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The Domestic Origins of No-War Communities

State capacity and the management of territorial
disputes in South America and Southeast Asia

Nicole Jenne

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Florence, May, 2016

European University Institute
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Abstract

This thesis seeks to explain the relative absence of inter-state war in South America and Southeast Asia. I maintain that the two regions are security communities in a minimalist sense. The sustenance of these minimalist, no-war communities lacks a conclusive explanation, as the factors commonly emphasised by security community scholars have been either weak or wholly absent in the two cases. The emergence of no-war communities in South America and Southeast Asia is all the more puzzling given the fact that in both regions there have been numerous territorial disputes, which have been shown to be the best predictor of interstate conflict.

Building on qualitative case studies of territorial disputes, I advance three propositions. First, I argue that a lack of domestic state capacity induced an overriding and lasting concern with internal stability in the two regions. The need for internal security created incentives to manage international conflict, leading states to avoid war with their neighbours. Second, I maintain that in order to understand the conjunction between accommodation and the sporadic escalation of conflict, state capacity needs to be disaggregated into its theoretically relevant dimensions. In this study, three dimensions correlated strongly with how states behaved in territorial dispute: military capacity, institutional capacity, and socio-political cohesion. My third proposition is that in both regions, states came to develop stable expectations that major war between them was highly unlikely. The causal arrow that explains the emergence of community in South America and Southeast Asia is domestic incapacity; however, how the no-war pattern regularized and institutionalized, took different forms in the two regions.

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Part I: Introduction and theory

Introduction

In opening their seminal account on security communities in world politics, Emanuel Adler and Michael Barnett famously proclaimed: “This volume thinks the unthinkable: that community exists at the international level.”¹ Scholars quickly came to agree that a framework of international security community could meaningfully be applied to where the theory had originated from: the study of Europe and the northern part of the Americas. Yet, as the global transformations of the 1980s and 1990s took hold, these were not the only places where evidence of security community was found. The new generation of scholars that followed in the footsteps of Karl Deutsch and his pioneering study on *Political Communities in the North Atlantic Area* found hints of international community in other parts of the globe.² Building on conceptual innovations drawn from the constructivist school in International Relations, the new scholarship thus ventured to export the ‘unthinkable’ beyond the West.

The cases that most readily appeared to match the concept of a security community in which its members hold “dependable expectations of peaceful change” were South America and Southeast Asia.³ South America’s political transitions and a lively economic regionalism during the 1990s led many to speculate that the region was on its way to grow into a community of states gradually meeting Deutsch’s criterion that “there is a real assurance that the members of that community will not fight each other physically, but will settle their disputes in some other way.”⁴ On the Western shores of the Pacific, the agenda of security community building was even more prominent. The Association of Southeast Asian Nations (ASEAN) came to embrace the ten countries of Southeast Asia into what has been the most developed organization in the region, and in 2003 the Association declared its objective to establish an ASEAN Community. In close symbiosis with real-world developments scholars elevated the self-proclaimed security community to become the critical benchmark against which the international relations within Southeast Asia were analysed.

Before long, however, the project to apply security community theory to the two regions lost some of its initial appeal. Critics promptly dismissed the claim that either South America or Southeast Asia formed an international community tied together by

¹ Adler and Barnett 1998c, 3.

² Deutsch 1957.

³ Ibid, 5.

⁴ Ibid.

social interactions and common values. Its proponents, on the other hand, grappled with the theoretical presumptions of the concept. The new security community framework incorporated much of the original account's liberal building blocks to peace and studied multilateral institutions and international transactions. In addition, the constructivist agenda emphasised common understandings and shared identities. In search for security communities' defining properties in South America and in Southeast Asia, scholars were frustrated with an apparently stalled process of community building. Instead of growing trust and the emergence of common identities they merely encountered significant setbacks to what the theory prescribed would develop into 'warm' peace in the two regions. Security community theory, thus was the scholarly consensus, had to be revised and tweaked, furnished with a plethora of qualifying adjectives, or dismissed outright.⁵

What the debate largely missed was that South America and Southeast Asia actually meet the minimal criteria of a security community, or, what I call *no-war communities*. Deutsch and his followers were interested in the social fabric engendering dependable expectations and a sense of community between states. At its core, however, Deutsch's study was concerned with those communities "that eliminate war and the expectation of war within their boundaries."⁶ Adler and Barnett, in their revised account of security community, maintained the central identifier of communities comprising states that "resolve [...] conflicts short of war", that "do not undertake – indeed, do not consider – security actions that can be interpreted by others within the community as militarily threatening."⁷ Summarizing the scholarly consensus Amitav Acharya, in what is the most authoritative account on security community in Southeast Asia, wrote:

[C]ommunity could be identified in terms of several features, but two are especially important. The first is the absence of war, and the second is the absence of significant organised preparations for war *vis-à-vis* any other members.⁸

⁵ Nathan 2004; Väyrynen 2000; on Southeast Asia Collins 2013; on South America Oelsner 2005. Adler and Barnett provide a critical assessment and suggestions for revision in their concluding chapter (Barnett and Adler 1998).

⁶ Deutsch 1957, 5.

⁷ Adler and Barnett 1998a, 34-35; Wæver 1998, 71.

⁸ Acharya 2001, 18. The core concept is defined in broadly the same terms in a number of related theories that incorporate it variedly into the study of regional security complexes (Buzan and Wæver 2003), major power peace (Jervis 2002), zones of peace (Kacowicz 1998), international societies (ibid. and ibid. 2005), non-war communities (Wæver 1998) and cultures of anarchy (Wendt 1999).

In South America and in Southeast Asia, once the early periods of state formation had come to a close, war was indeed a rare occurrence. What is more, in both regions states abstained from engaging in sustained preparations for warfare against other members of their respective security communities. Self-restraint and international agreements created a security environment in which tight alliances and systematic arming played only a minor role.⁹ Although they often relied on external security guarantors, states in both regions strove nonetheless to maximize their autonomy vis-à-vis the great powers. If they sought rare external involvement in a bilateral dispute, it was to maintain a regional balance more than to achieve explicit backing of their position.¹⁰

The literatures on security relations in the two regions reflect their relative international peacefulness. South America has been hailed as a “peaceful exception” within the international system that may well have experienced “the longest peace” between nations.¹¹ For Arie Kacowicz, it has been one of the “most harmonious” zones of peace.¹² Southeast Asia has been called a “soft,”¹³ a “nascent”¹⁴ and a “thin” pluralistic security community, at least “at certain times in its history.”¹⁵ Critics of the Southeast Asian security community also look at the region as a community of states that has maintained a fair degree of stability, even if it measures up to an “imitation community” only.¹⁶ These labels echo the minimalist definition of the security community concept, raising the question how these no-war communities of South America and Southeast Asia can be explained.

Curiously, the long peace of both regions evolved without the factors commonly cited by security community scholars.¹⁷ Adler and Barnett devised a three-stage model in which transnational identities and mutual trust both sustain and characterize communities at the highest level.¹⁸ Since these factors were at best underdeveloped in

⁹ On South America see Desch 1998; Holsti 1996; Kacowicz 1998; Merke 2011; on Southeast Asia Khong and Nesadurai 2007; Solingen 2001.

¹⁰ On South America Meacham 1961; on Southeast Asia Ciorciari 2010; Leifer 1975.

¹¹ Holsti 1996; McIntyre 1995.

¹² Kacowicz 1998, 68.

¹³ Chong 2011.

¹⁴ Acharya 2001, 204.

¹⁵ Emmerson 2005, 165.

¹⁶ Jones and Smith 2002.

¹⁷ In this thesis I use the term ‘peace’ mainly to refer to the absence of war in interstate relations. This should not detract from the fact that the peoples of South America and Southeast Asia have suffered from political violence in different forms.

¹⁸ Adler and Barnett 1998a, esp. 45-48.

South America and Southeast Asia, even those open to the possibility of security communities beyond the West acknowledged that there was little evidence of fully-fledged communities in the two regions.¹⁹ Also at the emergent stage the standard drivers of community-building were either weak or wholly absent. None of the two regions could rely on joint democracy, high levels of economic interdependence or strong multilateral institutions as guarantors of peaceful relations. The role of external benefactors in maintaining international stability did not match the decisive impact the United States had in the European integration process, and South America's and Southeast Asia's major states were too weak to assume the costs of cooperation on their own.²⁰

Ready to revise its concepts and "complicate" the knowledge on security communities, scholars considered empirical alternatives to make the framework travel.²¹ Instead of democratic values, the new generation examined illiberal identities as a basis for community.²² Common interests *not* to integrate substituted those to integrate on the way to community. However, authoritarianism, national sovereignty and the norm of non-intervention all proved inconclusive to explain the sustenance of South America's and Southeast Asia's no-war communities.²³ Finally, amongst the items on the list of those internal and external shocks held to precipitate communities, none was found consequential enough to explain the emergence of no-war communities in either of the two regions.

Even more curiously still, South America's and Southeast Asia's no-war communities emerged despite the fact that both regions have been marred by persistent territorial conflicts and border disputes. Territorial issues, a large body of literature demonstrates, have dominated warfare for over three and a half centuries.²⁴ For the most part a legacy of colonialism, not a single country within the two regions has historically been spared from territorial conflict. Scholarship predicts that territorial disputes are particularly prone to escalate in developing regions experiencing

¹⁹ Collins 2014; Flemes et.al. 2011.

