

# The US Army War College Quarterly: Parameters

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Volume 52  
Number 2 *Volume 52, Number 2 Summer Issue*

Article 12

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Summer 5-18-2022

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### Recommended Citation

Brandon Colas, "Defining and Deterring Faits Accomplis," *Parameters* 52, no. 2 (2022): 69-86, doi:10.55540/0031-1723.3153.

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## Defining and Deterring Faits Accomplis

Brandon Colas

**ABSTRACT:** This article describes faits accomplis—how states attempt to seize disputed territory using military force, hoping to avoid war in the process—and offers suggestions for how to deter them. Since 1945, faits accomplis have become the most common means by which states attempt to take over territory, even though they frequently result in armed conflict. US deterrent efforts, however, often focus on stopping invasions, not limited land grabs. This study combines the traditional literature on deterrence with Dan Altman’s recent research on faits accomplis to suggest Department of Defense leaders should frame territorial disputes as a real estate market they can both analyze and manipulate.

**Keywords:** deterrence, territorial disputes, gray zone, brinkmanship, escalation

**I**n February 2014, Ukraine had 22,000 troops stationed on the Crimean Peninsula. A month later, Ukrainian armed forces had lost their primary naval base, 12 of 17 surface combatants, most of their naval aviation assets, and their main naval repair and maintenance facilities.<sup>1</sup> Ukraine also lost over 2 million citizens and 10,000 square miles of territory. In the process, the Ukrainian armed forces suffered only a single casualty.<sup>2</sup> If this action was a Russian invasion, as then-Vice President Biden insisted while visiting Kyiv the following year, it was a strange one.<sup>3</sup> The “invasion” had cost Ukraine dearly, but the seizure of Crimea in 2014 is better described as a fait accompli, wherein an aggressor state uses limited military force to seize a disputed territory, risking war in the process. It takes two states for a successful fait accompli: an aggressor willing to risk war and a victim or defender who decides losing territory is better than using its military to respond and risk war. Russia seized the disputed territory without going to war, using a complex combination of techniques that included removing insignia from Russians’ uniforms, overcoming Ukrainian military bases by ramming through gates, and blocking aircraft runways with vehicles to prevent Ukrainian reinforcements from landing. The brazen Russian tactics relied on a belief the Ukrainians would be unwilling to fire the first shot.<sup>4</sup>

1. Manash Pratim Boruah and Prathamesh Karle, “Ukrainian Navy: A Force in Distress,” Janes (website), February 15, 2022, <https://www.janes.com/defence-news/news-detail/ukrainian-navy-a-force-in-distress>.

2. Anton Lavrov, “Russia Again: The Military Operations for Crimea,” in Colby Howard and Ruslan Pukhov, eds., *Brothers Armed: Military Aspects of the Crisis in Ukraine* (Minneapolis, MN: East View Press, 2014): 174.

3. White House Office of the Vice President, “Remarks by Vice President Joe Biden and President Petro Poroshenko,” December 7, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/12/07/remarks-vice-president-joe-biden-and-ukrainian-president-petro>.

4. Lavrov, “Russia Again,” 157–84; and John Chambers, *Countering Gray-Zone Hybrid Threats* (West Point, NY: Modern War Institute, 2016), 17–19, <https://mwi.usma.edu/wp-content/uploads/2016/10/Countering-Gray-Zone-Hybrid-Threats.pdf>.

The 2014 conquest cost Russia as well. Following Crimea, Russia weathered various sanctions, built up its military, and learned the wrong lessons. Eight years later, Russian troops entering Ukraine expected the same experience. Numerous reports indicate that many Russian soldiers did not know they were going to invade Ukraine until shortly before it began. Those who knew did not expect opposition. Some may have brought along parade uniforms.<sup>5</sup> This *fait accompli* failed catastrophically.

### How States Seize Territory

Russian aggression against Crimea in 2014 and the whole of Ukraine in 2022 illustrates the three means by which states can seize territory: brute force, coercion, and *faits accomplis*. The Department of Defense is prepared to counter the first two. Brute force is an invasion and occupation, such as Hitler in Poland in 1940 or the current Russian campaign in Ukraine after the unexpected Ukrainian resistance to the *fait accompli* attempt. A second means to seize territory is coercion: threatening damage and latent violence.<sup>6</sup> Enough force built upon a border could cause a government to make concessions, determining the fight is not worth it. Hitler entered Denmark unopposed in 1940; Ukrainian President Volodymyr Zelensky could have resigned in February 2022. However, brute force and coercion can be deterred by an opposing force or, if deterrence fails, rolled back by military conflict.

