The Evolution and Significance of the 1972 Incidents at Sea Agreement

David F Winkler

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DAVID F. WINKLER[1]

Naval Historical Foundation

ABSTRACT   As a consequence of the rapid growth of Soviet maritime power during the 1960s, hazardous incidents at sea and in the air became a regular part of the Cold War. Eventually, both Washington and Moscow came to recognize the importance of an agreement limiting this perilous set of interactions, resulting in the Incidents at Sea Agreement that was signed in May 1972. The set of rules and procedures agreed upon helped to calm tensions in subsequent crises and provides ample lessons for placing reasonable limits on other tense maritime rivalries.

KEY WORDS: INC SEA, Soviet Navy, Collision at Sea, Secretary of Navy John Warner.

On 10 November 1970, Boris H. Klosson, the American Chargé d'Affairs in Moscow, met with veteran Soviet diplomat Georgiy M. Korniyenko to discuss recent events affecting US-Soviet relations. Toward the end of the meeting, Korniyenko changed the topic to a matter that had been contentious for years and stated that 'competent organs' within the USSR were now prepared to accept a long-standing US proposal to hold bilateral meetings on how to avoid incidents at sea between ships and aircraft of the two countries. He proposed that the meetings take place in Moscow in early 1971.[2] This paper explores why these meetings became necessary as a result of the rapid growth of Soviet sea power in the 1960s, examines the negotiations that eventually took place in the fall of 1971 and spring of 1972, and looks at the effectiveness and significance of the resultant agreement that remains in effect 32 years later. On 20 July 1960, USS *George*

Correspondence Address: David F. Winkler, Naval Historical Foundation, 1306 Dahlgren Ave., SE, Washington Navy Yard, D.C. 20374 USA. Fax: (202) 678-4333. Email: dwinkler@navyhistory.com

Washington fired a ballistic missile from under Atlantic waters off Cape Canaveral. The imminent deployment of Polaris missiles in American nuclear-powered submarines was a threat the Soviets were unprepared to handle. SSBNs were simply beyond the reach of the Soviet submarines, surface combatants and land-based aviation that had been amassed to counter the nuclear threat from the new big-deck carriers being commissioned by the US Navy.[3] The coastal defense maritime force under the command of Admiral Sergei G. Gorshkov also could do little to project power and influence beyond the Eurasian land mass. Thus in 1960 and 1961, major reassessments of naval strategy apparently took place within the Kremlin leadership.[4] Although the presence of a challenging Soviet fleet on the high seas was still years away, a Soviet maritime presence had been well established for some time and was growing.[5] The US kept close tabs on Soviet shipping, which became a source of constant Soviet irritation. In mid-1960, the Soviets complained of some 250 'buzzings' of their merchant and fishing vessels plying the high seas during the first five months of that year. Protests would continue throughout the coming decade.[6]

Moscow's 'Tattletales'

Not all of the vessels 'buzzed' had strictly commercial purposes. In July 1960, the US Navy publicized the late April presence of the Soviet spy trawler *Vega* off the US East Coast. Similar in appearance to fishing trawlers lying off the Newfoundland Grand Banks, the *Vega* had 11 portable antennas protruding from a van mounted on the bridge.[7] Eventually, Western navies designated these 'trawler-type' vessels as Auxiliary, General, Intelligence (AGIs).[8]

During the 1960s, AGIs became a common sight off American submarine bases, at shipping choke points, off Cape Canaveral, near test facilities such as Kwajalein Atoll and among US Navy carrier task forces. Because of the assertiveness of some of these spy ships in gathering intelligence, many American skippers probably believed that to 'be a nuisance' must have been part of the AGI mission statement.

In a 1972 study of six years' worth of incidents involving Soviet ships and aircraft on the high seas, 32 of the 79 listed cases involved one or more of these spy ships.[9] However, this number probably represented only a fraction of the actual instances in which one navy's ship maneuvered to impede the movements of the other navy's vessels because many incidents simply were not reported to higher command authorities. Those that were reported often became the subject of diplomatic notes passed between the two governments.[10]

A commander of a destroyer stationed in the Tonkin Gulf in 1965, Robert P. Hilton, Sr., observed that Soviet AGIs had a habit of cutting

across refueling formations and cutting across carrier bows. Hilton further explained that the task force commander assigned destroyers to keep the AGIs out of the way, using shouldering tactics if needed. He noted: 'Of course we were instructed to comply with the rules of the road, even when it came to shouldering'.[11]

No collisions are recorded between aircraft carriers and AGIs. In a game of chicken between a truck and a motorcycle, the fellow on the motorcycle invariably gives way. Some carrier skippers took deliberate steps to let the uninvited guests know that their mischief-making was not welcome. For example, former Chief of Naval Operations, Admiral Thomas B. Hayward, USN (retd.), as commanding officer of USS *America* in the Tonkin Gulf, reacted to an AGI's aggressive maneuvers by ordering all aircraft tied down securely and then turning hard right into the path of the AGI.[12]

Soviet harassment of ships conducting alongside replenishment operations could be particularly nerve-racking and forced many emergency breakaways to occur. If an underway replenishment had to be completed, the other option was to turn the formation – a difficult maneuver even in calm seas. The bound-together ships would turn together in three- to five-degree increments.