²⁰ On South America see Kurth 1990; Whitaker 1969; on Asia see Hemmer and Katzenstein 2002 and Katzenstein 2005.

²¹ Adler and Barnett 1998c, 16.

²² Acharya 2001; Adler 2008; Kuhonta 2006. Martín 2006 settles on "confraternity" short of community.

²³ On Southeast Asia Jones 2012 and Narine 2004; on South America Malamud 2012 and Merke 2013. Although the latter use different theoretical approaches their concepts seek to capture largely the same factors.

²⁴ Most and Starr 1980; Vasquez 2009, 142.

domestic forms of political violence and where borders lack a clear definition under international law.²⁵ To varying degrees, both these conditions were present in South America and Southeast Asia over lengthy periods of time. Yet, prevailing intra-regional suspicions notwithstanding, occasional border crises failed, with rare exceptions, to turn contested territories into interstate wars.

Given the absence of factors commonly highlighted by security community scholars in explaining the absence of war and the preparation of such, together with the persistence of territorial disputes, a crucial question emerges: *What explains the development of no-war communities in South America and Southeast Asia, especially in the context of persistent, militarized territorial disputes?* It is this question that I seek to answer in this thesis.

Existing explanations

Considerable ink has been spent attempting to explain patterns of conflict and peace in the two regions. The literature divides broadly into explanations of peace and those that seek to explain the occurrence of war. Concentrating on one side of the phenomenon only, that is, interstate peace or the persistence of conflicts below the threshold of war, arguments tend to either downplay the persistence of interstate quarrels or neglect the fact that war-avoidance has been fairly consistent across the two regions. Five bodies of scholarship speak to these patterns without, however, satisfactorily reconciling them.

The first of these, security community theory, relied on insights from liberal and constructivist theorizing on peace. As stated above, however, security community scholars did not find convincing support for either set of arguments. Cultural and economic exchanges within the respective regions were too limited to bear a discernible and lasting influence on security relations. Neither the states of South America nor Southeast Asia have created strong regional institutions that would foster the development of community. The record of democratic institutions and shared values, liberal or otherwise, is patchy at best in Southeast Asia and comparatively short as well in South America and can therefore not account for the low incidence of war either. Scholars found a partial explanation in cultural characteristics specific to

²⁵ Buzan and Wæver 2003; Gleditsch et al. 2002; Owsiak 2012; Schultz 2014.

each region, but could not agree even minimally as to how much and in what way these factors mattered.²⁶ Widely acknowledged by area specialists regardless of their theoretical complexion, South America's peaceful "anomaly" was thus attributed to a formalistic-legalistic diplomatic culture (*legalismo*).²⁷ The "long peace of ASEAN," on the other hand, was prominently linked to the 'ASEAN way' describing an apparently unique set of procedural norms and principles including informality, face-saving, deliberation and incrementalism.²⁸ Whether these approaches played a significant role in avoiding war, however, is far from clear. Explanations that highlight regional factors rely all too easily on supposed 'exceptionalisms', although based on the study of a single case, it is methodologically impossible to determine the distinctiveness of one region. In fact, Latin America's legalism and the ASEAN way converge to a considerable extent on standard diplomatic practice and on global international principles such as non-intervention and the peaceful resolution of conflict. If any regional particularity is nevertheless to explain the emergence of no-war community in South America or in Southeast Asia, the conceptual boundaries of the argument can reliably be established only in juxtaposition to other cases.²⁹ Comparative analyses, however, have been few and far between.

Other literatures that inform the relative international peacefulness of the two regions, the state-building literature and scholarship on Third World security, both point to a trade-off between external and internal security. This insight is crucial for my argument, but current articulations fall short in different regards. The state-building literature explores the role of violence (or the lack thereof) in the process of state formation. Building on the bellicist approach most famously developed by Charles Tilly, this work suggests that the states of South America and Southeast Asia lacked the domestic resources and structural incentives for external war.³⁰ The literature, however, aims at explaining the performance of states rather than their bellicosity *per se*. The Tillyan argument implies that war becomes more likely as states acquire greater resources, but by treating war (and, alternatively, the absence thereof) as an

²⁶ On South America see Jones 2007; Kacowicz 2005 and Merke 2015, while Centeno 2002; Mares 2001b and Martín 2006 pay hardly any attention to the traits of *legalismo*. With regards to the debate on Southeast Asia see Acharya 2009a and Khoo 2004, and the exchange between Katsumata, Jones, and Smith 2008.

²⁷ Holsti 1996, 150; Domínguez 2003; Kacowicz 1998.

²⁸ Kivimäki 2001.

²⁹ Smith 1995.

³⁰ Tilly 1975. On South America Centeno 2002; Kurtenbach 1991; Thies 2005; on Southeast Asia Doner et al. 2005.

explanatory factor of state capacity, ultimately, the literature has little to say on the prospect of war when states become stronger. Scholarship on Third World security, the third body of literature speaking to the no-war puzzle, does not fill this gap for a different reason.³¹ Pointing to internal security considerations that are thought to alter the calculus of war in favour of maintaining external peace, the literature also claimed that a lack of domestic capacity can give rise to interstate conflict.³² Because the contributions tended to subsume a wide variety of phenomena under a concept of ‘weak’ or ‘fragile’ states, they failed to establish what it is in ‘weakness’ that leads to interstate conflict or its avoidance, respectively, and hence, under which conditions we ought to expect one outcome or the other.

The fourth strand of literature draws attention to global historical processes that condition war in the international system. To explain the waning of major war these macro-arguments build on the insights of great power politics with regards to the changing role of territoriality and gloss over a number of important differences in the political development of South America and Southeast Asia. Importantly, the theories also fail to address the continued centrality of territory to conflict across the globe, as it has been shown by a sizeable number of studies on territorial dispute.³³ This latter body of work examines the conditions under which territorial conflicts are likely to escalate, yet, it does not offer a comprehensive theory of territoriality that can explain why in South America and Southeast Asia war over contested territories rarely occurred.

Lastly, a set of realist-based arguments can be grouped together that shed light on South America’s and Southeast Asia’s long peace. Structural factors such as geopolitics and balances of power influenced the background conditions for conflict in the two regions, but lack the actorship component to explain how communities emerge. Great power politics, one of the most commonly cited explanations for stability in South America and Southeast Asia, also face difficulties to account for the region’s peace in the long run.³⁴ Security dynamics corresponded at different moments in time directly or indirectly to the hegemonic position of the United States,

³¹ The denomination Third World security studies follows Mohammed Ayoob, one of the key proponents of this approach (Ayoob 1995). For a lack of better alternatives I use the term in relation to the literature referring to the Global South, developing countries, and fragile, weak and failed states.

³² Buzan 1992; Job 1992; Rotberg 2004.

³³ Hensel 2012; Huth 1996.

³⁴ See Russell 2011 and Goh 2008, respectively.

hedging strategies against great power dominance, or to distinct forms of balancing. No single logic at work can conclusively account for the no-war puzzle, and the role of the United States was far from decisive in suppressing bilateral conflict in the two regions. The trajectories of territorial disputes in particular have been shown to be relatively independent from global power politics, and as I show in the case studies, when outside powers became involved, their role was limited.³⁵

The argument

This study advances a new explanation for the emergence of no-war communities in South America and Southeast Asia, one that emphasizes domestic-level factors, particularly state capacity. Both regions have experienced long periods of interstate peace in which war, defined as “large-scale institutionally organized lethal violence,” has been a rare exception.³⁶ Below this threshold, militarized crises and occasionally flaring conflicts over contested territories have occurred during most of their independent histories. Yet, the states in the two regions have developed stable expectations that conflict should, and will be, minimalized and resolved short of war. The key to understanding the minimalist, no-war communities, I propose, lies with domestic conditions that result historically from processes of state formation, including the consolidation of modern statehood.

The argument unfolds in three steps. My central proposition is that an initial lack of domestic capacity introduced an overriding and lasting concern with internal stability in South America and in Southeast Asia that created incentives to manage relations within the region. Second, I propose to disaggregate state capacity into its relevant dimensions in order to explain how the need for internal security led to war-avoidance. Specifically, in the cases examined here, three distinct capacities affected the actions that states took in territorial disputes: military capacity, institutional capacity, and the degree of a state’s socio-political cohesion. Over time, and as states grew stronger, the risk of war in South America and Southeast Asia decreased. The third step in the argument explains the emergence of community through a process of mutual recognition and toleration based on similar internal problems. This explains why, even in the event of threats from outside taking prevalence over internal security

³⁵ Huth and Allee 2002. For the case of Latin America Mares 2001a.