Despite years of talk about the gray zone, the Department of Defense is unprepared for *faits accomplis*, perhaps because resisting a *fait accompli* is more complicated than deterring a full invasion. Instead of initiating war and then attempting to seize territory (brute force) or threatening war unless territory is surrendered (coercion), in a *fait accompli*, a state seizes a piece of disputed territory with military force and attempts to avoid war in the process.<sup>7</sup>

*Faits accomplis* are common. Recent international relations research has shown the primacy of *faits accomplis* compared to the use of coercion or brute force to seize territory. Attempted conquests of entire territory after 1945 were extremely rare. From 1945 to 2022, there were only four attempts to conquer another state wholesale and absorb its territory. Successful attempts

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5. Luke Harding, "Demoralised Russian Soldiers Tell of Anger at Being 'Duped' into War," *Guardian* (website), March 4, 2022, <https://www.theguardian.com/world/2022/mar/04/russian-soldiers-ukraine-anger-duped-into-war>; and TEW, "Exclusive: Ukrainian Civilians Found Russian Army Uniforms Parade Items in Garage after Bombing," YouTube, March 11, 2022, [https://www.youtube.com/watch?v=v\\_EVWcbbAGs](https://www.youtube.com/watch?v=v_EVWcbbAGs).

6. Thomas Schelling, *Arms and Influence* (New Haven, CT: Yale University Press, 2020), 1–34.

7. Dan Altman, "The Evolution of Territorial Conquest after 1945 and the Limits of the Territorial Integrity Norm," *International Organization* 74, Summer (2020): 491.

were North Vietnam against South Vietnam in 1975 and Indonesia against Timor-Leste in 1975, and unsuccessful attempts were North Korea against South Korea in 1950 and Iraq against Kuwait in 1990.<sup>8</sup> The United States' invasions of Afghanistan (2001) and Iraq (2003) led to the occupation of both states, but the long-term occupation was never the intent of these wars, which were also not based on territorial claims. Since 1945, there have only been four instances of brute force and two of coercion, but as of 2018, states had attempted 65 *faits accomplis*.<sup>9</sup> *Faits accomplis*, which impose "a limited unilateral gain at an adversary's expense in an attempt to get away with that gain when the adversary chooses to relent rather than escalate in retaliation," are the most common means for states to pursue territorial gains.<sup>10</sup>

Common but risky, attempted land grabs frequently fail and lead to armed conflict. Of the 65 cases between 1945 and 2018 charted by Dan Altman, only half succeeded.<sup>11</sup> Attempts to return to the status quo often lead to major escalation, presumably because the aggressor state has miscalculated the "true" red line for the status quo.<sup>12</sup> The risk of war is probably higher than the cases that result in armed conflict. States using limited military force to take territory have already calculated their action is more likely to succeed in seizing the territory than escalating to a wider war. This data only accounts for the states that acted on the (sometimes erroneous) belief that war would not result. We cannot determine the number of states that did not act based on the expectation of war—as James Fearon noted, a state that launches an attack has already taken the defender's relative capabilities into account. Hence, a state making a challenge is a state that is already resolved.<sup>13</sup>

The US military must understand the conditions under which *faits accomplis* occur and what factors lead to their success and failure. Both China and Russia have several ongoing territorial disputes with US allies, have employed *faits accomplis* in the past, and will likely do so in the future. Limiting Chinese and Russian expansion entails cutting off these forcible territory seizures before they occur. Resolving them after the fact—"rollback" type strategies—are a considerable risk.<sup>14</sup> Studying *faits accomplis* can also help map out underdeveloped "road to war" sequences, providing leaders with

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8. Altman, "Evolution of Territorial Conquest," 493.

9. Altman "Evolution of Territorial Conquest," 493, 501–3.

10. Dan Altman, "By Fait Accompli, Not Coercion: How States Wrest Territory From Their Adversaries," *International Studies Quarterly* 61 (2017): 882.

11. Altman, "Evolution of Territorial Conquest," 509.

12. Altman, "By Fait Accompli," 886–88; and Altman, "Evolution of Territorial Conquest," 505.

13. James D. Fearon, "Signaling versus the Balance of Power and Interests: An Empirical Test of a Crisis Bargaining Model," *Journal of Conflict Resolution* 18, no. 4 (1994): 238, <https://www.jstor.org/stable/174295>.

14. Hal Brands and Zack Cooper, "Getting Serious about Strategy in the South China Sea," *Naval War College Review* 71, no. 1 (2018): 8–20.

anticipated off-ramps and better scenario planning. In *Arms and Influence*, Thomas Schelling notes:

There is just no foreseeable route by which the United States and the Soviet Union could become engaged in a major nuclear war. This does not mean that a major nuclear war cannot occur. It only means that if it occurs it will result from a process not entirely foreseen, from reactions that are not fully predictable, from decisions that are not wholly deliberate, from events that are not fully under control.<sup>15</sup>

One implication of Schelling's claim is that if a war between the United States and China occurs, it is unlikely to take place because Taiwan declares its independence; all three states are aware of the dangers of such a scenario. A war involving a Chinese attempt to use a *fait accompli* to claim Taiwan-occupied Itu Aba (Taiping Island), on the other hand, could well happen: *faits accomplis* generate unpredictable reactions.

This study attempts to anticipate reactions by showing how states can calculate the desirability of using *faits accomplis* to seize disputed territory, for both themselves and their rivals, by modeling disputed territory as a real estate market. Military and civilian leaders wanting to deter *faits accomplis* can manipulate the market by directly affecting the input variables of territorial value, the cost of war, and the probability of war. Deterrence against *faits accomplis* also has implications for countering a wide range of gradualist techniques common in the gray zone.

