NOTE TO USERS

Non-Democratic Peace in South America

Comparing the Beagle Channel Crisis (1977–1978) and the Cenepa Crisis (1994–1995)

by

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Abstract

The following study develops a structured focused comparison of two South American territorial crises: the Beagle Channel Crisis between Argentina and Chile (1977–1978) and the Cenepa Crisis between Ecuador and Peru (1994–1995). From a conventional perspective, the Beagle Channel Crisis should have escalated to war because it was a fully militarized inter-state crisis carried out by a military dyad. In contrast, the Cenepa Crisis should not have ended in war because it was a democratic dyad and the dissatisfied state was the weaker power. Yet the opposite happened in both cases: in the Beagle Channel Crisis the escalation process was contained, whereas in the Cenepa Crisis the situation escalated into an intensive war.

Based on a comparison of these two dyads, this study argues that deterrence strategy alone is not sufficient to prevent war. Only an interaction of deterrence strategy and third party involvement can contain an escalatory process, constituting a tool for strengthening deterrence.

Résumé

Cette étude vise à développer une comparaison focalisée et structurée entre deux crises territoriales en Amérique du Sud : La crise du Canal de Beagle entre l'Argentine et le Chili (1977-1978) et la crise Cenepa entre l'Équateur et le Pérou (1994-1995). Selon une perspective conventionnelle, la crise du Canal de Beagle aurait dû escalader jusqu'à une guerre entre les deux pays, car d'une part, elle constituait une crise entre deux États totalement militarisés et, d'autre part, elle était menée par une dyade militaire. Au contraire, la crise Cenepa n'aurait pas dû atteindre la guerre, car elle était menée par une dyade démocratique et l'État insatisfait (par rapport à quoi?) était aussi le plus faible des deux. Cependant, force est de constater que le processus d'escalade de la crise du Canal Beagle a été contenu, alors que la crise Cenepa a escaladé jusqu'à une guerre intense.

Basée sur une comparaison de ces deux dyades, cette étude avance que la stratégie de dissuasion seule n'est pas suffisante pour prévenir la guerre. Seule une interaction entre une stratégie de dissuasion et l'implication d'un tiers acteur peut contenir un processus d'escalade, constituant ainsi un outil pour renforcer la dissuasion.

Acknowledgments

TABLE OF CONTENTS

Introduction

Historically, territorial borders in Latin America have often been a source of dispute. The origins of most of these border claims dates back to the 19th century, when the majority of the states in the region achieved independence from colonial rule. In the case of the countries colonized by the Spanish empire recognized *uti possidetis juris* as a basic principle of American international law for settling their borders. According to this principle, every new state inherited the territories that it had possessed under the Spanish crown. However, in remote territories (i.e., those that were claimed by the Spanish crown but never settled by the Spaniards), contradictory claims over jurisdiction overlapped, often without valid nullifications of previous titles.[1] In South America, along with the demarcation of borders came a growing sense of actual or potential territorial dispossession at the hands of neighbouring states,[2] creating a kind of "territory sensitivity."[3] In addition, the construction of the notion of neighbours as aggressive "others" became an integral part of building distinct national identities, since the populations of Latin American states are characterized more by their commonalities than their differences. This mutual perception of neighbouring states as adversaries and potential enemies shaped many of the relationships among them, leading some of the states to engage in military operations to settle their disputes. These crises offer fertile grounds for understanding conflict escalation and prevention in South America.

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[1] Carlos Escude, "Argentine Territorial Nationalism," *Journal of Latin American Studies* 20, no. 1 (May 1998), p. 147.
[2] Andrea Oelsner, *International Relations in Latin America: Peace and Security in the Southern Cone* (New York: Routledge, 2005), p. 106.
[3] Escude, "Argentine Territorial Nationalism," p. 152.

The following study develops a structured focused comparison[4] between two South American territorial crises: the Beagle Channel Crisis between Argentina and Chile (1977–1978) and the Cenepa Crisis between Ecuador and Peru (1994–1995).[5]

The most significant disputes between Argentina and Chile were the consequences of territorial divergences. Joined by one of the longest borders in the world (over 5,300 km), the two states have always had difficulty determining their boundaries in a mutually acceptable and stable manner. It was in the mid-1800s when the first of several border disputes broke out.[6] Many of these disputes persisted over long periods of time, but it was the crisis over the Beagle Channel Islands (1977–78) — three tiny islands on the southern tip of South America — that drove these neighbours to the brink of war. The situation escalated to such a degree that the Chilean and Argentine militaries were mobilized on land and sea in the Beagle Channel Zone, and declarations of war were drafted.[7]

The other crisis to be investigated occurred between Peru and Ecuador in 1994–1995. These states have a long history of fighting each other due to territorial disagreements in the Amazon region. The Cenepa War[8] was the last of a series of militarized clashes that occurred between them. The crisis escalated to war and, although it was brief, the conflict is estimated to have resulted in between 200 and 1,500

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[4] Alexander L. George and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice* (New York: Columbia University Press, 1974), p. 67.
[5] As understood in this study, an international crisis involves "(1) a change in type and/or increase in intensity of disruptive, that is hostile verbal or physical, interactions between two or more states, with a heightened probability of military hostilities: that in turn, (2) destabilizes their relationship and challenges the structure of an international system – global, dominant, or subsystem." Michael Brecher and Jonathan Wilkenfeld, *A Study of Crisis* (Ann Arbor: The University of Michigan Press, 2000), pp. 4-5.
[6] This first border dispute was due to the fact that both states claimed the totality of Patagonia.
[7] Oelsner, *International Relations in Latin America: Peace and Security in the Southern Cone*, p. 105.
[8] In this study I define interstate war, based on the definition from the ICB Project, as an international crisis in which a state is involved in direct military activity that results in violence. See "International Crisis Behaviour Project," Center for International Development and Conflict Management, http://www.cidcm.umd.edu/icb/

6

casualties.[9] In a few days, 5,000 troops were deployed into the contested region, and all branches of the armed forces of both countries were mobilized.[10]

A comparison between two territorial crises in a subsystem such as South America may be especially interesting for the field of International Relations. Due to their high salience, territorial disputes have been traditionally considered as underlying causes of war.[11] The Beagle Channel, though it was a fully militarized inter-state crisis, did not escalate to war. It was a military dyad, and, for the first time in Latin America since the Treaty of Tordesillas in 1494, there was mediation by the Pope, John Paul II (1978–2005), to settle the conflict. In contrast, the Cenepa Crisis escalated to an intensive, 90-day war, in which a smaller power (Ecuador) attacked a bigger neighbour (Peru). It was a democratic dyad, and there was mediation by four countries: Argentina, Chile, the United States and Brazil. How can the difference in the outcomes of these two cases be explained?

According to *democratic peace theory*, democracies tend not to go to war with one another. They should be more peaceful among themselves, because they have a greater respect for law and democratic institutions constrain decision making by political leaders. In contrast, non-democratic states are believed to be more warlike, because decision makers do not suffer directly the human consequences of war and, therefore,

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[9] Beth A. Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," *Peaceworks* 27 (April 1999), p. 12.

[10] Ibid. p. 12.

[11] Paul Huth, "Why Are Territorial Disputes Between States a Central Cause of International Conflict?," in *What Do We Know About War*, ed. John Vasquez (Oxford: Rowman & Littlefield, 2000); John Vasquez, "What Do We Know About War?," in *What Do We Know About War?*, ed. John Vasquez (Oxford: Rowman & Littlefield, 2000); Stuart Bremer, "Who Fights Whom, When, Where and Why," in *What Do We Know About War*, ed. John Vasquez (Oxford: Rowman & Littlefield, 2000); K. J. Holsti, *Peace and War: Armed Conflicts and International Order 1648-1989* (Cambridge: Cambridge University Press, 1991).

they are not constrained by a system of check and balances or electoral accountability.[12] However, actual outcomes in the selected cases seem to support what could be called a *non-democratic peace*. Chile and Argentina were under military rule during the time of the crisis, yet escalation was stopped. In contrast, Peru and Ecuador — two democratic regimes — went to war. In other words, democracies fought each other, whereas military dictatorships reached a peaceful agreement. This suggests that democratic peace theory, and its main hypothesis, "democracy preserves peace," cannot account for wars between democracies and peace between non-democracies. Moreover, in the Cenepa Crisis, having a democratic regime was not a pacifying condition.

An alternative hypothesis is put forward by *deterrence theory*,[13] which asserts that a state's superiority in military capability (and the adversary's recognition of this superiority) is a sufficient condition for successful deterrence.[14] In the selected cases we have the opposite outcome: Chile was militarily inferior to Argentina, nevertheless, it successfully deterred Argentina from going to war. In contrast, the Ecuadorian armed forces engaged in war even though they had inferior military capability. Hence, despite the theory's strengths in explaining war initiations, military capability alone is not an appropriate explanation for these crises' outcomes. As Jack Levy states, it is necessary to compare the costs and benefits of going to war to the costs and benefits of the status quo. What Levy calls the *balance of resolve* may be more relevant than the balance of military

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[12] For support of democratic peace theory, see John M. Owen, "How Liberalism Produces Democratic Peace," *International Security* 19, no. 2 (Fall 1994); Bruce Bueno de Mesquita et al., "An Institutional Explanation of the Democratic Peace," *American Political Science Review* 93, no. 4 (December 1999); Bruce Russett and Harvey Starr, "From Democratic Peace to Kantian Peace," in *Handbook of War Studies II*, ed. Manus I. Midlarsky (Ann Arbor: University of Michigan Press, 2000).

[13] In its most general form, *deterrence* means the persuasion of one's opponent that the costs and/or risks of a given action outweigh its benefits. See George and Smoke, *Deterrence in American Foreign Policy: Theory and Practice* p. 11. (The concept will be further developed in the section *Theoretical Framework*)

[14] T.V. Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers* (Cambridge, New York: Cambridge University Press, 1994), p. 8.

capability for revisionist states.[15] T.V. Paul has also shown the limitations of deterrence theory for explaining war initiation by a weaker state. Indeed, "a weaker power may engage in war without expecting a military victory, contrary to the expectations of deterrence theory."[16]

From this discussion it is apparent that deterrence theory cannot explain the divergent outcomes in the selected crises. However, this does not mean that deterrence is entirely inappropriate for explaining war between democracies and peace between non-democracies. My contention is that other factors, such as third party interventions and domestic constraints, should be incorporated into a working theory. I hypothesize that a combination of deterrence and mediation was the determining factor in preventing war in the Beagle Channel Crisis. In this case, third party involvement strengthened deterrence. In contrast, failed deterrence and the absence of mediation or other forms of third party intervention during the early phases of the Cenepa Crisis were determinants for the escalation to war.[17] These contrasting outcomes also reflect the impact domestic conditions had on deterrence as well as on the willingness of the contenders to resort to third party involvement.

In the Beagle Channel Crisis, successful deterrence by Chile led to the avoidance of war. That is, Chile made a credible case that a military adventure would be very costly for Argentina. According to Bruce Bueno de Mesquita's *expected-utility theory*, a

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[15] Jack Levy, "The Causes of War: A Review of Theories and Evidence," in *Behaviour, Society and Nuclear War*, ed. Philip E. Tetlock et. Al. (New York: Oxford University Press, 1989)p. 242.
[16] Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers*, p. 9.
[17] Mediation is a form of third party intervention in which a mediator or facilitator aims to assist the disputants in reaching an agreement (this concept will be further developed in the section *Theoretical Framework*).

positive expected utility is a necessary condition for war initiation.[18] This condition was not present, as Chile's clearly manifested readiness to defend the islands increased Argentina's cost of going to war. However, it was not deterrence alone that prevented war. One state's commitment to stand firm works only if the other state has the opportunity to retreat.[19] Mediation in this case was a way out of the crisis at a time when neither military government was capable of making concessions to the adversary without losing face. By the time of the papal intervention in December 1978, the conflict over the Beagle Channel had become the primary foreign policy imperative of the Chilean and Argentine governments. Nationalism in both countries made possession of the islands a source of sovereign pride, and the salience of the issue rendered the dispute highly significant to the internal politics of both states. Deferring to mediation enabled both states to save face and, at the same time, avoid war, which was perceived as too costly.

In the Cenepa case, although Peru was militarily more powerful than Ecuador in an aggregate sense, it could not deter Quito from declaring war as soon as an opportunity arose. As David Mares demonstrated, during the 1980s Ecuador developed its military capability, thus surprising Peru, which had to expend significant resources trying to overwhelm Ecuadorian armed forces. Peru was then forced to escalate the crisis further or to negotiate a ceasefire. Peru could not afford the costs of prolonging the war.[20]

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[18] Expected-utility theory is based on five core assumptions: 1. individual decision makers are rational in that they are capable of prioritizing their alternatives; 2. the order of preferences is transitive; 3. individuals are conscientious of the intensity of their preferences, that is, they know their utility; 4. individuals consider alternative means of achieving desirable goals in terms of the product of the probability of achieving alternative results and the utility associated with those outcomes; and 5. decision makers will always select the strategy that yields the highest expected utility. See Bruce Bueno de Mesquita, "The Contribution of Expected-Utility Theory to the Study of International Conflict," in *Handbook of War Studies*, ed. Manus I. Midlarsky (Ann Arbor: University of Michigan Press, 1993), p. 144.
[19] Robert Jervis, "Deterrence Theory Revisited," *World Politics* 31, no. 2 (Jan., 1979), p. 308.
[20] David Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America* (New York, Columbia: University Press, 2001), p.171.

Moreover, Peru had allocated many of its armed forces to combat the Shining Path guerilla movement; hence, the strengthening of Ecuador's military capability did not capture Peru's attention until it was too late.

If deterrence fails, as in the Cenepa Crisis, mediation or another form of third party intervention could have avoided war. However, in contrast to the Beagle Channel Crisis, when mediation took place prior to serious military clashes, in the Cenepa Crisis, mediation was a reaction to mass violence. In fact, when the first hostilities erupted between Quito and Lima, little effort was made through diplomatic channels to avoid the escalation of the conflict. Here, I contend that the domestic scenarios in Ecuador and Peru restricted the governments from seeking mediation earlier in the process.

To summarize, my argument is based on a combination of deterrence and third party intervention: a) strong deterrence threats accompanied by effective third party intervention can generally prevent crisis escalation to war; in contrast, b) weak deterrence threats and an absence of third party intervention during the early stages of a crisis may lead to war. *Domestic conditions* comprise an additional variable that mediates the relationship between deterrence and the willingness of the disputants regarding third party involvement.

My research will rely on primary and secondary sources, such as government documents, international agreements, and newspaper articles in Spanish and English. Additional secondary sources will be used to draw on regional expertise and to contextualize the theoretical findings.

In the first part, I will set up the theoretical framework, discussing deterrence theory and third party intervention as tools for war prevention. The second and third parts

are devoted to the case studies. I will examine both crises at the international and domestic levels, describing how the actors interacted and how they coped with the crisis. In the fourth part, I will address the issue of regime type: Did regime type have an important influence on the crises' outcomes? The answer to this question will contribute to further research.

Part I. Theoretical Framework

Deterrence: Success and Failure

The practice of deterrence seems to be as old as the military art.[21] In a general form, deterrence can be defined as the use of threats by one party to convince another party to refrain from initiating some course of action.[22] Thucydides, one of the earliest military writers, reported in his Peloponnesian War about many instances where one side manoeuvred for allies or tried to find ways to make its opponent think that beginning or expanding a war would not be worth the risks or costs.[23] During the following centuries, deterrence tactics remained popular recourses of those fearing attack, but they were not the only, or even the predominant, tactics used, and were not thought of as constituting a true strategy.[24] After World War II, and especially with the onset of the Cold War, deterrence evolved into an elaborate strategy. It was then when the concepts of contemporary deterrence theory began to being articulated in a systematic way.

Glenn Snyder's influential work made a distinction between the power to hurt and the power to defeat military forces, or deterrence by punishment and deterrence by denial. Deterrence by punishment is a strategy by which governments threaten an immense retaliation if attacked. Aggressors are deterred if they do not wish to suffer such damage as the result of an aggressive action. Deterrence by denial is a strategy whereby a government builds up or maintains defence and intelligence systems with the purported

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[21] George and Smoke, *Deterrence in American Foreign Policy: Theory and Practice* p. 11.
[22] Paul Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," *Annual Review of Political Science* 2 (1999). See p. 26.
[23] George and Smoke, *Deterrence in American Foreign Policy: Theory and Practice* p. 12.
[24] Patrick M. Morgan, *Deterrence Now*, Cambridge Studies in International Relations; 89 (Cambridge; New York Cambridge University Press, 2003) p. 3. For more about deterrence history, see George and Smoke, *Deterrence in American Foreign Policy: Theory and Practice*.

aim of neutralizing or mitigating attacks. Aggressors are deterred if they choose not to act, perceiving the cost of their action to be too high in relation to its likely success.

A policy of deterrence can be directed at preventing an armed attack against a state's own territory (direct deterrence) or that of another state (extended deterrence). In addition, a deterrence policy might be pursed in response to a short-term threat of attack (immediate deterrence) or more generally to prevent crises and conflicts from arising (general deterrence).[25] According to Patrick Morgan, general deterrence is identified with a situation in which the potential attack is more distant, less defined and even hypothetical, whereas immediate deterrence is associated with specific military capabilities and threats built on them. Immediate deterrence arises in a crisis in which the enemy is clearly defined and the strategy used involves assessing the opponents' calculations and plans.[26] For the purpose of this study, I will focus on direct-immediate deterrence. As Paul Huth stresses, situations of direct-immediate deterrence often centre on territorial conflicts between neighbouring states in which major powers do not intervene, a situation found in both of the selected crises.[27] From here on, I will use the term *deterrence* to mean *direct-immediate deterrence*, unless otherwise indicated.

I will proceed to discuss the conditions under which deterrence is believed to succeed and to fail, as well as the limitations of applying deterrence to avoid war. We must bear in mind two considerations. First, it is necessary to emphasize that there is a difference between deterrence theory and a deterrence strategy: "deterrence strategy refers to the specific military posture, threats, and ways of communicating them that a state adopts to deter, while the theory concerns the underlying principles on which any

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[25]Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 27.
[26] Morgan, *Deterrence Now*, pp. 80-82.
[27] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 27

strategy is to rest."[28] This study is about deterrence strategy, but it assumes that an overlap with deterrence theory is often present and that the two can, and often must, be used interchangeably when examining real-world situations. Second, many of the findings related to deterrence focus on the action of the defendant (or status quo) state. Nevertheless, some critics have called attention to the actions and perceptions of the attacker (or challenger).[29] Sometimes the roles of defender and challenger can switch during the development of a conflict. A former challenger that achieved some kind of victory might become the defender of the status quo, while the ex-defender will in turn be the one that challenges the new state of affairs. Hence, the perspectives taken together can account for variation in the success or failure of deterrence policies.[30]

Whether wars can be prevented by successful policies of deterrence has been a matter of continuing interest to scholars and decision makers. Questions such as what makes deterrence work and what makes it fail have been addressed by proponents as well as by critics of deterrence theory and practice. The predominant theoretical approach has entailed the use of rational choice and game theory models of decision making.[31] According to this theory, a deterrent threat will succeed in preventing a challenge if certain conditions are present: first, the leaders of the deterring state clearly define the

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[28] Morgan, *Deterrence Now*, p. 8.
[29] See, for example, Initiation Theory, developed by George and Smoke in *Deterrence in American Foreign Policy: Theory and Practice*. They emphasize the challenger's behaviour and not the defender's action as the dependent variable.
[30] Paul C. Stern et al., "Deterrence in the Nuclear Age: The Search for Evidence," in *Perspectives on Deterrence*, ed. Paul C. Stern, et al. (New York, Oxford: Oxford University Press, 1989), p. 18. According to Patrick Morgan, the distinction between challenger and defender is useful for theoretical purposes, but it breaks down in actual deterrence situations. "Often, both parties feel victimized, innocent, and justified, and thus both feel as if they are the defenders." See Patrick M. Morgan, "Deterrence, Escalation, and Negotiation," in *Escalation and Negotiation in International Conflicts*, ed. I. William Zartman and Guy Olivier Faure (Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, Sao Paulo: Cambridge University Press, 2005), pp. 54, 55.
[31] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 29.