³⁶ Russett 1993, 12.

considerations, elites avoided behaviour that had the potential to provoke war. To be sure, war as a conceivable scenario never ceased to exist in South America and in Southeast Asia, but it remained a far distant possibility below the threshold that would prompt states to engage in sustained preparations for warfare with any other member of their respective community.³⁷

A central mechanism that reassured states in each region of the unlikelihood of war was the politics by states practiced in relation to their borders. I summarize the various ways states managed, secured and controlled their borders under the term 'border politics'. In line with Herbst, border politics are a mechanism used by states to mediate pressures from the international system in order to maximize their authority over territory.³⁸ Border politics, I argue, is best explained as a function of domestic capacities. Because capacity as a general category carries no explanatory power for foreign policy behaviour, I unpack the concept into three theoretically relevant dimensions.³⁹ Accordingly, I propose that the choice to either seek compromise, delay or escalation in a territorial conflict is the combined outcome of military capacity, institutional capacity, and socio-political cohesion.

The impact of military capacity is straightforward.⁴⁰ On the most elemental level, hard power resources are a prerequisite for a state to display a credible deterrent in order to defend and back up its claim to disputed territory by force. The availability of coercive capacity also influenced the endurance of states in a militarized dispute. Amongst the states included in this study those that enjoyed a clear advantage in the overall level of military preparedness tended to accept greater risks. In the case of

³⁷ On why incentive structures failed to lead to the creation of strong states capable of waging sustained warfare in much of Southeast Asia see Doner et.al. 2005; Kuhonta 2011 and Slater 2005. For the case of South America, see López-Alves 2000 and Nunn 2004, 293. Centeno 2002 explains the lack of war-making efforts mainly with reference to structural constraints. Thies argues that interstate conflict had some behavioural implications and contributed to the internal strengthening of states in Latin America, but acknowledges that the resulting level of capacity was not equal to the states in Europe (Thies 2005, 452). Scholars point out that alliance politics and military procurement in the two regions were most of the time mainly defensive and do not suggest that states prepared for major war within the region (Khong 2004; Ross 1987). Evidence from the interviews carried out for this study also supports the claim that the logic of arming was motivated by a range of factors more important than regional conflict hypotheses. See also Whynes 1979; Wendt and Barnett 1993.

³⁸ Herbst 2000, 24.

³⁹ Kocher 2010, 143-144.

⁴⁰ Military capacity is broader than military capability, which refers to the hardware component of capacity only. Military capacity is the overall fighting effectiveness including, amongst other, leadership, training and tactics.

Thailand, military superiority rendered the leadership confident that it could contain skirmishes and increased its tolerance of minor armed clashes.

I consider assessments of local and overall military balances, which are not necessarily congruent. For several reasons, local balances can alter the calculations in a dispute. It is generally assumed that a relative balance in the overall level of military capacity deters conflict, both in the long term and in situations of impending crises.⁴¹ Deterrence fails, however, when states hold generally low expectations of large-scale war and therefore attribute little importance to the overall balance of force. In addition, also weaker states can be presented with an opportunity to create a *fait accompli* on disputed territory.⁴² Such was the case of Ecuador in 1995, when it sought to capitalize upon temporal circumstances that created a comparative disadvantage for an overall superior Peruvian force.⁴³

The second component of state capacity is the institutional capacity of the state. The state apparatus conditioned dispute management in the cases analysed here in distinct ways, yet the central aspect of institutional capacity, I shall argue, was the use of knowledge in decision-making.⁴⁴ Knowledge and the ability to translate knowledge into a resource of power increased the confidence of states to settle a dispute – either through compromise or escalation. States with little institutional capacity, on the other hand, faced greater uncertainty, which generally resulted in a preference for delay.

Factors related to the institutional structures of decision-making, on the one hand, and the existence of formally institutionalized cooperation between states, on the other hand, also had an impact on conflict management. Where pertinent, these factors are discussed in the case study chapters. Their effect, however, was not identical across cases. More strongly institutionalized states found it sometimes easier to establish cooperative mechanisms with a territorial contender. This was the case in Malaysia, but not in Thailand. Yet, a strong bureaucratic apparatus was neither a necessary nor a sufficient condition for the peaceful management of a conflict. Weakly institutionalized states routinely deal with challenges as they arise and were often able to improvise rapid solutions when faced with an unknown situation in a conflict. In other cases, a lack of institutionalization facilitated quick settlements. Bilateral

⁴¹ Waltz 1979, 118-119; Morgan 1983, ch.2.

⁴² T.V. Paul 1994.

⁴³ Mares and Palmer 2012.

⁴⁴ Haas 1990, 12.

cooperation between less institutionalized states is typically more susceptible to the political tide at any moment in time, and while this can exacerbate existing conflicts, it also opened possibilities for well-disposed politicians to fashion a package deal behind the eyes of public scrutiny. These results suggest that a lack of institutional capacity is sometimes, but not always, a conflict-inhibiting factor. At the very least, it is not, as it is often argued, a cause of conflict.

The third dimension relevant to a state's behaviour in territorial disputes is its level of socio-political cohesion. Cohesion relates to the legitimacy of the idea of the state as manifested in three distinct forms of relationships. One is the relation between the citizens and the state; in Scott's words, the structure of consent and compliance between the rulers and the ruled (legitimacy).⁴⁵ The second and third elements are the relations amongst the rulers (elite consensus) and the ruled (political society), respectively. These are interrelated and together define the portion of national resources a state can effectively use in its foreign conduct. The more resources are needed to ensure a minimum level of domestic compliance and consent amongst the most relevant actors, the lesser is a state's capacity to engage in external warfare. The trade-off is shown in a statement by the Argentine Air Force Under-Secretary of State and later member of the military junta, Basilio Lami Dozo. In an imminent armed conflict with Chile in the late 1970s, he said, "[t]he junta wanted negotiations urgently because the leftist terrorists could have taken advantage if we were to send more forces to the Chilean border."⁴⁶

In those states with a low level of cohesion domestic security remained a clear priority and incentivised cooperation with territorial adversaries. This finding is supported by the literature claiming that in states lacking legitimacy an internal security dilemma takes precedence over external considerations.⁴⁷ It is also consistent with Charles Tilly's account of state-building in Europe, where the making of external war went hand in hand with the elimination of internal rivals.⁴⁸ Conversely, as Miguel Centeno argued in his seminal book on state-building in South America, the absence of war left internally divided societies that simply deprived the national elites of the

⁴⁵ Scott 1985.

⁴⁶ Interview [translation], Buenos Aires, 12 December 2012.

⁴⁷ Job 1992; Sørensen 2007.

⁴⁸ Tilly 1990, 115-117.

possibility to mobilize their populations for external warfare.⁴⁹ Low levels of socio-political cohesion, I contend, were a major source of constraint in the two regions under study.

State capacity is the combined outcome of the three dimensions and explains best how states in South America and Southeast Asia behaved in territorial dispute. However, two limitations should be noted. The strategy chosen by a state anticipates whether, and how a territorial dispute is settled. State capacity, however, cannot be linked directly to the outcome of a given conflict. Secondly, I do not claim that the same conditions of stateness lead to identical actions in any territorial dispute. Factors such as great power interference and other disputes a state is engaged in can trump the impact of capacity. In addition, both the relative level of capacity vis-à-vis an opponent and the possibilities of one state to interfere with the domestic affairs of another also influenced the prevailing form of vulnerability that the states analysed here experienced. Nevertheless, how much these factors mattered depended on their level of national capacities.⁵⁰ States that perceive of themselves as domestically vulnerable, I shall show, look at geopolitical events in their environment through the lens of their internal condition.

For the newly independent states of South America and Southeast Asia, contemplating war amounted to a nearly insurmountable, yet certainly not an impossible task. The emergence of communities in which stable expectations took root that large-scale armed violence was a distant option was the result of both structural necessity and local agency, driven by domestic considerations. The problems originating from incapacity were sufficiently similar within each of the two regions that they generated a common basis for states to a) recognise that war was equally undesirable for them, and b) to understand the domestically-created foreign policy dilemmas other states, as they themselves, were facing in a territorial dispute. Together, this led to mutual toleration and gradually increased trust that warfare within the region would be avoided. Trust, to be sure, never ceased to depend on the observation that no one member of the community was capable of sustained war efforts at least in the short term.

⁴⁹ Centeno 2002.

⁵⁰ See also Buzan 1983.

The states in South America and Southeast Asia used border politics to signal their support of the colonial status quo boundary and to assure their neighbours of benign intentions in territorial disputes. The way conflicts were managed and resolved was crucially influenced by the international system. Likewise, state-building depended on external conditions. It was not simply a given, however, which way the states in each region would react to this common imperative. As I show in chapters 4 and 8, in both cases they created an external environment accommodating some of their most pressing needs. The two no-war communities converged on a set of principles that derived force from their status as universal ideas: the principle of the territorially defined sovereignty of the state, the norm against conquest, and the norm against aggression. Yet, the order-generating effects of these principles were strong only where a lack of domestic capacity generated local support. The primary mechanisms of community-building in no-war communities were bilateral, but dependable expectations between states were reinforced where this resulted in their institutionalization at the regional and sub-regional levels.

From their independence on, Latin American states relied on the emerging theory and practice of international law in their external relations. In the case of Southeast Asia, the same means proved unavailable and poorly suited. As in South America, the states in Southeast Asia embraced the principles of the modern state and the peaceful resolution of conflict. For the latter, however, international law was neither an instrument to keep external powers at bay nor a discursive tool to foster intra-regional unity. The five founding members of ASEAN developed a distinct notion of a consensual, informal diplomatic practice instead that served to manage conflict. Acting upon internal impulses, the states of Southeast Asia and South America were thus able to relegate international war to the rank of a little considered policy option.