## Calculating the Desirability of *Faits Accomplis*

### Why States Prefer *Faits Accomplis* to Brute Force and Coercion

The near-universal condemnation of Russia's invasion of Ukraine strongly implies there is a global norm against the use of violence to claim territory.<sup>16</sup> The existence of a norm among states does not mean that actions violating it will occur but does suggest that if that norm is violated, states will need to explain and justify their behavior. Extreme discursive practices are required to break the norm; Russia has claimed it will de-Nazify Ukraine, fears Ukrainian chemical weapons provocations, and suspects Ukraine may develop

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15. Schelling, *Arms and Influence*, 94–95.

16. Stephen Pinker, *The Better Angels of Our Nature: Why Violence Has Declined* (New York: Penguin, 2012); and Mark W. Zacher, "The Territorial Integrity Norm: International Boundaries and the Use of Force," *International Organization* 55, no. 2 (2001): 215–50, <https://www.jstor.org/stable/3078631>; and Altman, "Evolution of Territorial Conquest," 497.

a plutonium-based nuclear “dirty bomb.”<sup>17</sup> If any of these justifications were true, breaking the norm against Ukraine’s territorial integrity would make sense. But by protesting too much, Russian propaganda inadvertently shows how unacceptable it is for a state to launch a war to seize territory.

While brute force can enable one state to absorb another, it rarely takes place. Although coercion might seem another way for a state to claim the territory of another, coercion is difficult and can create its own set of problems for the aggressor state. Studies of compellence provide some suggestions for why an aggressor state’s efforts to coerce another state to surrender its territorial claims rarely succeed. As Schelling notes, almost any affirmative action “requires that an opponent or a victim do something, even if only to stop or get out.”<sup>18</sup> In a territorial dispute, the affirmative action required would be that one state accepts the de facto loss of its territory. By contrasting compellence and deterrence, Gary Schaub shows why compelling an opponent is more difficult than dissuading an opponent from an action. In deterrence, generally, a compliant adversary is no worse off, while a defiant one expects retribution. However, as he notes, “Compellent demands [...] promise no chance of gains. They pose the adversary with a choice between two losses: the certain loss of compliance and the gamble between avoiding this loss or suffering more significant losses.”<sup>19</sup> Prospect theory suggests the nature of coercion encourages resistance: defying the coercive attempt might result in success, or at least less of a loss, whereas submitting locks in the loss.

Even though seizing territory by brute force is difficult, and coercion inspires defiance, there are still territorial disputes around the world—many militarized, and many resulting in the shifting of territory from one state to another—and yet few wars. One suggestion for this absence of full-scale war is that conquest has changed: states seize smaller territories in *faits accomplis*. In terms of timing and pace, seizing the territory can occur quickly in a lightning strike or a gradualist manner—a long series of discrete events that achieve a state’s objectives over time.<sup>20</sup> Regardless of the pace, no single model is used in a *fait accompli*. The Russian example of using the hybrid war in the

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17. Reuters Staff, “Russia, Without Evidence, Says Ukraine Making Nuclear ‘Dirty Bomb,’” Reuters (website), March 6, 2022, <https://www.reuters.com/world/europe/russia-without-evidence-says-ukraine-making-nuclear-dirty-bomb-2022-03-06/>; David M. Herszenhorn, “Russia Claims US Mercenaries Plan Chemical Attack in Ukraine,” Politico EU (website), December 21, 2021, <https://www.politico.eu/article/russia-us-mercenaries-plan-chemical-attack-ukraine/>; and Neil MacFarquhar, “Two Days of Russian News Coverage: An Alternate Reality of War,” *New York Times* (website), March 8, 2022, <https://www.nytimes.com/2022/03/08/world/europe/russia-ukraine-media.html>.

18. Schelling, *Arms and Influence*, 8.

19. Gary Schaub Jr., “Deterrence, Compellence, and Prospect Theory,” *Political Psychology* 25, no. 3 (2004): 401, <https://www.jstor.org/stable/3792549>.

20. Michael Mazarr, *Mastering the Gray Zone: Understanding a Changing Era of Conflict* (Carlisle Barracks, PA: Strategic Studies Institute and US Army War College Press, 2015), 37.

Crimean Peninsula in 2014 differs significantly from current Chinese efforts to make land (literally) in the Pacific and then fortify those territories.

Categorizing the success rate of conventional versus hybrid means of seizing disputed territory is beyond the scope of this article. A state launching a *fait accompli* will employ its available forces in the means it believes is most likely to succeed in conquering while avoiding war. Trying to generalize what that force employment will look like is difficult. A massive buildup followed by limited use of overwhelming force might cause a defending state to become more (or less) likely to resist or collapse. The hybrid use of “contractors” and cyberattacks against the power grid could lead to sudden surrender or irate resistance.