15

behaviour deemed to be unacceptable (communication); second, they communicate to challengers a commitment to punish violations or to deny military objectives (commitment); third, they have the capability to make a credible commitment (capability); and fourth, the leaders demonstrate their resolve to carry out military actions if the challenger fails to comply (resolve).[32]

Some aspects related to the four conditions have been underlined as necessary for successful outcomes.[33] For example, scholars have argued that success is more likely if a defender's deterrent threat is deemed credible by the challenger. There is no consensus in the field on exactly what makes a credible threat. However, there are consistent propositions in four areas: military capabilities, signaling and bargaining behaviour, reputations and interests at stake.[34]

With respect to military capabilities, credibility is present if the defender possesses the force to inflict substantial harm on the attacker in an eventual armed conflict and if the attacker believes that the defender has the resolve to use its armed forces. Thus, to deter successfully, a defending state needs the military capacity to respond quickly to a range of contingencies and to be able to deny the challenger its

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[32] Frank P. Harvey, "Rigor Mortis or Rigor, More Tests: Necessity, Sufficiency and Deterrence Logic," *International Studies Quarterly* 42, no. 4 (1998), p. 676. But, as Paul Huth argues, a successful policy of deterrence must be understood in both political and military terms. Militarily, immediate deterrence success implies preventing state leaders who have already threatened force in a crisis from escalating to war, while at the same time the defender state must be able to resist the political demands of the challenger. If war is avoided at the price of diplomatic concessions to the maximum demands of the potential attacker, then it is not possible to talk about deterrence success. See Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 28.

[33] According to Frank Harvey, some conditions are less important than others. The least important is commitment, whereas the most crucial seems to be communication. Cf. Harvey, "Rigor Mortis or Rigor, More Tests: Necessity, Sufficiency and Deterrence Logic," p. 690.

[34] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 29.

military objectives at the outset or at very early stages of an armed offensive.[35] An attack will be less likely if the defender's armed forces in the disputed area are superior to those of the attacker.[36] Here is interesting to note that defenders are often constrained by domestic policy issues in the sense that they cannot implement extensive military preparation early in a crisis, which is when it is most critical.[37]

Signaling and bargaining behaviour[38] are likely to succeed if the defender state is able to send costly signals, thereby communicating its resolve. Costly signals are actions and statements that increase the risks of military conflict and the costs of backing down from a deterrent threat, for example, mobilization or deployment of military forces, public announcements, clear and unambiguous threats of retaliation, explicit ultimatums and deadlines.[39] States that are bluffing will be reluctant to pass a certain level of threats and military actions in a crisis for fear of committing themselves to an armed conflict that they do not really want. Against this background, leaders of democratic states should be more capable of communicating credible threats than non-democratic leaders because democratic governments face higher domestic political costs for backing down in a crisis (the political opposition might hold them accountable for such a bluff).[40]

It is generally accepted that reputation does not have a consistent and strong causal effect on the likelihood of deterrence success. Yet, under certain conditions, a

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[35] Ibid. pp. 29, 30. The capacity to demonstrate resolve is intensified when leaders of the defender state are able to mobilize a large military force. See Harvey, "Rigor Mortis or Rigor, More Tests: Necessity, Sufficiency and Deterrence Logic," p. 705.

[36] Paul Huth and Bruce Russett, "What Makes Deterrence Work? Cases from 1900–1980," *World Politics* 36, no. 4 (July 1984), p. 509.

[37] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 36.

[38] Crisis bargaining enhances all actions taken by one state to influence the behavior of another over the course of a dispute. See Russell J. Leng, *Bargaining and Learning in Recurring Crises: the Soviet-American, Egyptian-Israeli, and Indo-Pakistani Rivalries* (Ann Arbor: University of Michigan Press, 2000) p. 5.

[39] Harvey, "Rigor Mortis or Rigor, More Tests: Necessity, Sufficiency and Deterrence Logic," p. 676.

[40] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 31.

potential attacker might draw inferences about the defender from its past behavior. For example, within dyads, states may earn reputations based on past interactions.[41]

Interests at stake refer in general to the fact that when state leaders have vital interests in a dispute, they will be more resolved to use force to defend them.[42] Several studies have shown that disputed territory is particularly salient for national leaders.[43]

Despite the likelihood of success, critics of deterrence have convincingly shown that deterrence may fail even if all four conditions are satisfied, and that there are several points at which errors can occur when applying a policy of deterrence.[45] A state's attempts at deterrence may fail because it misunderstands the other state's values or perceptions, with the result that the other will not interpret the state's behavior as it is intended or will not react as expected. In democratic regimes, the necessity of consensus might constrain the state's freedom of action, which may make it difficult for the state to take advantage of sudden changes in its external environment. Whereas deterrence theory predicts a clear strategy, internal disagreements may produce a *lowest common denominator* policy that is ambiguous or slow.[46]

Deterrence may also fail if the challenger has an option which appears to advance its interests at an acceptable cost–benefit ratio, despite the defenders' strong and clear commitment.[47] If the challenger is convinced that the use of force is necessary to preserve

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[41] Ibid. p. 42.
[42] Ibid. p. 34.
[43] Ibid. p. 40.
[45] Jervis, "Deterrence Theory Revisited," p. 305
[46] Ibid. p. 312.
[47] George and Smoke, *Deterrence in American Foreign Policy: Theory and Practice*, p. 526.

vital strategic and political interests, the defender's efforts to demonstrate resolve may prove insufficient to discourage its opponent.[48]

In addition, deterrence may fail due to a miscalculation of the other state's strength and options. The underestimation of capabilities is an important source of a surprise attack.[49] Related to this aspect deterrence is likely to fail if the side receiving the threats believes that with a quick strike it will be able to change the status quo before the defender can respond effectively (*fait accompli*).[50] Policy makers might believe that that their country will emerge victorious at little cost if the crisis leads to war.[51] Sometimes the ways in which the status quo can be challenged are very difficult for the defending power to foresee, or they might be non-deterrable.[52] Paul has shown that, under certain conditions, a weaker power may launch an attack against a stronger state, provoking a failure of deterrence.[53] Thus, although deterrence can block escalation, it can also act to the contrary, "stimulating escalation in various ways."[54]

Given these limitations, Robert Jervis has advised to employ deterrence only when it is both necessary and likely to succeed, and to utilize a range of alternative and

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[48] Richard Ned Lebow, "Deterrence: A Political and Psychological Critique," in *Perspectives on Deterrence*, ed. Paul C. Stern, et al. (New York, Oxford: Oxford University Press, 1989), p. 39.

[49] Jervis, "Deterrence Theory Revisited," p. 305-307. Also Patrick M. Morgan, *Deterrence: a Conceptual Analysis*, Sage Library of Social Research. v. 40 (Beverly Hills: Sage Publications, 1983), p. 174.

[50] Stern et al., "Deterrence in the Nuclear Age: The Search for Evidence," p. 20. Mearsheimer argues that in a crisis, if one side has the capability to launch a blitzkrieg, deterrence is likely to be unsuccessful. See John Mearsheimer, *Conventional Deterrence* (Ithaca, London: Cornell University Press, 1983), p. 203.

[51] Lebow, "Deterrence: A Political and Psychological Critique," p. 27.

[52] George and Smoke, *Deterrence in American Foreign Policy: Theory and Practice*, p. 525.

[53] There are four conditions prior to war initiation by a weaker power: "1) the presence of a serious conflict of interests; 2) the weaker side values higher the issue in dispute; 3) the weaker side is dissatisfied with the status quo; and 4) the weaker side fears a deterioration from, or no change in, the status quo in the future". See Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers*, p. 20.

[54] Introducing deterrence in a low-level conflict can be, in itself, an escalatory step, and the target state may face the possibility that not attacking is evidence of weakness, which might lead it to react in a harmful way just to show it cannot be threatened. See Morgan, "Deterrence, Escalation, and Negotiation," pp. 65, 66.

complementary diplomatic instruments.[55] Most recent scholars have "advocated making greater use of positive incentives, strategies of reassurance, and diplomatic initiatives to address the underlying sources of tensions."[56] Diplomatic policies that include elements of accommodation and positive inducements can increase the likelihood of deterrence success.[57] Stern, Axelrod, Jervis and Radner have argued that "threats work better when accompanied by reassurance that concessions will not be followed by public humiliation, additional punishment, or further demands that would cause the other side to lose face."[58] In many crises, the status quo power must initially stand firm to convince the other party that its behaviour is unacceptable, but once the other party knows that its basic demands are not going to be granted, the status quo state must offer some concessions, even if they are of a procedural nature, since it is hard for an aggressor to admit total defeat.[59]

However, the issue of concessions and regards is inherently linked to the capacity of the state to negotiate those concessions. This factor is especially important when considering that decision makers must often respond not only to foreign but also to domestic stimuli. Major shifts in policy from conflict to cooperation need sufficient domestic consensus. Political leaders require domestic support for making concessions as

[55] Jervis, "Deterrence Theory Revisited," p. 323. Also Morgan, "Deterrence, Escalation, and Negotiation," p. 66.
[56] Jeffrey W. Knopf, "Three Items in One: Deterrence as Concept, Research Program, and Political Issue," in *Conference on Deterrence: A Complex Paradigm* (Montreal, Canada: May 2007), p. 22.
[57] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 38.
[58] Stern et al., "Deterrence in the Nuclear Age: The Search for Evidence," p. 22. Also Morgan, "Deterrence, Escalation, and Negotiation," p.75.
[59] Jervis, "Deterrence Theory Revisited," p. 304-305. See also Russell J. Leng, "Reciprocating Influence Strategies in Interstate Crisis Bargaining," *The Journal of Conflict Resolution* 37, no. 1 (March 1993).

well as a cohesive leadership that speaks with one voice to avoid being treated as a traitor who is "selling out national interests."[60]

States might be hesitant to make concessions or to retreat if their constituencies feel legitimacy is on their side. In situations of high conflict, the status quo state might believe that making concessions to the other side will at best postpone confrontation and at worst strengthen the other side and encourage it to raise new demands.[61] Third party intervention may release a state from this dilemma: rewards and concessions would be given by a third party and not by the state itself. This is consistent with the findings of Beth Simmons, who contends that a domestic political incapacity to negotiate concessions is associated with a commitment to mediate or arbitrate (both forms of third party involvement). Even if mediation produces the same terms as political compromise, some domestic groups will find it more attractive to make concessions to a third party than to the adversary. "The former sends a cooperative signal, whereas the latter is likely to signal weakness."[62]

There are other considerations that support the idea of third party involvement as a complementary device to deterrence, especially if we conceive war prevention as a valuable goal. One reason, already discussed, is that deterrence is unreliable and may fail even if all four conditions are implemented. In such a case, the defender has to make a choice whether to back down or to resist the attacker's move.[63] Third party intervention can contain escalation by offering a better settlement than would be available by using

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[60] Karin Aggestam, "Enhancing Ripeness: Transition from Conflict to Negotiation," in *Escalation and Negotiation in International Conflicts*, ed. I. William Zartman and Guy Faure (Cambridge: Cambridge University Press, 2005), pp. 275, 276.
[61] Jervis, "Deterrence Theory Revisited," p. 296.
[62] Beth A. Simmons, "Capacity Commitment, and Compliance: International Institutions and Territorial Disputes," *The journal of Conflict Resolution* 46, no. 6 (December 2002).
[63] Huth and Russett, "What Makes Deterrence Work? Cases from 1900–1980," p. 520.

force. A second reason is that deterrence can only work if one or both parties have the possibility of backing down. Jervis contends that this situation resembles the chicken game: "committing oneself to stand firm works only if the other can retreat."[64] If the adversary is unwilling or unable to back down, deterrence can lead to war.[65]

To sum up, deterrence strategy can succeed if the defending state has the capacity, resolve and credibility to respond quickly and effectively to a range of contingencies. It must be able to deny the challenger its military objectives at the outset or at very early stages of an armed offensive. In general, it is presumed that leaders of democratic states should be better at deterrence than non-democratic leaders. However, the necessity of consensus may constrain a democracy's freedom of action, which, in turn, can make it difficult for the state to take advantage of sudden changes in its external environment. In this sense, military dictatorships might be better at deterring than democracies. As the military and the government are one and the same, they should be able to send costly signals at the very outset of a militarized crisis, thereby communicating their resolve in a coherent and consequent form.

However, as seen in the previous discussion, even when all conditions are in place, deterrence may nonetheless fail because there are several points at which errors can occur. Failure can occur due to miscalculations of one's own military capacities, or simply because the challenger is non-deterrable. If the challenger considers that the costs of the status quo are higher than those of warfare, it will challenge the status quo despite a strong and credible commitment by the defender.

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[64] Robert Jervis, "Deterrence Theory Revisited," Ibid.31, no. 2 (Jan., 1979), p. 308.

[65] Richard Ned Lebow, *Between Peace and War: The Nature of International Crisis* (Baltimore, London: The John Hopkins University Press, 1981) p. 264. Patrick Morgan makes the case that for some personalities, considerations of pride and ego (personal or national) can make retreat in the face of threats unacceptable. See Morgan, *Deterrence: a Conceptual Analysis*, pp. 154, 155.

Due to the unreliability of deterrence strategy, I contend that in order to prevent war, a way out of a crisis must be considered. At the beginning of a crisis, resorting to third party intervention can strengthen deterrence; should the crisis escalate, a third party can provide an honorable and face-saving way out of the conflict.

Third Party Intervention and War Prevention

Third party intervention involves a person or team of people who become engaged in a conflict to help the disputing parties manage or resolve it.[66] There are many instruments of third party intervention, which are referred to in the literature by different names and categories. I will use the typology of William Dixon,[67] which, due to its clarity, is especially useful for the purpose of this study.[68]

The first category, *public appeals*, refers to resolutions and appeals directed at the disputants. The commitment required by the agent is minimal but not entirely fruitless since the contenders and their allies may invest considerable time and effort in preventing the adoption of unfavorable draft resolutions. *Communication*, the second category, comprises all the activities that facilitate communication between the parties, ranging from the provision of good offices to the enunciation of issues. *Mediation* is the third type, and it implies drafting and promoting plans for conflict resolution. *Observation* encompasses fact-finding and field investigation. *Intervention* refers to any direct

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[66] "International Online Training Program On Intractable Conflict: Third Party Intervention," Conflict Research Consortium University of Colorado, USA, http://www.colorado.edu/conflict/peace/treatment/3ptyint.htm.

[67] Dixon uses a variation of the typology developed by Kjell Skjelsbaeck. See William J. Dixon, "Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement," *International Organization* 50, no. 4 (Autumn 1996), p. 658.

[68] A different typology is used by Ronald J. Fisher, "Methods of Third Party Intervention," *Berhof Handbook for Conflict Transformation* (June 2001). He makes a distinction between "pure mediation" and "power mediation," a difference that is very difficult to recognize in advance. *Pure mediation* refers to a situation in which third party works as a facilitator, whereas *power mediation* goes beyond this as the mediator can use coercion to reach a settlement and is also the guarantor of the agreement reached.

physical presence by a managing agent, including peacekeeping missions or any attempt at coercion, such as embargoes, quarantines or military assistance. The sixth category, *humanitarian aid,* is a form of intervention, because food, medicine and clothes distributed in a conflict area may help reduce tension and anxieties. The final type is *adjudication,* which is a form of management practiced exclusively by international judicial bodies.[69] In this last category, I include *arbitration.* Dixon argues that arbitration is a form of mediation. However, there is a difference between the two: arbitrators examine written materials and other evidence relating to a case and then make a determination of who is right and who is wrong or how a conflict should be settled. The decision is binding and cannot be appealed. In contrast, mediators usually help the parties develop a common understanding of the situation, which often yields a solution that satisfies the interests of all parties. While some mediators take a stronger role than others, mediators do not have the power to impose solutions. At most, they can suggest solutions, which the disputants may or may not accept.[70]

There is no consensus in the literature about how to measure third party interventions or about what constitutes successful or unsuccessful interventions. Some researchers have defined success as a situation in which third parties are accepted, others as when a ceasefire, a partial settlement or a full settlement is reached.[71] Marieke Kleiboer correctly argues that the problem with such definitions is that they are not well-suited to the complexities of international diplomacy and that they are too broad and

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[69] Dixon, "Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement," p. 658.

[70] "International Online Training Program on Intractable Conflict: Third Party Intervention."

[71] Jacob Bercovitch et al., "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations," *Journal of Peace Research* 28, no. 1 (1991), p. 8.

leave room for many different outcome assessments.[72] Whatever criteria are applied, success cannot be measured using only cases in which military confrontation has already started. For example, the oft-cited empirical study of successful mediation by Berkovitch, Anagnoson and Wille is based on a dataset encompassing only armed conflicts which resulted in at least 100 fatalities.[73] It does not consider cases, such as the Beagle Channel Crisis, in which escalation was successfully stopped through third party intervention. Although the question of how to measure the success of third party involvement is beyond the scope of the present study, it is important to note that intervention can be a tool for war prevention and therefore, escalatory transitions should be taken into account.

Inherently linked to this debate is the timing of third party involvements. Considerations of timing have lead to the concept of *ripeness*, which refers to the condition of the conflict and to the right time of intervention.[74] Conflicts pass through different phases, and certain stages are more amenable to intervention than others. Some authors argue that a feeling of emergency increases the disputants' motivation to moderate their intransigence and revise their expectations, therefore, intervention should occur not at the beginning of the conflict but at a later phase.[75] Others argue that mediation should be offered at an early stage, before the adversaries cross a threshold of violence and begin to inflict heavy loses on each other.[76] For example, William Zartman makes the case that states are likely to recur to third parties only after they have

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[72] Marieke Kleiboer, "Understanding Success and Failure of International Mediation," *The Journal of Conflict Resolution* 40, no. 2 (June 1996), pp. 361, 362.

[73] Bercovitch et al., "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations," p. 9.

[74] Fisher, "Methods of Third Party Intervention," p. 22. See also I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford University Press, 1989).

[75] See Michael S. Lund, *Preventing Violent Conflicts: a Strategy for Preventive Diplomacy* (Washington, D.C.: United States Institute of Peace Press, 1996), p. 87.

[76] Kleiboer, "Understanding Success and Failure of International Mediation," pp. 362,363.

exhausted themselves to the point of a costly deadlock from which they see no exit. According to him, outside intervention is more likely to be effective at later rather than earlier stages of conflict escalation.[77] Berkovitch, Anagnoson and Wille's empirical findings also strongly support a late entrance. However, as discussed above, they do not consider cases in which there was no military violence.[78] In general, the problem with this kind of argumentation is that is does not consider warfare as avoidable. Moreover, it suggests third parties, as well as contenders, should wait until violence take place, thereby underestimating the danger that events might get out of control and the conflict may become intractable.

In contrast, authors such as Jeffrey Rubin contend that there are many "ripe moments" for intervention during a conflict. Rather than waiting for impending catastrophes, third parties should look for ways to create ripeness, regardless of the stage of the conflict.[79] Dixon makes the point that precisely because conflicts are not static situations and involve some measure of interaction between the parties, there are numerous opportunities for transformation. Hence, escalation is not inevitable and third parties can serve in numerous ways to slow or divert the escalatory process.[80] These positions are all compatible with the idea of third party intervention as a tool for war prevention. As Schrodt and Gerner have shown, the term *crisis phase* has emerged as a key aspect of preventive diplomacy because a conflict in its early stages (before the outbreak of military hostilities) can be contained by diplomatic means more easily than in

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[77] Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, p. 272.

[78] Bercovitch et al., "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations," p. 12.

[79] Jeffrey Z. Rubin, "The Timing of Ripeness and the Ripeness of Timing," in *Timing the De-escalation of International Conflicts*, ed. Louis Kriesberg and Stuart J. Thorson (Syracuse: University Press, 1991), pp. 238-240.

