed US Surveillance Ship,' *American Forces Press Service*, 9 Mar. 2010. Furthermore, the 1974 clash with Vietnam over the Paracels started with two Chinese fishing boats entering the area, ostensibly to entice the South Vietnamese to fire the first shot. For more, see Garver, 'China's Push Through the South China Sea,' 1003.

¹⁰For an excellent overview of the facts of the incident from the US and Chinese perspectives, see Jonathan G. Odom, 'The True "Lies" of the Impeccable Incident: What Really Happened, Who Disregarded International Law, and Why Every Nation (Outside of China) Should Be Concerned,' *Michigan State University College of Law Journal of International Law* 18/3 (2010), 1–42.

¹¹Peter A. Dutton, 'Testimony before the US–China Economic and Security Review Commission, Hearing on the Implications of China's Naval Modernization for the United States,' 11 June 2009.

¹²For details of other incidents, see Pedrozo, 'Close Encounters at Sea'.

¹³For a history of this 'longstanding strategic chess match in the South China Sea,' see Judah Grunstein, 'An Impeccable US–China Incident at Sea,' *World Politics Review*, 13 Mar. 2009.

¹⁴For more on this aspect of Chinese diplomatic strategies, see Burles and Shulsky, *Patterns in China's Use of Force*.

¹⁵Failure alludes to the fact that China did not achieve its goals short of war. Studies of the 1995–96 Taiwan Straits crisis are one obvious exception. For more on this case, see

better isolate how states learn about the resolve of their opponent from other variables that affect coercive bargaining such as balance of military power.

The Central Questions

Chinese behavior throughout this episode raises three key questions which need to be addressed if US leaders are to understand the implications of the naval encounter and how best to deal with Chinese coercive diplomacy. First, why did China choose this coercive strategy at the time it did? From a US perspective, China went to unnecessary lengths to signal its resolve at a time when relations between the two countries had steadily been improving. For example, David Sedney, US Deputy Assistant Secretary of Defense for Asia and Pacific Security Affairs, characterized the bilateral talks on military exchanges that occurred eight days before the incident as ‘the best set of talks that I have ever been a part of ... between the US and Chinese defense establishment.’¹⁶ Chinese international maritime cooperation was also at an all-time high with the January 2009 Chinese deployment of a naval fleet to aid antipiracy efforts in the Gulf of Aden, the first deployment of its kind in modern Chinese history.¹⁷

The second question Chinese behavior raises is, what was the purpose of the domestic media campaign launched in the aftermath of the *Impeccable* incident? Though China’s position on US operations in nearby waters has clearly been communicated over the years, it was only after the *Impeccable* incident that the Chinese media seemed to make a concerted effort to explain China’s position to its public. I argue that three main messages were presented through the predominantly state-controlled media: (1) the US was being hypocritical and not forthright about what had occurred; (2) the US response was the result of a civil-military split in the US leadership, not so-called Chinese provocative action; and (3) the US policy position was based on maintaining maritime hegemony, not on international law.

Last, what explains the rhetoric China used to justify its behavior? Chinese public statements blamed differences in legal interpretations of maritime law as the reason for the naval encounter. However, the Chinese seemed primarily concerned with US surveillance activities near militarily sensitive areas, such as the Sanya submarine base on

Scobell, ‘Show of Force’; Whiting, ‘China’s Use of Force 1950–1996, and Taiwan’; Robert S. Ross, ‘The 1995–1996 Taiwan Strait Confrontation: Coercion, Credibility, and the Use of Force,’ *International Security* 25/2 (Fall 2000), 87–123.

¹⁶China–US defense talks “best in decade,” *China Daily*, 2 Mar. 2009.

¹⁷Chinese Naval Fleet Sails into Gulf of Aden,’ *China Daily*, 6 Jan. 2009.

Hainan island.¹⁸ China has recorded at least 200 incidents of US vessels conducting intelligence-gathering operations in its claimed EEZ and has become increasingly vocal about its distaste for these operations.¹⁹ China's broader challenge to the international maritime legal regime may be a part of its overall antiaccess strategy to reduce the perceived legitimacy of US operations in the region, especially during times of crisis.²⁰ Even so, by making broad legal claims about its jurisdiction over the South China Sea, China has decreased the likelihood of US compliance to its demands because doing so would 'pose a challenge to America's regional and global maritime interests.'²¹

This paper proceeds as follows. First, I turn to the literature on coercive bargaining to explore why China chose to incorporate the limited use of force against the USNS *Impeccable*. Second, I explore the content, timing, and nature of the media campaign launched after the US publicized the incident to assess its role in the overarching strategy. Lastly, I provide a brief overview of the legal context for the *Impeccable* incident and explain why China presented its demands in these terms. I will argue that China's planned strategy was to privately signal its resolve and sense of urgency on the issue of US surveillance near its militarily sensitive areas through military provocation at sea. However, when this strategy failed because the US publicized the incident, China reacted spontaneously to events unfolding with a public media campaign designed to justify its actions to third parties and neutralize domestic criticism. In addition, the Chinese arguments focused on legal rights within one's EEZ to counter criticism and challenge the legitimacy of US maritime operations in the region.

China's Choice of Tactics: Why Go Belligerent?

Coercive diplomacy is characterized by the simultaneous employment of threats or limited military action and diplomatic efforts designed to persuade the target state to change its policies or behavior.²² In any

¹⁸Mark Valencia, 'The Impeccable Incident: Truth and Consequences,' *China Security* 5/2 (Spring 2009), 24.

¹⁹Ibid.

²⁰Peter A. Dutton, 'Testimony before the US-China Economic and Security Review Commission, China's Views of Sovereignty and Methods of Access Control,' 27 Feb. 2008.

²¹Peter A. Dutton, 'Testimony before the United States Senate Committee on Foreign Relations, Hearing on Maritime Disputes and Sovereignty Issues in East Asia,' 15 Jul. 2009.