Another complaint concerned AGIs making dangerously close approaches on surfaced US submarines to collect intelligence. For example, on 9 September 1969, Captain C.A.H. Trost, the commanding officer of the ballistic missile submarine USS *Sam Rayburn*, came upon the AGI *Teodolit* off Charleston, South Carolina. The Russian ship ignored danger signal blasts and steamed ahead of the submarine, blocking its path. Trost maneuvered around *Teodolit*, which immediately turned to chase the outbound attack submarine USS *Sunfish*.[13]

Inspired by the Soviets, the Americans decided to construct their own AGI fleet. USS *Banner* became the first of a three-ship class. First deployed in November 1965 from Yokosuka, Japan, the 176-foot-long ship soon challenged a Soviet claim of sovereignty to waters across the mouth of Cape Povorotny Bay. When *Banner* arrived, Soviet destroyers and patrol craft appeared and conducted a series of harassing maneuvers. Protests were exchanged. On 24 June 1966, on the approaches to Peter the Great Bay in the Sea of Japan, the Soviet AGI *Anemometr* and *Banner* collided. Each side blamed the other.[14]

With the *Banner* providing a high-quality yield of Soviet communications intercepts, conversion work continued on two additional mothballed ships commissioned together as the USS *Pueblo* and the USS *Palm Beach*. The plight of the *Pueblo* is well known. On 23 January 1968, North Koreans seized the ship and held the crew captive for 11 months. *Banner* and *Palm Beach* were subsequently decommissioned.

As noted earlier, the Soviet merchant marine and fishing fleets also were expanding during this period. Owned and operated by the state, these ships contributed to Soviet economic objectives and could be used to support military operations. Some believed that the Soviet fishing fleet had other, malicious intentions. In the late 1950s there were a number of 'alleged' underwater cable breaks in the vicinity of Soviet fishing operations off the American coastlines. There were run-ins between Soviet trawlers and American warships but most publicized confrontations occurred with American fishing vessels. During the late 1960s, the US and the Soviet Union implemented a series of agreements to prevent future fishing disputes.[15]

The Soviet merchant fleet also became a factor in the growing confrontation on the high seas. With Cuba joining the Communist camp, Soviet shipping along the eastern US seaboard dramatically increased during the early 1960s and became a focal point in the Cuban missile crisis.[16]

On the other side of the world, Soviet ships carrying war materials to North Vietnamese ports steamed past American warships posted at Yankee Station in the Gulf of Tonkin. Not surprisingly, both sides lodged several complaints regarding the conduct of the other's ships.[17] Until 1966, Soviet ships in port were relatively safe. However, during the 'Rolling Thunder' air campaign from 1966 into 1968, Soviet merchant ships occasionally suffered collateral damage. In these cases, Washington received stern protests.

Once on the high seas, some Soviet merchant ship masters failed to heed the rules of the road when in proximity of American warships. For example, a 1966 State Department survey listed 36 Soviet harassment incidents against American ships in a one-year span, crediting one-quarter of the incidents to Soviet merchant ships failing to abide by the rules of the road.

The State Department survey formed an attachment to a 20 August 1966 letter written by Deputy Undersecretary U. Alexis Johnson to Deputy Secretary of Defense Cyrus Vance. Expressing concern over the growing number of encounters, Johnson worried that some on both sides might 'shade' the instructions to engage in 'a test of wills'.[18]

Johnson's letter precipitated a review of instructions to commanding officers and started a search for ideas on how to manage the situation better. On 30 November, Vance responded to Johnson's successor, Foy D. Kohler, proposing that the US reach an understanding with the Soviets. Kohler responded, stating the proposal would be studied.[19]

Direct contacts between the combatant ships of the two superpowers had remained a rarity except along the Soviet littoral. However, as the Cuban missile crisis unfolded, Soviet shipyards were beginning to produce the type of warships that could be deployed away from home

waters. With missile-laden cruisers and destroyers joining the Soviet order of battle, Admiral Gorshkov finally could begin to challenge Western supremacy on the high seas. By mid-1964 Soviet warships had established a continual presence in the Mediterranean Sea that would only grow larger. As additional modern combatants joined the fleet, Soviet naval deployments eventually covered all areas of the globe. The Cold War at sea entered a new era.[20]

'Standby for Collision'

On the morning of 10 May 1967, while shadowing the *Hornet* antisubmarine-warfare task group in the Sea of Japan, the Soviet destroyer *Besslednyy* turned toward the carrier on several occasions. For two hours, USS *Walker* strove to keep the Russian destroyer at bay. One observer counted 14 approaches during which *Besslednyy* came within 100 yards. At 1106 hours, with the Soviet ship approximately 35 feet off *Walker*'s starboard beam and still closing, the Officer of the Deck, Lieutenant (junior grade) John C. Gawne, USN, dashed for the 1MC and passed the word: 'Standby for collision starboard side, that is, standby for collision starboard side'. He then sounded the collision alarm.

The two warships rubbed up against each other for about a minute with the bridge of the *Besslednyy* positioned just aft of *Walker*'s bridge. After the two vessels separated, both skippers brought their respective vessels to a stop to inspect the minor damage. When news of the collision reached Washington, protests were immediately launched.[21]

The next day at early dawn, *Besslednyy* departed, relieved by an older *Krupnyy*-class (DDGS 025) destroyer. During the afternoon, *Walker* received orders to shoulder the *Krupnyy*. Officer of the Deck Gawne recalled that after the formation had reversed course, the Russian destroyer made several attempts to break past *Walker* to approach the carrier. After one series of maneuvers, the Russian ship had positioned herself ahead of *Walker*'s starboard bow. Suddenly DDGS 025 came left, placing both ships *in extremis*. Gawne sounded the danger signal but it was too late. After the two ships came together, the *Krupnyy* continued to the right and then stopped about 1,000 yards from the twice-hit American destroyer.[22]

Once again, the Soviets received a stern protest. Elsewhere in Washington, House Republican Leader Gerald R. Ford asserted that the Soviet leaders were 'seeking to challenge the United States' and suggested that American skippers be given specific guidance to protect their ships even including utilizing their weapons. The White House press secretary stated that President Johnson 'deeply regrets the incidents' and 'considers them a matter of concern'.[23]

Meanwhile, as a crisis developed between Israel and her neighbors, the Soviet and American naval presence increased in the Mediterranean. By 5 June 1967, 13 Soviet warships, nearly double the normal presence, were within striking distance of the two US carrier groups. The Soviet commander kept abreast of the US fleet movements through reports received from his 'Tattletales'.