[80] Dixon, "Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement," p. 655.

later periods.[81] In the same sense, Dixon's comprehensive empirical study (which included cases without military violence) showed that even public appeals, when compared with the overall rate of escalation outcomes and especially with the rate during phases lacking any sort of third party management effort, seem to have some success in preventing escalation.[82] Communication, on the other hand, reduces the chances of escalation to about half of what it would be otherwise be, and mediation can also contribute to containing escalation.[83]

In the following paragraphs, I will focus on mediation since it was the mechanism used in the early stages of Beagle Channel Crisis (Argentina vs. Chile) and it was also employed at a later stage to put an end to the Cenepa War (Ecuador vs. Peru).[84] Additionally, mediation is the most effective conflict management technique for preventing escalation and promoting peaceful settlements. Adjudication, for its part, is quite successful in promoting peaceful settlements, but it does not have a noticeable effect on escalations.[85]

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[81] Philip A. Schrodt and Deborah J. Gerner, "Empirical Indicators of Crisis Phase in the Middle East, 1979-1995," *Journal of Conflict Resolution* 49 (1997), pp. 530, 531.
[82] Dixon, "Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement," p. 664.
[83] Ibid. p. 667.
[84] South American countries, among others, are committed to the pacific settlement of international disputes by an international treaty (Convention for the Pacific Settlement of International Disputes) adopted in 1907. This Convention specifically recognizes mediation and other forms of third party involvement as valid instruments of international law. In 1948, this obligation was reinforced by OAS members' through the signing of the Treaty of Bogotá. See "Convention for the Pacific Settlement of International Disputes," (The Hague, Netherlands: 1907). Also "Tratado Americano de Soluciones Pacificas: PACTO DE BOGOTÁ," (Bogotá, Colombia: 1948).
[85] Dixon, "Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement," p. 671.
[88] Bercovitch et al., "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations," p. 8.

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Mediation can be defined as "a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law."[88] In other words, mediation cannot be imposed. The contenders must resort to third party assistance or at least accept a mediation offer.

Mediation research focuses on contextual and procedural factors as elements having an impact on the mediation activities and their results. Contextual factors enhance the dispute, the contending parties and the relationship between them, the mediator and the international context. Procedural factors refer to the nature of mediator activities and strategies.[89] I will discuss the most important factors in the cases under study. It must be noted that there is strong disagreement in the field regarding the impact of each variable.

The three main elements of a dispute that seem to influence the results are (a) the conflict ripeness, (b) the level of conflict intensity, and (c) the nature of the issue(s) at stake. Regarding conflict ripeness, the same considerations listed above for third party intervention are valid: whereas some authors consider that mediation should take place at a later stage of a conflict, other scholars contend that in order to avoid war, mediation should occur at the onset of a crisis.

The level of the dispute intensity is also presumed to affect mediation. However, analysts disagree about the meaning and impact of *intensity* (degree of tension, magnitude of violence, number of fatalities). Some authors argue that the more fatalities

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[89] Kleiboer, "Understanding Success and Failure of International Mediation," p. 361.

there are, the less likely it is that mediation will succeed. Others contend that the greater the intensity, the higher the likelihood that mediation will be accepted and will succeed.[90]

Finally, the issue(s) at stake are considered to shape a dispute. Berkovitch, Anagnoson, and Wille distinguish five types of conflict issues: sovereignty issues with incompatible claims over territory; ideology issues; security issues concerning frontiers, borders, and territories; issues of self-determination and independence; and a residual category containing other types of conflict. They found empirical evidence that disputes involving territory are far more amenable to mediation than other types of disputes.[91]

In the scholarly discussion about parties engaged in mediation, there are considerations about type of regime. There is some agreement that third party intervention is more successful in conflicts between democracies since their political culture promotes peaceful conflict resolution.[92] However, domestic conditions may also inhibit or constrain leaders from making efforts to reduce conflict.[93]

The willingness to recur to and accept mediation is also relevant. There are several motives that may lead states to accept third party involvement. First, they may expect that a mediator will help them reach a better settlement than would otherwise be possible. Second, they may see mediation as a face-saving tool to protect their domestic and international reputations. Finally, they may wish to gain time or to be relieved from

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[90] Ibid. p. 363.
[91] Bercovitch et al., "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations," p. 14.
[92] Kleiboer, "Understanding Success and Failure of International Mediation," p. 366.
[93] See Jo L. Husbands, "Domestic Factors and De-escalation Initiatives: Boundaries, Process, and Timing," in *Timing and De-Escalation of International Conflicts*, ed. Louis Kriesberg and Stuart J. Thorson (Syracuse, New York: Syracuse University Press, 1991).

the dilemma of having to choose between further escalating the conflict or making direct concessions to the adversary.[94]

The balance of power between the contenders is considered by many analysts to have an effect on the outcome of international mediation. Whereas some scholars doubt the importance of power parity, in general it is believed that a marked power disparity will strengthen the stronger party's view of the mediator as an obstacle to the achievement of total victory. Hence, power disparity will reinforce the stronger party's reluctance to accept mediation or to make concessions or compromises during the mediation process.[95]

The mediators themselves also affect the chances of success. Impartiality, leverage and status are the main characteristics necessary for a mediator to be accepted by the disputing parties. Impartiality is crucial for the disputants' confidence in the process. Leverage refers to a mediator's ability to put pressure on one or both contenders to accept a proposed settlement. Analysts distinguish between positive and negative sanctions as pressure means. Finally, status is another important factor and derives from the reputation, track record and special expertise of a mediator, as well as from organizational factors. A mediator acts a representative of a state or a governmental or non-governmental organization; therefore, his positional status will depend on his standing within his own country or organization. A mediator must have a position strong enough to commit his government or organization to support his words and actions.[96]

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[94] Kleiboer, "Understanding Success and Failure of International Mediation," p. 367.
[95] Ibid. p. 368.
[96] Ibid. pp. 368-372.

Finally, the international scenario in which a conflict takes place affects the outcome of mediation efforts. There may be economic or political pressure by other powerful parties that encourages those involved to accept a mediator.[97]

To sum up, there is debate about when outside intervention is most likely to be effective. Whereas some authors argue that a later entrance is better, I agree with those who contend that to prevent war, third party intervention should occur at the onset of a conflict. Regarding the issue of the willingness of the disputants to recur to or accept third party involvement, there is general agreement that a mediator can help the parties reach an agreement or at least can serve as a face-saving tool. In the latter sense, third party intervention releases the contenders from the dilemma of having to choose between further escalating the conflict or making direct concessions to their adversaries. However, it must be borne in mind that disputants may see a mediator as an obstacle to achieving their objectives. In this sense, the nature, leverage and status of the mediator may be key elements in convincing the parties to accept mediation efforts.

Working Hypotheses

Taking together the core ideas about deterrence and mediation, a cluster of hypotheses can be developed. I suggest that the interaction of deterrence strategy and third party involvement can prevent war by containing escalatory processes:

H1: Deterrence will succeed if a state is capable of responding quickly through credible threats at very early stages of a militarized crisis.

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[97] Ibid. p. 373.

H1.1: A stronger power will not be able to deter successfully if a) there are windows of opportunity for limited actions by the challenger[98] or b) the costs of the status quo are perceived by the weaker power as higher than the costs of challenging it.

H1.2: For a weaker power, deterrent threats alone will be insufficient to prevent war. Third party involvement at an early stage of a militarized crisis can reinforce deterrence and help contain the conflict.

H2: It is generally thought that democracies are better than non-democracies at deterring their enemies because their threats are more credible. However, military dictatorships may be better at deterring than democracies.

As the military and the government are the same, a military dictatorship should be able to send costly signals at the very outset of a militarized crisis, thereby communicating its resolve in a coherent and consequent form without being constrained by democratic institutions.

H3: Third party intervention can be a face-saving device that releases the contenders from the dilemma of having to choose between further escalating the conflict or making direct concessions to the adversary.

H4: The willingness of the disputants to recur to third party intervention will depend on a) their assessment of deterrence and b) the costs perceived by the domestic audience for enlisting third party involvement.[99]

H4.1: If deterrence is perceived as likely to succeed, the defender will be reluctant to accept third party involvement. A state leader, sensitive to audience costs, will fear that

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[98] This is one of the findings of T.V. Paul's study about asymmetric conflicts. See Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers*, p. 175.

[99] As James Fearon states, crises are public events carried out in front of domestic political audiences. See James D. Fearon, "Domestic Political Audiences and the Escalation of International Disputes," *American Political Science Review* 88, no. 3 (September 1994), p. 577.

not standing firm until the opponent backs down will mean being charged with a diplomatic retreat by domestic audiences. He will not be willing to change the status quo and make concessions. In contrast, the challenger will be interested in third party intervention since it is not able to change the status quo by force.

H4.2: If deterrence is perceived as likely to fail, the defender will be willing to accept third party intervention because it may provide him with a face-saving way out of the crisis. This consideration is especially important for a state leader sensitive to audience costs. The challenger will also accept third party involvement, but only if it perceives that it can reach a better settlement than it could otherwise.

H5: After deterrence fails, a) one or both parties will not accept third party involvement if they expect greater gains from a confrontation than from a peaceful settlement (third party involvement will be considered as an obstacle) or b) one or both parties will accept third party involvement if they perceive that they would lose a war. In such a case, third party intervention may provide them with a face-saving way out of the crisis or release them from the dilemma between further escalating the conflict and making direct concessions to the adversary.

These hypotheses will help us identify the reasons why the Cenepa Crisis (Ecuador vs. Peru) escalated to war while the Beagle Channel Crisis (Argentina vs. Chile) did not. Both cases will be presented to test the argument that a combination of deterrence and properly timed third party intervention can contain an escalatory process.

A structured focused comparison[100] between the two cases will allow me to examine the causes of crisis escalation as well as the conditions under which deterrence and third party intervention can prevent war. It will also be useful for clarifying the conditions under which a weaker power (e.g., Chile) is able to deter a stronger power (e.g., Argentina), as well as those under which a stronger power (e.g., Peru) is not able to deter a weaker power (e.g., Ecuador). In addition, it will clarify variations across different regimes (domestic political distinctiveness) and how domestic variables may have an impact on the presence of third party intervention and on the effectiveness of deterrence.

The method is focused because it deals with crucial aspects of the historical case, in this regard, the escalatory process, and it is structured because it employs similar questions in each case to facilitate the data collection and analysis. I will introduce each case study with a historical discussion of the territorial controversy that led to a military crisis. I will follow this with a characterization of the actors, considering regime type and power discrepancies (based on size of population, GNP, territorial size and military capability). Then, I will analyze the onset, escalation and de-escalation of the crises.[101] This segregation of the crises into different phases is important if we consider conflict as a dynamic rather than a static process.[102] It will allow me to note the development and progression of the dispute as well as the presence or absence of third party intervention. As Huth and Allee have underlined, any research design devised to test hypotheses about

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[100] For more about this method, see Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, BCSIA Studies in International Security (Cambridge, Massachusets: MIT Press, 2005).

[101] *Onset* identifies the initial phase of a crisis. It is indicated by the eruption of higher-than-normal disruptive interaction between the parties. *Escalation* indicates a move. The catalyst can be a verbal, political, economic, non-violent military or violent act. Finally, *de-escalation* denotes a reduction of hostile interaction between the contenders, which leads to accommodation and crisis termination. See Brecher and Wilkenfeld, *A Study of Crisis*, pp. 12-15.

[102] See more about this subject in Dixon, "Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement," p. 655.

international conflict and cooperation should consider each possible stage.[103] I will finalize the case studies addressing the question of why one crisis escalated to war, whereas the other did not.

The criteria for case selection are similarities and differences that allow a controlled comparison:

1. Both crises occurred in the same subsystem (South America) during different periods of the 20th century.

2. Both crises were due to historical territorial divergences.

3. The contenders were nation states.

4. One dyad was a military–authoritarian regime (Argentina vs. Chile) while the other was a democracy (Ecuador vs. Peru).

5. In both crises, the initiator was dissatisfied with the status quo.

6. In both crises, deterrence and third party intervention were present, though at different times and with different degrees of effectiveness.

7. One crisis was solved peacefully, whereas the other ended in war.

Several questions will allow me to draw inferences about each case:

1. What was the nature of the issue at stake?

2. What significance did the issue have for the contenders?

3. What were the characteristics of the governments at the time of the crisis?

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[103] Paul Huth and Todd Alee, *The Democratic Peace and Territorial Conflict in the Twentieth Century* (Cambridge, New York, Melbourne, Madrid, Cape Town: Cambridge University Press, 2002), p. 23. Huth and Allee have identified similar stages: "1. The transition from the status quo to a dispute over some issue. 2. Attempts at negotiation and talks to settle the dispute. 3. The escalation of diplomatic conflict to the point were military force is threatened. 4. The further escalation of these militarized conflicts or crises to war."

4. What was the comparative military and economic strength of the belligerents?

5. How did the contenders cope with the crisis?

6. When and why did the contenders recur to or accept third party involvement?

The method will help me distinguish the critical factors that accounted for the unexpected outcome: a crisis between two democracies ended in war, whereas a crisis between two military dictatorships was settled peacefully.

Part II. The Beagle Channel Crisis (Argentina vs. Chile 1977–1978)

Origins

After gaining independence from Spain in 1810, Chile and Argentina recognized *uti possidetis juris* as a basic principle of the American international law. Consequently, Argentina was entitled to the territories that constituted the Viceroyalty of the River Plate, and Chile was entitled to those of the General Captaincy of Chile. The far south, though claimed by the Spanish crown, was never settled by the Spaniards, and remained Indian Territory until the end of the 19th century. The Chilean expansion to the south, which began in the mid–19th century, raised a controversy with Argentina over the sovereignty of the southern territories.[104] In July 1881, both states signed a border treaty which provided that the boundary line should follow the highest peaks of the Andes, forming the watershed as far south as the 52nd parallel, and to the 10th meridian to the southeast to Cape Dungeness at the eastern entrance to the Strait of Magellan. Crossing

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[104] Escude, "Argentine Territorial Nationalism," p. 143.

the strait, the line was to follow the meridian of 68° 44' south to the Beagle Channel, and east to the Atlantic, giving Argentina the eastern part of the Tierra del Fuego and Staten Island. By this agreement, Argentina was confirmed in the possession of the greater part of Patagonia, while Chile gained control of the Strait of Magellan, adjacent territory to the north, the larger part of Tierra del Fuego and all of the neighbouring islands in the south and west (see map 1, Appendix).[105]

Since the highest crests of the Andes are not always coincident with the watershed, in 1893 an additional protocol was signed that established the bi-oceanic principle of "Chile in the Pacific, Argentina in the Atlantic." This principle, as an instrument of peaceful coexistence,[106] determined that the sovereignty of each state over its respective coast was absolute.[107] In 1902, the principle was reaffirmed by the *Pactos de Mayo*, which constituted a general treaty of arbitration between Chile and Argentina, appointing Britain as arbiter of disputes.[108] Over time, the incongruence between the bi-oceanic principle and the border treaty of 1881 created a controversy concerning the Picton, Nueva and Lennox islands, which are located at the eastern end of the Beagle Channel and connect the Atlantic and Pacific Oceans through the archipelago. In 1884, Argentina established a military base at Ushuaia Bay, located within the channel. Because its ships visited many of the islands in the area, including Picton, Nueva and Lennox, Argentina exercised effective jurisdiction over them. In 1892, Chile began to give land to settlers to establish colonies in the region, which lead to protests by

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[105] See "Treaty between Argentine Republic and Chile, Establishing the Neutrality of Straits of Magellan, 23 July 1881," (The American Journal of International Law, Supplement: Official Documents, April 1909).
[106] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 133.
[107] Sabrina Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)." Centro Argentino de Estudios Internacionales, 2006), www.caei.com.ar, p. 57.
[108] Stephen M. Gorman, "Present Threats to Peace in South America: The Territorial Dimensions of Conflict," *Inter-American Economic Affairs* XXXIII (Summer 1979), p.53.

Argentina. The countries did not resolve the issue, and in 1904 Chile formally claimed the islands.[109] During the following years, the tension persisted without any alteration.

After 1952, the strategic importance of the islands increased dramatically because Latin American countries claimed a 200 mile maritime conservation zone that year and then a 200 mile territorial sea in 1970.[110] Hence, both countries conferred a high value on the possession of the islands: it would allow the controlling party to claim a 200 mile maritime zone into Antarctic waters and also into the southwestern Atlantic. Thereby, it would affect the territorial claims of both countries in Antarctica, and they both invoked the *geographic continuity principle* to protect these claims.[111] Should Chile get sovereignty over the islands, it would mean a basis for moving the boundary of Chile's Antarctic territory east at the expense of Argentina. Since Argentina's territorial claims in Antarctica were predicated on its sovereignty over the Falkland, South Georgia and South Sandwich islands (administered by Britain),[112] the possession of Picton, Nueva and Lennox was necessary for Buenos Aires to consolidate its interests in the austral region (see map 2, Appendix). In addition, Argentina's port and naval base at Ushuaia in Tierra del Fuego (located on the Channel and west of the islands) would be inaccessible through Argentina's own waters should Chile get control over the waters surrounding the islands.[113]

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[109]James L. Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," *Journal of Interamerican Studies and World Affairs* 27, no. 3 (Autumn 1985), p. 89.

[110] Mares, *Violent Peace*, Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America* p.133.

[111] Oelsner, *International Relations in Latin America: Peace and Security in the Southern Cone*, p. 114.

[112] Britain claimed much of the same Antarctic territory desired by Argentina, Cf. Gorman, "Present Threats to Peace in South America: The Territorial Dimensions of Conflict," p. 55. Argentina, Chile and UK, among others, were parties to the 1959 Antarctic Treaty, which holds all territorial claims in abeyance and imposes restrictions on the economic exploitation of resources. The treaty was under revision at that time. However, possession of the Beagle Channel Islands may become significant in the future in delineating territories in Antarctica.

[113] Oelsner, *International Relations in Latin America: Peace and Security in the Southern Cone*, p. 114.

Another factor was that by the late 1970s, Chile and Argentina were convinced that large reserves of fossil fuels were located in the area surrounding the islands. Tierra del Fuego had proven to be a rich source of oil and natural gas, and both states believed that additional deposits existed in the nearby waters of the Beagle Channel.[114]

Finally, as Garrett states, national pride was at stake in the conflict. As mentioned, both countries felt that in the past they had given up disputed territory to neighbouring countries to avoid armed conflict and that this time they should defend their rights — with force if necessary. Otherwise, it was argued, where would the concessions end?[115]

Actors: The Military in Power

At the time of the Beagle Channel Crisis, Chile and Argentina were under military rule. In Chile, General Pinochet had held office since 1973, while in Argentina, General Videla had conducted a military junta since 1976. By the time of the crisis, the Argentina Junta was composed of General Jorge Rafael Videla, the High Commander of the Army, who was also the president; Marshall Emilio Massera, the High Commander of the Navy; and General Orlando Ramón Agosti, the High Commander of the Air Force.

Both states were struggling with a prolonged economic recession and isolation in the international community due to human rights violations. The conflict over the Beagle Channel became the primary foreign policy imperative of both governments. Nationalism made possession of the islands an element of sovereign pride, and the salience of the issue rendered the dispute highly significant to the internal politics of both states. However, there was a significant difference in the constitution of the decision-making

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[114] Mark Laudy, "The Vatican Mediation of the Beagle Channel Dispute: Crisis Intervention and Forum Building," in *Words over War*, ed. John Barton and Margaret McGuinness (Boston: Rowman & Littlefield, 2000), p. 298.

[115] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 85.

groups. In Chile, the Army High Commander and president of the country, General Pinochet, enjoyed absolute authority,[116] a factor that increased the likelihood of deterrence success since the strategy followed by Santiago was clear, coherent and consistent. In contrast, internal disagreements within the Argentina Junta made the Beagle Channel dispute a rallying point for extreme nationalist elements, mainly headed by Marshall Emilio Massera.[117] This division within the Argentine junta generated an environment in which relatively moderate decision makers, such as General Videla, assumed a more confrontational posture due to the fear of removal.[118]

In terms of national indicators, Argentina's territory was not only much bigger than Chile's, but the shape of Chile was a disadvantage from a military point of view. A distance of more than 4,300 km between the northern and southern borders brought problems of supply. And because the maximum width of Chile is only 360 km, all Chilean cities, including its capital, Santiago, were easily reachable for Argentina, which had military bases located close to the Beagle Channel region and also near Chile's capital and central regions. In contrast, Buenos Aires and the main Argentinean cities were located far away from Chilean military bases. Another disadvantage for Chile was that it had to consider an eventual war on two fronts, which necessarily meant higher costs: Chile's hostile relationship with its northern neighbors, Bolivia and Peru, obliged

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[116] Even though Pinochet shared authority with the other Junta members, the institutional framework generated a situation in which authority and power were highly centralized. See Carlos Huneeus, *The Pinochet Regime* (London: Lynne Rienner, 2007), pp. 76–78.