²²Alexander L. George, *Forceful Persuasion* (Washington DC: United States Institute of Peace P 1991).

coercive diplomacy campaign, states can choose from a range of signaling tactics to communicate and manipulate information. Though the tactics used in coercive bargaining are continuous and infinite, one can conceptualize them as three ideal types: verbal, nonmilitary action, and limited use of force.²³ Limited military action can be a signaling tactic if it is characterized by just enough force to demonstrate resolve and establish the credibility of one's determination to increase the frequency or intensity of force if necessary.²⁴ China often uses such demonstrations in its coercive diplomacy in the South China Sea; the *Impeccable* incident is noteworthy because Chinese maneuvering was 'considerably more aggressive and unprofessional than [the US has] seen, and greatly increase the risk of collision or miscalculation.'²⁵ Because coercive diplomacy need not incorporate limited military action, a state's decision to do so is of theoretical and empirical interest.

What factors convinced the Chinese leadership that military provocation should be incorporated into their strategy, and why did the *Impeccable* incident take the shape it did? Chinese leaders may have concluded that it would be more effective than the alternatives, or that verbal warnings were insufficient given that China had warned the US many times about conducting 'illegal' activities in its claimed EEZ and 'had been brushed aside.'²⁶ It is possible that select Chinese leaders thought an incident at sea could create an expectation of costs of sufficient magnitude to erode US motivation to continue surveillance operations.²⁷

Employing limited force also introduces the risk of escalation to full-scale military confrontation. In the words of a great strategist, Thomas Schelling, it is the 'sheer inability to predict the consequences of our actions and to keep things under control ... that can intimidate the enemy [in situations of limited war].'²⁸ Aggressively approaching US naval assets may allow China to achieve its goals even though it is the weaker party because of a US desire to avoid a larger conflict. As

²³Examples of verbal tactics include verbal threats and promises, naming and shaming; economic sanctions are an example of nonmilitary action.

²⁴Alexander L. George, 'The General Theory and Logic of Coercive Diplomacy,' in Strategic and Force Planning Faculty (ed.), *Strategy and Force Planning*, 2nd Ed. (Newport: Naval War College P 1997), 258.

²⁵'US Protests to Beijing Over Naval Incident,' *The Financial Times (Online)*, 9 Mar. 2009.

²⁶'The US Sends Destroyer to Escort the *Impeccable* to Continue its Rampage in the South China Sea' ['Meipai yizhou sidun jian huhang 'wuxia' hao jixu hengxing nanhai'], *Xinhua Online*, 13 Mar. 2009.

²⁷For more on this type of strategy, see George, *Forceful Persuasion*, 11.

²⁸Thomas C. Schelling, *Arms and Influence* (New Haven: Yale UP 1966), 109.

Princeton professor Thomas Christensen argues, China need not be on equal footing with the US to pose problems for its interests. Instead, certain perceptions and beliefs may cause Chinese leaders to use force to challenge US interests.²⁹ For example, Chinese leaders may not be willing to back down after an incident like the *Impeccable* because they perceive the domestic costs associated with a loss of legitimacy to be prohibitively high. Also, the effectiveness of coercive diplomacy depends on the balance of interests, not the balance of power; Chinese leaders may believe they care more about the issue than the US.³⁰

The literature on coercive diplomacy not only provides many insights into what may have motivated China in the *Impeccable* incident, but also helps us understand why the incident took the form it did. There are a number of ways a state can communicate effectively and enhance the credibility of its message; for example, when attempting to compel the target state to change its behavior, a state traditionally connects its threat of punishment with the action it wants.³¹ This explains why China chose to harass US naval assets; this punishment is directly connected to the desired response, halting US surveillance in Chinese nearby waters. Additionally, China's use of fishing vessels instead of clearly marked Chinese naval assets allowed China to test the seriousness of the US commitment to continue operations in the South China Sea and claim later plausible deniability. After the incident was leaked, Chinese reporting did attempt to negate US statements that the action was organized and executed by the Chinese government. Chinese media sources argued that the *Impeccable* was engaged in towing operations in the seabed of the South China Sea, and that such actions adversely affect fishing resources in that area. As the head of the South China Fishery Administration argued, 'The actions of the fishermen were totally spontaneous. What they did was justifiable.'³² The hope may have been that deniability would avoid negative spillover with regional actors that claim sovereignty to nearby waters and offshore islands also claimed by China, specifically Vietnam, Malaysia, Indonesia, Brunei, Singapore, and the Philippines.³³

²⁹Thomas J. Christensen, 'Posing Problems without Catching Up: China's Rise and Challenges for US Security Policy,' *International Security* 25/4 (Spring 2001), 5–40.

³⁰Ibid.

³¹Schelling, *Arms and Influence*, 89.

³²'Neighbors React to PRC South China Sea Patrol after Faceoff with US Vessel,' Open Source Center (OSC) translation of 'China's Patrol Ship Triggers Reactions from Neighbors in the South China Sea,' *Beijing Guoji Xianqu Daobao Online*, 20 Mar. 2009.

³³'Scholars Meet to Discuss South China Sea Disputes,' *BBC News*, 26 Nov. 2009.

These dual goals of signaling resolve while avoiding regional backlash explain why, once the aggressive route was chosen, China chose a mixture of threats and limited force instead of employing military assets against the *Impeccable* directly. However, I would argue that the nature of China's objective is the main factor that determined the limits of Chinese belligerence. Pure military force achieves an objective forcibly, without persuasion or intimidation, only if that objective can be reached without any cooperation from the opponent.³⁴ The nature of China's objective, stopping or at least limiting US surveillance activities in the South China Sea, requires US collaboration, and consequently brute force would be ineffective. In addition, successful coercive diplomacy requires clear and credible signaling because the punishment has to appear contingent on the target state's behavior. The following statement made by a Chinese Defense Ministry official regarding the August 2009 round of the Special Military Maritime Consultative Agreement (SMMCA) talks alludes to this balance between Chinese threats and assurances:

China believes the constant US military air and sea surveillance and survey operations in China's exclusive economic zone had led to military confrontations between the two sides ... the way to resolve China-US maritime incidents is for the US to change its surveillance and survey operations policies against China, decrease and eventually stop such operations.³⁵

In other words, Chinese leaders are signaling to the US that incidents at sea will continue only as long as the US engages in surveillance activities in the South China Sea.

China's Choice of Reaction: Why Go Public?