*Faits accomplis*, whether fast or slow, subtle or blatant, all share the calculated risk of actions that could result in war. A successful *fait accompli* by the aggressor represents a corresponding failure of deterrence on the part of a defending state. And the failure of deterrence can erode the defending state’s broader deterrent position toward the aggressor and undercut its commitments.<sup>21</sup>

### A Model of *Fait Accompli* Calculation

Data show territorial conflicts still exist in the twenty-first century, and states prefer to use *faits accomplis* to seize territory. In what context would a *fait accompli* become appealing for a state? Understanding this decision-making process is critical for military leaders who want to anticipate and deter conflict. One way to frame how states decide that the risk of a *fait accompli* is worth risking war is to treat disputed territory as a real estate market. China and India, for instance, have identified sections of their disputed border line (what they have “agreed to disagree” about) as the “Line of Actual Control.” States agree on the location, which is fixed, but the value of the territory fluctuates over time for each state. This fluctuation helps explain why a state would risk a war for a land grab.

To set up a simple model: at a particular time, two states have implicitly agreed that a particular piece of territory is too valuable to abandon but not worth a war. Each state’s calculations differ, but both countries anticipate a negative value in going to war for the territory.<sup>22</sup> When determining how much to value territory, a state first identifies how much it would be worth to have the territory without conflict. From this constructed value, the state then

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21. Schelling, *Arms and Influence*, 45, 55–56.

22. James D. Fearon, “Rationalist Explanations for War,” *International Organization* 49, no. 3 (1995): 379–414, <https://www.jstor.org/stable/2706903>; and Robert Jervis, *Perception and Misperception in International Politics* (Princeton, NJ: Princeton University Press, 1976).

plans for the worst-case scenario, subtracts the cost of a losing war, and factors in the probability of war and victory given war. A positive result suggests the benefits of war for the territory are likely to outweigh the costs—and, of course, a fait accompli is a bet war is unlikely to occur.



**Figure 1: Variables affecting desirability of a fait accompli**

Actual numbers are irrelevant to this simple model, which shows how the four input variables that determine whether the risk of a fait accompli is worthwhile can be affected by states' strategies even though internal and external changes to a state mean dozens of factors will interact to affect the value of the disputed territory and the probability of war.<sup>23</sup> The unpredictability of outcomes does not mean states will step back rather than commit to winning a dispute. Instead, aggressor states increase their odds of success by manipulating the market, increasing the possibility of a fait accompli. Yet even a defending state must keep the other side's computed value from rising too much, too quickly. For instance, Taiwan's de facto independence is not publicly proclaimed based on beliefs that a Chinese invasion would follow. A claim of independence would "officially" make Taiwan a breakaway province, and the value of the territory would shoot up for China since the Party could not countenance the humiliation of formally losing a province. At the same time, Chinese pressure can increase Taiwanese nationalism, perhaps over time, making it harder for Taiwanese leaders, who are responding to their populace, to hint at independence. So the status quo is never entirely stable, and states' actions and reactions can be hard to anticipate.

23. Robert Jervis, *System Effects: Complexity in Political and Social Life* (Princeton, NJ: Princeton University Press, 1999).



Regardless of the unpredictability of outcomes, states will engage in market manipulation to shift the calculations of the other would-be-claimant. For example, an American-Japanese joint maritime exercise would improve the interoperability of both forces, raise the Japanese Self-Defense Forces' confidence that they may prevail in a limited direct conflict over the Senkakus with China, and lower Chinese expectations of victory as they reassess the danger posed by the Japanese naval forces, making the value of the Chinese Senkaku claims decrease, all other factors being equal. For an aggressor to resolve a territorial dispute in its favor, an optimal solution would be to raise the value of the territory for its state—making the risk of a conflict more worthwhile—while convincing the defender the territory is not as valuable—making the risk of a conflict less likely. To maintain the status quo, however, a defending state may also need to convince its population that the disputed territory is worth claiming and the would-be aggressor state that war is not in its interest.

### Using the Market Model to Deter *Faits Accomplis*

States wishing to maintain the status quo must shape the environment for themselves and their adversaries by attempting to increase the value of the territory, lower the cost of a losing war, or lessen the probability of war. The defending state wins by convincing the aggressor that the territory is not worth the fight. States can manipulate the value of disputed territory by making historical claims, military modernization, and troop deployments—all of which can help counter *faits accomplis*.

### Manipulating the Current Value of Territory by Historical Claims

A state's historical claims and narratives regarding a given piece of territory are intimately connected to the value of that territory. Both aggressor and defender states will employ historical narratives to support their claims and justify any actions taken. For instance, the Chinese government's well-known "Nine Dash Line" for maritime claims was submitted to the United Nations in 2009, based on a 1947 map. However, China decided 1947 did not provide sufficient weight for its claims. In 2016, *China Daily* reported the 1947 map had its provenance in a 600-year-old book called *An Arcane Book about the South China Sea*, giving China "ironclad proof" of its rights in the region.<sup>24</sup> Although China is a United Nations Convention on the Law of the Sea signatory, it

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24. Li Xiaokun and Liu Xiaoli, "Ancient Book 'Provides Ironclad Proof of Chinese Ownership,'" *China Daily* (website), May 24, 2016, [http://www.chinadaily.com.cn/china/2016-05-24/content\\_25433846.htm](http://www.chinadaily.com.cn/china/2016-05-24/content_25433846.htm); and John Sudworth, "South China Sea: The Mystery of Missing Books and Maritime Claims," *BBC* (website), June 19, 2016, <https://www.bbc.co.uk/news/world-asia-china-36545565>.

refused to follow a 2016 tribunal ruling in favor of the Philippines in a maritime dispute based on this spurious historical claim.