[117] See also Thomas Princen, *Intermediaries in International Conflict* (Princeton, New Jersey: Princeton University Press, 1992), p.165.

[118] Laudy, "The Vatican Mediation of the Beagle Channel Dispute: Crisis Intervention and Forum Building," pp. 298–299. Also Princen, *Intermediaries in International Conflict*, pp. 141–142.

Santiago to take into account that if war broke out, Bolivia and Peru might side with

Argentina.[119]

Table 1 Argentina and Chile Comparative National Indicators

	Population (1979)	Area (sq km)	GDP (1979)	Defense Expenditures (1978)	Armed Forces personnel (1978)	Army	Navy	Air Force
Argentina	26,390,000	2,766,890	45,000	$1660 m	132,900	80,000	32,900	20,000
Chile	11,100,000	756,950	15,000	$750 m	85,000	50,000	24,000	11,000

Sources: International Institute for Strategic Studies, *The Military Balance 1977–80*; CIA, *World Factbook* 2007; Sabrina Melidoni. "Distribucion de Capacidades", p. 38. *(GDP and Defense Expenditures in million dollars).*

As shown in Table 1, the approximate differentials between Argentina and Chile in terms of aggregate indicators in 1978–79 were population 2.5:1, size: 3.5:1; GDP: 3:1; defense expenditures: 2:1; and total number of armed forces: 1.5:1. It was clear that Argentina was the economically and militarily stronger state.

Table 2

1976	1977	1978		1979	1980	1981
Argentina	2.702	2.225	2.339	2.641	2.126	2.241
Chile	487	566	713	951	1.128	949

Source: Sabrina Melidoni."Distribucion de Capacidades", p. 45. (Military expenses in millions of dollars)

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[119] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p.142. As Farid Kahhat states, dating from Peru's defeat by Chile in the War of the Pacific, Peruvian and Chilean armed forces have perceived each other as their most likely contenders in their conflict hypotheses. See Farid Kahhat, "Balance of Power, Democracy and Foreign Policy in South America's Southern Cone," *Documentos de Trabajo del CIDE* 103 (Diciembre 2003), p. 6.

	1976	1977	1978	1979	1980
Argentina	2.2	2.0	2.3	2.5	2.0
Chile	3.5		4.1	4.6	5.2

Source: Sabrina Melidoni. "Distribucion de Capacidades", p. 45. (Military expenses in percentages of the GDP in millions of dollars)

Table 2 compares the military expenses of both countries, giving an idea of the threat perception they had at the time.

Claims

Based on the bi-oceanic principle, Argentina claimed that Chile had no right to project itself into Atlantic waters. It argued that the Beagle Channel turned south along the coast of the island of Navarino just before reaching the three contested islands. Under this interpretation, the boundary line between the Atlantic and Pacific Oceans was the meridian of Cape Horn: since the islands were situated on the Atlantic side, they belonged to Argentina (see map 3, Appendix).

Chile claimed sovereignty over the islands based on the Treaty of 1881, which stated that all islands south and west of the Beagle Channel were Chilean. It argued that the channel flowed north of Picton, Nueva and Lennox after passing Navarino and emptying into the Atlantic.[120] In this interpretation, Chile gained sovereignty over the islands and control of over 200 miles of maritime waters (see map 4, Appendix).

All efforts to resolve the issue failed. Furthermore, a growing antagonism between Argentina and Britain over sovereignty of the Falkland Islands in the southwestern Atlantic led Argentina to resist an exclusively British arbitration of the Beagle Channel dispute. Finally, in 1971 a compromise was reached between Santiago

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[120] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 82.

and Buenos Aires, calling for an arbitration panel composed of five members of the International Court of Justice (ICJ) to decide the matter. The award could then be either accepted or rejected, but not modified, by Britain.[121] According to the arbitration agreement, the award was legally binding and there were to be no appeals.[122] The panel rejected the bi-oceanic principle as a basis for delimitation of land in favor of an interpretation based on specific geographic details in the text of the 1881 treaty. The Court noted that Chile and Argentina had made territorial claims on each other's coasts during the 1800s, thus expressing that neither government took the bi-oceanic principle very seriously. The Court also argued that the Protocol of 1893 did not refer to regions south of the 52nd parallel.[123]

The task of the Court was then to find a correct interpretation of Article III of the Treaty of 1881, the only article that mentioned the Beagle Channel.[124] In its interpretation, the Court would decide the status of Nueva, Picton and Lennox by identifying the position of the channel: if the channel were defined as exiting into the Atlantic *north* of Picton and Nueva, then all the three islands would be located south of the channel and therefore belong to Chile; however, if the channel were found to follow the curve around the larger island of Navarino, then the islands would be located mostly east, but not south, of the channel, and thus would belong to Argentina (see map 5, Appendix).

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[121] Gorman, "Present Threats to Peace in South America: The Territorial Dimensions of Conflict," p. 89.

[122] See Article XIV of "Argentina-Chile-United Kingdom: Agreement for Arbitration (Compromiso) of a Controversy Between the Argentine Republic and the Republic of Chile Concerning the Region of the Beagle Channel, London, July 22, 1971," (The American Journal of International Law, April 1972).

[123] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," pp. 91-92.

[124] Ibid. p. 90. "As for the islands, to the Argentine Republic shall belong Staten Islands, the small islands next to it, and the other islands there may be on the Atlantic to the east of Tierra del Fuego and of the eastern coast of Patagonia: and to Chile shall belong all the islands to the south of Beagle Channel up to Cape Horn, and those there may be to the west of Tierra del Fuego." See "Treaty between Argentine Republic and Chile, Establishing the Neutrality of Straits of Magellan, 23 July 1881."

The ICJ decided that the channel went north of Picton, Nueva and Lennox; it awarded all three islands to Chile, against Argentine's expectations. On May 2, 1977, Britain issued the decision giving both parties nine months to either accept or reject it.[125] This triggered a crisis for Argentina, which saw its interest in the austral region jeopardized. The only possibility for Argentina was to convince Chile to negotiate the issue of maritime boundaries (this aspect was found to be outside of the Court's competency, and therefore could be negotiated between the parties themselves),[126] so that Santiago would renounce its exit into Atlantic waters.

Onset

Since Chile was favored by the Court's award, it immediately accepted the decision. Argentina declared that although it had traditionally upheld international agreements, it had no obligation to comply with any decision that damaged vital national interests, and it would announce its final position concerning the award at a later time.[127]

As Sabrina Melidoni demonstrated, Argentina's first strategy consisted of postponing the rejection of the Court's decision, using the nine-month time limit to force a negotiated bilateral agreement with Chile. Having lost in the legal terrain, Argentina required a political solution to secure its Atlantic projection, and at the same time to limit a Chilean projection into the Atlantic as well as into the Antarctic. Its principal objective was to obtain at least one of the islands,[128] a joint governance of them, or a guarantee that

[125] Melidoni, *"Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980),"* p. 58.
[126] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p.135.
[127] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 93.
[128] Melidoni, "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976–1980)," p. 59.

Chile would not claim maritime waters in the South Atlantic.[129] These proposals were rejected by Chile because they did not take into account the award of the Court.[130] During the crisis, the positions of both states remained more or less the same: Argentina tried to find a political solution, whereas Chile invoked the principle of international law, demonstrating a willingness to negotiate but only within the parameters of the Court's award.

A series of talks between the countries took place throughout 1977, none of which was successful. Chile was not willing to discuss the issue of sovereignty over the islands, but only the aspects of maritime delimitation.[131] During the negotiation period, Chile coped with the crisis by taking a variety of measures which were intended to demonstrate that it was willing neither to negotiate the Court's award nor to give up the maritime rights that it had acquired:

- On July 14, 1977, it promulgated Supreme Decree 416, implementing its right to a territorial sea based on a lineal projection from the islands.[132]

- It installed border patrols on the islands Freycinet, Nueva and Ducei, built a harbor on the island Hornos and named officers in charge of these posts.[133]

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[129] See Argentine Proposals in "Hermetismo rodea Mision de J. Torti," *El Mercurio* 7 de diciembre de 1977. Also "Silencio oficial sobre la gestión Torti: Contralmirante Julio Torti llevó a Buenos aires respuesta chilena " *El Mercurio* 8 de diciembre de 1977.

[130] See the negotiations from December 1977 in *El Mercurio*.

[131] Since the islands had been awarded to Chile through an instrument whose validity was internationally recognized, Santiago considered the issue settled. In addition, the renegotiation of an international border treaty was unacceptable for Santiago because of the significant consequences that it could have for Chile's relationship with Bolivia and Peru. Chile's northern provinces were obtained after its victory in the Pacific War against Bolivia and Peru, and one of its major concerns was to maintain the status quo. A territorial renegotiation with Argentina would set a precedent for eventual future territorial claims by Peru or Bolivia. As Mares pointed out, Chile's international security had been based on maintaining the status quo after its conquests of the 19th century. See Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 140. Thus, the non-renegotiation of border treaties is a fundamental principle of Chilean foreign policy. Argentina, however, was not willing to give up this issue and insisted on negotiating the sovereignty over the islands.

[132] "Entregada a S.E. Nota Argentina sobre el Beagle," *El Mecurio* 6 de diciembre de 1977.

- In December 1977, in a meeting of foreign ministers, the Chilean minister submitted a document which contained the Chilean pretension of having sovereign waters in the mouth of the Magellan Channel (never before posed) and raised the issue of territorial compensations.[134]

- In January 1978, Chile declared that if bilateral negotiations were not successful soon, it would appeal to the ICJ. This was unacceptable to Argentina, since an ICJ panel had awarded the islands to Chile.[135]

During the same period, Argentina tried to press Chile for concessions by increasing military activities in the region:

- It set up a buoy within the Channel, an action against which Chile protested and responded with the installation of two buoys near Cape Horn.[136]

- Argentine planes and ships repeatedly violated Chilean air and maritime space during late 1977 and early 1978. Argentina argued that the space was, in fact, Argentine.[137]

- Buenos Aires constantly threatened to reject the arbitration decision unless Santiago agreed to recognize Argentine sovereignty over the maritime area east of the islands and south from Cape Horn to the Antarctic Mainland. [138]

- Military exercises with live ammunition were executed by the Fifth Army in Patagonia.[139]

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[133] "Misiones militares firmaron un acta," *El Mercurio* 4 de febrero de 1978.
[134] Melidoni, "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 61.
[135] Ibid. See also "Hermetismo rodea Mision de J. Torti."
[136] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 93.
[137] Ibid. p. 94.
[138] New York Times, January 20, 1978.
[139] New York Times, February 20, 1978. Also "Chile pide reducir movimientos armados en frontera común," *El Mercurio* 1 de febrero de 1978.

To reduce tensions, presidents Pinochet and Videla agreed to meet at the "El Plumerillo" air base in Mendoza, Argentina on January 19, 1978. After the meeting they declared their commitment to finding a peaceful solution to the dispute and to arranging another summit. In spite of this meeting Argentina formally rejected the Court's award as fundamentally void on January 25, 1978. It contended that the Court had distorted Argentina's arguments, that the decision was based on factual and procedural errors, and that the award arrived at conclusions affecting geographic regions beyond the area it was supposed to consider.[140]

For Chile, Argentina's rejection of a binding agreement made a solution to the crisis very difficult. Negotiations under these conditions would necessarily result in significant concessions. Pinochet answered a letter to Videla, declaring that the award was untouchable, that Argentina's rejection constituted a violation of international law, and that Chile would not negotiate under the pressure of military threats.[141] In other words, Pinochet made clear that he considered the behavior of Buenos Aires unacceptable.

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[140] Oelsner, *International Relations in Latin America: Peace and Security in the Southern Cone*, p. 115.

[141] "Chile excluye el Beagle de las conversaciones," *El Mercurio* 2 de febrero de 1978.

[146] Both governments committed themselves to creating an adequate environment for further negotiations. Two bi-national commissions were created to resolve the contentious issues, such as the establishment of a definitive border line, the common interest in the Antarctic, and aspects related to the navigation in the Strait of Magellan and to the base lines, as well as to promote physical integration of territories, measures for economic partnership and common exploitation of natural resources. In a third stage, both governments were to agree on the international instruments that would apply the results of the commissions' work.

On February 20, 1978, the presidents met again in Puerto Montt, Chile. The result of the meeting was the *Acta of Puerto Montt*, which established a bilateral negotiation system.[146] Immediately after the summit, General Pinochet surprised the audience by proclaiming that Chile would only negotiate under certain conditions: first, an integral commitment to the award and to the Treaty of 1881 must be guaranteed; second, the delimitation of the maritime areas must be done according to the mentioned instruments and international law; and third, in case of disagreement, the parties must refer to the ICJ. Finally, he declared that Chile would defend the territorial rights granted by the Court. In other words, Pinochet made clear that the *Acta* did not change the original position of the Chilean government: Santiago would not negotiate outside the parameters of the Court's award.

General Videla was unprepared for this statement, and in an improvised speech he emphasized the willingness of Argentina to dialogue.[147] During the following days, Argentine officers criticized Pinochet's words. The divisions within the Argentine Junta became clear: the navy, under Marshall Emilio Massera, was for a harder course, whereas General Videla preferred dialogue. However, on February 23, Massera declared that the Argentine navy would not negotiate sovereignty and that the time of dialoguing was reaching its end. He announced that the navy was ready to defend its territory.[148] It seemed that these words pushed Videla to assume a tougher position, and soon after he stated that for Argentina the award did not exist, that the legal path was finished and that the negotiations contained in the *Acta* were the only path to a peaceful solution.[149]

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[147] Raul Duque, "Entrevista de Presidentes Pinochet y Videla," *El Mercurio* 20 de febrero de 1978.

[148] "Massera reconocio refuerzo a las "unidades estables"," *El Mercurio* 23 de febrero de 1978.

[149] Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 64. Also Carlos Escude. "Historia General de las Relaciones

Escalation

Given the fact that neither of the states was willing to revise its former position, the commissions were at odds from the beginning. Since the accord was not really intended to reduce tensions, it could be argued that it bought time for both parties. As Melidoni pointed out, during the period from April 1977 until December 1978, both countries mobilized their armies to credibly display their power.[150] The mutual use of aggressive language was also characteristic of this period.

In June 1978, the Argentine Geographic Institute published a map in which the islands appeared as Argentine, a fact that Santiago disputed through a diplomatic note.[151] The Argentine army and air force conducted maneuvers and engaged in war games in the southern region.[152] The Chilean Ambassador to Buenos Aires, Sergio Onofre Jarpa, also demonstrated the position of Santiago, announcing that Chile needed an exit into the Atlantic.[153]

In August 1978, the Argentine fleet sailed again from Puerto Belgrano to maneuvers in the southern region. The rear admiral in charge of the fleet declared that if Chile remained unwilling to negotiate, the only option left would to be to fight.[154] In the same month, Marshall Massera declared again that Argentina was not willing to negotiate sovereignty, and one month later he reaffirmed his position, stating that Argentineans would fight "until victory or death." Reacting to discussions of bringing in a third party,

Eexteriores de la República Argentina." Grupo Editor Latinoamericano http://www.cema.edu.ar/ceieg/arg-rree/historia_proposito.htm 2000.

[150] Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 64. Also Escude. "Historia General de las Relaciones Eexteriores de la República Argentina."

[151] "Memoria del Ministerio de Relaciones Exteriores," (Ministerio de Relaciones Exteriores de Chile, 1979), p.1029.

[152] Princen, *Intermediaries in International Conflict*, p. 137.

[153] Escude. "Historia General de las Relaciones Eexteriores de la República Argentina."

[154] "Comisión dos reaunudó sus negociaciones," *El Mercurio* 15 de agosto de 1978.

Massera declared that Argentina was not disposed to permit third parties to judge and decide about what was theirs.[155] The Argentine commitment was reinforced days later in declarations of president Videla, in which he made clear that sovereignty was not under discussion.[156]

On October 16, Argentina called up 50,000 reservists. Tank and troop movements, and some minor clashes, were later reported near the Chilean border. On the 24th, Chile sent troops to the border and canceled naval maneuvers with the United States and Peru, in case Argentina tried to occupy the disputed islands. On the same day, aerial attack simulations were performed in Buenos Aires, with blackouts to prepare its population for an eventual attack by Chile.[157] These actions were followed in September by air raid and blackout drills conducted in numerous cities in the interior of Argentina.[158]

The escalation reached it highest point in December 1978, when both states began total mobilization of armed forces. On December 9, Argentina sent a naval squadron into the Beagle Channel region, Port Ushuaia began civil defense exercises, and Patagonia began an evacuation of the civilian population.[159] Rumors circulated in Chile that Peru and Bolivia had promised their support to Argentina in the case of war.[160] Chile suggested recurring to a third party to advance the negotiations.[161] On December 12, the foreign ministers of Argentina and Chile met in Buenos Aires to discuss the possibility of mediation. It was the first time during the crisis that third party intervention was seriously

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[155] Princen, *Intermediaries in International Conflict*, p. 136.
[156] "Videla se refirió a problemas con Chile," *El Mercurio* 24 de agosot de 1978.
[157] "Oscurecen amplia zona de B. Aires," *El Mercurio* 24 de octubre de 1978.
[158] Princen, *Intermediaries in International Conflict*, p. 137.
[159] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 96.
[160] Ibid. p. 97.
[161] "Argentina no ha iniciado gestiones para eventual mediación papal," *El Mercurio* 6 de diciembre de 1978.

considered.[162] Just before the meeting, Pope John Paul II sent a communiqué to president Videla urging a peaceful solution of the controversy.[163] On December 13, the United States asked for an intervention of the OAS countries if the foreign ministers' meeting failed.[164] During the meeting, Argentina proposed Pope John Paul II as the only mediator it would accept, a proposal that Chile approved of.[165]

However, Argentina put as a condition that a demarcation line dividing the Atlantic and Pacific through the meridian of Cape Horn was to be set before mediation. This request was rejected by Santiago, which asserted that there should be no restrictions in the scope of the mediation.[166] In this sense, as Thomas Princen argues, the position of Chile remained coherent and unchanging: it was not willing to give up, because the principle of the treaty was not only legal, but also political.[167] Argentina, on the other hand, was worried about losing control of the outcome and tried to constrain the mediation activities. However, these demands prevented a final agreement, and the talks collapsed.[168]

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[162] During November 1978, the Chilean Foreign Ministry evaluated the option of appealing to an outside party, such as the OAS or the UN, as well as the possibility of unilaterally resorting to the ICJ as provided for in the 1972 treaty. See Princen, *Intermediaries in International Conflict*, p. 138.

[163] The entire text can be read in "El Papa exhorta a la paz Chileno-Argentina," *El Mercurio* 12 de diciembre de 1978.

[164] "Caso Beagle: EE.UU. pidió acción de OEA," *El Mercurio* 13 de diciembre de 1978. The "Tratado Americano de Soluciones Pacificas: PACTO DE BOGOTÁ," empowered the OAS to intervene in any dispute among its members; however, Article 84 established that only the parties can ask for intervention.

[165] Both countries had formulated distinct sets of criteria for a potential mediator. Chile's primary concern was that the mediator have sufficient power to prevent Argentina from ignoring its proposal. In addition, Chile wanted a country where legal tradition and legality were important. The main concern for Buenos Aires was the neutrality of the mediator, which meant not being constrained by the results of the British arbitral process. The Vatican was an obvious choice. See Laudy, "The Vatican Mediation of the Beagle Channel Dispute: Crisis Intervention and Forum Building," pp. 303-304. Also Princen, *Intermediaries in International Conflict*, p. 139.