The effects stemming from the domestic conditions of states are no strangers to security community theory. Scholars paid considerable attention to the question of regime type and the importance of liberal values, but have neglected the more fundamental matter of state structure.⁵¹ This is all the more striking given that two prominent community scholars highlighted the role of state capacity. Andrew Hurrell, in his study of the termination of the Argentina-Brazilian rivalry in the Southern

⁵¹ Huntington 1968, 1.

Cone, called for a closer examination of patterns of state formation.⁵² Latin American states, he suggested, may have been “weak enough to escape the destructive dynamic between state-making and war-making that was such a feature of the European Westphalian order.”⁵³ Not all that different, Amitav Acharya, in an early work, offered an expanded argument for why Southeast Asia's states turned towards each other in the first place.⁵⁴ Accordingly, solidarity amongst the founding ASEAN members rested on a shared, dominant concern with domestic stability through which the states looked at and sought to influence their external geopolitical environment. Despite the fact that Adler and Barnett’s framework allowed the possibility of an internal threat triggering the emergence of community, however, an alternative way to community building, one that originates at the domestic level, remained un-theorized.⁵⁵

Study design

To analyse the development of no-war communities in South American and Southeast Asia I compare the management of territorial disputes in the two regions. I treat the countries of one region as distinct from those of another, but I reject the assumption that the regions are homogeneous. The approach thus takes the region seriously as an analytical category, without, however, overestimating its significance. This translates into a nested design in which comparisons are drawn on two levels: firstly, across regions, and secondly, across cases.

The study is conceptually built onto a framework of regional sub-systems. A regional sub-system refers to a group of two or more states delineated by geographical proximity. The spatial criterion is important because it describes the actors' range of power projection, which demands a minimum level of orientation from the national elites towards the other members of the system. Having identified South America and Southeast Asia as regional sub-systems, I then chose two cases of territorial dispute from each region. These represent hard cases, meaning that they were closest to tilt into war at any given time. The relevant study period for the case studies was limited to the post-1945 era to reduce the number of potential intervening factors. The cut-off

⁵² Hurrell 1998, 239.

⁵³ Ibid.

⁵⁴ Acharya 1992.

⁵⁵ Adler and Barnett 1998a, 50.

point at 1945 is generally acknowledged to mark a crucial moment in the institutionalization of the norm of fixed borders.⁵⁶

The selected cases are cases of territorial dispute between the following country pairs: Colombia–Venezuela, Argentina–Chile, Indonesia–Malaysia, and Cambodia–Thailand. By specifying the levels of state capacity of the respective countries at a given moment, it is possible to compare the four cases across regions. The obvious limitation of prioritizing the hard-case rationale over the comparative logic with regards to state attributes is the extent to which I can control for a potentially large number of explanatory factors. Such include factors that characterize the nature and histories of a conflict as well as the relation between the disputing parties. I account for this shortcoming to some degree by comparing different observations from within the same dispute case. It is important to note, however, that not all of these observations serve to explain 'no war'. The chapters provide “thick” descriptions that allow tracing the impact of state capacity on decisions taken at crucial moments.⁵⁷

In addition, I examine one case of war from each region. Ideally, adding negative cases serves as a test for whether the factors found to de-escalate conflict in the four main cases were different or absent when war occurred. The present research design falls short of meeting this standard. Neither South America nor Southeast Asia has a clear case of territorial dispute that led to war after 1945. For South America, I included the conflict between Ecuador and Peru over the border in the upper Amazon as the only possible candidate. Whether it constitutes a case of war, however, is debated. The Southeast Asian war case is problematic for different reasons. War between Cambodia and Vietnam occurred just around the time the regional subsystem consolidated. The conflict meets the criteria for standard definitions of war, but analysts disagree over whether it is a case of territorial dispute leading to war. Notwithstanding these caveats, both cases offer several insights informing the argument and were therefore – in an abridged form – included in the study.

⁵⁶ Zacher 2001.

⁵⁷ Geertz 1973.

Overview of the chapters

The thesis is divided into three parts. In the remainder of Part I, I contextualize my contentions and set forth the theoretical and methodological framework of the research. Chapter 2 provides an empirical illustration of South America's and Southeast Asia's no-war communities and places the thesis within the existing literature. In Chapter 3, I describe the theoretical underpinnings of the thesis and specify the relevant concepts. The latter part of the chapter presents the methodology of the study.

Part II and III of the thesis deal with South America and Southeast Asia, respectively. In each, an introductory chapter shifts the focus to the regional level. In Chapter 4, I discuss boundary politics in South America during the early period of independence and describe the development of the notion of a distinct, Latin American international law. I also deal with regional institutions and norms of peaceful dispute settlement as part of the explanation how conflicts were dealt with within the region. Chapters 5, 6 and 7 in part II present evidence from the South American case studies. In each of them I first provide the historical background to the conflict. The main part of each chapter is devoted to the most critical period and additional observations from other critical junctures in a dispute. Because all of the case studies rely heavily on historical work and each advances a different set of dominant interpretations, I address these alternative arguments in the empirical chapters. Further to this, I deal with powerful alternative explanations at different levels in the other parts of the thesis.

Part III is on Southeast Asia. It opens with a discussion of the regional dimensions of conflict and conflict management in Chapter 8. I scrutinize the notion of an informal diplomatic culture embedded in the institutional framework of ASEAN and assess its contribution to maintaining international stability amongst its members. Chapter 9 and Chapter 10 present the main case studies of the region. As in the other empirical chapters, I seek to show that domestic state structures best explain how South America's states avoided going to war over territorial disputes. Lastly, in Chapter 11, I extend the theoretical argument by examining the territorial dimension in the case of war between Vietnam and Cambodia in 1977–1978.

The concluding chapter summarizes the findings. Based on my proposition of how no-war communities emerged in South America and in Southeast Asia, I offer a final reflection on the implications of the study and non-Western theorizing.

Contribution

In studying no-war communities I seek more than adding another qualifier to the work on security communities. In no-war communities, I posit, trust in the non-occurrence of major war exists alongside the continued relevance of military force in international politics. My analysis takes a different approach by comparatively analysing one of the central contentions in world politics, the management of territorial disputes. To the best of my knowledge, it is the first aiming to demonstrate empirically how domestic impulses, beyond providing an initial trigger mechanism, have given rise to community in the international realm. Throughout the process of community emergence, I show the simultaneous relevance of both material and ideational factors. This contrasts with security community theory, where ideational factors begin to substitute material incentives mid-way in the development of communities.

Building on the insights of different strands of literature, I hope to make connections where others left off. By unpacking the concept of state capacity the analysis resolves some of the unexplained puzzles scholarship on Third World security exposes. The argument takes much from structural analyses on state-building and violence in developing countries and adds to this an explanation why incidents of war have remained few as states grew stronger.⁵⁸ Lastly, two of the insights may be developed to contribute to the territorial disputes literature. The study shows that delay, in addition to compromise and escalation, can be a conflict strategy with distinct motivational sources in its own right rather than simply the least costly option in a dispute. Further to this, the theoretical framework suggests that the concept of internal weakness ought to be extended from a narrow focus on impending security threats to a broader notion of internal instability.

This study was undertaken more than a decade after prominent IR scholars first called for non-Western theorizing. Nevertheless, IR still looks at the world through Western

⁵⁸ Centeno 2002; Herbst 2000.

lenses. My analysis challenges the dominant understanding in the field that interstate war is a main institution of international politics. If incapacity led to relatively stable interstate environments in South America and Southeast Asia, prevailing policy prescriptions will need to reconsider whether capacity-building efforts are an effective means to eliminate lower-intensity conflicts between states at least in some parts of the world.

Chapter 2

The empirical foundations of no-war communities and the theoretical puzzle

In 1995 Michael Leifer remarked that “quite evident[ly] ... ASEAN is not a ‘political community’”, and neither, a defence community. Still, he felt, the organization could perhaps be seen as “provid[ing] two alternative models of a security community nonetheless”, one of conflict avoidance, and one of diplomatic community that successfully denied outside dominance.¹ Similarly, despite a rather unfavourable assessment of South America’s fragmented “insecurity community” Arlene Tickner found it worthwhile to invoke the concept.² There is a prevailing sense that some sort of community exists in the two regions, yet what form it takes is much less clear.

This chapter is divided into three sections. In the first two sections I unpack the no-war communities in South America and Southeast Asia in empirical terms. I begin by conceptualizing South America and Southeast Asia as international sub-systems and justify why the countries of each region can be grouped together as such. This levels the theoretical ground for comparing the two cases, which, as I will argue in the second section, share the following three characteristics: Firstly, both regions experienced long periods of inter-state peace. Secondly, while war was rare, however, territorial disputes and minor conflicts were ever present. Thirdly, although territorial disputes are commonly thought to increase the probability of war, and the conditions usually associated with peace were largely absent in the two cases, the states in South America and Southeast Asia nevertheless developed stable expectations that war with any of their neighbours was unlikely.