On 6 June, Israeli air strikes against Arab airfields set the tempo for what would eventually prove to be a remarkable military success. At sea, tensions between the two maritime forces increased. On 7 June, *America*'s Task Group Commander received a report of a Soviet submarine in his vicinity and ordered ASW forces to locate and track this potential threat. As US destroyers, helicopters and patrol planes began their intensive search, the Soviet tattletale became more assertive. After a near collision with the destroyer USS *William C. Lawe,* the tailing Soviet destroyer received a message from Sixth Fleet Commander, Vice Admiral William I. Martin, USN, directing her to clear the formation, which she did.

By the evening of 7 June, *America*'s destroyer screen believed it had a Soviet submarine under sonar surveillance. The next day another Soviet destroyer returned, accompanied by a smaller corvette. These two ships also tried to be disruptive. For example, the Soviet corvette maneuvered to hinder the carrier's flight operations.[24]

These series of at-sea confrontations with Soviet Navy combatant vessels, in conjunction with incidents with merchant ships, fishing trawlers and AGIs, caused concern within the American government, and within the Navy. After another near collision on 30 October 1967 between a US and a Soviet destroyer, the Navy requested the State Department approach the Soviet Union to propose an understanding. The State Department took no action on the request, despite a collision on 17 December 1967 between the fleet tug *Abnaki* and AGI *Gidrofon* off Vietnam. Finally, the State Department broached the idea to the Russians in the wake of the *Pueblo* incident and subsequent harassment of *Enterprise* by AGI *Gidrolog* and a collision between the destroyer *Rowen* and the Soviet merchant ship *Kapitan Vislobokov*, all occurring in the Sea of Japan.[25]

The Soviet response to the informal approach seemed to be only to step up the harassment. On 22 February 1968, US Pacific Fleet commander Admiral John J. Hyland sent a message calling for prompt diplomatic action. The Joint Chiefs supported Hyland's request. Subsequently, on 16 April 1968, a proposal was delivered to the Soviet Ministry of Foreign Affairs requesting that discussions be held on 'safety of the sea' issues.[26]

There was no immediate formal Soviet response. However, it is possible that the Soviets did respond positively, if indirectly. In a

Pentagon study of incidents, there was a dramatic decline after the US tabled its proposal. Over the next two years, whenever the two sides discussed incidents, the Soviets were reminded of the 16 April 1968 offer.[27]

In the summer of 1970, tension remained between the two navies on the high seas. Soviet planes frequently flew out of bases in Egypt to conduct mock attacks on Sixth Fleet units. In early July, the US claimed that *Badger* and larger *Bear* aircraft had made recklessly low passes over the USS *Wasp* in the Norwegian Sea.[28]

Naval interaction continued to be a factor in US-Soviet relations as illustrated by the Jordanian crisis of September 1970. As the Jordanian crack-down on the Palestinian Liberation Organization (PLO) and the attempted Syrian intervention played out, Soviet warships became more aggressive toward the growing US fleet off the coast of Lebanon. Soviet Navy warships went to battle stations in the presence of American aircraft carriers, running missiles to their launcher railings and tracking American aircraft with their fire-control radar. As a precaution, the Sixth Fleet commander assigned escorts with rapid-fire guns to trail the Soviet missile ships so as, in the words of Admiral Zumwalt, 'to prevent them from preventing us from launching our planes by knocking out most of their cruise missiles before many of them took off'.[29] Fortunately developing events in Jordan precluded the need for outside intervention. Then on 10 November 1970, the Soviets formally responded to the American offer for safety-at-sea talks made over two and a half years earlier.[30]

Diplomatic Breakthrough

The Americans were surprised, if not shocked, by the sudden decision to accept their long-standing offer. Consequently, the US was not immediately prepared to table concrete proposals. How the US developed its positions and formulated its proposals would be subject to a long, tedious interdepartmental review. Undersecretary of the Navy John Warner was selected to head the review effort with State Department veteran Herbert S. Okun as his deputy. The review needed to consider Fleet and OPNAV inputs cautioning against positions that could affect submarine operations, intelligence collection activities or a ship commander's prerogative to maneuver his ship in a prudent manner. Soviet hopes for early 1971 negotiations vanished as Warner's group met through the spring to think through the objectives to be sought after. Finally, the Americans agreed to hold talks in Moscow in October 1971.[31]

In addition to Warner and Okun, Vice Admiral Harry L. Harty and seven other State and Defense Department officials made up the US

delegation. Captain C.A.H. Trost also flew to Moscow as Warner's aide. Then Commander Ronald J. Kurth recalled that the attitude of the group was 'guarded' given the reputation of the Soviets as tough negotiators. However, many preconceptions quickly faded away as Soviet Deputy Navy Commander Fleet Admiral Vladmir A. Kasatonov warmly welcomed the visiting delegation at the airport and the initial talks were cordial. Both sides were further encouraged with the announcement of President Richard Nixon's trip to Moscow to occur in May of the following year.[32]

