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Violating normal: How international norms transgressions magnify gray zone challenges

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Strategic Multi-Layer Assessment
Gray Zone Conflicts, Challenges, and Opportunities: A Multi-
Agency Deep Dive Assessment

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Introduction

The current international system presents multiple potential challenges to US interests. In recent years, state actors, especially but not limited to Russia and China, have taken actions that disrupt regional stability and potentially threaten US interests (Bragg, 2016). Many of these challenges are neither “traditional” military actions nor “normal” competition, but rather fall into a class of actions we have come to call “gray” (Votel, 2015). Here we define the concept as: *“the purposeful use of single or multiple instruments of power to achieve security objectives by way of activities that are typically ambiguous or cloud attribution, and exceed the threshold of ordinary competition, yet intentionally fall below the level of [proportional response and] large-scale direct military conflict, and threaten the interests of other actors by challenging, undermining, or violating international customs, norms, or laws.”* (Popp and Canina, 2016).

Many analyses have focused on the material effects of gray zone actions and gray strategies, such as changes to international borders, or threats to domestic political stability, however few have emphasized the role that international norms play in gray actions and gray strategies, and potential response to them. This paper beings to fill that gap by exploring the normative dimensions of gray zone challenges.

The role of norms in international relations

At the broadest level, norms are rules of behavior that are recognized and understood by a community of nations. In many cases norms go unnoticed until they are violated (Goffman, 1963). International norms represent collective expectations about how other states will act and thus can have significant influence on the behavior of individual actors in the international system. In particular, they can help actors overcome some of the barriers to interstate cooperation. Norms provide solutions to coordination problems (Martin, 1992; Stein, 2004), reduce transaction costs (Ikenberry, 1998; Keohane, 2005), and provide a “language and grammar” for international politics (Kratochwil, 1999; Onuf, 2013). In some cases, such as norms regarding use of chemical weapons or the use of force to change territorial boundaries, norms have been institutionalized and become part of international law. In other cases, such as human rights, international norms reflect widely shared, but not necessarily universal, beliefs.

Among actors in the international system norms provide guidance regarding which behaviors, although not strictly forbidden or illegal are considered unacceptable and liable to censure. Regular compliance with international norms signals that we are dealing with an actor who shares our perspective on how states “should” behave (Shannon, 2000). An actor abiding by relevant norms signals the value it places on those shared standards of behavior, and its intention to play by the established “rules of the game.” Doing so many also increase the willingness of others to engage in political, economic, or security cooperation.

In essence, a pattern of adherence to norms can build trust between actors in an otherwise uncertain system. Trust is “a belief that the other side prefers mutual cooperation to exploiting one’s own cooperation, while mistrust is a belief that the other side prefers exploiting one’s cooperation to returning it” (Kydd, 2005). Trust is important component of understanding the effects of norms violations because



that another actor will comply with international norms significantly reduces the kinds of uncertainty that gray zone challenges nurture. As trust deepens, reliance on norms, rather than explicitly stated and formalized rules to regulate behavior, particularly competitive behavior can increase (Bearce & Bondanella, 2007; Finnemore & Sikkink, 1998; Glanville, 2016; Katzenstein, 1996; Klotz, 1995). While international norms are generally understood by states in the global system, we cannot assume that those rules and supporting norms necessarily reflect the domestic values and interests of all states.

No “Ordinary Competition”: Violating Norm(al)

If international norms are not consistent with an actor’s own values and interests, then the only deterrent against violations is the desire to avoid censure or punishment. However, as many norms violations associated with gray strategies are not direct violations of international law, or are difficult to attribute, punishment is problematic, and censure only as effective as it is detrimental to the violating state’s reputation (Friman, 2015). Systematic or intentional norms violations, often signal that an actor is dissatisfied with the existing status quo, and unwilling to abide by norms that limit its ability to pursue its own interests.

A balance of power favorable to the status quo can deter dissatisfied actors from direct challenges to the international system, moving them instead toward gray strategies, including those that violate norms. Russia’s attempts to broaden sphere of influence and its ongoing campaign in the parts of Ukraine that it has not formally annexed without provoking armed NATO response are examples of this dynamic (Hoffman, 2016; Pomerantsev, 2015). The social unrest following Russian intervention severely undermined Ukrainian political stability. While this type of interference in the domestic politics of another state violates international norms of self-determination, it does not unequivocally break international law in a way that would trigger a direct military response from the west. Such a response would, it itself, represent both an escalation and a breach of norms against the general use of military force.

In addition to being the conceptual space between peace and war, the gray zone is also the space between actions that indisputably violate international law and those that align with and reinforce it. Most gray actions conform to the letter, but not the spirit, of the law by “intentionally fall[ing] below the level of large-scale direct military conflict” and proportional responses (Popp and Canna, 2016). The Chinese doctrine of the Three Warfares, for example, explicitly aims to use legal, psychological, and media warfare to “undermine international institutions, change borders, and subvert global media, all without firing a shot” (Pomerantsev, 2015). In fact, the Three Warfares approach exemplifies much of what is frustrating about gray zone challenges: They create conditions that are unfavorable to the US-preferred status quo; they are difficult to counter proportionally since these actions do not explicitly violate formal rules; and, they undermine the norms of behavior that support the international system. This can result in increased uncertainty and decreased trust between actors which in turn makes cooperation more difficult and the likelihood of crises escalation greater.