In the third part of the chapter I discuss five strands of literature that speak to the phenomenon. I start by showing that no-war communities are security communities in the basic sense of the concept; however, as I will argue, security community theory fails to conclusively explain their emergence in South America and Southeast Asia. The framework builds on several liberal and constructivist arguments, and I deal with those individually in the same section. Next, I relate my study to two bodies of literature that shed light on the nexus between domestic state structures and external conflict, that is, the work on state-building and on Third World security. The fourth body of scholarship that informs the no-war question I am interested in makes global,

¹ Leifer 2005a, 137-138.

² Tickner 2007, 3.

macro-historic claims about war. Lastly, I discuss a set of arguments that comprises explanations based on geopolitics, balance of power, and hegemony. The concluding section serves to recapitulate the claims that I have advanced to this stage and to summarize where the existing literature falls short in explaining the emergence of no-war communities in South America and Southeast Asia.

Regions in historical comparative analysis

A powerful case has been made to take regions seriously in IR,³ and available definitions abound.⁴ The options range from civilizations⁵ over societies of states⁶ to security complexes,⁷ comprising exhaustive macro-regions,⁸ local hierarchies between as few as two states,⁹ or rather loosely defined 'zones'.¹⁰ In this study I use the term of regional international sub-systems, which I borrow from early work on regionalism, in particular William Thompson.¹¹ In contrast to other terms developed in more recent studies on regional integration, this concept highlights an inherent connection to the global macro system and allows me to avoid overemphasizing the region's significance in analytical terms.

The regional sub-system is the realm that approximates the actors' reach of power and therefore demands a minimum level of orientation from the national elites towards the other members of the system. I identify a regional sub-system by three criteria. First, like most other classifications (but unlike communities¹²), the concept departs from a geographical focus. Within a sub-system, proximity allows for shared influences based on location as well as opportunity structures, which are created by interaction and diffusion. Secondly, a regional sub-system is characterized by a distinguishable degree of regularity and intensity of interaction between its actors, notably its elites. The structure of interaction can be defined by either cooperation, competition or conflict, and therefore need not satisfy any measure of direct exchange. Inter-

³ Katzenstein 2005; Miller 2007; Morgan 1997.

⁴ For a comprehensive review on security regions see Kelly 2007.

⁵ Huntington 1996.

⁶ Buzan and Gonzalez-Pelaez 2009.

⁷ Buzan 1991.

⁸ Sarkees and Schafer 2000.

⁹ Lemke 2002. See also Miller 2000.

¹⁰ Kacowicz 1998.

¹¹ Thompson 1973. See also the Special Issue on International Subsystems, *International Studies Quarterly* 13(4), 1969.

¹² Adler 1997, 257-260.

connectedness can be expressed precisely through the absence of transactions such as when diplomatic relations are broken or commercial relations suspended. As Hurrell rightfully contends, under the condition of rivalry, states are in fact highly aware of the actions and preferences of their adversary.¹³ From this follows the third criterion, which is the internal recognition of the sub-system as a distinctive, politically interconnected space. Because “change at one point in the system affects another point,”¹⁴ the region becomes the natural theatre of operations for its members. The making of one state's foreign policy crucially depends on the other states of the region, creating thus an awareness amongst its elites of being part of the sub-system.¹⁵

For a regional sub-system to come into existence states must possess a minimum level of domestic capacity. This requires an independent foreign policy and a level of consolidation that presupposes, on the one hand, the physical penetration of its territory, and on the other, a largely pacified interior with one clearly identifiable authority. Unless these conditions are met, a state lacks the necessary resources to engage in state-building and cannot reasonably be expected to enter into conflict with another state. In other words, an international sub-system can be identified once the states comprising it have become “referent objects” for security.¹⁶

The comparative approach shares the view that generalizations are contingent upon geographic and cultural contexts while, at the same time, it acknowledges that domestic factors are tied into broader international processes. For the purpose of my enquiry, three considerations merit treating South America and Southeast Asia as regions and allow me to compare them. First, in both cases the creation of the independent states, in close geographic proximity, occurred during a remarkably short period of time. In South America, most of the Vice-royalties and provinces of the Spanish and Portuguese empires broke free from colonial rule during 1810–1830. Southeast Asia, with the exception of Brunei, saw the birth of eight new states from 1945 to 1960. The temporal dimension of state formation determined several traits

¹³ Hurrell 1998, 238. Ayoob 1995 claims that interconnections in the Third World are in fact more often those of conflict and rivalry than those of cooperation.

¹⁴ Thompson 1973, 101.

¹⁵ See also Buzan's definition of regional security complexes, in which the security of one member cannot be meaningfully defined without the others (Ibid., 105-115 and Buzan 1991, ch.5).

¹⁶ Buzan 1983, 42-44.

that created similar conditions for state-building within each region, such as technological progress, population structures, and development strategies.¹⁷

Secondly, different forms of political violence tend to cluster regionally.¹⁸ This does not mean that the causes for violence are disconnected from global factors or international patterns. In fact, many conflicts in the developing world were fought not only by states *of* the developing world, nor in their sole interest. If conflict was more frequent during the formative period of new international sub-systems, as claimed by Maoz and others,¹⁹ part of the answer to this must be the fact that the Westphalian state system was alien to these parts of the world and external intervention did not necessarily help to consolidate stable political communities. Nevertheless, the empirical pattern of conflict suggest that the world post-1945 is one of “regions of war and peace,” regardless of the reasons one attributes this to.²⁰

Lastly, within each South America and Southeast Asia, the relative position of the states in terms of capacity and strength has been significantly stable. None of the two regions experienced major disruptions that would have triggered the reconfiguration of the system.²¹ Based on these considerations, it is possible to compare the two regions notwithstanding the differences in age, their colonial histories and geopolitical location. In the following paragraphs I describe the evolution of the South American and Southeast Asian sub-systems.

The South American sub-system

In geographical terms, South America extends from the Isthmus of Panama southwards. South America is distinct from the Central American sub-system due to the latter's geo-strategic relevance to the United States, which has prompted a significantly higher level of interference and open interventions.²² South America's states have emphasised distinct, and at times competing, regional identities with different levels of inclusiveness including, amongst other, Latin America or the

¹⁷ The importance of the geographical context is stressed by Enriquez and Centeno in their analysis of state capacity and development (2012).

¹⁸ Atzili 2012; Gleditsch et.al. 2008.

¹⁹ Buzan and Wæver 2003; Maoz 1996.

²⁰ The term is from Lemke 2002.

²¹ The evolution of a combined measure of national material capabilities in each region reflects this fairly constant pattern (COW National Material Capabilities v4.0, Singer et.al. 1972).

²² Atkins 1989, ch.5; Brands 2010.

Southern Cone. Based on the above criteria, however, it is possible to delineate the South American sub-system.

Map 1. South America



Source: Ezilon maps, available at http://www.ezilon.com/maps/images/SouthAmerica_pol1.gif [last accessed 17.1.2016].

During the early 19th century, while the wars of state formation were still under way, South America was divided into three distinct zones: the Pacific-Andean region, the heartland, and the Amazon Basin.²³ Gradually, growing state capacities increased the

²³ Navarro 1996, 280.

ambit of interaction into the region's hinterlands and drew South America's elites into a broader political game. According to leading Latin America historian Robert Burr, South America emerged into a bifurcated system that separated two regional groupings around Argentina in La Plata and Chile in the Pacific area.²⁴ The end of the War of the Pacific (1879–1883), from which Chile emerged victorious over Peru and Bolivia, sealed the basic geographic shape of the region. From this moment on, Burr shows, the two systems began growing into a continental South American sphere.

The decreasing number of civil wars favoured the gradual insertion of the South American economies into the global market. Increases in trade and income from primary commodity exports reduced the political influence of the European powers and the United States began to consolidate its role in the region. Still, from the first proclamation of the Monroe Doctrine in 1823, it took nearly a century until the US possessed the means for a credible policy towards the region. The United States' undisputed supremacy would be established only after the Second World War, and would decline again from the 1980s on.

During the inter-war period South America's states significantly expanded their government functions. These modernization processes entailed the development of defence capabilities and the consolidation of professional national armies.²⁵ The 1920s and 1930s saw the rise of new forms of political instability that profoundly transformed the role of the state in relation to society.²⁶ The era of mass politics in South America, thus, commenced roughly at the same time as in Southeast Asia.

Following the Cuban revolution in 1959, military and civil-military governments took power in seven South American countries. The idea of national defence succumbed to a new obsession with internal security but did not induce a fundamental alteration of foreign-policy orientations. Similarly, the re-democratization processes of the 1980s and 1990s left the basic make-up of sub-systemic relations unchanged.²⁷ After a brief interlude of hemispheric regionalism in the 1990, the notion of a South American region gained public currency again.

²⁴ Burr 1965.

²⁵ English 1984; Scheina 1987.

²⁶ Collier and Collier 1991.

²⁷ Hirst 1998.

The Southeast Asian sub-system

Except for the Philippines and Indonesia, Southeast Asia's post-colonial states could draw on an independent history preceding the colonial era. As a distinct entity, however, Southeast Asia has its recent origins in the Pacific War.²⁸ The Western Allies established a separate Southeast Asia Command (SEAC) that covered an area of eventually eight of the ten Southeast Asian states. As the region grew in strategic importance, the geographical designation lent a political profile to what had previously only rarely been recognized as a space connected by local patterns of interactions.²⁹

Map 2. Southeast Asia



Source: CIA, available at <http://www.southchinasea.org/files/2011/08/Southeast-Asia-Political-Map-CIA-2003.jpg> [last accessed 23.1.2016].