The professionalism of the Soviet delegation impressed the Americans. Admiral Vladimir N. Alekseyev, a highly regarded officer, served as Kasatonov's deputy. Kurth was impressed with the surface working group head, Rear Admiral Motrokov, who wound up escorting the US delegation on a side trip to Leningrad. During that trip to Leningrad, delegation member Captain Robert N. Congdon recalled that after meeting a fidgety young Soviet naval officer during a banquet, he was pulled aside by one of the senior hosting officers who explained that the recent expansion of the Soviet Navy into a blue-water fleet had led to a decision to fleet up many young inexperienced officers to command their new cruisers and destroyers rather than retrain more senior officers who had achieved rank in the coastal-defense-oriented force. The senior officer mentioned his concern that the relative inexperience of one of these new officers could inadvertently lead to an incident with grave consequences for both countries. 'This is why we agreed to talk and reach some sort of understanding'.[33]

The two delegations completed talks on 22 October with a few issues left outstanding. The Soviets insisted on incorporating fixed-distance 'come no closer' zones around ships of the two navies. The Americans were content with a general-wording formula that allowed commanders to maneuver prudently using the rules of the road. After several exchanges using naval attachés, the two sides agreed to ten days of meetings in Washington in early May 1972.[34]

Of course outside events can be a factor in negotiations as seen with the Nixon trip announcement. In May 1972, the North Vietnamese had escalated the war in Southeast Asia with a spring offensive. As the Soviet delegation arrived, the Nixon administration was considering a military response. On the evening of 8 May 1972, President Nixon made a televised address to the nation that announced the mining of North Vietnamese harbors. As the president spoke, Admiral Kasatonov and several members of his delegation viewed the speech during a dinner party being hosted in the home of now Navy Secretary John Warner.

Kasatonov could have broken off talks, but instead he calmly stated, 'This is a serious matter. Let us leave it to the politicians to settle this

one'.[35] The talks continued and led to an agreement based on the American general-wording formula. The two sides agreed to review the Soviet fixed-distance proposal at a follow-on November 1972 meeting in Moscow. The accord was formally signed in Moscow on 25 May 1972 during the Moscow summit.

The agreement called on the two navies to refrain from aggressive actions when operating in close proximity. There would be no gun pointing, low-flyovers with bomb bays open, or illuminations with fire-control radars. To facilitate communications, a special set of flag signals was developed. Finally, the two sides agreed to an annual review to be hosted by each in alternating years. A unique aspect about the annual review was that it would be a navy-to-navy arrangement, with State Department and Ministry of Foreign Affairs representatives acting as advisers.

Although the Soviets would not make any headway on the fixed-distance issue that following November or at the annual agreement review meetings held in subsequent years, the agreement still represented an important milestone for Admiral Gorshkov. A bilateral agreement with the world's most powerful navy signified that his fleet had come of age. Also, being in command of the only Soviet service to have a direct communications link with its superpower counterpart probably gave Gorshkov more leverage within the Politburo.

More significantly, the implementation of the Incidents at Sea agreement, dubbed INCSEA, did affect how the two sides behaved on the high seas. Reports from the fleet reported impeccable behavior.[36] At the first annual review held in Washington in May 1973, the two sides added a protocol to cover merchant ships.

A Severe Test for INCSEA

INCSEA underwent its first true test in October 1973 when war broke out in the Middle East. Both sides augmented their forces in the region with the US raising its military posture to Defense Condition (DEFCON) Three on 25 October. By 31 October the Soviets had 95 units in the Mediterranean, including 34 surface combatants and 23 submarines. Admiral Zumwalt wrote, 'I doubt that major units of the US Navy were ever in a tenser situation since World War II ended than the Sixth Fleet in the Mediterranean was for the week after the alert was declared'.[37]

Yet despite the influx of more than 150 warships into a relatively small body of water, the two sides strove to conform with the agreement. Soviet ships avoided interfering with the carrier task group formations and both sides used the new flag signals. Compliance with the agreement obviously prevented a tense situation from becoming

tenser. At the 1974 INCSEA review in Moscow, US delegation head Vice Admiral Harry S. Train II recalled, 'The '73 October War had no impact on the '74 meeting. It was never discussed to my recollection'.[38]

The annual review has been cited by many who have acclaimed the accord as a successful confidence-building measure. When a possible violation of the accord occurred, information was shared through the respective naval attachés prior to the annual meeting so that both sides came prepared to discuss the alleged incident in a forthright manner. State Department observers on the US delegations were often taken aback at how readily each side accepted responsibility for errors and moved on. They noted that despite the ideological differences between the two sides, common bonds are shared by men who go to sea, which fostered respect.[39]

This respect went far to keep the agreement intact during the 1980s. Primarily because of the Soviet invasion of Afghanistan, the Carter administration changed its approach toward the Soviet Union and Ronald Reagan, elected in November 1980, reinforced this tougher stance. Military-to-military contacts were broken off – except for INCSEA, which was seen as serving the interests of both countries.

On the high seas the US Navy developed and implemented a new maritime strategy designed to threaten the Soviet flanks should war break out in Central Europe. In addition, the US stepped up its freedom-of-navigation exercises against nations claiming international waters such as Libya with the Gulf of Sidra. As a result, a growing US Navy was spending more time forward-deployed, often in water contiguous to the Soviet periphery. Not surprisingly, they spent more time in company with Soviet naval and air forces.

Still, with the exception of KAL 007, INCSEA governed the behavior of the ships and aircraft of the two sides. The Soviet Air Force shoot-down of Korean Air Lines 007 on 1 September 1983 leaving Soviet airspace over Sakhalin Island led to numerous shouldering incidents as Soviet ships interfered with American-led salvage operations. CINC-PACFLT Admiral Sylvester R. Foley recalled: 'The Soviets gave us trouble and hassled us and we said "if the Incidents at Sea Agreement means anything, cut it out", and they did'.[40]

Given the events surrounding KAL 007 and several other incidents that occurred elsewhere, such as the March 1984 collision between the aircraft carrier *Kitty Hawk* and a *Victor I*-class submarine, the 1984 review in Moscow promised to be confrontational. Instead, according to Chief of Naval Operations Admiral James Watkins, 'they were upbeat and cordial'.[41] Rear Admiral Kurth recalled: 'In 1984, after KAL 007, the Soviet Navy went, by far, the extra mile … They handled their conduct in the Sea of Japan very openly, and we did, indeed, reestablish confidence'.[42] The American delegation also appreciated the

Soviets' hospitality in setting up a series of social events in conjunction with the review.