[166] Princen, *Intermediaries in International Conflict*, p. 145.

[167] Ibid. p. 36.

[168] New York Times, December 14th, 1978.

According to Mares, after the negotiations failed, Argentina decided to go to war if Chile insisted on its position.[169] Buenos Aires planned a military operation called *Operacion Soberanía,* meaning the military occupation of two islands: Nueva and Hornos. Once the islands were seized, Buenos Aires intended to await the adversary's reaction, and only then would it negotiate from a stronger position.[170]

On December 15, Brazil made a public appeal directed to both governments encouraging them to find a peaceful solution.[171] On December 16, troops on both sides went on full alert and Pinochet invited observers from the United States and Europe to watch for any outbreak of warfare.[172] The United States made it clear that Washington and its allies would condemn any use of force. The US government offered to ask the Vatican to act quickly to try to defuse the crisis.[173] On the same day, the Secretary General of the UN exhorted the government representatives of both countries for a peaceful resolution.[174] On the 20th, Chile sent its fleet to the Beagle Channel. Argentina responded on the 21st with a complaint to the UN Security Council that Chile was creating a military imbalance in the disputed area by illegally deploying troops and artillery. The Security Council discussed the problem but did not pass a resolution.

Also on the 21st, Argentina drafted a war declaration and gave the order to attack the next day. Early on December 22, Chile asked for an urgent meeting of the OAS to prevent Argentina from attacking the islands, seeking to invoke the Inter-American

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[169] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America,* p.138.
[170] Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p.117.
[171] "Preocupación de Brasil," *El Mercurio* 15 de diciembre de 1978.
[172] New York Times, December 18th, 1978. Also "Observadores militares extranjeros," *El Mercurio* 17 de diciembre de 1978.
[173] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America,* p.150.
[174] "Preocupación de Waldheim," *El Mercurio* 16 de diciembre de 1978.

Reciprocal Assistant Treaty (TIAR).[175] On the same day, Pope John Paul II notified both countries that he was sending his personal envoy to assist them in finding a solution to the dispute.[176] Meanwhile, in a diplomatic note, Argentina accused Chile of "intransigence and inflexibility" and rejected the Chilean suggestion that they accept mediation by the Pope without condition.[177] Combat forces were mobilized along the length of the Andean border.[178] The Flomar (*Flota de Mar Argentina*), headed by the aircraft carrier «*25 de mayo*», and the Chilean Navy went to the combat zone. Unfavorable weather led to the postponement of the clash between the two navies. On December 23, both countries finally accepted the Pope's mediation, dispelling fears of an armed conflict.[179] Only six hours before the deadline passed for the beginning of armed hostilities, the Argentine Junta called off the operation.[180]

De-escalation

The Pope's mediation efforts contributed significantly to a reduction of tension and a decreased willingness to resort to violence. The crisis ended for both actors with the signing of the Declaration of Montevideo on January 8, 1979, in which the two parties formally requested the Pope's mediation and committed themselves not to use force in their bilateral relations.[181]

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[175] Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 97. Garret stated that the call to the OAS was on the 21st. However, the New York Times reported that it was on the 22nd. El Mercurio also reported it was on the 22nd. "Chile invoca el Tratado de Asistencia Recíproca," *El Mercurio* 22 de diciembre de 1978.

[176] "Misión de Paz envía el Vaticano," *El Mercurio* 22 de diciembre de 1978.

[177] New York Times, December 22nd, 1978. The entire texts of the Chilean and Argentinean Notes can be read in *El Mercurio* 22 de diciembre de 1978, pp. 1, 24.

[178] New York Times, December 22nd, 1978.

[179] New York Times, December 24th, 1978.

[180] Oelsner, *International Relations in Latin America: Peace and Security in the Southern Cone*, p.118.

[181] "International Crisis Behaviour Project," Center for International Development and Conflict Management, http://www.cidcm.umd.edu/icb/

Why Did the Crisis Not Escalate to War?

The crisis over the Beagle Channel was, in Patrick Morgan's words, a "lengthy prolonged crisis," which is one that stretches over a year or more.[182] A longer crisis offers more possibilities for gathering information and looking for alternatives. However, there is less freedom to make decisions due to domestic and bureaucratic political constraints: more people may assist in shaping the decisions. "Each side has time to react incrementally and the domestic and international room to maneuver shrinks steadily but imperceptibly while the leaders on both sides continue to think that the opponent retains considerable flexibility and various options short of war."[183] Many factors of the Beagle Channel crisis could have led to an armed escalation: it was a territorial dispute between a military dyad, both actors conferred a great value on the issue at stake, negotiations failed repeatedly, and the strategies used were hostile. Although these "promoting wars" factors concurred, war was avoided at the last minute.

In light of the hypotheses presented at the beginning of this study, it is possible to conclude that Chile reacted quickly through credible threats at the very beginning of the crisis (H1). Indeed, to deter Argentina successfully, Chile did not have to demonstrate a capability to win or to retaliate, but instead to make a credible case that a military adventure against it would be very costly (denial). As seen in the case study, during the escalation process, Chile maintained forces and offered warnings of a forceful response to deter an eventual attack. At the same time, efforts were made to gain support from the international community (Chile recurred to the OAS, the UN Security Council and, finally, the Pope). In this sense, third party involvement (public appeals and mediation) at

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[182] Morgan, *Deterrence: a Conceptual Analysis*, p. 189.
[183] Ibid. p. 189.

an early stage of the conflict reinforced the likelihood that Chile's deterrence policy would help contain the conflict (H2.1). Hence, deterrence and third party intervention together increased the cost of going to war for Argentina, and made the Chilean commitment more credible.

Third party intervention occurred at early stages of the escalation process through public appeals from the United States, Brazil and the Vatican in which both countries were urged not to use force. The fact that other countries showed interest in the dispute was more than welcome to Chile, because it was the weaker contender.

Regarding the question about when contenders are most willing to recur to or accept third party intervention, it is possible to conclude that, in the Beagle Channel crisis, Chile was uncertain that it would be able to deter Argentina successfully. As Mares pointed out, both countries were confident in Chile's ability to win in diplomatic and legal halls if war broke out. The islands were legally awarded to Chile; therefore, Santiago would be fighting a defensive war in its own territory rather than invading a foreign territory. Consequently, Argentina would appear as the aggressor state and would have to consider possible sanctions from the international community.[184] However, in the military domain, Chile could not be certain of victory. In terms of aggregate size and military capacity, the disparity between the two countries favored Buenos Aires. Therefore, Santiago took the initiative to propose third party intervention to gain support and to have a device that would provide it with a face-saving exit if the crisis should escalate out of control (H4.2).

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[184] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 138. Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 69.

Argentina accepted mediation, but not because of the reason given in H4.2 (the challenger will also accept third party involvement, but only if it perceives that it can reach a better settlement than it could otherwise). Instead, it accepted because the nature of the mediator increased the costs of going to war and the costs of rejecting mediation. In this sense, the Argentina Junta was more sensitive to audience costs: it could not dare to reject the Pope's representative.

Mares and Melidoni have argued that the Pope's intervention had only a marginal effect on the abatement of the crisis. [185] Mares proposes a military bargaining model to explain the Beagle Channel crisis and its outcome. According to the model, the use of military force was, for Argentina, a bargaining strategy, not an ideal option.[186] He argues that although policy makers usually negotiate without recurring to military force, under some circumstances they draw upon their military capabilities to influence the terms of their international relationships.[187] The decision to use force can be seen as a signal either to expand the other state's bargaining range or to communicate credibly that one will not expand one's own.[188] Supporting Mares' idea, the willingness to negotiate of Chile and Argentina in 1977 led nowhere. In light of its overall weak bargaining position, Argentina turned to military force as a signal of its commitment in hopes that it would broaden Chile's bargaining range. Finally, according to Mares, once Buenos Aires realized that Chile preferred going to war to giving up the islands, it grasped at the Pope's mediation offer.[189]

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[185] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p.138. Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 69.
[186] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 5.
[187] Ibid. p. 8.
[188] Ibid. p. 9.
[189] Ibid. p. 138.

Although Mares's model is useful in understanding the use of military force as a bargaining strategy, I disagree with Mares and Melidoni's assessment of the impact of the Pope's intervention. Melidoni argues that Argentina accepted mediation because it allowed Argentina to achieve its goal and, at the same time, avoid war.[190] But her argument works only in retrospective and it does not make clear why Argentina rejected Chile's December 22 proposal to submit the dispute to the Pope and then later changed its mind. Mares concluded that Argentina grasped onto the possibility of mediation because it had not achieved its goals using the military bargaining strategy and was not willing to go to war (that is, it was bluffing).

Based on H4.2, I contend that Argentina (the challenger) was reluctant to recur to unconditional mediation since the power disparity between the countries favored Buenos Aires. Consequently, it saw a mediator as an obstacle to the achievement of total victory.[191] However, when the Pope announced that he would send a representative to assist both countries, the situation changed radically. It was not the same thing to decline mediation as to discard the uninvited intervention of the Pope. With this unexpected and unrequested intervention, the costs of going to war for Argentina increased dramatically. Indeed, a war that might find support within the Argentine constituencies was no longer possible. The unique nature of this mediator was, as Laudy states, one of the key factors contributing to the peaceful settlement.[192] The supreme moral authority of the Vatican was not to be ignored, because of the large catholic populations in both countries. In

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[190] Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 69.

[191] See Kleiboer, "Understanding Success and Failure of International Mediation," p. 368.

[192] Melidoni. "Distribucion de Capacidades en el Cono Sur: Neorealismo y el Conflicto del Beagle entre Argentina y Chile (1976-1980)," p. 317.

other words, the Pope had "constituencies" in both states.[193] As Princen argues, "Once the Vatican was rejected and the Pope intervened anyway, it was the very stature of the Holy See and the Pope that made it impossible for the military to carry out its invasion."[194] Not only domestically but also internationally, an expulsion of the Pope's envoy would have meant that Argentina would appear as the aggressor state when both governments were struggling with other pressures, such as prolonged economic recession and isolation in the international community due to human rights violations. As hypothesized in H3, the willingness finally to accept mediation was a face-saving tool to protect the countries' domestic and international reputations and to be relieved from the dilemma between further escalating the conflict or making direct concessions to the adversary.[195] Until the Pope decided to intervene, neither side was able to back down from the crisis without losing face.

To sum up, the peaceful outcome of the Beagle Channel Crisis was made possible by the concurrence of several factors: effective deterrence, unsuccessful military bargaining and successful mediation. Prioritizing the impact of each of these variables, I suggest that deterrence and mediation contributed equally to the outcome. At the beginning of the crisis, Chilean deterrence was more important than third party efforts. As the crisis escalated, mediation was crucial to avoid war. As argued in H1.2, for a weaker power, deterrent threats alone are insufficient to prevent war. Third party involvement reinforced Chilean deterrence, helping to contain the conflict. A military

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[193] Ibid. p. 293.
[194] Princen, *Intermediaries in International Conflict*, p. 166.
[195] Kleiboer, "Understanding Success and Failure of International Mediation," p. 367.

bargaining strategy model is useful in understanding the crisis process, but I do not

believe it can thoroughly explain the crisis abatement.[196]

Part III. The Cenepa Crisis (Ecuador vs. Peru 1994–1995)

Origins

The Real Audiencia de Quito (now Ecuador), established in 1563, was part of the

Viceroyalty of Lima (now Peru) until 1740, when it became part of the Viceroyalty of

New Granada. After gaining independence from Spain, and according to *uti possidetis*

juris, the territories of the Viceroyalty of Lima were to become part of Peru, whereas the

territories of New Granada were to belong to Gran Colombia, which comprised what are

now Colombia, Ecuador, Venezuela and Panama. The Gran Colombia Federation

dissolved in 1830. For Peru this dissolution meant that the treaties Lima had settled with

Gran Colombia were no longer binding, which had significant consequences for the

newborn state of Ecuador.

The Pedemonte-Mosquera Protocol, signed in Lima by Peru and Gran Columbia

on August 11, 1830, after the Battle of Portete de Tarqui, settled the borders, in

particular, Ecuador's southeastern border. However, Peru, which did not feel itself bound

by the Protocol, did not consider the borders settled.[197] In 1857, Ecuador attempted to

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[196] The mediation process was finalized in 1984 with the signing of the Peace and Friendship Treaty. The treaty granted the islands to Chile and maritime rights to Argentina. The maritime limit extended only 10 miles east of Nueva, instead of 200 miles. The area between miles 10 and 200 was to be declared a "zone of shared resources" with joint sovereignty. See Garrett, "The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone," p. 98.

[197] Kjell-Ake Nordquist, "Boundary Conflicts: Drawing the Line," in *Preventive Negotiation: Avoiding Conflict Escalation*, ed. William I. Zartman (Lanham, Boulder, New York, Oxford: Rowman & Littlefiel Publishers, 2001), p. 32.

release itself from its debts by giving European creditors land in the Amazon.[198] As a consequence, Peru attacked in 1859, and, until 1860, the two countries fought a war over the disputed territory. In the end, Ecuador was forced to recognize Peruvian claims. In 1887, Ecuador attempted to cede land for debts again. This time, Peru, which had been recently defeated in the Pacific War, was willing to reach an agreement. A treaty was signed establishing that the King of Spain would act as arbitrator for the dispute. However, rumors that the King found Peruvian arguments more compelling ran through Ecuador, generating riots and rejection of the arbitration. Ecuador's president called for new bilateral negotiations and expressed the willingness of his country to fight a war, if necessary, to defend what Ecuador has called its "Amazon right." Both countries mobilized troops and prepared for war. To decrease tensions, Argentina, Brazil and the United States proposed that the dispute should be submitted to the ICJ. Peru accepted the proposal, but Ecuador insisted on bilateral negotiations. In fact, Quito preferred bilateral negotiations, for it feared that a juridical examination would take into account the King's unfavorable award.[199] Through a strategy of permanent border skirmishes, Ecuador maintained the issue in the hopes that international pressure would force Peru to accommodate it.

As Mares stated, in the late 1930s, Lima saw a possibility of resolving the territorial dispute and ending a history of defeat. In 1941, in a full militarized operation, Peruvian armed forces swept across the disputed regions, penetrating deep into Ecuador and threatening to occupy the territory until Quito recognized Lima's claims in the

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[198] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 162.
[199] Ibid. p.162.

Amazon.[200] In 1942, the Peruvian–Ecuadorian Protocol of Peace, Friendship, and Boundaries was signed in Rio de Janeiro (hereafter, the Rio Protocol). Representatives from the United States, Brazil, Argentina and Chile co-signed the document, becoming Guarantors of the Protocol. According to Simmons, the Rio Protocol constituted the first mutually ratified treaty in more than a hundred years that established a boundary between the countries.[201] Nonetheless, the Rio Protocol was far from pacifying the relationship. The agreement stated that the boundary line should follow the "Status Quo line of 1936," which meant a territorial loss to Ecuador of some five thousand square miles.[202] In addition, the Rio Protocol denied Ecuador sovereign access to the Amazon River.[203]

Starting with the signing of the Rio Protocol, Ecuadorian and Peruvian armed forces confronted each other, with various degrees of tension. In 1978, a military clash was resolved without further complications. In 1981, a major military clash, in which Peruvian forces attacked Ecuadorian outposts, forced the guarantors to intervene. The guarantors intervened again in 1991, concluding with a "Gentlemen's Agreement," in which both parties agreed to abandon the disputed outposts. That year, Colombia, Venezuela and Bolivia offered to mediate within the framework of the Andean Pact. Ecuador proposed to submit the problem to the mediation of Pope John Paul II, who had successfully assisted Argentina and Chile in the Beagle Channel Crisis, but Peru refused to renegotiate the Rio Protocol and rejected any third party involvement outside its

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[200] Ibid. p.163.
[201] Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," p. 10.
[202] See Gabriel Marcella, "War and Peace in the Amazon: Strategic Implications for the United States and Latin America of the 1995 Ecuador-Peru War," (November 1994). http://handle.dtic.mil/100.2/ADA306602, p. 6.
[203] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 164.

parameters.[204] In December 1994, a new crisis (the Cenepa Crisis) suddenly erupted in the unmarked zone, caused by what both Ecuador and Peru saw as an "infiltration of foreign troops" and "setting up of foreign outposts." It was their most serious confrontation since 1941. Until today, it is not clear which side shot the first. Each party accused the other of aggression.

Actors: Democracy vs. Democracy?

By the time of the Cenepa Crisis (1994–1995), according to Freedom House, Ecuador was a consolidated democracy.[205] Ecuador has a system in which the president (at that time, Sixto Durán Ballén, tenure: 1992–96) is elected every four years in national elections under a run-off system. A second round is held between the top two candidates if no one receives at least 50% of the vote in the first round. The president chooses his cabinet, proposes legislation to Congress, and can veto legislation. Congress can override the presidential veto of non-budgetary bills by calling for a binding plebiscite. Congress has significant leverage over the executive, having the power to censure cabinet members for political as well as criminal reasons, a right that is often exercised. Congress also appoints the Supreme Court, which means that the judiciary's dependence on the legislature constitutes another constraint on the executive. Ecuadorian civil society is well organized and willing to engage in pressure group activities independently of Congress. The armed forces are the most respected institution in the country, far outranking Congress and the presidency. Because of this popular support, the armed forces enjoy

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[204] Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," p. 11. Also see Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 170.
[205] "Freedom in the World Country Ratings 1972-2007," Freedom House, http://www.freedomhouse.org/uploads/fiw/FIWAllScores.xls.

considerable autonomy. The Constitution gives the military an important role in the social and economic development of the country.[206]

The responses of Ecuador's citizens to border clashes with Peru have been variable. During the 1941 war, the population expressed only limited support of the governmental war effort. The situation changed in the 1995 war (Cenepa Crisis). Popular demonstrations in Ecuadorian border towns were reported, as well as voluntary donations of food for soldiers and the formation of voluntary brigades for lookout duties.[207]

Peruvian president Alberto Fujimori (tenure: 1990–2000) was democratically elected in 1990. The success of his neo-liberal reforms in controlling inflation, as well as his achievements in ending guerrilla violence, made Fujimori extremely popular almost until the end of his tenure. According to Freedom House, Peru was a partial democracy by the time of the Cenepa Crisis. In April 1992, Fujimori dissolved the parliament, abolished the judiciary, and set aside the Constitution. As a reaction to those events, the OAS invoked Resolution 1080, denouncing Fujimori's actions. The United States and Japan threatened economic sanctions, and Latin American countries harshly criticized Fujimori's "auto-coup."

Partly in response to these pressures, Fujimori reverted to his original plan to rule without the constraints of parliament and a constitution. Elections were held to draft a new constitution, which was approved by a subsequent plebiscite in 1993.[208] According to Mares, compared to the previous constitution (1979), the new constitution (1993) did not break with the past, but rather built upon a trend in which presidential powers were

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[206] See Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, pp. 181-182.
[207] Sarah A. Radcliffe, "Frontiers and Popular Nationhood: Geographies of Identity in the 1995 Ecuador-Peru Border Dispute," *Political Geography* 17, no. 3 (1998), p. 285.
[208] Lund, *Preventing Violent Conflicts: a Strategy for Preventive Diplomacy*, p. 77.

strengthened. Legislative constraints continued to be important: a simple majority could overturn a presidential veto. The reserve was not immediately apparent, as Fujimori's coalition won the elections in 1995, giving him a congressional majority.[209]

It is difficult to assess Fujimori's government as democratic or non-democratic. On one hand, the substantial and broad support that Fujimori had,[210] notwithstanding human rights violations and systematic corruption, was expressed through democratic channels: fair and regular elections validated by international observers. On the other hand, as a populist leader, Fujimori emerged to clean up a discredited democratic order that was no longer seen as responsive to the "real problems of the people." He succeeded in offering a "better" and "unmediated democracy" in which the connection between him and the people would not be filtered by a "corrupt" political class. According to Kurt Weyland, Fujimori was anti-establishment, that is, to differentiate himself from the "corrupt" political class, he deliberately avoided forming typical parties, instead creating loose movements that were nothing but "diffuse electoral vehicles."[211] In this context, it is important to bear in mind that a surprising number of Peruvians did not see Fujimori's closure of Congress and interventions in other institutions as a breakdown of democracy. Indeed, many considered it the opposite.[212] Polls taken by various agencies immediately after the coup indicated massive support for Fujimori's actions: 89–95% agreed with the

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[209] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, pp. 183-185.