²⁸ Fifield 1983, 11.

²⁹ On the external constitution of Southeast Asia see Charrier 2001; Emmerson 1984 and Fifield 1983. On local practices and indigenous ideas creating shared spaces see Reid 1988, 1995 and Acharya 1999.

The involvement of external powers in the Indochinese wars cemented the ideological divide between communist Indochina and the Western-leaning states grouped together in ASEAN. This block system defined the region's security dynamics for a period of over two decades and was precisely the institutionalized partition which drew the "two Southeast Asias" into a single sub-system.³⁰ The end of the Cold War and the withdrawal of Vietnam from Cambodia paved the way to turning ASEAN into a systems-wide institution as it came to include Vietnam (1995), Laos (1997), Myanmar (1997) and Cambodia (1999). ASEAN also helped to integrate East Timor into the international states system by granting it observer status to the organization and the prospect to full membership.

Nearly simultaneously, China's rise and the US's recurring increased involvement in Asia raised a different question about the existence of a Southeast Asian political sphere. Hedging their bets, Southeast Asian states multiplied their relations with extra-mural actors. Nevertheless, their engagement with the sub-system continued to be the first layer of the region's broader international engagement.

No-war communities in South America and Southeast Asia

Having described South America and Southeast Asia as regional sub-systems, in this section I advance three claims about the patterns of conflict in the two regions. First, I argue that inter-state war was surprisingly rare. Secondly, I show that during the periods of 'long peace', relations between the states in each region were not amicable. Persistent territorial disputes and militarized crises created an external security environment that was all but benign. Nevertheless, and this is my third contention, while states devoted considerable resources to the development of their militaries, there is little evidence to suggest that these states considered war with each other probable.³¹ I assess different arguments regarding the level of external security competition in South America and Southeast Asia and conclude that the states in the two regions developed dependable expectations that inter-state violence on a large scale is unlikely to occur between them.

³⁰ Simon 1984.

³¹ This is generally recognized by regional specialists though seldom emphasised. With regards to South America see Loftus 1968 and Nunn 2004; on Southeast Asia Antolik 1990a; Bitzinger and Desker 2011 and Leifer 1972.

Long peace

This is not the first study to deal with South America's no-war puzzle. Writing on war in the global system, Kalevi Holsti described 20th century South America as an "anomaly" in international peacefulness.³² According to Holsti, the region was a classical zone of war in the 19th century but between 1941 and 1995, he notes, there was no war between the states in the region. McIntyre found South America's peace to have lasted even longer. The region, he claimed, has been "the most peaceful continent in the world."³³ McIntyre does not count a battle between Ecuador and Peru in 1941 as war, which, with about 500 casualties, also does not feature in the major databases of war.³⁴

Definitions of war generally include a threshold of 1,000 battle-related deaths. Omitting the fatalities criterion, Centeno proposes a more extensive list of interstate war in the region and finds that Latin America's record of war has been "truly remarkable" during the 20th century.³⁵ Not even the wars of the 19th century, Centeno writes, featured "the intensity of ideological, nationalistic, or ethnic hatreds so much a part of the history of other parts of the globe."³⁶ On a more cautious note and echoing most other Latin America scholars, Kacowicz defines a turning point in South America's interstate relations with the end of the War of the Pacific in 1883.³⁷ Henceforth, the region entered a period of 'negative peace' which was upgraded to 'stable peace' in the early 1980s. Over the entire period, Kacowicz maintains, South America was one of the "most harmonious regions in terms of absence of international wars."³⁸

Félix Martín reaches similar conclusions but sets the crucial date at the end of the Chaco War in 1935.³⁹ This periodization is misleading, according to David Mares, as it disregards a months-long conflict between Colombia and Peru in 1932-1933.⁴⁰ The Leticia conflict in the upper Amazon claimed 800 Peruvians lives, a significant share of Peru's just over 5.65 million numbering population. In addition, drawing on

³² Holsti 1996.

³³ McIntyre 1995, 1.

³⁴ Zook 1961. See Appendix 1.

³⁵ See Table 1 in Appendix 1; Centeno 2002, 34.

³⁶ *Ibid.*, 44.

³⁷ Kacowicz 1998.

³⁸ *Ibid.*, 68.

³⁹ Martín 2006.

⁴⁰ Mares 2001b, 34.

different standard comparisons, Mares holds that Latin America does in fact not stand out as an exception in international peacefulness, even if adhering to the commonly used definition.⁴¹ These debates reveal the notorious difficulty of counting wars and conflict, and yet, the diagnosis of the region's state of affairs remains the same: In Mares' words, South America's peace has been a “violent peace” in which conflict was not ruled out, but war rarely occurred.⁴²

In the case of Southeast Asia, the temporal, spatial and qualitative limits to regional peace were less subject to controversy. During the Cold War, the general perception of Southeast Asia was one of a place of violence rather than peace. Nevertheless, due to the region's ethnic and religious diversity, observers found the relative stability of its borders remarkable.⁴³ As early as 1982, Jorgensen-Dahl described Southeast Asia as a security community.⁴⁴ Like most others, Jorgensen-Dahl based his analysis on a liberal institutionalist account that highlights the fact that war has not occurred between the members of ASEAN since its creation in 1967. Kivimäki most explicitly labelled the regional state of relations the “long peace of ASEAN,” excluding from his account Indonesia's military campaign of Confrontation against the Malaysian Federation (*Konfrontasi*, 1963–1966), Indonesia's occupation of East Timor (1975), and the Indochinese conflicts.⁴⁵ Kivimäki later extended his focus to the broader region, finding that since 1979 there had existed a “long peace of East Asia.”⁴⁶

The year 1979 is widely accepted as a watershed in the region's security relations. Stein Tønnesson coined the term of an “Asian peace” to describe a drop in the annual average of armed conflict since the end of the Third Indochina war in 1979.⁴⁷ Two decades after the Cold War Muthia Alagappa believed that

with no large-scale inter-state war since 1979 and substantial reduction in minor inter-state war [...] it is possible to argue that Asia has experienced a long period of interstate peace not unlike the long peace of the Cold War era,⁴⁸

and Etel Solingen claimed that there existed now a “Pax Asiatica.”⁴⁹

⁴¹ Ibid.; see also Butt 2013.

⁴² Mares 2001b. See also Butt 2013, 591 and Domínguez 2003.

⁴³ Ba 2009, 5-6; Solingen 2001. Regionalism studies generally see some degree of linguistic, cultural and religious homogeneity as favourable, if not necessary condition for the positive identification between the states of one region. See the contributions in Mansfield and Milner 1997 and Weiner 1965.

⁴⁴ Jorgensen-Dahl 1982.

⁴⁵ Kivimäki 2001.

⁴⁶ Kivimäki 2014.

⁴⁷ Tønnesson 2014.

⁴⁸ Alagappa 2011, 159.

In summary, what the above shows is that analysts of the two regions agree that both have experienced periods of interstate peace long enough to qualify as a stable trend. This is more apparent in the case of South America, where states gained independence more than a century earlier than the states of Southeast Asia. This difference does not stand in the way of comparing the two cases. Because of radically distinct international configurations during the early years of independence, Southeast Asia was pressured into an accelerated process of state-building. The region attained its basic characteristics in less than two decades, while the consolidation of the South American sub-system had lasted well into the late 19th century. This leaves South America still several decades ahead in developing what is today a more mature sub-system, but age has not led to better policy-outcomes in South America and does not invariably lead to greater stability.⁵⁰ A difference in the level of sub-systemic consolidation may be observed though with regards to the development of regional mechanisms to safeguard democracy and settle international trade disputes. These are significantly more developed in South America and reflect a lesser emphasis on the principles of national sovereignty and non-intervention than this is the case in Southeast Asia. With a shorter history of independence, the latter's elites, including the younger generations, still hold a widely-shared view that "we need to guard this new-found sovereignty and cannot simply give it away again."⁵¹

The relative absence of interstate war in South America and Southeast Asia concurs with a global down-ward trend.⁵² Yet, war has not ceased to exist. In the second part of this chapter I will argue that global explanations of why war has become less frequent are insufficient to explain the relative stability of South America and Southeast Asia. The no-war puzzle lies not, as sometimes presented, in a low number of wars in comparison to other cases. Rather, my question is: why have the two regions seen a low number of wars under conditions that would suggest otherwise, and which were similar in both of them? Below the threshold of war, South America and Southeast Asia were not free from conflict, and this is what I turn to next.

⁴⁹ Solingen 2007.

⁵⁰ Jackman 1993, 80-81.

⁵¹ Interview with Asyura Salleh, Brunei Ministry of Foreign Affairs and Trade, in Singapore, 4 October 2013.

⁵² Mueller 2009; Themnér and Wallensteen 2014.