However, US Navy plans to reciprocate the hospitality the following year ran afoul of Secretary of Defense Caspar Weinberger who was enraged by the 24 March 1985 murder of Army Major Arthur B. Nicholson by Soviet soldiers in East Berlin. Given Weinberger's refusal to support any social receptions or travel for the Soviets, the annual review was postponed until November of that year.

In subsequent years, the two navies shifted from being confrontational to being cooperative on the high seas. For example, both navies sent warships to protect free passage of commercial vessels during the Iran–Iraq War. Captain Second Rank P. Zhuravlev observed: 'We had no threats or provocations from US ships, rather the opposite. For example, they greeted our ship, thanked us for combined work, and expressed their friendliness. In short, they built relations as though we were acting together and solving the same task'.[43]

A major irritant to the Soviets was the continuing US Navy freedom-of-navigation exercises along the Soviet periphery. Collisions occurred between Soviet warships and *Yorktown* and *Caron* as the two American ships attempted to conduct innocent passage of Soviet territorial waters on 12 February 1988 in the Black Sea. Because these incidents occurred outside the purview of INCSEA, talks were conducted between the State Department and Ministry of Foreign Affairs, which led to an understanding signed on 23 September 1989.[44]

Overall relations between the Soviet Union and the US improved during this period, and with the removal of the Berlin Wall and the collapse of the Soviet Union, the Cold War came to an end. Over a decade after the fall of the Soviet Union INCSEA remains in effect and annual reviews continue even though there are few incidents to discuss. Still the annual meetings provide an opportunity for the two sides to discuss other issues. This was the case especially during the Reagan years when military-to-military contacts were curtailed. In recent years the annual review has been held in conjunction with navy-to-navy staff talks.

INCSEA After the Cold War

One of the other issues brought up by the Russian side, in the wake of February 1992 and March 1993 collisions involving American and Russian submarines, was to expand the regime to below the surface. However, proposals suggesting that submarines provide position locations using active sonar or that submarines be restricted from entering designated international waters were and continue to be flatly

rejected by the American government. While appreciating the Russians' concern for safety, the Americans saw the Russian proposals as a means of circumventing US submarine stealth advantages and threatening the freedom of the seas.[45]

The accord has had significance for other reasons. Other bilateral accords have been modeled on it. The Soviets negotiated similar agreements with America's NATO allies and Japan. A 1983 Greece-Turkey, a 1990 Germany-Poland, and a 2001 Malaysia-Indonesia accord also followed suit. The 1989 US-Soviet Prevention of Dangerous Military Acts and the 1998 Agreement on Establishing a Consultation Mechanism to Strengthen Maritime Safety between the United States and China adopted aspects of INCSEA.

The consultation mechanism of this latter accord was invoked on 18–19 April 2001, in the wake of the collision of a US Navy EP-3 patrol plane and a People's Liberation Air Force F-8 fighter off the coast of Hainan Island on 1 April. While some have argued that a copycat INCSEA in place between the two Pacific powers could have prevented the collision, Washington and Beijing have shied away from negotiating a formal INCSEA, not wanting to signal the existence of an adversarial relationship.

Despite the reluctance of the Americans and Chinese to adopt the accord, INCSEA continues to be used as a model at numerous multilateral confidence-building conferences aimed at cooling tensions in the Middle East, South Asia and Southeast Asia.

What is it about INCSEA that has made it such an attractive model? The agreement served in both nations' interests; it was relatively simple; on the high seas the two sides approached it with professionalism; both sides prepared themselves well for the annual reviews; the INCSEA regimen maintained a low profile within the bilateral relationship; and INCSEA was easy to verify and made it easy to hold violators accountable.[46]

Clearly Americans and Russians who negotiated the 1972 agreement made an important contribution toward keeping the Cold War as such. Little could they realize that they had also sown the seeds for the foundation of a partnership between the US and a post-Communist Russia. These individuals and their successors can take pride in what has been a positive story in the relationship of these two great seafaring nations.

Disclaimer

The views expressed here are the author's personal opinions, and should not be taken to reflect the official position of the Department of Defense or any U.S. government agency.

Notes

1 This article is a summary of research first published in David F. Winkler, *Cold War at Sea: High Seas Confrontation between the United States and the Soviet Union* (Annapolis, MD: Naval Institute Press 2000).

2 Amembassy MOSCOW message to SECSTATE WASHDC 101600Z NOV, with U.S. State Department document obtained through the Freedom of Information Act.

3 As of late 1956, top scientists projected that the first deployment of a ballistic missile submarine would occur in 1965. Four new technologies converged to make Polaris deployment in 1960 feasible: proven nuclear propulsion, reliable solid rocket propellant, inertial shipboard navigation development and miniaturization of nuclear warheads. See Gary E. Weir, *Forged in War: The Naval Industrial Complex and American Submarine Construction, 1940–1960* (Washington, DC: Naval Historical Center 1993) pp.246–8, 263.

4 Robert Herrick, *Soviet Naval Strategy: Fifty Years of Theory and Practice* (Annapolis, MD: Naval Institute Press 1968) pp.71–3; Michael McGwire, 'The Evolution of Soviet Naval Policy', *Soviet Naval Policy: Objectives and Constraints* (New York: Praeger 1975) pp.507–08.