More recently, in January 2022, the *Wall Street Journal* reported on a desperate search for the bones of Yaroslav the Wise, an eleventh-century Ukrainian saint, taking place in New York City. For the Ukrainian government, Yaroslav is a sign of nationhood and separation from Russia to oppose, in the words of the Ukrainian foreign minister, “modern Putinist myths and illegitimate territorial claims.”<sup>25</sup> The Ukrainian search is a response to Putin’s insistence the previous year that the Russians and Ukrainians are “one people—a single whole.” In Putin’s view, as early as the late ninth century (even during the fragmentation of Ancient Rus), “both the nobility and the common people perceived Rus as a common territory, as their homeland.”<sup>26</sup> Both sides appeal to history to explain their actions, suggesting history has a high degree of resonance—whether for defending a sovereign state or justifying the encroachment and seizure of another state’s territory.

Historical narratives strengthen a nation’s claims while signaling what a state decides it cannot give up. National histories can also build the confidence and will to prevail against another state. Both China and Russia have invested heavily in efforts to develop a nationalist population ready to make sacrifices for the state’s needs. China stresses its grievance-themed history against the West and national humiliation, while Russia has made and continues to make increasing efforts in this arena, imposing a legally mandated “military-patriotic upbringing” for the nation’s education program in 2020.<sup>27</sup> If our strategic partners involved in territorial disputes, particularly with China and Russia, are not consistently “talking the talk” about the reasons why a disputed territory is theirs, we should be wary and not value another state’s disputed territory more than the state itself. The tedious explanation by Japan’s Ministry of Foreign Affairs about its rights to the Senkaku Islands will not convince the rival claimants of China and Taiwan, and perhaps not even Americans, but does serve as a signal by Japan that it is committed to these claims.<sup>28</sup>

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25. Brett Forrest, “Russia-Ukraine Conflict Lies in the Bones of an 11th Century Prince,” *Wall Street Journal* (website), January 1, 2022, <https://www.wsj.com/articles/russia-ukraine-conflict-lies-in-the-bones-of-an-11th-century-prince-11641052801>.

26. Vladimir Putin, “On the Historical Unity of Russians and Ukrainians,” July 12, 2021, <http://en.kremlin.ru/events/president/news/66181>.

27. Zang Weng, *Never Forget National Humiliation: Historical Memory in Chinese Politics and Foreign Relations* (New York: Columbia University Press, 2014); and Hannah Alberts, “Next-Generation Fighters: Youth Military-Patriotic Upbringing Bolsters the Russian Military’s Manning and Mobilization Potential,” Center for Strategic and International Studies (website), September 22, 2020, <https://www.csis.org/blogs/post-soviet-post-next-generation-fighters-youth-military-patriotic-upbringing-bolsters-russian>.

28. “Senkaku Islands Q&A,” Ministry of Foreign Affairs Japan (website), April 13, 2016, [https://www.mofa.go.jp/region/asia-paci/senkaku/qa\\_1010.html#q6](https://www.mofa.go.jp/region/asia-paci/senkaku/qa_1010.html#q6).

## Manipulating the Cost of War by Military Developments

States can raise the cost of war by investing in improving and expanding their military. This buildup might lead to an arms race, as both defender and aggressor seek to increase deterrence rather than fall behind.<sup>29</sup> However, scholarship on this security dilemma posits abstract states starting from value-neutral positions rather than states already in competition. When two states are already in an adversarial relationship, where disputed territory is only one area of contention, concerns about a security dilemma are less urgent than the possibility of being outpaced by an opponent. It is difficult to imagine a convincing policy argument that a status quo state should not improve its military because possessing a stronger military might foster a *fait accompli* by the other disputant. There are arguments that a state seeing the gradual shift in the balance of power in an opposing state's favor might choose to go to war in a "better now than later approach." Such cases of preemptive war are rare, possibly because striking first comes with the political cost of being perceived as an aggressor.<sup>30</sup>

Although America does not have territorial disputes with China or Russia, many of our strategic partners do. To best support our allies and raise potential costs against Chinese or Russian territorial aggression, the American military would be prudent to reconsider its "threats-based or capabilities-based" strategic planning models and begin with geography. There are a finite number of locations where China and Russia may attempt *faits accomplis*, and a conscious decision of where to deter and contain will lend itself to shaping future force development needs. Projects such as the US Army's Long-Range Precision Fires or practice using pre-positioned floating stocks show the potential for US forces to adapt and develop a more geography-based strategy for the future.<sup>31</sup>

## Manipulating the Cost of War by Broadening the Quarrel

A defending state can expand the quarrel by increasing the number of participants supporting its side, linking the dispute to other matters where their state has a comparative advantage (even if those issues are unrelated to the territory). This approach might seem strange: relating reactions to actions has value in helping bound the nature of a conflict and not confusing opponents. There is

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29. Charles Glaser, "The Security Dilemma Revisited," *World Politics* 50, no. 1 (1997): 174–75, <https://www.jstor.org/stable/25054031>.