The *Impeccable* incident is of great theoretical interest because it exemplifies a new class of signaling, private signaling, that has not been adequately explored in IR literature. The literature focuses on two strategies; countries can either signal publicly or secretly. Chinese employment of provocation at sea is best characterized as private in that both governments were aware of the confrontations,³⁶ but their

³⁴ Schelling, *Arms and Influence*.

³⁵ 'China Urges US to Reduce Surveillance Operation,' *Xinhua*, 27 Aug. 2009; 'US Refuses to Cease Surveillance Operations against China, Criticizes China for Lack of Response' ['Meiguo jujue tingzhi duihua jinhai zhencha duizhongfang zhize bierbuda'], *Xinhua*, 8 Sept. 2009.

³⁶ In secret signaling only select parts of the government apparatus are informed, for example the top leaders and their advisors.

domestic publics were not. In addition to enhancing the credibility of its threats and assurances, Chinese harassment of the *Impeccable* may have been preferred given its intended private nature. China could make demands without the unpredictability of domestic nationalist pressure or regional backlash.³⁷ Given the benefits of private signaling, how should we understand the coordinated Chinese media campaign launched in the aftermath of the *Impeccable*?

Conventional IR wisdom introduces the possibility that Chinese leaders launched the domestic media campaign in order to generate ‘audience costs’; this type of signaling theory posits that ‘states can send informative signals about their resolve by making public threats in international crises. Because leaders could suffer domestic consequences for making a threat and then not carrying it out, they are able to create potential domestic consequences for backing down. This in turn gives their threats greater credibility.’³⁸ Jessica Weeks argues convincingly that contrary to prior belief,³⁹ single-party states such as China may also be constrained by domestic audiences.⁴⁰ However, Weeks’ logic of autocratic audience costs treats the domestic elites, not the general public, as the audience informed and empowered to punish the leader for backing down. In the case of China the elites and public opinion may be connected in that a leader may be punished by other elites if public anger jeopardizes domestic stability or China’s ability to conduct its foreign policy.⁴¹ However, for this strategy of signaling resolve to work, outsiders, in this case the US, must be able to observe the possibility of domestic sanctions for backing down.⁴² Given the secretive nature of Chinese Politburo meetings, the ability to observe elites sanctioning elites is unlikely. The logic of generating audience costs also fails to explain the timing of Chinese media campaign. Therefore, contemporary theories on audience costs and signaling alone cannot explain why China went to great lengths in the aftermath of the *Impeccable* incident to inform its public of China’s position.

³⁷Reducing the incentives for other countries to unite in opposition against China is a key component of Chinese grand strategy. See Avery Goldstein, *Rising to the Challenge: China’s Grand Strategy and International Security* (Stanford: Stanford UP 2005), 12.

³⁸Jessica L. Weeks, ‘Autocratic Audience Costs: Regime Type and Signaling Resolve,’ *International Organization* 62 (Winter 2008), 37.

³⁹James Fearon, ‘Domestic Political Audiences and the Escalation of International Disputes,’ *American Political Science Review* 88/3 (1994), 577–92.

⁴⁰Weeks, ‘Autocratic Audience Costs’.

⁴¹I would like to thank an anonymous reviewer for this point.

⁴²Fearon, ‘Domestic Political Audiences’.

Analysis of both the timing and content of Chinese messages suggests that China intended to engage in private signaling, but an unexpected leak of the incident compromised this strategy.⁴³ After the incident leaked, the US was quick to publicly convey its position through numerous authoritative channels. For example, one day after the incident, Pentagon spokesman Bryan Whitman stated that ‘we view these as unprofessional maneuvers by the Chinese vessels and violations under international law to operate with due regard for the rights and safety of other lawful users of the ocean.’⁴⁴ A Defense Department official put the onus on China, saying, ‘[w]e expect Chinese ships to act responsibly and refrain from provocative activities that could lead to miscalculation or a collision at sea, endangering vessels and the lives of US and Chinese mariners.’⁴⁵ Statements by White House Press Secretary Robert Gibbs made the same day seemed to support the DoD position:

Our ships obviously operate fairly regularly in international waters where these incidents took place. We’re going to continue to operate in those international waters, and we expect the Chinese to observe international law around them.⁴⁶

These official US statements demonstrate that the US consistently presented three messages during the three days following the incident: (1) US actions were legal and therefore Chinese aggression was unprovoked; (2) the US would not adjust its policy in reaction to the incident and the onus of avoiding future confrontation was on the Chinese; and (3) the US hoped to resolve the issue diplomatically.

The content and timing of the People’s Republic of China (PRC) media messages suggest they were designed to directly counter the three US assertions in order to undermine the legitimacy of the US position. Specifically, I argue that three main messages the Chinese state-controlled media presented to the Chinese public were: (1) the US was hypocritical in its reaction and was not being forthright about what had occurred; (2) US reaction to the incident was the result of a civil-military split in the US, not so-called Chinese provocative action; and (3) the US policy position was based on its goal of maintaining

⁴³The signaling was private, not secret, because information was withheld only from third parties, not from any particular aspect of either country’s government apparatus.

⁴⁴‘Chinese Vessels Shadow, Harass Unarmed US Surveillance Ship,’ *American Forces Press Service*, 9 Mar. 2010.

⁴⁵*Ibid.*

⁴⁶*Ibid.*

maritime hegemony, not on international law. In addition to the correlation in content, the timing of dissemination suggests that the Chinese messages were reactive. It took three days for the first official statements and media messages to come out of China,⁴⁷ suggesting that decisionmakers needed time to devise a response. China's reaction to the incident suggests that its leadership would have preferred to keep the confrontation private and that China's media campaign was not originally a part of the coercive diplomacy strategy, but employed for damage control once the US went public.

Media campaigns can shift the debate by suggesting how issues should be understood, which problems are worthy of attention, and how institutions and officials are performing.⁴⁸ The ability of the US and China to craft and disseminate their position is important because messages also influence what leaders in both countries believe their counterparts are prepared to accept in coercive bargaining.⁴⁹ Because of this, the content of the Chinese media campaign warrants further exploration.⁵⁰

Stoking Nationalism: The Hypocritical, Disrespectful US

One of the main messages conveyed by the Chinese media was that China did nothing wrong and the US reaction was exaggerated. The Chinese Navy Deputy Chief of Staff claimed that the US had it backward, accusing China when it was actually the guilty party.⁵¹ Here is an excerpt of the Chinese reaction to the official US statements on the issue:

⁴⁷For the first official statement, see 'Foreign Ministry Spokesperson Ma Zhaoxu's Regular Press Conference on March 10, 2009,' Embassy of the People's Republic of China in the United States of America, 10 Mar. 2009.