Militarized peace

If the previous discussion signalled caution about whether there is anything inherently peaceful about the two regions, this claim is substantiated considering conflict below the threshold of major war. In what follows I present an empirical illustration of the regions' militarized peace based on a series of standardized measures. Since some of the specialized literature suggests that the regions are anomalous in their patterns of conflict and relative stability, I provide total numbers and a regional breakdown to probe whether this is true. Because my emphasis is on the regional contexts of South America and Southeast Asia each individually, however, the regional comparisons are selective and the breakdown into sub-regional systems not exhaustive.⁵³

The Uppsala Conflict Data Program (UCDP) counts conflicts that resulted in more than 25 but less than 1,000 fatalities within one year. For the post-1945 period it lists one such case in South America and five in Southeast Asia (Table 1). Considering instances of militarized interstate disputes (MID) in which states threatened, displayed or used force against each other, the regions appear even less peaceful.⁵⁴ The numbers of MID years shown in Table 1 add all instances in which one regional country pair engaged in a militarized dispute in one year. Between 1883 and 2001, South American states engaged in 174 militarized disputes, seventy-one of which occurred after 1945. In more than half of these disputes force was effectively used. This figure is higher still for Southeast Asia. Of the 180 MIDs the dataset counts for the region, Southeast Asian states used force in 157 of them.

⁵³ The regional sub-systems defined for this purpose are South America, Southeast Asia, Greater Western Europe (Andorra, Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom), East Asia (China, Japan, Mongolia, North Korea, South Korea, Taiwan), the Middle East (including North Africa), and Sub-Saharan Africa.

⁵⁴ Palmer et al. 2015. An updated list for Latin America can be found in Mares 2012, 14-15.

Table 1. Intra-mural interstate conflict, regional comparison

	Conflict, 1945-2014 (purely territorial)	MID years, 1945-2001 (1883-2001)	MID years, force used* 1945-2001 (1883-2001)
World	37 (33)	2943 (4483)	2101 (3355)
South America	1 (1)	71 (174)	42 (108)
Southeast Asia	5 (5)	180	157
Greater Western Europe	-	30 (252)	25 (192)
East Asia	-	147 (195)	111 (153)
Middle East	5 (2)	511 (524)	402 (413)
Sub-Saharan Africa	8 (8)	281	226
*MID level 4 and 5. Sources: Uppsala Conflict Data Program: Gleditsch et.al. 2002; Dyadic MID: Zeev Maoz 2008. Dyadic Militarized Interstate Disputes Dataset Version 2.0 (DYDMID2.0), http://hdl.handle.net/1902.1/11489 [last accessed 14.2.2015].			

Despite the fact that states in South America and Southeast Asia did not shy away from using force against each other, with few exceptions war was avoided in the two regions. As I argued above, this is puzzling because interstate quarrels often related to territorial disputes, which were an enduring legacy of European colonization in both regions. A sizeable number of studies show that disputes over territory escalate more often and once militarized, they are more likely to lead to war.⁵⁵ Territorial conflicts tend to last longer,⁵⁶ are more destructive,⁵⁷ and recur with greater frequency.⁵⁸ At the same time, agreeing on an international border is an effective tool to promote peace between states, which raises the question how the “problem of peaceful territorial change” can be explained.⁵⁹

Data on the management of territorial disputes suggests that the answer cannot be that territory was unimportant to the states of South America and Southeast Asia. The numbers included in the first column in Table 1 show that territory was the major incompatibility in all minor conflicts fought in South America and Southeast Asia since 1945, and, according to UCDP, in all wars that occurred in the two regions (Tables 1 and 2 in Appendix 1).⁶⁰

Territorial continuity since 1945 appears fairly high when considering the COW Territorial Change data. These include no entry for South America and two for

⁵⁵ Ben-Yehuda 2004; Huth 1996; Senese and Vasquez 2008; Vasquez and Henahan 2010.

⁵⁶ Duffy Toft 2014, 187; see also Hassner 2006.

⁵⁷ Senese 1996; Hensel 1996.

⁵⁸ Goertz and Diehl 1992; Hensel 1994.

⁵⁹ Kacowicz 1994; Tir 2006.

⁶⁰ The argument that territory was at the heart of South America’s 19th century wars was made by Farcau 2000 and Whigham 2002. See also Bulmer-Thomas 1994 and Ireland 1938.

Southeast Asia, both prior to 1979: the secession of Singapore and the unification of Vietnam (Table 2). After 1945, however, instances of territorial change were generally few. Before 1945, territorial change occurred 28 times in South America, including three times through conquest. In a study focusing not on single territorial claims but on country pairs, Parodi finds that out of the 25 international boundaries of South America, eight were marked with major war, eight with lesser war, and five with some level of violence.⁶¹

Table 2. Territorial change, regional comparison

	Territorial change, 1816 - 1996		Territorial change, 1945 – 1996	
	total	by conquest	total	by conquest
World	873	123	278	21
South America	28	3	-	-
Southeast Asia	2	1	2	1
Greater Western Europe	114	2	10	-
East Asia	10	4	2	-
Middle East	44	12	32	8
Sub-Saharan Africa	9	-	9	-

Source: Tir et.al. 1998. Territorial changes, 1816-1996: Procedures and data. *Conflict Management and Peace Science* 16: 89-97.

The Issues Correlates of War Project (ICOW) reports that of all territorial disputes that were settled before 2001, eleven per cent were settled violently in South America and almost 40 per cent in Southeast Asia (Table 3). In this regard South America compares favourably to the global average of 25 per cent. South America stands out also in the regional comparison in Table 1 regarding the low number of militarized disputes, and in following second only to Western Europe in the incidence of conflict. However, as shown in Table 3, until a dispute was resolved, South American countries engaged on average more often in MIDs over the territorial issue at stake than the states of any other sub-system. The same data also suggest that prior to 1945, South America experienced occupation and conquest as a means to resolve territorial issues slightly more often than the global average (eleven per cent as compared to nine per cent). At the same time, far more frequently than any other grouping South American countries have resolved their conflicts through formal or informal involvement of a third party.

⁶¹ Parodi 2002, 2-3.

Table 3. Violence and territorial claims until 2001, regional comparison

	Total disputes (ongoing)	Average MIDs over one issue	Type of dispute resolution, in %		
			Occupation/conquest	Violence	3 rd party
World	837 (109)	1	9	25	14
South America	33 (5)	3.8	11	11	43
Southeast Asia	20 (12)	1.7	25	37.5	12.5
Greater Western Europe	120 (1)	.2	5	15	18
East Asia	26 (8)	2.5	11	39	-
Middle East	95 (5)	1.6	7	28	12
Sub-Saharan Africa	39 (14)	1.4	-	4	8

Source: Issues Correlates of War Project (Frederick, Bryan A., Paul R. Hensel, and Christopher Macaulay. 2014. The provisional ICOW territorial claims data: Procedures and description. Unpublished manuscript).

Southeast Asia's rather high number of outstanding territorial claims as of 2001 is not particularly surprising given that the states are comparatively young.⁶² As a way of resolving conflict, occupation and conquest were more prevalent than elsewhere as compared to other types of settlement, although it is worth noting that the total numbers were small (three conflicts resolved by violence and two cases of conquest/occupation). However, considering that the average militarization of any one territorial dispute amongst Southeast Asian states has been just above the global count, it is difficult to agree that conflicts in the region used to be swept under the carpet.

Two conclusions follow from the above. First, contrary to what the focus on a single region tends to suggest, neither South America nor Southeast Asia is more 'exceptionalist' than any other region when considering their overall pattern of armed conflict. Secondly, the fact that in both regions states rarely went to war is not reflective of a 'warm' peace. In line with the first contention this section showed that outright forms of aggression and major territorial change were exceptions, and yet, at a lesser level of intensity, conflict took place. States had little apparent reason to assume that future conflict will be settled without the recourse to force. Nevertheless, communities emerged in South America and Southeast Asia where leaders developed stable expectations that major war between them was unlikely to occur.

⁶² As of May 2015, only the ICOW dataset on territorial claims has been finalized. Data on river and maritime claims are planned [<http://www.paulhensel.org/icow.html>, last accessed 7.5.2015]. Given that many borders in South America and Southeast Asia are still not delimited or not properly demarcated, the actual number of potential and actually existing conflicting claims is higher than the ICOW data and others indicate.

Dependable expectations

Expectations are notoriously difficult to show, especially when discursive affirmations serve a political purpose in managing security. Strategic language can “entrap” states into a community over time, yet rhetoric action in itself is insufficient to show trust.⁶³ I offer two sets of arguments that seek to demonstrate that the states in South America and Southeast Asia considered war with any of their neighbours unlikely. First, I argue that the outcome in critical situations tended to prove those right that considered war to be a far distant possibility. Dependable expectations are ultimately a matter of degree, and it is therefore important to establish whether there is ground for such to develop in the first place. Second, I show that military developments and procurement policies do not indicate that war with a neighbouring country was seriously contemplated. Scholars disagree about the reasons for the absence of significant domestic preparations for war, but nevertheless tend to reach the same conclusion that the probability of sustained interstate violence was effectively low.

Critical situations

No-war communities are not peace communities. Yet, instances of large-scale armed violence between the states of South America and Southeast Asia were exceptions that confirmed the rule. Other opportunities for easy gains in war were not taken up.