[210] Fujimori had very high approval ratings from 1993 until 1996 and won democratic reelections in a landslide in 1995. Kurt Weyland, "The Rise and Decline of Fujimori's Neopopulist Leadership," in *The Fujimori Legacy: The Rise of Electoral Authoritarianism in Peru*, ed. Julio Carrion (Pennsylvania: The Pennsylvania State University Press, 2006), p. 15.

[211] Ibid. p. 16

[212] Charles D. Kenney, *Fujimori's Coup and the Breakdown of Democracy in Latin America* (Notre Dame, Indiana: University of Notre Dame Press, 2004) p. 212. Support for a democratic compared to a non-democratic regime was immense 80%:7% in 1992–93. See Ibid. p. 230.

reorganization of the judiciary, and 68–88% agreed with the dissolution of Congress. One year later, 78% still thought the coup was right and beneficial for the country.[213]

Considering the factors mentioned above, it does indeed appear that Peru was a partial democracy during Fujimori's tenure. Partial, because power was concentrated in Fujimori's hands; however, the citizens delegated power to him for going against the political establishment.[214] Being a partial democracy does not mean that the regime was not democratic, but that it fulfilled the minimal requirements of a democracy. Robert Dahl sees a representative democracy as requiring the following political institutions: elected officials; free, fair, and frequent elections; freedom of expression; access to sources of information not under governmental control; associated autonomy (the right to form independent organizations); and inclusive citizenship (all adults have all listed rights).[215]

These conditions did not disappear during Fujimori's presidency, at least not until 1995. The quality of the democracy was not satisfactory (having massive corruption and co-optation), but it is necessary to make a distinction between democracy and the quality of a democratic regime. The former is about proprieties, the latter about degrees. Guillermo O' Donnell suggests that the difference between two sorts of democracy regarding the question of accountability (which, in our argumentation, belongs to quality). According to him, a representative democracy entails two forms of accountability, one that runs vertically, making elected officials answerable to the population in elections, and another that runs horizontally across a network of institutions

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[213] See Ibid. p. 227.
[214] See Steven Levitsky, "Fujimori and Post-Party Politics in Peru," *Journal of Democracy* 10 (July 1999), p. 84.
[215] Robert Dahl, *Polyarchy. Participation and Opposition* (New Haven: Yale University Press, 1971), pp. 60-61.

that can call into question and even punish the actions of officials. In contrast, O'Donnell suggests the term *delegative democracy* for a regime that fulfills the requirements listed by Dahl but differs from a representative democracy in the sense that horizontal accountability is weak or non-existent.[216] As Kenney argues, delegative forms of democracy, even if they are perceived as deficient, remain democratic regimes.[217] Even if Fujimori's Peru during 1990–1995 was far from being an ideal democratic government because horizontal accountability was non-existent, one can argue that it was still a democratic government. In this sense, the important question is whether the kind of regime had an impact on the development and outcome of the crisis, a topic that will be addressed in the last section of this paper.

In its national indicators, Peru had a clear advantage over Ecuador in the size of territory, population, quantity of armed forces and GDP.

Table 3 Ecuador and Peru Comparative National Indicators

	Population (1994)	Area (sq km)	GDP (1993)	Def. Exp. (1994)	Armed Forces personnel	Army	Navy	Air Force
Ecuador	11,196,800	283,560	$13.2 bn	$531.0 m	57,500	50,000	4,500	3,000
Peru	23,633,400	1,285,220	$48.9 bn	$748.0 m	115,000	75,000	25,000	15,000

Sources: International Institute for Strategic Studies, *The Military Balance 1994–95*; CIA, *World Factbook* 2007;

As shown in Table 3, the approximate differentials between Lima and Quito in terms of aggregate indicators were population 1:2; size: 1:4.5; GDP: 1:3.5; defense expenditures: 1:1.5; total number of armed forces: 1:2; army: 1:1.5; navy: 1:5.5 and air force: 1:5. Despite these discrepancies, it is necessary to stress that between 1983 and

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[216] Kenney, *Fujimori's Coup and the Breakdown of Democracy in Latin America*, p. 215.
[217] Guillermo O'Donnell, "Delegative Democracy," in *The Global Resurgence of Democracy*, ed. Larry Diamond and Marc F. Plattner (Baltimore: Johns Hopkins University Press, 1996), pp. 94-96.

1995, Peru cut its defense expenditures by 13%, whereas Ecuador increased its military expenditures by 58%.[218] In addition, Peruvian tanks and helicopters were old and better suited for conventional war rather than for battle in a jungle region. In contrast, Ecuador had purchased modern jet fighters and intelligent missiles.[219] Hence, since the geographical framework in which the states interacted was the Amazon jungle, Peruvian military capabilities were severely limited.

Claims

Following the indications stated in the Rio Protocol, a demarcation process began in mid-1942 between Peru and Ecuador. This came to a halt in 1948, when Ecuador declared it impossible to implement the Rio Protocol in the Cordillera del Condor due to contradictions between the text of the Rio Protocol and geographical realities, as shown by aerial photographic evidence brought forward in 1947. The 78 kilometer section, which was supposed to be divided by the watershed between the Zamora and Santiago rivers, proved to be problematic. Another river, the Cenepa, was shown to flow through the expected *divortium aquarum*. Instead of only one watershed, there were two: one between the Cenepa and Zamora rivers, and another between the Cenepa and Santiago rivers.[220] Ecuador saw a possibility of recovering an access to the Amazon River: should the boundary line follow the Cenepa River, Quito would get access to the Marañon River and from there, to the Amazon and, consequently, the Atlantic (see map 6, Appendix).

[218] Jimmy Lopez Contreras, *Ecuador-Peru: Antagonismo, Negociacion e Intereses Nacionales* (Quito: FLACSO, 2004), p. 109.

[219] Sally Bowen, *El Expediente Fujimori: El Perú y su Presidente 1990-2000* (Lima: Perú Monitor, 2000), p. 231.

[220] Cristian Faundes, *El Conflicto en la Cordillera del Condor: Los Actores del Enfrentamiento Belico no Declarado entre Ecuador y Peru*, Documento de Trabajo No. 8 (April 2004) p. 12. Also, Hugo Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," *Memorial del Ejercito de Chile* 449 (1996) p. 46.

Moreover, the disputed area was rich in wood, petrol, rubber and gold.[221] For these reasons, Ecuador, in 1949 and again in 1950, proposed that the Amazon issue should constitute part of a renegotiation. Peru contested that all discrepancies had already been solved in the Rio Protocol and that the demarcation should continue, following the stated guidelines. For the next 50 years, Ecuador would challenge the status quo, while Peru would defend it.

In 1960, Ecuadorian president Jose Maria Velasco Ibarra declared the Rio Protocol null and void, claiming that it had been imposed by force.[222] Since those years the slogan "Ecuador was, is and always will be an Amazonian country" has been used in Ecuadorian government notepapers and in other fields of state action, such as education.[223] During the next years, Quito tried to appeal, without success, to international solidarity among OAS countries. The OAS countries consider the sanctity of boundary treaties as a main source of stable peace in Latin America, which explains why the Ecuadorian appeal was unsuccessful. Over time, Ecuador made considerable efforts to link its position of rejecting an award to analogous cases of arbitral rejection in the region, such as the Argentine position in the Beagle Channel Crisis.[224] Peru, with the concurrence of the four guarantors of the Rio Protocol (Argentina, Chile, Brazil and the United States), held the position that a treaty could not be unilaterally abrogated. In addition, Lima denied the existence of a territorial dispute between the two countries.[225]

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[221] Radcliffe, "Frontiers and Popular Nationhood: Geographies of Identity in the 1995 Ecuador-Peru Border Dispute," p. 273.
[222] Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," p.10.
[223] Radcliffe, "Frontiers and Popular Nationhood: Geographies of Identity in the 1995 Ecuador-Peru Border Dispute," p. 280.
[224] Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," p. 11.
[225] Ibid. p.11.

Onset

In December 1994, Peruvian intelligence confirmed that Ecuador had established base camps in the disputed area, a territory that Peru considered its own.[226] Peruvian president Fujimori was told about the Ecuadorian infiltration in October 1994.[227] On December 12, the Peruvian general in charge in the disputed region warned the Ecuadorian commander to abandon the area.[228] On December 14, a skirmish between Peruvian and Ecuadorian troops took place. Skirmishes continued in the Cenepa region until January 9, when the Ecuadorian military captured a Peruvian patrol in the disputed area. This was the first incident in the region that suggested that the situation was different from normal.[229] The Peruvian soldiers were freed, but skirmishes increased between January 10 and 11. One day later, the Ecuadorian government protested the violation of the national territory. As a response to Ecuadorian aerial attacks, president Fujimori declared that the National Security Council was in permanent session and informed the local and international public about the incidents.[230]

On January 14, the Ecuadorian Minister of Defense declared that the disputed area was calm, but that Ecuador was ready to protect its territory.[231] On January 18, another Peruvian patrol was detained in the Cenepa region. Over the following days, Peruvian helicopters overflew the area, accusing Ecuador of cross bordering its territory. Ecuador reacted, threatening that if violations of its aerial space continued, it would

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[226] Glenn Weidner, "Operation Safe Border: The Ecuador-Peru Crisis," *Joint Force Quarterly* 11 (Spring 1996) p. 53.

[227] Bowen, *El Expediente Fujimori: El Perú y su Presidente 1990-2000*, p. 226.

[228] Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," p. 53.

[229] Faundes, *El Conflicto en la Cordillera del Condor: Los Actores del Enfrentamiento Belico no Declarado entre Ecuador y Peru* p. 11. Low intense skirmishes were usual in January, the anniversary of the Rio Protocol.

[230] Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," p. 52.

[231] "Se Calma Tension en Frontera de Ecuador y Peru," *El Nuevo Herald* January 14, 1995.

proceed to shoot down the helicopters.[232] On January 24, Ecuador overflew the area and discovered Peruvian military installations, which it decided to attack.[233]

Escalation

On January 26, fully armed combat started. In a matter of days, 5,000 troops were introduced into the area,[235] six Peruvian divisions were deployed along the coastal plain, and the equivalent of four Ecuadorian brigades were brought to the immediate front (see map 7, Appendix). Naval fleets were on alert, fighter-bombers were deployed, and armies from both sides engaged in combat.[236] On January 28, in a nationwide broadcast, Ecuadorian president Durán declared a national state of emergency and military mobilization. He accused Peruvian forces of attacking various Ecuadorian border positions. Lima made similar accusations against Ecuador.[237] One day later, 23 casualties were reported.[238] The Ecuadorian foreign minister, Galo Leoro Franco, called the ambassadors of the guarantors' states to inform them about the situation and to find a solution to the conflict.[239] It was the first diplomatic act by one of the actors to contain the crisis, 21 days after its initiation.[240] On the same day, for the first time during the conflict, third party intervention was active: the secretary-general of the OAS, Cesar Gaviria, attempted to resolve the dispute, traveling to Quito for a meeting with Durán and

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[232] Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," p. 53.

[233] Faundes, *El Conflicto en la Cordillera del Condor: Los Actores del Enfrentamiento Belico no Declarado entre Ecuador y Peru*, pp. 22-23.

[235] Manpreet Sethi, "Novel Ways of Settling Border Disputes: The Peru-Ecuador Case," *Strategic Analysis: A Monthly Journal of the IDSA* XXIII, no. 10 (2000), p. 2.

[236] Weidner, "Operation Safe Border: The Ecuador-Peru Crisis," p.53.

[237] "Peru, Ecuador Volley Charges of Attack," *Washington Post* January 28, 1995.

[238] "Peru-Ecuador Fighting Escalates with 23 Deaths," *Washington Post* January 29, 1995.

[239] Faundes, *El Conflicto en la Cordillera del Condor: Los Actores del Enfrentamiento Belico no Declarado entre Ecuador y Peru*, p. 24.

[240] Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," p. 59.

then to Lima for a similar encounter with Fujimori.[241] The presidents of Bolivia, Colombia, Panama and Venezuela also made public appeals urging an end to the fighting.[242] On January 30, both states agreed to meet in Rio de Janeiro for their first talks since the outbreak of fighting. The talks were held under the auspices of the four guarantor nations, as indicated by the Rio Protocol.[243] On the 31st, Ecuador announced that it would accept a ceasefire, but Peru did not confirm the agreement and continued sending troops to the disputed territory.[244] Finally, the next day, Peru agreed to the ceasefire,[245] and president Fujimori proposed the creation of a demilitarized zone along the frontier as a definitive solution to the long-standing border dispute.[246] Despite this action, hours later, Peru launched new attacks on Ecuadorian military positions.[247]

On February 6, talks were suspended after Ecuador declared that more time was needed to evaluate the ceasefire proposal.[248] Ecuadorian president Durán launched a diplomatic offensive throughout Latin America to gain support for his position, while Peruvian president Fujimori traveled to the front to supervise the military operations.[249] Attacks resumed, and on February 14, Peru declared a unilateral ceasefire after announcing that it had captured the last Ecuadorian stronghold in what it considered

[241] "Peru-Ecuador Row Mediated," *Pittsburgh Post-Gazette (PA)* January 29, 1995.
[242] "Paises Bolivarianos instan a la paz a Ecuador y Perú," *El Nuevo Herald (Miami, FL)* January 30, 1995.
[243] "Peru, Ecuador Ok Talks on Border Clash," *The Seattle Times* January 30, 1995.
[244] "Peru Refuses to Halt Fighting over Border < Ecuador Accepts Cease-Fire in Jungle," *Watertown Daily Times (NY)* January 31, 1995.
[245] "Peru Pledges to Honor Cease-Fire, Diplomats Say," *The Miami Herald (FL)* (February 1, 1995).
[246]"Peru Proposes Peace Plan to Ecuador," *Washington Post* February 2, 1995.
[247] "Peru Attacks Ecuador's Forces Along the Border," *Washington Post* (February 3, 1995).
[248] "Peace Talks Between Andes Nations Suspended Peru Backs Cease-Fire Proposed By Mediators, But Ecuador Asks Delay to Evaluate it," *Washington Post* (February 6, 1995).
[249] "Peru, Ecuador suspend talks, Duran goes on Latin American tour to explain stance," *The Washington Times* February 6, 1995.

Peruvian territory. Ecuador's military replied in a communiqué, saying that Ecuador accepted the ceasefire, but insisting that it had not lost any of its bases.[250]

De-escalation

Despite the ceasefire agreement, fighting continued. Finally, on February 16, a de-escalation process began when Peruvian forces started pulling back troops and tanks from the region and Ecuador accepted the ceasefire.[251] On February 17, a peace declaration was signed, the Declaration of Itamaraty. The Declaration required that both sides cease hostilities, demobilize and support the activities of a military observer mission (which arrived on February 21) provided by the four guarantor states.[252] Nevertheless, low-intensity skirmishes continued until the 28th, when the ceasefire was consolidated.[253]

There is no accurate information about the number of casualties. The conflict is estimated to have resulted in between 200 and 1,500 casualties, the loss of nine Peruvian and two Ecuadorian aircrafts, and an estimated cost to both states of up to one billion dollars.[254]

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[250] "Peru Declares Cease-Fire Ecuador Says it Accepts" *The Miami Herald (Fl)* February 14, 1995.

[251] "Border Truce Holding Firm, Ecuador and Peru Confirm Fujimori Says Troops And Armor Pull Back " *The Miami Herald (Fl)* February 16, 1995.

[252] Weidner, "Operation Safe Border: The Ecuador-Peru Crisis," p. 53.

[253] Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," p.12.

[254] Ibid. p.12. The mediation process was finalized at the beginning of 1998 with the signing of a Peace Agreement in which four bilateral commissions were established to address the main areas of contention: commerce and navigation, border integration, confidence-building measures and border demarcation. The accord granted Peru's claim regarding the delineation of the border; however, it gave Ecuador, as private property (not sovereign), one sq km of land inside Peru at the post of Twintza to build war memorials. Each side committed to setting up adjacent ecological parks along the border to ensure the demilitarization of the region. Finally, the agreement granted Ecuador navigation rights on the Amazon and its tributaries within Peru. Ecuador was given the right to set up two trading centres where it could build its own industries, warehouses or import-export centres. It would enjoy port facilities and its ships would have the same treatment as Peruvian vessels. See Sethi, "Novel Ways of Settling Border Disputes: The Peru-Ecuador Case," p. 3.

Why did the Crisis Escalate to War?

The Cenepa Crisis can be characterized, using Morgan's words, as a "sudden sharp crisis." [255] In this kind of crisis, due to its nature, there is very little time for decisions and organizational behaviour may impede a government's ability to respond properly to a deterrence threat. The lack of time and the necessity for speedy actions decreases the decision makers' flexibility in seeking plans of actions other than the use of force.[256]

It has been argued that the Cenepa Crisis escalated to war because both Peru and Ecuador were having domestic troubles and both presidents utilized the war as a tool to unify the country.[257] These interpretations are linked to assumptions underlying the *diversionary theory of war*. According to this theory, the domestic stability of a society is a determinant of the likelihood a state will engage in war. When a society is becoming unstable and to reconsolidate their control, the decision makers instigate an international crisis to divert the population's attention from domestic problems.[258] However, the events leading to the Cenepa Crisis do not support this theory. In Ecuador, the recovery of a territory that was considered stolen had been a main foreign policy objective since the signing of the Rio Protocol. In addition, the long preparation for war (since the 1980s) does not support the idea that president Durán used the crisis as an instrument to divert the population from domestic troubles.

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[255] Morgan, *Deterrence: a Conceptual Analysis*, p. 173.

[256] Ibid. p. 183.

[257] See, for example, Marcella, "War and Peace in the Amazon: Strategic Implications for the United States and Latin America of the 1995 Ecuador-Peru War," pp. 12-13. Lopez Contreras, *Ecuador-Peru: Antagonismo, Negociacion e Intereses Nacionales*, pp. 108, 113.

[258] Mark R. Brawley, *Power, Money, and Trade: Decisions that Shape Global Economic Relations* (Peterborough, Ontario: Broadview Press, 2005), p. 93. For a critical review of the theoretical and historical literature on the diversionary theory of war, see Jack Levy, "The Diversionary Theory of War: A Critique," in *Handbook of War Studies*, ed. Manus I. Midlarsky (Boston: Unwin Hyman, 1989).

Peru was passing through a period of remarkable stability: president Fujimori had been able to stop hyperinflation as well as curb the Shining Path guerrilla movement. During Fujimori's tenure, Peru was preoccupied with resolving the problem of Shining Path rather than becoming more externally oriented. Consequently, the government was far from instigating a war with Ecuador.

Considering the previous discussion and in light of the study hypothesis, I contend that Peru was not able to deter Ecuador successfully and, at the same time, too little effort was made at early stages of the crisis to stop the escalatory process through diplomatic means.

Indeed, the Peruvian military immediately turned to expelling the Ecuadorians by force, under the assumption that it would be a simple operation.[259] Congruent with H4.1, Peru, based on previous experiences (same dyad, same region), was convinced that it still had military and diplomatic advantage over Ecuador, and therefore, that deterrence was likely to succeed. However, a window of opportunity had arisen for Quito when Lima allocated much of its military resources in other regions. This was one of the reasons why Ecuador could successfully attack the weakly defended Peruvian border in the Amazon region.[260] In addition, through considerable improvements in its military technology, Ecuador could challenge the status quo before Peru could react effectively (H1.1).

It can be argued that deterrence failed because Peru miscalculated its military capacity compared to Ecuador. The underestimation of the enemy's capabilities is an

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[259] Enrique Obando, "Civil-Military Relations in Peru, 1980-1996: How to Control and Coopt the Military (and the Consequences of doing so)," in *Shining and other Paths: War and Society in Peru, 1980-1995*, ed. Steve J. Stern (Durham: Duke University Press, 1998), p. 400.