⁴⁸For more, see Donald R. Kinder, 'Communication and Politics in the Age of Information,' in David O. Sears, Leonie Huddy, and Robert Jervis (eds), *Oxford Handbook of Political Psychology* (Oxford: Oxford UP 2003).

⁴⁹Seminal works on coercive bargaining include Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard UP 1960); Schelling, *Arms and Influence*; George, *Forceful Persuasion*.

⁵⁰The message that the US position was not based on international law will be discussed in detail in a later section on why China chose to couch its demands in legal terms.

⁵¹'Sino-US South China Sea Incident is a Foreign Policy Scheme of the Hawkish US Military' ['Zhongmei nanshai duizhi shijian xi meijun yingpai cehua de waijiao yinmou'], *Xinmin Weekly*, 25 Mar. 2009; see also 'Top Military Officers Lash Out at US Espionage,' *China Daily*, 11 Mar. 2009.

Being the world's number one for a long time has fostered in the United States a sense of 'superiority' in many ways. In its eyes, the justice of the world is to a very large extent something it can use when it is convenient and can dispose of or change when it is not useful.⁵²

In other words, the US position was presented as highly hypocritical; as one military expert exclaimed, '[j]ust imagine, how the United States would react if Chinese reconnaissance planes flew to the coastal areas of the United States. Protests from the United States would be at least 1,000 times stronger!'⁵³ In other words, the US response was disproportionate given that Chinese actions were both reasonable and harmless from their perspective.

According to Chinese pundits, why did the US respond this way to such a small incident, especially if it is considered common practice for 'US spy boats and planes [to be] monitored by Chinese patrols?'⁵⁴ For example, in 2006, China followed a US vessel for 27 days without sparking a US reaction.⁵⁵ Some Chinese writers posit that such incidents in the East and South China Sea indicate that the US has yet to accept that China's regional influence is growing.⁵⁶ Chinese writers acknowledge that China was more tolerant of US reconnaissance activities in the past, allegedly out of consideration for the overall interests of bilateral relations and the need to safeguard regional peace. But in recent years, the Chinese leadership has conveyed its firm opposition to such activities.⁵⁷ Chinese commentators articulated hope that the *Impeccable* incident has been successful at signaling to the US

⁵²PRC: US Ship "Violates" World Law; US Must Stop "Bullying," Exist "Harmooniously," Open Source Center (OSC) CPP20090319587001 translation of "'Harassment?' Or Great Timing?," *Jinan Dazhong Ribao*, 13 Mar. 2009.

⁵³HQSB Report: US Military Busy Spying on China's Peripheral Areas, *Huanqiu Shibao*, 12 Mar. 2009, translation OSC CPP20090325710010. Dutton notes that the Soviet intelligence-collection ships, hydrographic research vessels, space-support ships, and military reconnaissance flights regularly operated off US coastlines without US legal objection. See, e.g., 'Cuban Armed Forces and the Soviet Military Presence,' Reprint of Department of State Special Report No. 103 (Aug. 1982), <www.disam.dscam.mil/pubs/Vol%205-2/Cuban.pdf>.

⁵⁴In the Aftermath of the Impeccable Incident, the US Sends Destroyer Chung-Hoon to go to the South China Sea to Serve as a Bodyguard' ['Wuxia shijianhou, mei zhousidun fu nanhai dang baobiaobiao'], *People's Daily*, 18 Mar. 2009.

⁵⁵Ibid.

⁵⁶Expert Explains the Impeccable Incident: The US does not Accept China's Rise' ['Zhuangjia jiangshe 'wuxiahao' shijian: meiguo bu ganxin zhongguo jueqi'], *Guangzhou Ribao*, 16 Mar. 2009.

⁵⁷Ibid.

that it ‘should show fundamental respect for the sovereignty of other countries in state-to-state relations’ and that ‘no country can encroach upon our [China’s] maritime rights and interests.’⁵⁸

These statements suggest that the Chinese media campaign was designed to assert its perceived rights and show nationalistic components of society that China was standing up to the United States. The Chinese public is particularly sensitive to infringements on sovereignty due to ‘the century of humiliation’ in which foreigners stripped the Qing dynasty and its successors of control over much of its territory and economy.⁵⁹ As one author argued, if China lets a country infringe on its sovereignty even slightly, then its sovereignty as a whole, and in particular over contested territories, is at stake: sovereignty in the East China Sea, over the Diaoyutai Islands, Spratly Islands, the Paracel Islands, etc., are all connected.⁶⁰ Statements like the following abound in Chinese mass communications, which suggest that China may be trying to create a situation in which it can claim in future negotiations with the US that its hands are tied by domestic pressure:⁶¹

But the Americans have forgotten one thing. China is not so easy to bully ... They will not trade with anybody their state sovereignty or national dignity under any circumstances. They are like that on the problem of Tibet; they are like that on the problem of the South China Sea. On matters involving state sovereignty, *China does not budge*.⁶²

Given the nationalist emphasis on the maritime issue, the Chinese leadership is likely to present through the media any US concession on the surveillance issue as evidence of China’s rise in relative power vis-à-vis the US. The Chinese were not pleased when the US sent an Arleigh Burke-class Aegis destroyer to the South China Sea three days after the

⁵⁸‘HQSB Report.’

⁵⁹See John W. Garver, *Foreign Relations of the People’s Republic of China* (New Jersey: Prentice Hall 1993).

⁶⁰‘US–China Military Exchanges have Thawed, the South China Sea Naval Incident Added Fuel to the Fire’ [‘Zhongmei junshi jiechu chuxian jiedong, nanhai meijian shijian huoshangjiaoyou’], *Nanfang Daily*, 12 Mar. 2009.

⁶¹See Jessica Weiss, ‘Powerful Patriots: Nationalism, Diplomacy and the Strategic Logic of Anti-Foreign Protest,’ Unpublished manuscript, <<http://weber.ucsd.edu/~jweiss/research.html>>.