5 Robert E. Athay, 'Perspectives on Soviet Merchant Shipping Policy', in Michael McGwire (ed.), *Soviet Naval Developments: Capability and Context* (New York: Praeger 1973) pp.94–5. In 1960, the physical volume of Soviet seaborne trade totaled 44.3 million tons, up from 8.3 million tons in 1950. By 1970 this figure would reach 121.3 million tons. Furthermore, Soviet vessels carried an increasing percentage of this growing trade. While Soviet hulls carried only 5.9 per cent of the USSR's seaborne trade in 1950, by 1960 this number had grown to 18.2 per cent and by 1970, to 69.9 per cent.

6 'Soviets press "Buzzing" Charge', *New York Times*, 17 July 1960, p.4. Soviet Ministry of Foreign Affairs (MFA) note 45/USA, 3 Aug. 1964; Soviet MFA note 11/USA, 22 Feb. 1965; MFA note 52/USA, 15 Dec. 1965; MFA note 32/USA, 5 Aug. 1966; and MFA note 30/USA, 12 May 1969 are Soviet protests on numerous buzzing incidents that occurred worldwide. The US rejected each complaint. RG 59 State Department Central Foreign Policy Files, Boxes 2552, 2873–74, National Archives.

7 Jack Raymond, 'Soviet Trawler Called Spy Ship', *New York Times*, 14 July 1960, p.9. The navy's Chief of Information (CHINFO), Rear Adm. Charles Kirkpatrick, USN, complained that at one point while off Long Island, the 600-ton trawler attempted to interfere with the recovery of a dummy missile by a navy tug participating in a Polaris missile-fire maneuver. Kirkpatrick emphasized that the trawler should remain unmolested because of its location in international waters: 'We are a legal people and abide by international law'.

8 The development of Soviet AGIs is discussed in G. Jacobs, 'Soviet Navy AGIs', *Jane's Soviet Intelligence Review* (July 1989) pp.318–23. During the late 1950s, the Soviets built these ships using trawler designs for blueprints. Trawler designs were adaptable because the insulated refrigeration compartments provided ideal space for electronic equipment. Trawlers also possessed the necessary stability important in operating areas having heavy seas.

9 'Background paper', Operational Archives, Naval Historical Center. [**more details???**]

10 Reported incidents include the following:
June 1964: USS *Daniel A. Joy* nearly collided with Soviet AGI *Randa* some 450 miles east of New York. The American destroyer claimed that she had to sound her horn four times to signal danger and make sharp speed adjustments to avoid hitting the Soviet vessel, which had closed to within 150 yards. Reported in 'U.S. Hits Actions by Soviet Ships', US Naval Institute

Proceedings (Dec. 1964) p.150.

Jan. 1965: While conducting surveys northwest of Iceland in support of the Polaris missile submarine program, USNA *Dutton* was approached by the Soviet AGI *Vertikal*, which came to within 75 feet despite the visible flags and warning signals displayed to indicate there was a tow astern. Ignoring these warnings, the Soviet ship passed beneath the stern of the research ship, cutting the magnetometer cable that had been deployed to measure magnetic fields. As the crew of the *Dutton* reeled in the cut cable, the *Vertikal* illuminated their actions by directing two arc searchlights and again closed in on the American ship despite the danger signals blasted on *Dutton*'s whistle. When *Dutton* later reeled out a second cable to resume operations, the *Vertikal* again returned to harass the movements of the American ship.

Feb. 1965: Off the coast of California, the AGI *Arban* maneuvered herself to a position ahead of the oncoming aircraft carrier USS *Hornet* which was being refueled from the USS *Ashtabula*, confronting the carrier and oiler with the risk of collision. The two American ships were forced to execute an emergency breakaway to steer clear of the Soviet vessel.

March 1965: In Narragansett Bay off Rhode Island, the AGI *Sverdlovsky* harassed USS *Courtney*, USS *Hartley* and the tug *Keywadin* for half an hour as the three American naval ships attempted to perform training maneuvers. The 'reckless harassing maneuvers' of the Soviet spy ship forced the destroyer *Courtney* to turn starboard to avoid a collision. The last three incidents are detailed in John W. Finney, 'Ú.S. Tells Soviet it Imperils Ships', *New York Times*, 4 April 1965, pp. 1, 13.

11 Rear Adm. Robert P. Hilton, Sr., USN (retd.), interview by author, tape recording, Alexandria, VA, 28 Nov. 1991.

12 Adm. Thomas B. Hayward, USN (retd.), letter to author, 10 July 1992. Another former CNO, Adm. James L. Holloway III, USN (retd.), acted with equal aggressiveness as C.O. of USS *Enterprise* on its first deployment to Vietnam. When a Soviet eavesdropper showed up in the Gulf of Tonkin, Holloway ordered the carrier to flank speed to head right for it, 'and he got the hell out of our way'. Adm. James L. Holloway III, USN (retd.), interview by author, tape recording, Washington, DC, 21 May 1997. Commander US Sixth Fleet Vice Adm. William I. Martin commented in 1967 on Soviet AGIs in the Mediterranean, stating, 'There have been times when Russian electronic intelligence ships have moved in a way seemingly to embarrass us; either we change course or [we would] ram them'. From William Beecher, 'French Join U.S. in Fleet Exercise', *New York Times*, 6 May 1967, quoted in Robert W. Herrick, Soviet Naval Strategy: Fifty Years of Theory and Practice (Annapolis, VA: Naval Institute Press, 1968) p. 93. U. Alexis Johnson letter to Cy Vance, 20 Aug. 1966, RG 59 State Dept. Central Foreign Policy files 1964–66, Box 2874, Folder POL 33-6 US-USSR 1/1/66. An incident summary enclosure covering a period from Nov. 1965 to Aug. 1966 listed one Soviet complaint of a carrier failing to give way and five American complaints alleging Soviet failure to yield to a carrier.