[260] See also Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," p. 67. He argues that due to the guerilla war, Peru was unprepared for the conflict with Ecuador and that several border posts had been abandoned before the crisis broke out.

important source of surprise attack.[261] The side receiving the threats, in this case Ecuador, believed that with a quick strike it would be able to change the status quo before Lima could react with an effective response (*fait accompli*).[262] Ecuador took advantage of its short communication lines and its commanding position to direct mortar and rocket fire at Peruvian soldiers. Its air force established air superiority, and its artillery and jungle infantry dominated the ground.[263] Finally, it managed to hold the post at Twintza, which was interpreted as a victory by Ecuador, and therefore, as a major setback for Peru.[264]

On the other hand, Ecuador was, in spite of everything, difficult to deter since as a revisionist state it had always tried to change the status quo. In this sense, the costs of the status quo were perceived by Ecuador as higher than the costs of challenging it (H1.1). Therefore, Quito engaged in war although it had inferior military capabilities, which introduces us to the phenomenon of an *asymmetric conflict*.[265] According to Paul, there are four conditions that precede war initiation by a weaker power: "1) the presence of a serious conflict of interests; 2) the weaker side values higher the issue in dispute; 3) the weaker side is dissatisfied with the status quo; and 4) the weaker side fears a deterioration from, or no change in, the status quo in the future."[266] Though it is still not clear which side shot first, there are reasons to think that Ecuador was more interested in launching an offensive. Indeed, all the conditions listed by Paul were present in Ecuador, plus the fact that a window of opportunity arose for Quito.

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[261] Jervis, "Deterrence Theory Revisited," p. 305-307. Also Morgan, *Deterrence: a Conceptual Analysis*, p. 174.

[262] Stern et al., "Deterrence in the Nuclear Age: The Search for Evidence," p. 20.

[263] Sethi, "Novel Ways of Settling Border Disputes: The Peru-Ecuador Case," p. 2.

[264] Ibid. p. 2.

[265] An asymmetric conflict is a confrontation "involving two states with unequal overall military and economic power resources." See Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers*, p. 20.

[266] Ibid. p. 16.

Regarding the question of why too little was done to contain the escalatory process, it can be inferred, following H4.1, that since Peru was convinced deterrence would succeed, it was reluctant to resort to third party involvement. Although diplomatic policies that include elements of accommodation and positive inducements can increase the likelihood of deterrence success,[267] a state leader as sensitive to audience costs as Fujimori has reason to fear that not standing firm until the opponent backs down will mean being charged with a diplomatic retreat by domestic audiences. If we take into account that shifts from conflict to cooperation need sufficient domestic consensus, it becomes understandable that Fujimori, as a populist leader, was hesitant to make regards or to retreat, particularly if Peruvians felt that legitimacy was on their side. As discussed in the theoretical framework, in situations of high conflict, the status quo state, in this case Peru, might believe that making concessions to the other side will at best postpone confrontation and at worst strengthen and encourage the opponent to raise new demands.[268] Hence, at the onset of the crisis, the Peruvian military probably thought that it had to punish immediately Ecuadorian "infiltrators" to avoid future provocations, expecting that the adversary would back down. As Morgan states, overconfidence by one or both contenders increases the likelihood of war outbreak and can be deadly for deterrence. In such a situation, the contenders believe that the prospective war is "certain to bring victory at little cost" and that "success is relatively certain." Carried far enough, this may induce them to think that not going to war would be a mistake.[269] Fujimori probably expected an easy victory, and that he would not have the support of the military for accommodating Ecuadorian interests.

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[267] Huth, "Deterrence and International Conflict: Empirical Findings and Theoretical Debates," p. 38.
[268] Jervis, "Deterrence Theory Revisited," p. 296.
[269] Morgan, *Deterrence: a Conceptual Analysis*, p. 174.

Once Peruvian deterrence failed, Quito was confident that it would be capable of achieving limited objectives at a low cost, and therefore, it had no interest in resorting to third party involvement (H5a).[270] As seen in the case study, Quito accepted a ceasefire at the end of January only to request more time to evaluate the conditions few days later. A definite ceasefire was accepted only after Ecuador made sure, through its strong performance, that concessions would no longer be seen as coerced.[271] In fact, the resistance of the Ecuadorian military post was seen as a victory after 150 years of defeat and made the armed forces heroes in the national public opinion.[272]

To sum up, it is possible to look at the Cenepa Crisis as passing through two different periods, separated by a shift in the military balance between the two contenders. At the beginning of the crisis (December 1994–February 1995), Peru, based on previous experiences with Ecuador, was certain that it would successfully deter Ecuador, or if deterrence failed, retaliate properly. Therefore, Lima was reluctant to accept third party involvement; it was not willing to change the status quo and to make concessions. In contrast, Ecuador took the initiative to recur to third party intervention since it was not certain about its military capacity to change the status quo using force (H4.1).

During the second stage of the crisis (February 1–17), it was clear that deterrence had failed, and therefore, Peru showed readiness to accept third party involvement (H5b). However, Ecuador was no longer willing to accept third party involvement since it now perceived that it had a good chance of victory (H5a). Finally, both states accepted the intervention of the guarantors: Peru, because through mediation it was released from the dilemma of further escalating the conflict or making direct concessions to Quito (H3),

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[270] Lebow, "Deterrence: A Political and Psychological Critique," p. 27.
[271] Simmons, "Territorial Disputes and their Resolution: The Case of Ecuador and Peru," p. x.
[272] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 177.

and Ecuador, because through its strong performance, concessions would no longer be interpreted as weakness.

Prioritizing the impact of each variable on the escalatory process, I suggest that failed deterrence and the reluctance to consider third party intervention at an early stage of the crisis contributed the most to crisis escalation and to war.

In the theoretical framework, I suggested that domestic conditions add an additional variable that can account for change since it mediates the relationship between deterrence and the willingness of the disputants regarding third party involvement. I will now address this issue and its impact on both crises.

Part IV. Did Regime Type Influence the Crises' Outcomes?

Regime Type and War

According to democratic peace theory, democracies rarely, if ever, fight wars against each other.[273] According to Jack Levy, this "absence of war between democracies comes as close as anything we have to an empirical law in international relations."[274]

Democratic peace theory assumes that constitutional as well as normative constraints prevent democracies from going to war against each other. Institutionally, democracies must respond to an electorate and since people generally prefer peace to war, democratic governments should be more sensitive to the costs of conflicts. From a normative perspective, democracies are believed to subscribe to the ideas of pacific

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[273] Bruce Russett and Harvey Starr, "Democracy and Conflict in the International System," in *Handbook of War Studies II*, ed. Manus I. Midlarsky (Ann Arbor: University of Michigan Press, 2000), p. 94.
[274] Jack Levy, "Domestic Politics and War," *Journal of Interdisciplinary History* 18, no. 4 (Spring 1988), p. 662.

settlement of disputes and the use of force as a last resort. This mutually reinforcing perception should lead democratic states, in conflict situations, to accommodation rather than confrontation. In contrast, non-democratic states are believed to be more warlike, because decision makers do not suffer directly the human consequences of war and are not constrained by a system of check and balances or electoral accountability.[275]

Hence, democratic peace theory assumes that public opinion is inherently peaceful; nevertheless, as Levy has shown, there are numerous examples of precisely the opposite: public opinion pressuring political elites into war.[276] According to Levy, in this sense, there is not necessarily a difference between democracies and non-democracies. People can often be highly enthusiastic at the beginning of wars, though the support may decrease rapidly if the war becomes long and costly. The explanation for public opinion support lies in the tendency to rally around the flag, the president, the party and, finally, the phenomenon of nationalism.[277]

Democratic peace theory has been widely criticized for a lack of compelling empirical evidence.[278] The dispute is partly about definitions (what constitutes *democracy* and *war*) and partly about assumptions. For realists and neo-realists, the anarchy of the international system implies that every state is worried about its own interests regardless of the type of regime.[279] For example, critics have argued that democracies might be even

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[275] For support of democratic peace theory, see Owen, "How Liberalism Produces Democratic Peace;" Bueno de Mesquita et al., "An Institutional Explanation of the Democratic Peace;" .Russett and Starr, "From Democratic Peace to Kantian Peace."

[276] Levy introduces as examples the United States in the War of 1812, the Spanish-American War and the Crimean War. See Levy, "Domestic Politics and War," p. 664.

[277] Ibid. p. 665. Also Huth and Allee, *The Democratic Peace and Territorial Conflict in the Twentieth Century*, p. 17.

[278] For critiques of democratic peace theory, see Christopher Layne, "Kant or Cant: The Myth of the Democratic Peace," *International Security* 19, no. 2 (Fall 1994). Henry Farber and Joanne Gowa, "Politics and Peace," *International Security* 20, no. 2 (Fall 1995).

[279] Layne, "Kant or Cant: The Myth of the Democratic Peace," p. 11.

more dangerous than authoritarian states because democratic leaders often take a small event and blow it out of proportion, generating the risk of conflict escalation. The tendency to oversell policies makes democracies more radical. Authoritarian regimes do not have to engage in overselling as they can change public opinion more rapidly and easily. Also, since they can move without the support of the majority, they can ignore public opinion or at least block access to information, and therefore, reduce criticism of their policies.[280]

Considering all these elements, our case studies provide a demanding test for the impact that regime type may have on deterrence and third party intervention. As Huth and Alee suggest, analyzing the effects of domestic political factors on democratic and, I would add, non-democratic leaders involved in territorial disputes is an appropriate test of democratic peace theory.[281] I also agree with Christopher Layne, who states that exceptions to the rule that democracies do not fight each other are crucial. Indeed, the importance of an exception is magnified when we consider that the number of cases from which the theory can be tested is quite small.[282]

Before addressing the interaction of regime type with deterrence and third party intervention, it is necessary to confront a definitional problem: according to Mansfield and Snyder, Peru and Ecuador were not really democratic by the time of the Cenepa War. They contend that the war coincided with a period in which both countries were transitioning from authoritarianism to democracy; hence, their regimes can be

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[280] See Brawley, *Power, Money, and Trade: Decisions that Shape Global Economic Relations*, pp. 89-90.
[281] Huth and Allee, *The Democratic Peace and Territorial Conflict in the Twentieth Century*, p. 32.
[282] Layne, "Kant or Cant: The Myth of the Democratic Peace," p. 7.

characterized as only partially democratic.[283] Mares also considers that the Ecuador–Peru dyad presents a case in which the transition to democracy actually increased the likelihood of violence,[284] and Farid Kahhat argues that Peru and Ecuador were below the threshold necessary for the application of the theory.[285]

We should note that Ecuador's military junta left the government in 1979, when democratic elections were held under a new constitution. In Peru, the military turned from power in 1980 when national elections were held to establish a democratic government. Thus, neither of the states was a newborn democracies 1995, and if the theory does not hold, it is not because Peru and Ecuador were not democratic enough. I agree with Owen, who asserts that one of the main problems with democratic peace theory is the slipperiness of the term *democracy*. This failure has provided a sort of tautology, namely to define democracy so as to safeguard the proposition.[286] Farber and Gowa posit that some wars are excluded from the proposition by the argument that one or both members of the dyad were not "really" democratic.[287] According to Levy, although there is some variation in the definition of a democratic regime, most definitions used by proponents of democratic peace theory are comparable to that given by Small and Singer in "War-Proneness," including 1) regular elections and the free participation of opposition parties; 2) at least 10% of the adult population being able to vote; and 3) a parliament that either controls or shares parity with the executive.[288] As previously discussed, these requirements are even less stringent than the ones listed by Dahl, whose

[283] Edward D. Mansfield and Jack Snyder, "Democratization and War," *Foreign Affairs* 74, no. 3 (May-June 1995), p. 95.
[284] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 189.
[285] Kahhat, "Balance of Power, Democracy and Foreign Policy in South America's Southern Cone," p. 3.
[286] Owen, "How Liberalism Produces Democratic Peace," p. 121.
[287] Henry Farber and Joanne Gowa, "Polities and Peace," Ibid.20 (Fall 1995), p. 135.
[288] Levy, "Domestic Politics and War," p. 662.

definition I used to characterize the Peru–Ecuador dyad as democratic by the time of the Cenepa War.

The fact that neither Ecuador nor Peru experienced normative or institutional constraints for avoiding the escalation of the crisis to war does not imply they were not "really" democratic. Considering the criteria of fair, free and competitive elections, they were democratic. However, neither the normative nor the institutional perspective of democratic peace theory can explain the Cenepa war. It seems that the problem with the theory is that it is based on a purely structural explanation (democratic or non-democratic), which does not differentiate between states on the basis of their internal characteristics. Therefore, it cannot account for cases such as Peru and Ecuador, democracies engaged in war, or Chile and Argentina, military dictatorships which found a peaceful settlement for their dispute.

An alternative explanation is necessary. I contend that only by looking into the domestic distinctiveness of the states is it possible to understand these unexpected outcomes and to shed light on how regime type works or does not work with deterrence and third party intervention.

Regime Type, Deterrence and Third Party Intervention

As seen in the theoretical framework, it is generally thought that democracies are better at deterring their enemies because they make more credible threats than non-democracies. The explanation for this is that a democratic leader knows that a back down will be used by the opposition to charge the administration with irresolution and diplomatic defeat. In contrast, a non-democratic leader can make stronger threats and then back down because

domestic political opposition is in a much weaker position.[289] Huth and Allee's findings have reinforced this idea, arguing that leaders from very repressive regimes should be the most aggressive and intransigent adversaries in territorial disputes, even though they should have more political flexibility to reverse policy by backing away from war or making major concessions during negotiations.[290] However, our case studies seem not to support these arguments: the Argentina–Chile military dyad was better at deterring than the Ecuador–Peru dyad.

In fact, the military dictatorships in Chile and Argentina were quickly able to make credible threats through the costly display of force. As presented in H2, since the military and the government were one and the same, decisions regarding mobilization were made in very small circles. Military regimes, in general, have the advantage of being closed political systems whose decision-making process is quick, consistent and not handicapped by the necessity of referring to a potentially critical public. Hence, though it may be true that, in general, democracies are better at deterring their enemies than non-democracies, I argue, based on H2 and the Beagle Channel Crisis, that this rule does not apply in the particular case of military dictatorships.

On the other hand, the flexibility to back down that non-democracies are believed to have cannot be taken for granted. As seen in the Beagle Channel case study, even with weak opposition, Chile and Argentina were not able to back down without losing face and respect. Only the time and nature of the mediation gave them the opportunity to retreat from going to war. In this sense, following H3, third party intervention was a face-

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[289] Huth and Allee, *The Democratic Peace and Territorial Conflict in the Twentieth Century*, p. 13.
[290] Ibid. p. 122.

saving device that released the contenders from the dilemma of having to choose between further escalating the conflict or making direct concessions to the adversary.

Related to the interaction between regime type and the recurrence to or acceptance of third party intervention, there is a debate within the literature that needs to be addressed: some authors link the willingness of the disputants to accept third party intervention to the considerations of democratic peace theory. They argue that democracies should be more effective in this regard because their political culture promotes peaceful conflict resolution.[291] Other authors argue that regardless of regime type, domestic conditions may inhibit or constrain leaders from making efforts to reduce conflict.[292] Our case studies support the latter statement, but only for the Ecuador–Peru dyad. In the Beagle Channel case, regime type did not have any impact on the recurrence to and acceptance of third party intervention. For Chile, it was never a question of whether third party involvement would be beneficial since it was the weaker contender (H4.2). Though at the beginning, Argentina was reluctant to accept a mediator, it was not able to reject the Pope's representative. The result would probably have been the same if both regimes had been democracies.

The Ecuador–Peru dyad suggests that domestic factors, regardless of regime type, effectively constrained both governments from referring earlier to third party intervention. As hypothesized in H4, the willingness of the disputants to recur to third party intervention will depend on a) their assessment of deterrence and b) the costs perceived by domestic audiences. The assessment of deterrence was addressed in the previous chapter. Here, I will discuss two interrelated factors on the topic of domestic

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[291] Kleiboer, "Understanding Success and Failure of International Mediation," p. 366.
[292] See Husbands, "Domestic Factors and De-escalation Initiatives: Boundaries, Process, and Timing," p. 102.

audiences' perceived costs, neither of which denies the democratic nature of Ecuador and Peru by the time of the crisis: 1) their type of leader and 2) the preferences of their constituencies.

The first aspect constitutes a variation within democratic regimes, namely that both states, by that time, had populist governments.[293] As populist leaders, Fujimori and Durán were extremely sensible to their audiences' perceived cost, and both regarded third party intervention as an obstacle to achieving their goals (H4.1). James Fearon's model of international crises as a political "war of attrition" is useful here. He found that regardless of the initial conditions, a state's likelihood to concede in a confrontation will depend on how sensitive it is to audience costs.[294] Since Fujimori and Durán were very sensitive, neither of them was willing to retreat during the early stages of the crises, but instead tried to stand firm to show strength. "A leader who chooses to back down will be perceived as having suffered a greater diplomatic humiliation the more he had escalated the crisis. Conversely, the greater the perception of diplomatic triumph for a leader who stands firm until the other side backs down."[295] Fearon's findings may be particularly applicable to Ecuador. He states that leaders of small states may even be rewarded for escalating crises with big states and then backing down, whereas they would be punished for simply backing down.[296] In fact, Durán found consensus among Ecuadorians under the slogan "No step backwards" (Ni un paso atras).[297]

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[293] Populism is a resilient political strategy characterized by a personalistic and paternalistic leadership with direct linkages to the masses. See Kenneth Roberts, "Neoliberalism and the Transformation of Populism in Latin America: The Peruvian Case," *World Politics* 48 (October 1995), p. 96.
[294] Fearon, "Domestic Political Audiences and the Escalation of International Disputes," p. 577.
[295] Ibid. p. 580.
[296] Ibid. p. 580.
[297] Lopez Contreras, *Ecuador-Peru: Antagonismo, Negociacion e Intereses Nacionales*, p. 97.

Though in general, democracies are more likely to seek peaceful settlements by offering concessions, it happens often, as Huth stresses, that democratic leaders fail to pursue diplomatic initiatives for fear of being charged with a diplomatic retreat by domestic audiences.[298] It was precisely because Ecuador and Peru had populist leaders that the salience of the issue, the hopes of victory and the consequently high expectations in both populations annulled all the constraints democratic regimes are expected to have regarding war.

The second element that may account for the reluctance to recur to third party intervention is inherently linked with the first, namely, that in both states the armed forces enjoyed high autonomy regarding the border issue and were important constituents.[299] In fact, the events that led to the border conflict, suggest that military, rather than civilian, leaders had preeminence in the decision-making process.[300]

Since the military is the Ecuador's most popular institution, Ecuadorian presidents have military as well as civilian constituents to consider.[301] The political–military

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[298] Huth and Allee, *The Democratic Peace and Territorial Conflict in the Twentieth Century*, p. 8.

[299] As Husbands suggests, any leader willing to embark on an action must take into account the likelihood of support from key groups within the society. In Peru as well as in Ecuador, the military undoubtedly constituted a key group impossible to ignore. See Husbands, "Domestic Factors and De-escalation Initiatives: Boundaries, Process, and Timing," p. 111.

[300] Adrian Bonilla, "The Ecuador-Peru Dispute: The Limits and Prospects for Negotiation and Conflict," in *Security Cooperation in the Western Hemisphere: Resolving the Ecuador-Peru Conflict*, ed. Gabriel Marcella and Richard Downes (Florida: North-South Center Press at the University of Miami, 1999), p. 69. Also Enrique Obando, "The Impact of the 1995 Conflict on Peru and Peruvian-Ecuadorian Relations," in *Security Cooperation in the Western Hemisphere: Resolving the Ecuador-Peru Conflict*, ed. Gabriel Marcella and Richard Downes (Florida: North-South Center Press at the University of Miami, 1999), p. 104. The construction of an Ecuadorian outpost in the Amazon's jungle, even with local resources, is a prolonged process that takes several months (it includes aerial reconnaissance of the sector, aerial survey of a map and patrol reconnaissance of the terrain to find the easiest access); hence, the Peruvian discovery of an Ecuadorian army post considered to be located in its territory had to have occurred several months before the hostilities broke out. The processing of this information and the beginning of the war "seem to have taken place initially within the military environment before civilian political power could make an official decision." Ibid. p. 69.