⁶²Emphasis added. See ‘PRC: US Ship “Violates” World Law; US Must Stop “Bullying,” Exist “Harmoniously,”’ OSC CPP20090319587001 translation of “‘Harassment?’ Or Great Timing?,” *Jinan Dazhong Ribao*, 13 Mar. 2009.

Impeccable incident; it was seen as an unnecessary escalation and blow to Chinese pride.⁶³ The destroyer ‘arrogantly and militaristically “escorted” the *Impeccable*, allowing the US spy ship to continue its open spying and reconnaissance activity, secure in the knowledge of strong support ... the 21st century version of the naked colonial gunboat policy.’⁶⁴ It is clear from this media content that to some the *Impeccable* incident was fundamentally about China’s desire to be recognized as a world power.⁶⁵

China Attempts to Delegitimize the US Message, and Focuses on Civil–Military Strife

China responded to critical US public statements after the incident with an attempt to undermine US legitimacy. The Chinese media disseminated the idea that the US reaction was the product of an internal dispute between US civilian and military leaders. In other words, US actions were presented as being detached from any alleged Chinese provocation, resulting instead from contrasting views among US leaders regarding the implications and nature of China’s rise. As the prominent Chinese academic Niu Jun argued, the signals from the US government were inconsistent with those of the US military; observers could not figure out if the intention of the US military [in its response to the *Impeccable* incident] was to take an overly harsh stance against China or merely to convey its dissatisfaction with the new Obama administration.⁶⁶

According to Chinese media reports, the civilian leadership, in particular Secretary of State Hillary Clinton and President Barack

⁶³PLAN officers condemned it as an ‘inappropriate reaction.’ See ‘Pentagon Reaction to Row “Inappropriate,”’ *China Daily*, 13 Mar. 2009. For a scathing Chinese critique, see ‘Why Did the US Navy Dispatch the *Chung-Hoon* to Escort the *Impeccable*?’ [‘Meiguo haijun paichu “zhongyun” hao wei “wuxia” hao huhang yiyu hewei?’], Sina.com, 12 Mar. 2009.

⁶⁴PRC: US Military Must Stop “Reconnaissance” on PRC Periphery,’ OSC translation.

⁶⁵One article argues that ‘Washington should recognize and see clearly the fact that China is growing stronger; especially with this ongoing financial tsunami, which the United States cannot address without China’s involvement.’ The implication is that the US should give in to China’s demands. ‘HK Paper Says US *Impeccable* “in Chinese Waters” Based on UN Convention,’ OSC CPP20090317710010 translation of ‘A Look at the Reasons Behind the Border Incursion by the USNS *Impeccable*,’ *Hsiang Kang Shang Pao*, 17 Mar. 2009.

⁶⁶‘Media Frenzy Over *Impeccable* Incident, the US Government and Military Attitudes are Not in Line with Each Other’ [‘Meiti richao wuxiahao shijian, mei zhengfu, junfang taidu bu yizhi’], *Nanfang Daily*, 17 Mar. 2009.

Obama, were sending strong positive signals to the Chinese in the week following the incident.⁶⁷ These reports cite the fact that on 13 March 2009, less than a week after the incident, President Obama articulated that he was looking forward to meeting with President Hu Jintao at the G20 meeting in London later that month. Furthermore, the *Impeccable* incident was not mentioned in the White House statement following that bilateral meeting. After the 11 March meeting with Chinese Foreign Minister Yang Jiechi, Secretary Clinton briefly addressed the incident: 'I also raised our concerns about the recent incident involving the US Navy ship *Impeccable* and the PRC vessels in the South China Sea. We both agreed that we should work to ensure that such incidents do not happen again in the future.'⁶⁸ However, the same day Admiral Michael Mullen criticized China, asserting that Chinese strategic intentions were unclear, the behavior of the Chinese fishing vessels was 'irresponsible,' and that the *Impeccable* had the right to operate in international waters. Articles in the state-controlled Chinese media argued that the inconsistency in the tone of official US statements suggested that the Obama administration and the Pentagon 'are vying for the initiative in US China policy'⁶⁹ and the US military was not willing to go along with President Obama's China policy.⁷⁰ In other words, US reaction to the *Impeccable* incident is seen as the result of the dysfunctional internal dynamics of the US government, not provocative Chinese behavior:

Historically the US has had problems coordinating between agencies. This not only happens when dealing with China, but when dealing with all countries. This situation is not unique. In the case of the *Impeccable* incident, not only did the various agencies not coordinate well, it is possible that they didn't even try.⁷¹

In conclusion, once the US forced China to go public, China launched a media campaign to undermine the US position, thereby

⁶⁷Ibid.

⁶⁸'Clinton's Remarks After Meeting Chinese Foreign Minister Yang. US State Department, Washington, DC,' 11 Mar. 2009, <www.america.gov>.

⁶⁹'Sino-US South China Sea Incident is a Foreign Policy Scheme of the Hawkish US Military' ['Zhongmei nanhai duizhi shijian xi meijun yingpai cehua de waijiao yinmou'], *Xinmin Weekly*, 25 Mar. 2009.

⁷⁰'Media Frenzy Over *Impeccable* Incident, the US Government and Military Attitudes are Not in Line with Each Other' ['Meiti richao wuxiahao shijian, mei zhengfu, junfang taidu bu yizhi'], *Nanfang Daily*, 17 Mar. 2009.

⁷¹Ibid.

heading off any potential backlash from the nationalistic element of Chinese society that might have reacted strongly to US public criticism of China. Complaints in the Chinese media that the US was ‘making a big deal out of nothing,’ mostly notably expressed by Chinese Navy Deputy Political Commissar Wu Huayang, further suggest Chinese leaders would have preferred to keep the incident at sea private.⁷² By making grand statements about never backing down, Chinese leaders may also have hoped to signal to the US its continued dedication to its coercive diplomacy strategy even if forced to do so in the public sphere.

China’s Choice of Rhetoric: Why Go Legal?