13 The US formally protested the *Teodolit* activity on 27 Oct. 1969. Deputy Chief of Naval Operations for plans and Policy Memorandum to Assistant Secretary of Defense, International Security Affairs, 19 Sept. 1969, Pol-Mil Division XXXIII Box 555, *Sam Rayburn* Folder, Operational Archives, Naval Historical Center (NHC). The memorandum also included reports of AGI harassment of USS *Jack* on 9–10 April 1969 and of USS *Sam Houston* on 31 July 1969. See also Memorandum of Conversation, Subject: Protests on Incidents at Sea, 27 Oct. 1969, RG 59, Department of State Central Foreign Policy files, 1967–69, Box 2552, Folder POL 33-4 1/1/68, National Archives.

14 James Bamford, *The Puzzle Palace: A Report on America's Most Secret Agency* (Boston, MA: Houghton Mifflin 1982) pp.229–33. See also Department of State Telegram to Amembassy

MOSCOW 1298, 18 Nov. 1965, Subject: Banner Incident: Department of State Telegram from Amembassy MOSCOW 14873, 18 Dec. 1965, Subject: MFA Note No. 53/USA; Department of State Telegram to Amembassy Moscow 1549, 23 Dec. 1965, Memorandum of Conversation, Subject: Collision of Soviet Vessel with USS BANNER between Llewellyn E. Thompson and Anatolily F. Dobrynin, 25 June 1966, Department of State, Telegram from Amembassy MOSCOW 4045, 28 June 1966, RG 59, Department of State Central Policy Files 1964–1966, Boxes 2873-2874, Folders POL 33-4 US-USSR 1/11/65, POL 33-6 US-USSR 1/1/66, and POL 33-4 US-USSR 6/13/66, National Archives; the *Banner-Anemometr* incident was not publicized until May 1967. See John W. Finney, 'A U.S. Destroyer In Far East Bumped by Soviet Warship', *New York Times*, 11 May 1967, p.5.

15 Jack Raymond, 'U.S. Navy Board a Soviet Trawler in North Atlantic', *New York Times*, 28 Feb. 1959, p.1; 'Moscow Sees Provocation in Trawler Case', (AP) *New York Times*, 1 March 1959, pp.1, 12; US Coast Guard Investigation F/V PIERCE, 21 Sept. 1966; and Henry M. Jackson letter to Dean Rusk, 21 Feb. 1967, RG 59, Department of State Central Files 1967–69, Box 2552, Folder Pol 33-4 US-USSR PIERCE, National Archives.

16 Dino A. Brugioni, *Eyeball to Eyeball: The Inside Story of the Cuban Missile Crisis* (New York: Random House 1990) pp.101–102, 149, 172.

17 For example, the Soviets claimed that on 1 Aug. 1966, the merchant ship *Ingur* was steaming in the Tonkin Gulf when buzzed and ordered by four American destroyers to stop. Amembassy MOSCOW telegram 609, 5 Aug. 1966, RG 59, State Department Central Foreign Policy Files, Box 2874, Folder POL 33-6 US-USSR 1/1/66, National Archives.

18 Johnson letter to Vance, 12905, 20 Aug. 1966, RG 59, State Department Central Foreign Policy Files, Box 2874, Folder POL 33-6 US-USSR 1/1/66, National Archives.

19 Vance letter to Kohler, 7702, 30 Nov. 1966; Kohler letter to Vance, 17941, 12 Dec. 1966, RG 59, Department of State Central Foreign Policy files, Box 2874, Folder POL 33-6 US-USSR 1/1/66.

20 *Understanding Soviet Naval Developments,* 3rd edn (Washington, DC: Office of the Chief of Naval Operations 1978) pp.13–15, 30–31; Michael MccGwire, 'The Evolution of Soviet Naval Policy: 1960–1974', in Michael MccGwire, Ken Booth and John McDonnell (eds), *Soviet Naval Policy: Objectives and Constraints* (New York: Praeger 1975) pp.518–21.

21 'Peterson enclosure', in OP-614C memo to OP-61B, Subject: Sea of Japan Collisions, 4 Oct. 1967, POL MIL Division XXXIII, box 555, *Walker* Folder, Operational Archives, NHC; Capt. Earl E. Buckwalter, USN, 'Investigation to inquire into the circumstances surrounding a collision between USS *Walker* (DD 517) and Soviet DD 022 on 10 May 1967, and a collision between USS *Walker* (DD 517) and Soviet DDGS 025 on 11 May 1967 during the Sea of Japan transit of Task Group 70.4', Navy Judge Advocate General Corps; John W. Finney, 'U.S. Destroyer in Far East Bumped by Soviet Warship', *New York Times,* 11 May 1967, pp.1, 5.

22 Buckwalter, 'Investigation' (note 21).

23 John W. Finney, 'A Soviet Warship Bumps U.S. Vessel, Second Time in 2 Days', *New York Times*, 12 May 1967, pp.1, 4.

24 Joseph F. Bouchard, *Command in Crisis* (New York: Columbia University Press 1991) pp.144–5; Memorandum concerning harassment USS LAWE and SOV DLG-381, 7 June 1967, and Memorandum concerning harassment USS AMERICA and SOV PCS-160 8, June 1967, POL MIL XXXIII, Box 555, Folder *Agile,* 12 June 1967, Operational Archives, NHC; Neil Sheehan, 'The Russians Continue to Harass 6th Fleet', *New York Times*, 9 June 1967, pp.1, 15.