30. Dan Reiter, "Exploding the Powder Keg Myth: Preemptive Wars Almost Never Happen," *International Security* 20, no. 2 (1995): 29, <https://doi.org/10.2307/2539227>.

31. Stephen Lanza and Daniel Roper, "Fires for Effect: 10 Questions about Army Long-Range Precision Fires in the Joint Fight," Association of the United States Army (website), August 30, 2021, <https://www.ausa.org/publications/fires-effect-10-questions-about-army-long-range-precision-fires-joint-fight>; and Katie Nelson, "Army Prepositioned Stock Afloat Equipment Issued to Soldiers for Use in Salaknib 22," US Indo-Pacific Command (website), March 17, 2022, <https://www.pacom.mil/Media/News/News-Article-View/Article/2970307/army-prepositioned-stock-afloat-equipment-issued-to-soldiers-for-use-in-salaknib/>.

something logical about keeping South China Sea disputes located in the South China Sea amongst South China Sea disputants. However, as Schelling notes, there are times when “breaking the rules is more dramatic, and communicates more about one’s intent, precisely because it can be seen as a refusal to abide by rules.”<sup>32</sup>

Determining how to expand the quarrel can be particularly important when one state has a comparative advantage. Chinese proximity to Fiery Cross Reef gives it a logistical advantage in resupplying its entrenched forces. An effort to erode this advantage might make matters increasingly uncomfortable for the Chinese forces, perhaps by routine aggressive US air patrols, which would be a direct retaliatory consequence, clearly connected with Chinese behavior. A less-direct approach to expand the quarrel could be developing and selling containerized missiles (like those of the Russian Club-K) to Vietnam and the Philippines and announcing the change is due to new Chinese military capabilities on Fiery Cross Reef.<sup>33</sup> The linkage is less direct but still serves to change the Chinese cost-benefit calculus.

Changing the current rules of the conflict can also expand a quarrel, possibly enabling future *faits accomplis*. For example, China’s 2021 Coast Guard Law changes the nature of its maritime disputes by directing the Chinese Coast Guard to perform defensive operations based on the orders of the Central Military Commission. This action adds to Chinese naval power in the region and increases the number of Chinese vessels claiming the latitude offered to military activities under the United Nations Convention on the Law of the Sea. Other states have disputed that Chinese domestic law can be applied to other nations. Still, the Coast Guard Law will add legal hurdles for states seeking to challenge China under the dispute-settlement procedures of the United Nations Convention on the Law of the Sea.<sup>34</sup> The overall muted response to the China’s suggests another successful gradualist step by Beijing in its campaign to dominate its near abroad—increasing its naval power will make it harder for other states in the region to dispute Chinese maritime claims.

The occasional overreaction by a defending state also has merit when attempting to hamper a *fait accompli* by keeping redlines in place. For example, there is a stark contrast between Israeli and American willingness to accept probing

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32. Schelling, *Arms and Influence*, 149–51.

33. “Club-K Container Missile System,” Rosoboronexport (website), n.d., <http://roe.ru/esp/catalog/marina-de-guerra/armas-de-la-nave/klab-k/>.

34. Alex P. Dela Cruz, “Marching towards Exception: The Chinese Coast Guard Law and the Military Activities Exception of the *Law of the Sea Convention*” *Journal of Territorial and Maritime Studies* 8, no. 2 (2021): 6–7, <https://www.jstor.org/stable/10.2307/48617338>; and Jacques deLisle, “Political-Legal Implications of the July 2016 Arbitration Decision in the Philippines-PRC Case Concerning the South China Sea: The United States, China, and International Law,” in *Asian Yearbook of International Law* 21 (2015): 49–82, <https://www.jstor.org/stable/10.1163/j.ctvbqs7d3.7>.

attacks from Iranian-supported militias. Israel has launched hundreds of attacks against Iranian targets in Syria to maintain its redlines.<sup>35</sup> The United States has shown less willingness to respond kinetically to attacks on its forces unless there are US casualties. The perception of US unwillingness to risk war has permitted a tacit acceptance of Iranian-sponsored provocations, making war more likely to occur as Iranian elements become less risk-averse over time.<sup>36</sup>

Discussions about the gray zone often miss that calculated acts of retaliatory violence in response to gray-zone activities by an aggressor state leave the aggressor state with the unappealing choice of escalating or absorbing the costs. The Russian reaction to the defeat of its mercenaries and Syrian forces in a fight against US forces deployed in Syria to fight the Islamic State is one example. As then-Defense Secretary James Mattis observed afterward, the decision for the United States to destroy the force came after the Russian high command in Syria had stated the massing forces were not their own.<sup>37</sup> Rather than dispute the fighters' real provenance with Russian leadership in Syria, US forces acted boldly in self-defense, and the Russian response was muted.