The last aspect of Chinese coercive diplomacy that merits examination is why Chinese leaders chose to challenge the US on predominantly legal grounds. Because of China’s legal rhetoric, past research designed to address the *Impeccable* incident has narrowly focused on the two countries’ conflicting interpretations of international maritime law and China’s attempt to reshape the legal regime as it applies to the littoral zone under UNCLOS.⁷³ Specifically, Chinese domestic law attempts to extend more state power over one’s EEZ than international law allows by including jurisdiction over hydrographic surveys, military surveys, and intelligence gathering.⁷⁴ After the *Impeccable* incident, state-directed Chinese media latched onto these contrasting interpretations of UNCLOS, clarifying that China was not challenging the convention as it interpreted it and US activities were illegal.⁷⁵ Here is an example of how China couched the surveillance issue in broad, legal terms:

⁷²‘Naval Ship Unauthorized in South China Sea, Like the Pot Calling the Kettle Black’ [‘Meijian shanchuang nanhai bing eren xian gaozhuang’], *Nanfang Daily*, 11 Mar. 2009.

⁷³See *China Security* 5/2 (Spring 2009) for three major articles discussing the Chinese and US legal positions. On legality issues, see also Pedrozo, ‘Close Encounters at Sea’; Odom, ‘The True “Lies” of the Impeccable Incident’. Unless noted otherwise, all information in this paragraph comes from James Kraska, ‘Sovereignty at Sea.’ *Survival* 51/3 (2009), 13–18.

⁷⁴For the details of the legal positions, see Law of the People’s Republic of China on the Exclusive Economic Zone and the Continental Shelf, 26 June 1998; United Nations Convention on the Law of the Sea, <www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm>; China’s Statement upon Ratification, <www.un.org/Depts/los/convention_agreements/convention_declarations.htm#China%20Upon%20ratification>. For a thorough analysis, see Dutton ‘Testimony before the US–China Economic and Security Review Commission.’

⁷⁵For China’s interpretation of UNCLOS, see *ibid.*

International law allows the US to conduct surveillance in the high seas. The issue is whether the EEZ constitutes the high seas. Many states signed off on an agreement in the 1970s that said that even though EEZ is not considered the same as national territory, countries still have rights in this area. In order to protect its military intelligence gathering resources in the world, the US refuses to recognize other countries' EEZ, it is not a signatory of the agreement . . . If the US acknowledges China's EEZ rights, then this extends to all countries and their ability to gather economic intel is extremely limited. China needs to protect its classified military information and is justified under international law to prevent US intel gathering activities. China is determined to do so, and it has demonstrated more than ever its determination.⁷⁶

In a prominent southern China communist party newspaper, Major General Luo Yuan compared the *Impeccable* incident to the 2001 EP-3 incident, arguing that the US legal argument supporting surveillance operations is weak in both cases; Chinese boats and law enforcement vessels were in common waters within China's EEZ, and according to international law they had the right of passage.⁷⁷

Though presented as an EEZ issue, statements in the Chinese media reveal that the fundamental issue is US surveillance activities. In response to a question about the US claim that the Chinese vessels harassed the *Impeccable*, Major General Luo Yuan replied:

This is just a reflection of their hegemonic nature. After all, [the US] comes into our littoral waters and even breaks into our special economic zone, [they say they] are conducting maritime exploration, but really [they] are conducting military surveillance, we tried to get them out. It is completely in accordance with international law and our legal provisions to exercise our rights in this manner.⁷⁸

⁷⁶Expert Explains the Impeccable Incident: The US does not Accept China's Rise' ['Zhuangjia jiangshe 'wuxiahao' shijian: meiguo bu ganxin zhongguo jueqi'], *Guangzhou Ribao*, 16 Mar. 2009.

⁷⁷'US-China Military Exchanges have Thawed, the South China Sea Naval Incident Added Fuel to the Fire' ['Zhongmei junshi jiechu chuxian jiedong, nanhai meijian shijian huoshangjiaoyou'], *Nanfang Daily*, 12 Mar. 2009; 'Naval Ship Unauthorized in South China Sea, Like the Pot Calling the Kettle Black' ['Meijian shanchuang nanhai bing eren xian gaozhuang'], *Nanfang Daily*, 11 Mar. 2009.

⁷⁸Ibid. This quote moves away from earlier denials that the Chinese actions were ordered from the top.

The Chinese public was consistently told that the USNS *Impeccable*'s activities in the South China Sea were harmful to Chinese national security because the *Impeccable* was a known spy ship monitoring Chinese submarines based on Hainan.⁷⁹ Vice Admiral Jin Mao, the former Vice Commander of the PLAN, commented to the *China Daily*, 'What was the ship [the *Impeccable*] doing? Anyone with eyes can see, and our navy can see even more clearly.'⁸⁰ In response to questioning by foreign media about this, Jin replied, 'Go and ask the Americans, ask their embassy. Ask their officials what their ship was doing in Chinese waters.'⁸¹ One journalist writes that the US admitted that the *Impeccable* tracks submarines and conducts reconnaissance to deal with the Chinese submarine threat; the US is interested in the Hainan area because it wants to use underwater reconnaissance to decipher the routes of Chinese submarines.⁸² According to this article, the US is specifically interested in learning about Chinese communications and radar installations,⁸³ as well as the strength, deployment schedules, activities, capabilities, and training of China's submarines.⁸⁴

Why would China choose to present the issue in broad legal terms when it is primarily concerned about US surveillance operations? In his seminal work on coercive diplomacy, Alexander George argues that the relationship between level of demand and probability of compliance is linear; the more that is demanded, the less likely a state will give in. This is not only due to the material loss a state may incur from capitulating, but also to the substantial political and psychological costs

⁷⁹'Expert Explains the Impeccable Incident: The US does not Accept China's Rise' ['Zhuangjia jiangshe 'wuxiahao' shijian: meiguo bu ganxin zhongguo jueqi'], *Guangzhou Ribao*, 16 Mar. 2009; 'PRC: ZTS Article Says US Spy Ship Monitors PRC Nuclear Submarines in South China Sea,' *World News Connection*, translation of 'US Spy Ship Monitors Chinese Nuclear Submarines,' *Zhongguo Tongxunshu*, 14 Mar. 2009; 'Naval Ship Unauthorized in South China Sea, Like the Pot Calling the Kettle Black' ['Meijian shanchuang nanhai bing eren xian gaozhuang'], *Nanfang Daily*, 11 Mar. 2009; 'The Impeccable Incident Uncovers the Inner Workings of the US Spy Ship, Naval Command Operations' ['Wuxiahao Shijian jie Meijiandie Chuan Neimu Haijun silingbu caozong'], *Beijing Evening Post*, 15 Mar. 2009.