The Role of Norms Violations in Perceiving Gray

While competitive behavior is a critical aspect of gray zone strategies, not all competitive behavior is gray—only that which exceeds “ordinary competition.” What is considered “ordinary” is itself guided by the norms that have emerged among global actors. Among actors, “ordinary competition” might invoke a common framework for navigating disputes and leveraging opportunities. Adherence to international norms, especially when potentially incompatible interests make violation easy, can build trust between actors that their strategic interests align. When this type of trust is present, actors are more likely to give each other the ‘benefit of the doubt,’ when they see behaviors that are potentially gray, and less likely to conclude that the competitive activities are part of a larger gray strategy to revise the status quo. Regular norms violations at best foster a relationship of “trust, but verify” (and sometimes just “verify”), such as we see with the recent Iranian nuclear accords. In these circumstances, actors fear that goodwill and generosity will be exploited.

Despite every major post-Stalinist leader of the Soviet Union talking about the importance of peace, the Soviet Union and the United States were very much locked into the Cold War through the 1980s and initial Soviet efforts to spark trust, for example through the moratorium on nuclear testing and SS-20 missile deployments—were seen by many in the US and Western Europe as attempts to manipulate the domestic politics of Western politics with cheap talk (Kydd, 2005). To break the impasse in advance of a major US-Soviet summit in 1985, Gorbachev introduced an important innovation into the Soviet moratorium verification process by allowing a private American group to establish seismic monitoring stations on Soviet territory (Kydd, 2005). By agreeing to private monitoring that could not be manipulated for political purposes—a costly signal—the Soviet Union affirmed an important norm about reassurance in nuclear arms control (a norm that we see playing out today with critics of the Iranian deal), which paved the way for increased trust between the USSR and the US.

Low levels of trust among actors who already face challenges to cooperation can make reasonable and expected competitive behavior across a range of dimensions appear more threatening than the incidents justify. A variety of actions—“individual cyber-attacks, secret trade deals, funding of opposition groups, information operations, and irregular military activities executed individually”—can only be considered as gray if and when they are found to be “integrated to achieve a common strategic purpose” (Joint Strategy Review, 2015). A lack of trust combined with misperception about the intent behind a given action can lead to an overreaction. This in turn can create a flashpoint that contributes to unwanted and unintended escalation.

Stuck in the Middle (Kingdom): China and International Norms

The United States is also concerned about Chinese gray zone activities. An examination of China’s efforts to expand its power and influence illustrates the centrality of both the violation of, and adherence to international norms, and the strategic bind China finds itself in as it pursues what it considers to be its core interests. In short, China is in the position of violating international norms as a result of its (gray) strategy to change territorial facts on the ground, while also committing to upholding international norms through “peaceful rise” and multilateral cooperation.



China has been enmeshed in maritime and land border disputes with many of its neighbors, and its leadership is committed to extending the country's maritime borders beyond the boundaries recognized by the UN Convention on the Law of the Sea (UNCLOS) (Paul, 2016). Two instances of tacit norms that China violates in this context are those concerning which physical structures count toward sea border claims to sustain territorial/maritime controversy and the use of non-naval vessels to defend controversial territorial claims. Chinese "island reclamation" in the South China Sea is specifically designed to expand its internationally permissible territorial claims; similarly, the use of civilian industry and civilian fishing fleets in defense of these marginal territorial claims. These activities co-exist with China's commitment to a peaceful rise, and leadership in forging cooperative responses to some multi-lateral challenges, such as transnational organized crime and piracy.

These violative activities co-exist along China's demonstrably ironclad commitment to a peaceful rise. Unlike the Soviet Union, China has studiously avoided a nuclear arms race—creating the nuclear doctrine of minimum effective deterrent (in contrast to the Soviet Union's more robust mutually assured destruction) (Riqiang, 2013). In addition, China's nuclear doctrine is non-escalatory, involving a small arsenal, de-alerted in peacetime and an unconditional no-first use policy (Riqiang, 2013). This approach to minimum, non-escalatory deterrence also holds in the conventional realms: Empirical studies show that growing Chinese naval power has increased its cooperative activity with the United States (and others) in regional affairs, such as becoming a leader in cooperative responses to some multi-lateral challenges, such as transnational organized crime and piracy (Stevenson, 2014).

Chinese gray zone activities have eroded regional trust that China is committed to the same two norms that America and its allies see as fundamental to the postwar governance of the region, despite the fact that major changes in China's relative military capability—growing navy and nuclearization—have not led to more competitive behavior. The decreased trust that results from these two norm violations decreases the ability of China and the United States to assume the best about each other's motives when reasonable disagreements over security, prestige, economics, or global diplomacy through international organization occurs.

Conclusion

The 20th century—which witnessed two of the most destructive European and Asian wars in modern human history—followed centuries marked by near constant warfare between political systems able to marshal and amass large-scale armed forces. In contrast, the modern world seems better characterized by the jurist Sir Henry Maine's quip, that "War appears to be as old as mankind, but peace is a modern invention" (Howard, 2000). While the US is well-equipped to respond to military threats and warfare, gray zone activities are designed to capture the absence of war, but do not equate to the absence of conflict.

Gray zone challenges can degrade international norms that represent collective expectations regarding the proper behavior of actors within the international system. Intentional, continuous violation weakens the norms that have emerged from international rules and that can constrain violent interstate conflict. Norms violations reduce trust between actors and increase uncertainty as actors are faced with the very



real concern that their competitors will take advantage of cooperative behavior to pursue goals and interests detrimental to the cooperating party.



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