### Manipulating the Probability of War by Troop Placement

Garrisoned territories make *faits accomplis* more difficult since the presence of armed troops suggests violence may be required to dislodge them, raising the potential scale and cost of an operation. Garrisoned troops may function as trip wires—their deaths may lead to a war, which the aggressor state would rather avoid. Schelling asserts the purpose of US troops stationed in West Berlin during the Cold War was to die “in a manner that guarantees that the action cannot stop there.”<sup>38</sup> More recent US deployments to Eastern Europe and the Baltics have adopted the same logic, employing forces small enough that even the most modest Russian effort could defeat.<sup>39</sup> According to Altman's recent research, since 1990, undefended areas are those most frequently targeted by aggressor states.<sup>40</sup>

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35. Ilan Goldenberg, Nicholas Heras, Kaleigh Thomas, and Jennie Matuschak, “Countering Iran in the Gray Zone: What the United States Should Learn from Israel's Operations in Syria,” Center for a New American Security (website), April 14, 2020, <https://www.cnas.org/publications/reports/countering-iran-gray-zone>.

36. Goldenberg, Heras, Thomas, and Matuschak, “Countering Iran,” 19–20.

37. Thomas Gibbons-Neff, “How a 4-Hour Battle between Russian Mercenaries and U.S. Commandos Unfolded in Syria,” *New York Times* (website), May 24, 2018, <https://www.nytimes.com/2018/05/24/world/middleeast/american-commandos-russian-mercenaries-syria.html>.

38. Schelling, *Arms and Influence*, 47.

39. Paul McLeary, Quint Forgey, and Connor O'Brien, “U.S. Deploys Troops to Eastern Europe; Thousands More on Standby,” *Politico* (website), February 2, 2022, <https://www.politico.com/news/2022/02/02/biden-troops-europe-ukraine-tensions-00004630>.

40. Altman, “Evolution of Territorial Conquest,” 516.

Even if troops are not permanently garrisoned near the disputed territory, US and allied troop movements can affect an aggressor's force calculus. A recent study of post-1991 US troop movements suggested that when dealing with weaker targets, deployment of air and naval assets by the United States was "unequivocally positive" for achieving the goals of the United States in deterring or compelling the weaker state. In dealing with states categorized as "stronger targets," the movement of US ground forces had a more significant effect—perhaps because of a perceived signal by the United States that it was willing to accept casualties and escalate the conflict.<sup>41</sup> Historically, Americans have been supportive of US contributions to defending friends and allies compared to interventions that are perceived as more internal affairs—consider the bipartisan lack of support for involvement in Syria in 2012, for instance.<sup>42</sup>

Regardless of the state's power, changing the status of a garrison at or near a disputed territory is a complex matter since moving troops into the territory can lead to unintended consequences. Unfortunately, an adversary will not be able to determine the purpose of force buildup—it could be to deter a *fait accompli*, or it could be to launch one. Even if one state could have confidence in a more peaceful motive for the other, they have no guarantee that over time the state's motive will not change and lead to an attempt to claim the territory. If the territory is already garrisoned, this is a strong deterrent against a *fait accompli*. Moving troops in is a complex calculation for a state trying to keep the status quo in a territorial dispute. If allies of the United States are unwilling to garrison troops in a disputed area—or at least near a particular disputed area—they signal to rivals they have decided not to fight over the territory.

### Resources, Technology, and Social Change

The various efforts to increase the value of a piece of territory by historical claims—raising the cost of war for an opponent while lowering it for their state and increasing the probability of war for the territory by having troops in place—are all means that states can employ to affect the value of a disputed territory. However, another factor likely to affect *faits accomplis* that states have little control over is when technological or social changes unexpectedly shift the value of a piece of territory for one or both states. I call this the gold rush, and at least three overlapping categories could lead to a gold rush: resources, technology, and social change. In terms of resources, imagine a scenario where

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41. Jacob Aronson, Daniel Tuke, Paul Huth, and Melanie Sisson, "Making Use of History," in Melanie W. Sisson, James A. Siebens, and Barry M. Blechman, eds., *Military Coercion and US Foreign Policy: The Use of Force Short of War* (New York: Routledge, 2020), 45–46.

42. Daniel L. Byman, Matthew C. Waxman, and Eric Larson, *Air Power as a Coercive Instrument* (Santa Monica, CA: RAND Corporation, 1999), 73, <https://www.jstor.org/stable/10.7249/mr1061af>; and "Little Support for U.S. Intervention in Syrian Conflict," Pew Research Center (website), March 15, 2012, <https://www.pewresearch.org/politics/2012/03/15/little-support-for-u-s-intervention-in-syrian-conflict/>.

previously unknown resources were discovered in a particular territory, such as in the East China Sea between Japan and China. As the economic value of a particular territory increased, both states would have more incentive to claim it, even if the risks of war remained the same. In the longer term, a climate-change scenario could shift the value of water-sharing arrangements between states, making it more urgent to resolve the status of a disputed territory.

In addition to a resource-driven scenario, changes in military technology might increase the value of one piece of territory over another. For instance, China's development of hypersonic missiles might lead to a previously disputed territory between China and a South Sea claimant becoming an ideal site for an early-warning radar system for the United States. Military technological change could be biological as well.<sup>43</sup> Suppose Chinese efforts to change the biology of its soldiers succeed in developing troops who can exert themselves at high altitudes without the need for supplemental oxygen. These physical changes could make it easier to gain and hold terrain—without needing firepower—in the Line of Actual Control, which is disputed with India. Physical stamina can be a game-changing advantage in fights voluntarily limited to non-gunpowder weapons.<sup>44</sup>

Besides resource shifts and changes in military technology, social changes might change the value of the territory, particularly under nationalist governments. For example, Narendra Modi's 2019 electoral victory in India seems to have led to a steady increase in Indian pushback against China in disputed territorial regions. Of course, China's increasing willingness to use force in the disputed border region was another factor in his party's rise to power.<sup>45</sup> Other plausible scenarios could change the value of territory in unanticipated ways besides social, technological, or resource changes—what is important to emphasize is that a state might not be able to manage how the value of a given territory may change. Nonetheless, attempting to control the available variables will put the state in a stronger position than drifting with the status quo.