⁸⁰'Top Military Officers Lash Out at US Espionage,' *China Daily*, 11 Mar. 2009.

⁸¹Ibid.

⁸²'The Impeccable Incident Uncovers the Inner Workings of the US Spy Ship, Naval Command Operations' ['Wuxiahao Shijian jie Meijiandie Chuan Neimu Haijun silingbu caozong'], *Beijing Evening Post*, 15 Mar. 2009.'

⁸³Ibid.

⁸⁴'PRC: ZTS Article Says US Spy Ship Monitors PRC Nuclear Submarines in South China Sea,' *World News Connection*, translation of 'US Spy Ship Monitors Chinese Nuclear Submarines,' *Zhongguo Tongxunshu*, 14 Mar. 2009.

to visible compliance.⁸⁵ Much more is at stake for the United States if it concedes to China's position on UNCLOS. First, China currently claims nearly the entire East and South China Sea as its historic waters and EEZ.⁸⁶ If China proves successful at changing the interpretation of maritime law such that the EEZ becomes akin to territorial waters, the US will be unable to conduct operations vital to US national security in over one-third of the world's oceans; 'freedom of navigation near the shore will be diminished, impairing naval and air operations and diminishing power-projection and forced-entry capabilities of amphibious forces.'⁸⁷ Politically, US acquiescence to Chinese coercive diplomacy could increase anxiety among US allies and strategic partners, leading to Asian policy changes that could undermine regional stability.⁸⁸

The findings of the media analysis suggest that China chose to couch the issue in broad legal terms in direct response to US official statements criticizing China's actions as illegal, irresponsible, and belligerent. For example, a statement made at a Pentagon press conference on 11 March demonstrates how the US initially addressed the issue in legal terms:

We believe firmly that what that naval ship was doing in those international waters is not only fully consistent with international law, it is common practice. And we hope that the Chinese would behave in a similar way, that is, according to international law . . . hopefully we can put this incident behind us quickly, and operate safely in the future without fear of any repeats of incidents such as this one.⁸⁹

The key point is that China did not chose to address the issue internationally or challenge US interpretations of UNCLOS publicly and actively until after the *Impeccable* incident occurred and was publicized. This suggests that China would have preferred to keep the issue private and focus on the narrower issue of surveillance but US official statements challenging the legality of Chinese actions put China on the defensive. The third message presented in the media, that the US

⁸⁵George, *Forceful Persuasion*.

⁸⁶Kraska, 'Sovereignty at Sea'.

⁸⁷Ibid.

⁸⁸Even if US regional maritime presence is not reduced, but just shifted to different zones, US concessions in the face of Chinese coercive diplomacy would still cause anxiety in the hearts of US allies about US willingness to absorb costs to stay active in the region and protect allies' interests.

⁸⁹DoD News Briefing with Geoff Morrell from the Pentagon, 11 Mar. 2009.

position is based on hegemonic rather than legal interests, was most likely designed to directly counter the US accusation that China had violated international law. As one commentator articulates:

[The US] prefers customary international law because it is based on precedent, which protects their maritime hegemony. US customary international law only has the distinction between territorial waters and high seas; it does not have the UNCLOS categories of EEZ or waters next to territorial waters. When in the EEZ, a country can only sail if socially and environmentally conscious. But US spy activities violate this by threatening Chinese security.⁹⁰

China may also have stressed the legal component of the incident to construct a shared understanding about the legitimacy of its position and the unlawful nature of US maritime activities in the region. By shifting the status quo interpretation of UNCLOS, China would be able to present its coercive diplomatic tactics against the United States as legitimate. China would benefit politically by arguing that US use of power is hegemonic, aggressive, and ignores coastal state sovereignty concerns, whereas Chinese use was peaceful, defensive, and respectful of sovereignty in that it feeds into the larger narrative of China's peaceful development.⁹¹ This may allow China to avoid international backlash and criticism for being a revisionist power, while simultaneously signaling to the US that it is dedicated to the use of coercive diplomacy. Furthermore, if China were able to impose or convince others in the international community to adopt China's interpretation of EEZ rights, then its statements and actions in the South China Sea would be seen as deterrence, which is designed to prevent changes in the status quo, instead of compellence, which is designed to change the status quo. This may facilitate China's strategy of pressuring the US to reduce its presence in the South China Sea while simultaneously reassuring its neighbors of its peaceful intentions.

Implications for US Policy: Lessons Learned?

What insights do the tactics, reactions, and rhetoric China employed in the *Impeccable* incident and its aftermath provide into China's strategy? China's decision to harass a US naval ship, launch a

⁹⁰'Sino-US South China Sea Incident is a Foreign Policy Scheme of the Hawkish US Military' ['Zhongmei nanshai duizhi shijian xi meijun yingpai cehua de waijiao yinmou'], *Xinmin Weekly*, 25 Mar. 2009.

⁹¹I would like to thank an anonymous reviewer for clarifying this point.

subsequent media campaign, and publicly couch its demands within a broader, international legal framework, can be difficult to understand. Recent work on the *Impeccable* incident failed to explain Chinese behavior because it focused solely on differing Chinese and US interpretations of international maritime law.⁹² The importance of the incident and its aftermath, I argue, goes beyond legal interpretations and should be analyzed within the broader context of Chinese coercive diplomacy, a set of actions designed to compel the US to change its surveillance policies. Armed with that understanding, it is now easier to analyze the effectiveness of the US response to China's strategy, and how the US could better counter future Chinese coercive diplomatic efforts.