25 OP-614C Memorandum to OP-06, 15 Dec. 1967, *Dealey/SOV DD 482* Folder; Ignatius Memorandum to Nitze, Ser. 02039P61, 11 Jan. 1968, *Abnaki* Folder, POL MIL Division

XXXIII, Box 555, Operational Archives, NHC; State airgram to Amembassy MOSCOW, A-203, 9 April 1968, RG 59, State Department Central Foreign Policy Files, Box 2552m, Folder POL 23-10 1/1/67, Naval Archives (NA); Department of Defense Press Release No. 120-68, in USS *Rowen* ship's history folder, Ship History Branch, NHC.

26 Draft Paper – Subject: Encounters between US and Soviet Ships Near Japan, 12 March 1968, POL MIL Division XXXIII, Box 555, *Rowen/Vislobokov* Folder, Operational Archives, NHC. Memorandum of Conversation between Igor D. Bubnov of USSR Embassy and Herbert S. Okun and William T. Shinn at State of 27 Aug. 1970, Freedom of Information Act (FOIA), State.

27 Other factors for the Soviet behavior change include an incident in May 1968 involving a crash of a Badger near USS *Essex* and Soviet foreign policy objectives of improving relations with the US and tempering the outcry after the Aug. invasion of Czechoslovakia. Regarding follow-on discussions, on 27 Oct. 1969, Adolph Dubs met with Yuly Volontsov to discuss the USS *Rayburn*–AGI *Teodolit* incident off Charleston. State Memorandum of Conversation, Subject: Protest on Incident at Sea, 27 Oct. 1969, RG 59, State Department Central Files 67-69, Box 2552, Folder 33-4 1/1/67, NA. Also on 9 Dec. 1969, the State Department brought to the Soviets' attention June buzzing incidents that involved USS *Wiltsie* and *Stoddert*, and reports of subsequent buzzings of American warships in the Sea of Japan. Again Dubs reminded Soviet Embassy Minister-Counselor Yuri N. Chernyakov of the April 1968 offer. State Memorandum of Conversation, Subject: Buzzing of US Ships in the Sea of Japan, 9 Dec. 1969, RG 59, State Department Central Foreign Policy Files 67-69, Box 2552, Folder POL 33-4 1/1/67, NA.

28 Undated study conducted in early 1972 examining US–USSR Incidents at Sea, Operational Archives, NHC.

29 Elmo R. Zumwalt, Jr., *On Watch* (New York: Quadrangle Press 1976) pp.300–301.

30 Amembassy Moscow, message to SecState, 101600Z Nov. 1970, FOIA, State.

31 Henry A. Kissinger, National Security Study Memorandum 119, 19 Feb. 1971, RG 273, NA; Ambassador Herbert S. Okun, interview by author, New York City, 25 Feb. 1992; Amebassy Moscow, messages to SecState, 051210Z, July 1971, FOIA, State; State telegram 125524, drafted 9 July 1971, FOIA, State.

32 Rear Adm. Ronald Kurth, USN (retd.), interview by author, Murray State University, 5 Sept. 1991; Okun interview (note 31); Warner Memorandum to Nixon, Subject: U.S. Soviet Naval Talks of Preventing Incidents at Sea, 29 Oct. 1971.

33 Capt. Robert D. Congdon, USN (retd.), letter to author, 11 Aug 1992; Congdon interview by author, San Diego, CA, 18 May 1992.

34 Amembassy Moscow, message to SecState, 071528Z March 1972, FOIA, State; State telegram 058586, 5 April 1972; Okun interview (note 31).

35 Zumwalt, *On Watch* (note 29) pp.393–4; Zumwalt interview by author, Arlington, VA, 30 June 1992.

36 CTU-67.2 to AIG 348, 271640Z May 1972, Subject: SAU Alfa Bystander Sitrep Supple Eleven Alfa, Pol-Mil Division Series 33, Box 557, Folder IAS Bystander/May–June, Operational Archives.

37 Zumwalt, *On Watch* (note 31) pp.446–7.

38 Assistant SecDef, memorandum to director of Politico Military Affairs, Subject: Implementation of Incidents at Sea Agreement, 14 Jan. 1974, FOIA, Department of Defense; Admiral Harry D. Train letter to author, 23 April 1974.

39 Robert P. Hilton, Sr., 'The U.S.-Soviet Incidents at Sea Treaty', *Naval Forces*, No. 1 (1985) pp.30–37; Anthony Wolf, 'Agreement at Sea: The United States-USSR Agreement on Incidents at Sea', *Korean Journal of International Studies* 9/3 (1978) pp.57–80.

40 Sean Lynn-Jones, 'The Incidents at Sea Agreement', in Alexander L. George, Philip J. Farley and Alexander Dallin (eds), *U.S.-Soviet Security Cooperation: Achievements, Failures, Lessons* (New York: Oxford University Press 1988) p.488.

41 Adm. Watkins letter to Adm. Hayward, 20 July 1984, Folder 1984 INCSEA General, Operational Archives, NHC.

42 Kurth interview (note 32).

43 William H.J. Manthorpe, Jr., 'The Soviet Navy, 1987', US Naval Institute *Proceedings* 5 (May 1988) pp.232–3.

44 At Jackson Hole, WY, Foreign Minister Shevardnadze signed a statement acknowledging international laws regarding the right of other nations' vessels to conduct innocent passage through Soviet territorial waters and Secretary of State James Baker declared that there was no longer a need for USN ships to conduct freedom-of-navigation cruises through these waters.

45 See David F. Winkler, 'An Incident Under the Sea Agreement', *The Naval Review* (April 1995) pp.110–16.

46 See David F. Winkler, *Cold War at Sea: High Seas Confrontation between the United States and the Soviet Union* (Annapolis, MD: Naval Institute Press 2000) pp.173–5. Verification was also another reason why an undersea INCSEA has been seen as infeasible, given the impracticality of taking photographs or video.