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43. Elsa Kania and Wilson VornDick, "China's Military Biotech Frontier: CRISPR, Military-Civil Fusion, and the New Revolution in Military Affairs," *China Brief*, Jamestown Foundation (website), October 8, 2019, <https://jamestown.org/program/chinas-military-biotech-frontier-crispr-military-civil-fusion-and-the-new-revolution-in-military-affairs/>; and John Ratcliffe, "China is National Security Threat No. 1," *Wall Street Journal* (website), December 3, 2020, <https://www.wsj.com/articles/china-is-national-security-threat-no-1-11607019599>.

44. Soutik Biswas, "India-China Clash: An Extraordinary Escalation 'With Rocks and Clubs,'" *BBC* (website), June 16, 2020, <https://www.bbc.co.uk/news/world-asia-india-53071913>.

45. Tanvi Madan, "India Is Not Sitting on the Geopolitical Fence," *War on the Rocks* (website), October 27, 2021, <https://warontherocks.com/2021/10/india-is-not-sitting-on-the-geopolitical-fence>.

## Conclusions and Implications

Faits accomplis are widespread and difficult to counter. A quintessential gray zone technique, faits accomplis present states that wish to see the status quo continue with a dilemma: acquiesce or start what could become a major war. If a fait accompli does occur, the losing state may conclude the potential benefits of regaining the status quo are outweighed by the possibility of its military response escalating into a wider war. This conclusion is a valid concern based on the empirical record of failed faits accomplis leading to war. Yet, hesitation in response favors the belligerent state. On the other hand, faits accomplis that take place gradually are difficult to counter because drawing a line in the sand at one irritant might seem disproportionate.

Changing the perspective on how states compute the value of disputed territory offers a different frame by which to understand the problem of faits accomplis. A state wanting to keep matters as they now stand would be wise to increase the relative value of the territory to its population while simultaneously lowering the value for its adversary. The use of garrisoned troops, a convincing justification narrative, expanding the quarrel to go beyond the obvious issue at hand, and raising the costs for the opponent are all means that can deter a fait accompli. Regardless of states' efforts, unexpected events can still shift the value of the territory, which requires states to be alert for possible changes (particularly in their rivals) and prepared to move rapidly. Not all techniques used to counter faits accomplis directly apply to countering every gray-zone tool available to states, but seeing contested issues as contests of value has wide application. Discouraging our opponents' advance means convincing them that "it"—whatever "it" may be—is not worth the cost. Careful study of the factors that encourage states' seizure of disputed territory can help us change our adversaries' calculations and discourage them from risking war.

In addition to thinking of contested issues as issues of value, Department of Defense leaders should consider that an opponent's means to pursue an end is a form of indirect communication.<sup>46</sup> An attempted fait accompli does risk war, but the aggressor state also communicates that it would prefer to avoid war if possible, which means a robust response from a defender may well lead it to back down.<sup>47</sup> Attentive listening to indirect communication can give us better insight into the true redlines of our adversaries. Russian direct communication that arms provisions to the Ukrainian military would result in NATO forces being treated as cobelligerents has, to date, resulted in nothing.<sup>48</sup> Russian

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46. Schelling, *Arms and Influence*, 126–89.

47. Altman, "By Fait Accompli," 888.

48. Peter Beaumont, "Arms Shipments Are a Legitimate Military Target, Kremlin Warns West," *Guardian* (website), March 12, 2022, <https://www.theguardian.com/world/2022/mar/12/arms-shipments-are-a-legitimate-military-target-kremlin-warns-west>.



indirect communication (by the lack of a response) is that Russia lacks some combination of capability or intent (or both) to respond to Western support to Ukraine: indirect communication may have provided better information about Russian redlines.

Listening to our adversaries' indirect communication may help us discern when we have room to escalate. At other times, we should take our opponents at their word and act accordingly. Russian claims that it had no means to control the volunteers about to attack American troops in Syria were a factor in ruling out a strong Russian reprisal against the American military response.<sup>49</sup> Proclaiming that one is not responsible makes it difficult to claim responsibility subsequently. Similarly, Beijing's insistence that its military buildup on artificial islands in the South China Sea is not a military buildup provides the United States with the option of using similar explanations when responding to Chinese complaints about US force posture in the region.<sup>50</sup>

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49. Gibbons-Neff, "4-Hour Battle."

50. Jeremy Page, Carol E. Lee, and Gordon Lubold, "China's President Pledges No Militarization in Disputed Islands," *Wall Street Journal* (website), September 25, 2016, <https://www.wsj.com/articles/china-completes-runway-on-artificial-island-in-south-china-sea-1443184818>.

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