[301] Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America*, p. 177.

strategy along the border was under the realm of the armed forces, and Durán probably did not see any necessity to intervene.

In Peru, the military did not enjoy the popularity of it Ecuadorian counterpart; however, the president was extremely dependent on it, which was probably one reason he did not contravene in its planning. At the beginning of his mandate, Fujimori adopted a general foreign policy direction that favored the resolution of disputes with Peru's neighbours,[302] and, in particular, he tried to solve the territorial dispute with Ecuador.[303] However, it was with the assistance of the military that Fujimori played an important role in the counter-insurgency war and thus could oversell his success.[304] Thanks to that, people saw him as the man who had pacified the country after 15 years of war and who had stabilized the economy after years of profound crisis. The price was that the armed forces gained great autonomy because they were the only institution capable of ensuring public order in Peru, especially since the president did not have an organized political party to support the governance of the country. As Enrique Obando argues, Fujimori's lack of a political party might have been one of the greatest sources of military strength in

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[302] This conciliatory position of Fujimori might have responded first to the fact that after the auto-coup, Fujimori became isolated internationally. As mentioned before, the auto-coup was condemned by the OAS, which threatened economic sanctions if representative democracy was not restored. Second, due to the economic crisis, the country could not afford to fight a war even in optimal conditions (Peru's military expenditures had been cut and military resources were scarce or in a bad state).

[303] In 1991, the escalation of a border incident was avoided because Fujimori instructed his foreign affairs minister of the necessity to reach an agreement with Quito. After that incident, Fujimori took the initiative to visit Ecuador as the first Peruvian president to visit since the war in 1941. On that occasion, he proposed several measures to reduce tensions between the countries and to generate a better environment of bilateral relations under which an "Agreement of Confidence Building Measures and Security between Peru and Ecuador" was included. See Obando, "The Impact of the 1995 Conflict on Peru and Peruvian-Ecuadorian Relations," pp. 103, 104. This attitude was a departure from the rigid Peruvian position to deny that a border dispute existed.

[304] See, for example, the report of General Alberto Arciniega Huby, who claimed that Fujimori's intense publicity campaigns had made people believe that the capture of Abimael Guzman and other members of the guerrilla were the result of his auto-coup and not the fruit of many years of patient labor in intelligence, military and police operations. Alberto Arciniega Huby, "Civil-Military Relations and a Democratic Peru," *Orbis* (Winter 1994), p. 110.

Peru since 1990.[305] Thus, Fujimori could not contravene the military because he needed it as a political basis of support.

Considering all the elements, it cannot be argued that the 1995 war resulted because the situation got out of control. Rather it was because hard-liners in the militaries of both countries were unwilling to make any concessions to their opponents and had different ideas on how to approach the problem.[306] Third party intervention was seen as an obstacle, and the more the crisis escalated, the more both leaders feared that not standing firm until the opponent backed down would imply being charged with a diplomatic retreat by domestic audiences (H5a).

To sum up, regime type did not have any influence on the acceptance of third party intervention in the Beagle Channel Crisis, but it did have an impact on deterrence (deterrent threats were consistent, credible and, finally, successful). In contrast, in the Cenepa Crisis, regime type did not influence either the failure of deterrence or the reluctance to cease the escalatory process. In the latter situation, the explanation goes beyond a purely structural account. The kind of leadership and the preferences of the constituencies in a given crisis may lead a state into war regardless the type of regime.

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[305] Enrique Obando, "The Power of Peru's Armed Forces," in *Peru in Crisis. Dictatorship or Democracy?*, ed. Joseph S. Tulchin and Gary Bland (Colorado: Lynne Rienner Publishers, 1994), p. 131.

[306] Of course, once the war broke out, Fujimori tried to squeeze maximum political advantage from the conflict, "carefully controlling substantive information while orchestrating personal photo opportunities". See Gregory Schmidt, "Delegative Democracy in Peru? Fujimori's 1995 Landslide and the Prospect for 2000," *Journal of Interamerican Studies and World Affairs* 42, no. 1 (Spring 2000), p. 112.

Conclusions

In the theoretical framework, I outlined the major hypotheses pertaining to peace between non-democracies and war between democracies. The relationships among deterrence, third party involvement and regime type were also elaborated. The arrival of strong deterrent threats and third party intervention has been hypothesized to play a causal role in containing escalatory processes. On the contrary, weak deterrent threats and the absence of third party intervention during the early stages of a crisis may lead to war. Regime type was hypothesized as an additional factor that could account for change, having an impact on deterrence as well as on the willingness (or lack thereof) of the disputants to resort to third party intervention.

These hypotheses were tested using two historic cases (the Beagle Channel Crisis and the Cenepa Crisis). In both cases the interaction between deterrence and third party involvement seems to have been of major significance for the outcomes of the crises. Regime type, however, had only a marginal effect.

In the Beagle Channel Crisis, strong deterrence threats from Chile were displayed at the very onset of the crisis. The first Chilean measures were legal and political in nature, such as the implementation of its right to a territorial sea based on lineal projection from the islands, the installation of border patrols, and the threat to resort to the ICJ. With these actions, Santiago tried to demonstrate that legality was on its side and should Argentina try to occupy the islands, it would appear in front of the international community as the aggressor state. When Argentina began military movements, Chile

immediately answered by sending troops to the border. With these costly signals[307] that demonstrated capability as well as commitment, it became clear to Buenos Aires that Santiago was neither willing to negotiate the court's award nor to give up the maritime rights that it had acquired.

However, for Chile, the weaker power, deterrent threats alone were insufficient to prevent war. Third party involvement reinforced Chilean deterrence, helping to contain the conflict. Once the crisis escalated, mediation was crucial because it served both governments as a face-saving device that released them from the dilemma of having to choose between further escalating the conflict or making direct concessions to the adversary. Regime type had an impact on deterrence, in the sense that both military governments could make credible threats through the fast deployment of costly signals. However, regime type did not have any influence regarding the recurrence to third party intervention.

In the Cenepa Crisis, Peru, the stronger power, was not able to deter successfully because there were windows of opportunity for limited actions by Ecuador. In fact, Lima had allocated much of its military resources in other regions, which was one of the reasons why Ecuador could successfully attack the weakly defended Peruvian border in the Amazon region.[308] Through considerable improvements in its military technology, Ecuador could challenge the status quo before Peru could react effectively. In addition, at the onset of the crisis, neither of the countries tried to contain the escalatory process by

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[307] As seen in the theoretical framework, costly signals are those actions and statements that increase the risk of military conflict and the costs of backing down from a deterrent threat. For example, the mobilization or deployment of military forces, public announcements, clear and unambiguous threats of retaliation, explicit ultimatums and deadlines.

[308] See also Harvey Parada et al., "El Conflicto Perú-Ecuador. Analisis Estratégico de la Crisis de 1995," p. 67.

resorting to diplomatic means such as third party intervention. On the contrary, they tried to stand firm until the opponent backed down. This overconfidence was finally deadly for deterrence and, thereby, for avoiding war. Regime type did not have any influence either on deterrence or on the reluctance to contain the escalatory process.

The case studies and theoretical arguments presented here have implications with respect to theories of international conflict and cooperation, in particular to crisis escalation and abatement. In addition, the findings in this study are relevant to the impact of domestic factors on foreign policy decisions.

Regarding cooperation and, in particular, crisis containment, the case studies prove that deterrence alone may be insufficient to avoid war. In this sense, they support Paul's findings that "gross capabilities are not sufficient to deter an adversary who is highly motivated to change the status quo."[309] The inability of the status quo power to provide concessions (that in turn would decrease the incentives of the initiators to challenge the status quo) would have been possible by resorting to third party intervention. However, this instrument is not always taken into account. Such a posture can be counter-productive for averting war and, consequently, for deterrence.

Finally, this study has implications for the impact of domestic factors on foreign policy decisions. For a comprehensive understanding of the dynamics of crisis escalation, we need theories of regime type that go beyond purely structural explanations and differentiate between states on the basis of their internal characteristics. At the same time, unique and generalizable definitions of democracy and non-democracy are necessary if we want to test the impact that variations in regime type may have on foreign policy

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[309] Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers*, p. 173.

affairs. The indicators used in such definitions should be objective enough to avoid abuses of the concepts.

At the policy level, the study shows that a deterrence strategy alone is not sufficient for war prevention. There are several points at which errors can occur, provoking a deterrence failure. I agree with Jervis, who advises to employ deterrence in combination with a range of alternative and complementary diplomatic instruments.[310] Deterrence works only if the other side has the possibility of backing down. Therefore, leaders should always bear in mind, at the very onset of a crisis, a way out of it. Third party involvement is a dimension of diplomacy that includes elements of accommodation and positive inducements that can, in turn, increase the likelihood of deterrence. At the same time, resorting to third party involvement provides an honorable, face-saving exit out of a crisis.
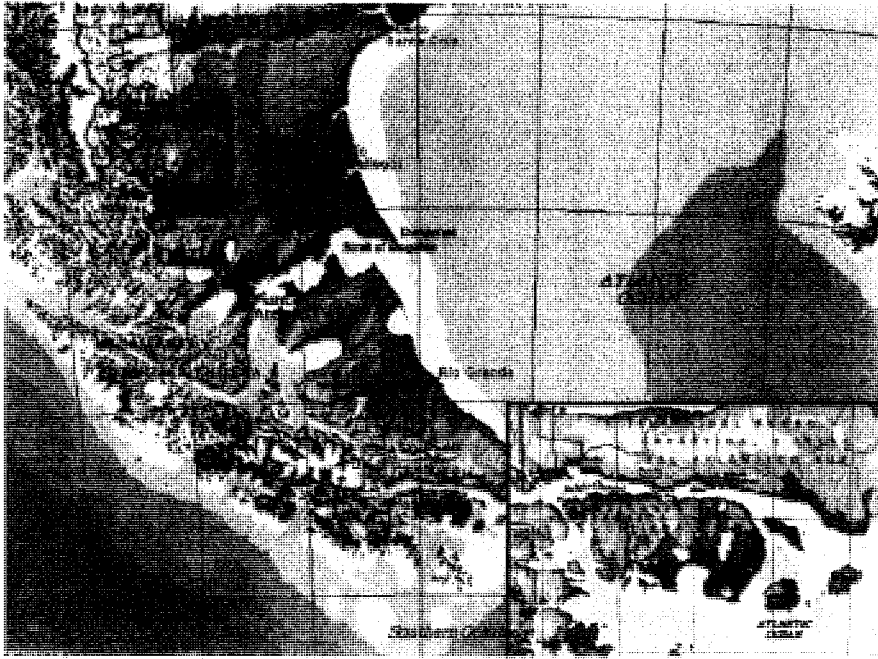
I tested hypotheses pertaining to peace between non-democracies and war between democracies in two cases, which may be relevant to conflicts in other regions. However, further study is required to confirm this statement.

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[310] Jervis, "Deterrence Theory Revisited," p. 323. Also Morgan, "Deterrence, Escalation, and Negotiation," p. 66.

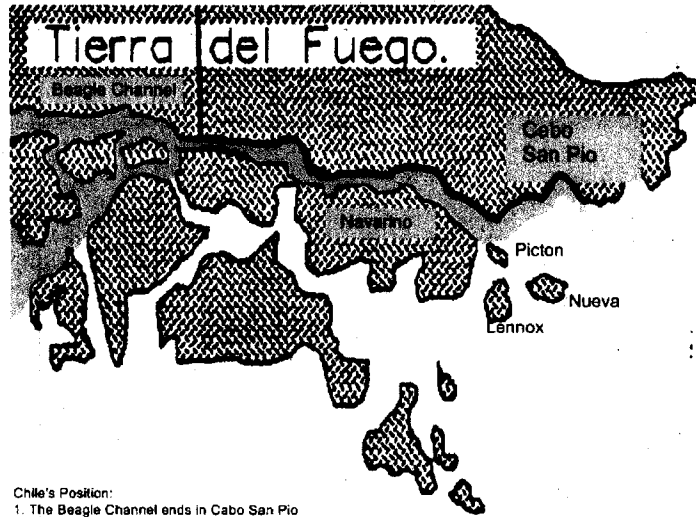# Appendix

The Beagle Channel Crisis

Map 1: Treaty of 1881 and the contested islands

Source: Google Maps

Map 2: Chile's potential projection of 200 maritime miles

Source: Sabrina Melidoni. "Distribucion de Capacidades", p. 75.

Map 3: Argentina's Position

Argentina's position:
1. The channel ends at Punta Navarino
2. Picton, Nueva and Lennox are located east of the channel
3. The meridian of Cape Horn is the limit line between Atlantic and Pacific Ocean
4. All the islands in the Atlantic belong to Argentina
5. A middle line should divide the channel

Source: Sabrina Melidoni. "Distribucion de Capacidades", p. 74.
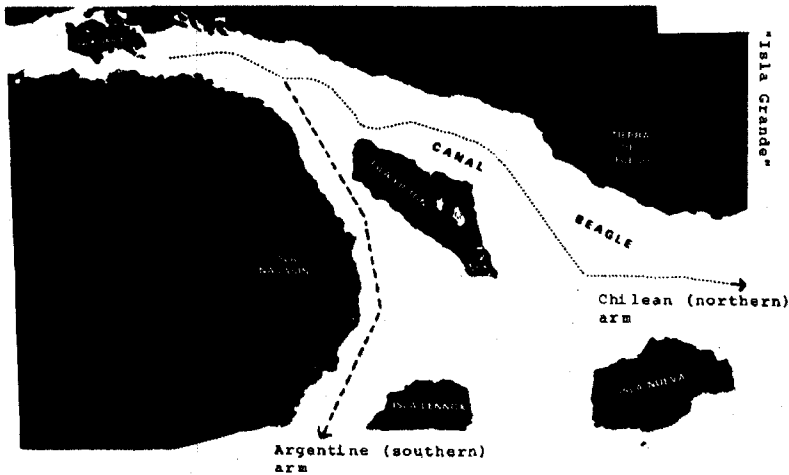
Map 4: Chile's Position

Chile's Position:
1. The Beagle Channel ends in Cabo San Pio
2. Argentinian territory ends at the border of the channel
3. The whole channel including it's islands belongs to Chile
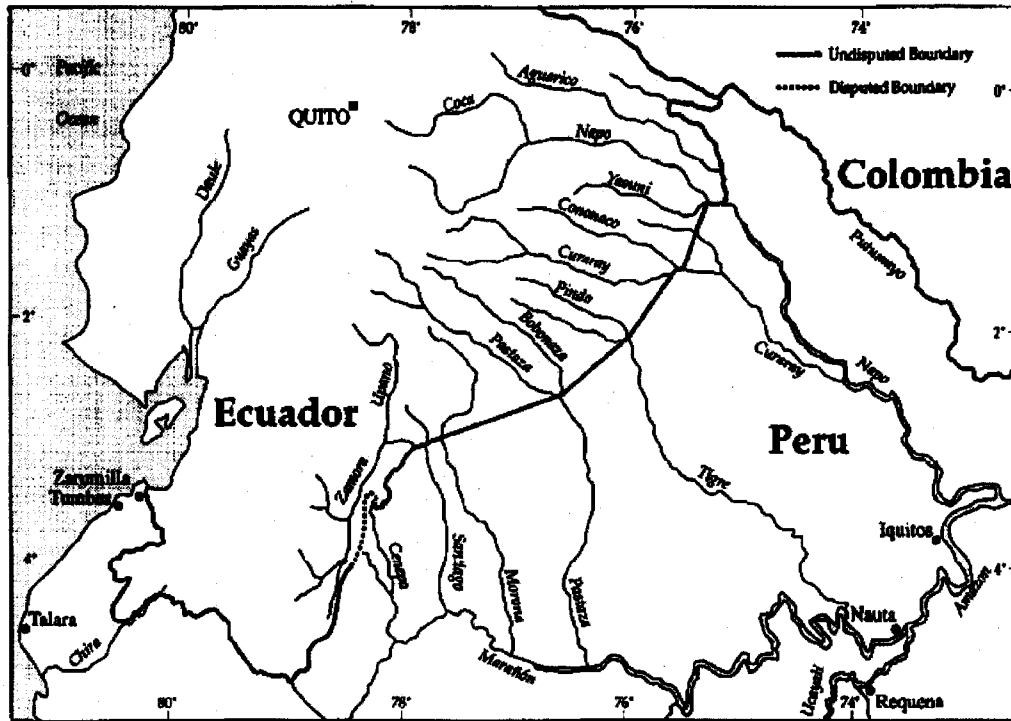4. All the islands located south to the channel belong to Chile

Source: http://elbeagle.webcindario.com/

Map 5: Chilean and Argentine interpretations of the channel path

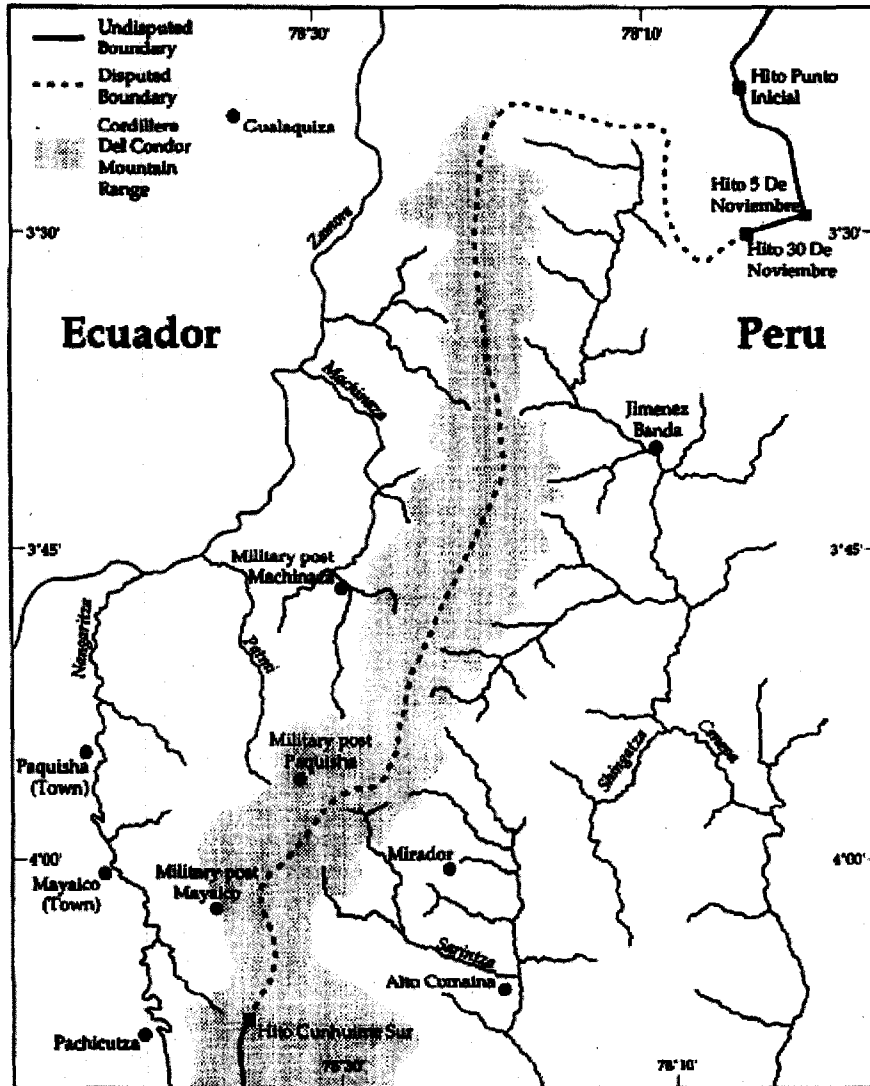Source: James Garret. "The Beagle Channel Dispute", p. 83.

The Cenepa Crisis

Map 6: Border established through the 1942 Rio Protocol and disputed Zamora and Santiago Rivers.

Source: Sarah A. Radcliffe, "Frontiers and popular nationhood" p. 277.

Map 7: Undelimited zone of Ecuador–Peru international border

Source: Sarah A. Radcliffe, "Frontiers and popular nationhood" p. 278.

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