One main point to take away for US policymakers is that if the United States wants to reduce the incentives for China to pursue coercive diplomatic tactics, it would be unproductive to focus solely on the safety issues associated with Chinese aggression in the South China Sea. The Pentagon most likely leveraged the *Impeccable* incident to clearly explain to the Chinese leadership that military provocation at sea is dangerous and can lead to unintended escalation of conflict. But the analysis of China's choice of tactic demonstrates that the introduction of risk is what makes it a compelling strategy for China because it increases the costs of standing firm for the US. Furthermore, US appeals for safety clearly did not make a deep impact given that a similar incident occurred one month later with the USNS *Victorious*.⁹³

This analysis suggests that the US may be able to affect Chinese strategic calculations with respect to future incidents by credibly *threatening* to go public the next time China acts in an assertive manner at sea; this may serve to mitigate any future incidents or even convince China that engaging in coercive diplomacy is not the best way to protect its interests. The fact that China changed signaling strategies from private military provocation to public verbal threats after the US publicized the incident suggests that different signaling strategies are preferable under certain conditions. In order for US strategists to better leverage this difference, research needs to focus on identifying the conditions under which states prefer some coercive tactics to others.

In addition, official US statements in the future need to challenge Chinese assertions that China's position has a legal basis, whereas the

⁹²See *China Security* 5/2, (Spring 2009) for three articles discussing the Chinese and US legal positions. Other examples include Pedrozo, 'Close Encounters at Sea'; Odom, 'The True "Lies" of the Impeccable Incident'; Kraska, 'Sovereignty at Sea'; Dutton, 'Testimony before the United States Senate Foreign Relations Committee.'

⁹³'New Incident between China, US: Pentagon,' AFP, 5 May 2009.

US position is merely derived from its hegemonic interests. The US should encourage all countries that value its position on international maritime law or just want to discourage Chinese assertiveness in the South China Sea to openly support the US position. According to the Department of Defense Maritime Claims Reference Manual, of the 150 states with maritime claims, 127 states recognize the right of all states to undertake military activities in the EEZ and only 22 side with China by making some form of claim to regulate foreign military activities in their EEZ.⁹⁴ Joint statements made with Asian leaders and with leaders of developing countries supporting the US interpretation of EEZ rights would weaken China's argument that the US position hurts the interests of the less powerful. Moreover, China tends to cooperate more with broad international efforts than with unilateral US efforts.⁹⁵ The US should consider addressing China's position on UNCLOS and related provocative behavior in multilateral forums such as the United Nations and encouraging regional allies to bring up the issue through regional institutions such as ASEAN. In that regard, the Obama administration's recent offer to facilitate multilateral talks between China and its Southeast Asian neighbors about the territorial status of islands in the South China Sea is a step in the right direction.⁹⁶

Last, even though China presented its position in legal terms to counter and undermine the US and avoid international backlash, the main goal of Chinese coercive diplomacy is to compel the US to stop conducting surveillance activities near sensitive military areas. A review of Chinese writings reveal that it is displeased with US intelligence gathering more generally, even when the platforms are not located in China's claimed EEZ.⁹⁷ However, there are long-term implications of any US concessions on this issue. Yielding to pressure may affect China's future expectations of the effectiveness of the use of military provocation vis-à-vis the US,

⁹⁴Cited by Dutton, 'Testimony before the China Economic and Security Review Commission.'

⁹⁵For more on this point, see Elizabeth Economy and Michel C. Oksenberg (eds), *China Joins the World: Progress and Prospects* (New York: Council on Foreign Relations P 1999).

⁹⁶'Offering to Aid Talks, US Challenges China on Disputed Islands,' *New York Times*, 24 June 2010.

⁹⁷The following are particularly informative articles about Chinese views on the use of space assets in warfare from a journal published by the Academy of Military Science, *Zhongguo Junshi Kexue*; Chang Xianqi, 'Space Strategy and National Security' ['Kongjian zhanlue yu guojia anquan'], *Zhongguo Junshi Kexue* 1 (2002), 12; Feng Shuxing and Cui Yang, 'The Space Strategies of the United States and Russia' ['Mei e kongjian zhanlue chutan'], *Zhongguo Junshi Kexue* 1 (2002), 45; Zhang Zhiwei and Feng Chuanjiang, 'Views on Future Air-Space Operations' ['Shixi weilai kongtian yiti zuozhan'], *Zhongguo Junshi Kexue*, 2 (2006), 52.

which may lead to increases in bilateral tensions and threats to regional security. In the words of Schelling, 'to yield may be to signal that one can be expected to yield.'⁹⁸ Furthermore, the regional allies and strategic partners that are hedging their bets against the possibility of US disengagement from the region may interpret compliance with Chinese demands as a lack of US resolve. This would affect the strategic calculations of regional players, especially on how to prioritize their relationships with the US and China.⁹⁹ Concessions also give legitimacy to China's EEZ position and potentially to some of China's territorial claims, which would shift the status quo in a way that is harmful to regional stability. According to Peter Dutton, 'China's efforts to alter the balance of maritime rights are part of its overall anti-access strategy, and could have an impact on the perceived legitimacy of US operations in the region, especially in times of crisis.'¹⁰⁰ To avoid this, the US needs to maintain its commitment to a strong regional presence and the preservation of freedom of the sea.

This is not to say that the US should refuse any compromise on the issue of surveillance operations. If the Obama administration weighs the costs and benefits of surveillance in certain areas and decides on a more flexible position, the US should consider making this adjustment at a later date. If the US ceases or decreases the frequency of surveillance activities now, it could signal to the Chinese that the US backs down to confrontation, which would further solidify their view that the US is averse to conflict. The possible costs of this particular Chinese miscalculation are prohibitively high. For this reason alone, it is critical that US leaders adjust their estimates of Chinese resolve and adopt a counterstrategy that allows the US to successfully communicate its own. The insight this exploration of coercive diplomacy theory has provided into current affairs is hopefully a step in the right direction.

⁹⁸Schelling, *Arms and Influence*, 118.

⁹⁹For an excellent study on the strategic calculus of regional players on China's rise, see Evelyn Goh, *Meeting the China Challenge: The US in Southeast Asian Regional Security Strategies* (Washington DC: East-West Center 2005); Robert S. Ross, 'Balance of Power Politics and the Rise of China: Accommodation and Balancing in East Asia,' *Security Studies* 15/3 (2006), 355–95.

¹⁰⁰Dutton, 'Testimony before the US-China Economic and Security Review Commission.' For more on China's anti-access strategy and recommendations for the US, see Oriana Skylar Mastro, 'Testimony before the US-China Economic and Security Review Commission, Hearing on China's Active Defense Strategy and its Regional Impact, 27 Jan. 2011.

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