During the latter half of the 20th century, Ecuador and Peru had the most violent relations in South America (see Chapter 7). In 1941, Peru occupied parts of Ecuador to enforce its claim to territories in the Upper Amazon. Peru failed to settle the border once and for all, but despite continuing quarrels over a disputed area, the prospect that a generalized war would recur was low.⁶⁴ This impression was shared by Argentina, Brazil and Chile, which, together with the US, had a mediator role in the dispute. These states acted decidedly only once an incident in a long series of clashes led to serious fighting in 1995. Although the disputant parties mobilized several thousand troops, employed sophisticated weapons technology and exchanged heavy artillery

⁶³ Schimmelfennig 2001.

⁶⁴ Mares 1996.

fire, they succeeded in keeping the fighting within a geographically restricted area.⁶⁵ Open hostilities ended after little more than one month, and taking the risk of a sustained, large-scale war now more seriously, Ecuador and Peru eventually agreed to binding arbitration by the mediators.

Another telling example is the historically difficult relation between Argentina and Chile. As discussed in detail in Chapter 6, conflict between the two countries over the Beagle Channel came to a halt before it turned violent in 1978. Three years later, Argentina fought Great Britain over the Falkland Islands in the South Atlantic.⁶⁶ At that time, the Vatican-sponsored mediation of the Beagle Channel conflict had come to a standstill. Aggressive posturing in Argentina raised concerns in Chile that this time the conflict would lead to a military confrontation.⁶⁷ Yet, Chile did not use its newly gained advantage, knowing that “we had to live the rest of our lives with Argentina next door.”⁶⁸ The Chileans capitalized upon the war: Britain requested help and received, under absolute secrecy, covered military and intelligence support from Augusto Pinochet’s military junta. Fernando Matthei, who coordinated the collaboration with Britain’s Air Force official Sidney Edwards, sought to improve his country’s impoverished defence capacities but had no interest in getting involved in the Falkland War.⁶⁹ In exchange for Chile’s support, Britain provided anti-aircraft missiles at a symbolic price. Officially, the junta adopted a position of strict neutrality and it abstained from supporting Argentina at the Organization of American States (OAS), notably as the only country besides the US and Colombia. For this, the dissenters faced strong criticism as other Latin American governments claimed they acted against the unwritten rules to refrain from opportunistic behaviour and to assist another state in the region when under threat.

Finally, the no-war pattern is strongly reflected in the region’s behaviour towards Colombia. Colombia experienced more than six decades of internal strife, and while two thirds of all civil wars fought between 1945 and 2015 saw the involvement of

⁶⁵ Spencer 1998.

⁶⁶ Throughout the thesis I refer to the Falkland Islands rather than to *Islas Malvinas* given that this is how the islanders of the British overseas territory refer to themselves.

⁶⁷ Galtieri, who presided Argentina’s military junta, publicly stated that the occupation of the Falkland Islands was only “the first step in the reivindication of Argentinas Southern territories” (*FBIS*, 13 May 1982).

⁶⁸ Interview with Fernando Matthei, member of the governing junta, Santiago, 9 November 2012.

⁶⁹ *Ibid.*

external states,⁷⁰ no country in South America has taken advantage of its internal divisions. This is especially striking with regard to its four land-based neighbours, all of which maintain territorial disputes with Colombia.

For the case of Southeast Asia, the claim that a region-wide community emerged as early as in the 1980s in which states developed dependable expectations of no-war is most debatable in the context of Vietnam's intervention and subsequent occupation of Cambodia. This occurred in 1979, at a time many Southeast Asian leaders still believed in and capitalized upon the US's theory of the risk of a communist domino effect in the region. Soon after the Vietnamese raided the Thai border in 1981, however, the limits of Vietnam's power became apparent.⁷¹ The states most fearful of an aggression were Thailand, being a frontline state in non-communist Southeast Asia, and the strategically vulnerable city-state Singapore.⁷² Ten years later, the Cambodian Peace Accords were signed and both readily endorsed Hanoi's request for membership in ASEAN. Their expectation of future conflict with Vietnam tended towards low.

Two additional conflicts, at times referred to as 'war' within the region, may cast doubt on whether Southeast Asian states had reasonable grounds to assume that war would not occur between them. Between November 1987 and February 1988, Thai and Laotian security forces engaged each other along the border at the village of Ban Rom Klao. The two sides suffered combined casualties outnumbering 1,000. The fighting was sparked by an illicit logging deal that involved local interests, and when the militarily far superior Thai forces failed to push Laotian army units from Hill 1428, a truce was brokered.⁷³ Instead of reinforcing border defence, in 1991 the two countries agreed to a range of bilateral measures to manage six "sensitive issues" and set up a joint border committee.

Along Thailand's border with Cambodia, during occasionally flaring skirmishes between the two countries' security forces in 2008–2011, no Southeast Asian

⁷⁰ Cunningham et.al. 2013. During 1980–2015, seventy-four non-state armed groups received external support by at least one state (Solhdoost 2015).

⁷¹ Interview with Termsak Chalermpananupap, then reporting from the Thai-Cambodian border for a Thai newspaper and later Director of Political and Security Cooperation at the ASEAN Secretariat, Singapore, 27 August 2013; interview with Tan Sri Razali Ismail, Malaysian High Commissioner to India 1982-1985 and thereafter Deputy Secretary-General at the Ministry of Foreign Affairs, Kuala Lumpur, 11 November 2013.

⁷² Differing threat perceptions amongst the initial ASEAN members are well documented. See Ang 2013 and Storey 2011.

⁷³ Stuart-Fox 1996, 290.

government including Cambodia's was seriously concerned that a clearly superior and politically powerful Thai army would launch a decisive campaign (Chapter 10). Indonesia's efforts to help resolve the conflict had much to do with its aspirations to bolster the credibility of ASEAN, and when the conflict eventually escalated into a week-long fighting, it came rather as a surprise to Southeast Asia's diplomats and policy-makers.⁷⁴

Military development and arms acquisitions

All states within South America and Southeast Asia developed conflict plans centring on their neighbours. Yet, with the exception of Singapore, these were generally given minor consideration and in very few cases affected military planning and procurement in the medium and long term. External threats failed to trigger lasting efforts to engage in sustained preparations for war, including in periods in which the possibility of war significantly increased.⁷⁵ Instead, states either adopted measures to prevent conflict escalation or sought to mediate their behaviour through a parallel increase in confidence-enhancing measures.⁷⁶

There are few states in the world that are at a constant alert of war. Not all states that anticipate large-scale armed conflict have concentrated their resources on preparing for sustained war efforts. Resources are limited, and during the early days of independence, leaders in South America and Southeast Asia openly acknowledged to prioritize domestic development goals at the cost of accepting external vulnerability.⁷⁷ Internal strengthening may well have been pursued with the goal in mind to acquire the means to wage war in the future, but similar statements have become less frequent and indicates that a lack of resources alone cannot explain why states have not acquired the capabilities to wage war. Instead, the paucity of claims that leaders need to choose between military strengthening and other goals points towards greater levels

⁷⁴ Interviews with Derry Aman, then Deputy Director for Political Cooperation at the Directorate of ASEAN Political-Security Community, Directorate-General of ASEAN Cooperation, Ministry of Foreign Affairs Indonesia and Jose Tavares, Director for ASEAN Dialogue Partners' and Inter-Regional Cooperation at the Directorate General of ASEAN Cooperation, Ministry of Foreign Affairs Indonesia, both Jakarta, 19 November 2013.

⁷⁵ On South America see Centeno 2002, for the 19th century also López-Alves 2000 and Scheina 2003. On Southeast Asia Leifer 1999, 29.

⁷⁶ On South America see Navarro 1996, 290; Morris and Slann 1983; Morris 1983; on Southeast Asia Koh Swee Lean Collin 2015; Sukma and Nathan 2009, on Indonesia Gindarsah 2015.

⁷⁷ See for example the speeches at the Pan-American Conferences and the founding documents of the ASEAN-Institutes of Strategic and International Studies.

of trust. The willing acceptance of vulnerability requires the recognition of a vulnerable condition in the first place, but in trusting relations actors may find themselves in a vulnerable situation without being aware of it.⁷⁸ At the very least, if expectation of war existed, they should be reflected in military developments even if resource constraints prevented leaders from developing effective war machineries.

Yet, security competition in the two regions was muted.⁷⁹ Formal alliances were absent in South America and avoided by most Southeast Asian states, especially when this was perceived to affect intra-regional relations. The most likely case for alliance building was ASEAN at the height of the Cold War. ASEAN's founding-five deliberately emphasised the economic goals of the organization and played down security considerations. ASEAN never developed into an alliance, and only the Philippines and Thailand entered formal alliance relations with the US.⁸⁰

None of the states in the two regions pursued weapons of mass destruction except for Brazil and Argentina during the 1970s and early-1980s. Nevertheless, Brazilian and Argentine nuclear policies were above all driven in the context of North-South relations and the secret military programs developed under the military juntas aimed at allowing each to react quickly should the other acquire nuclear weapons rather than gaining a military advantage in the first place.⁸¹

Military expenditure data from the COW-CINC dataset allows one to discern fluctuations and periods of high spending for the individual countries.⁸² The data show that patterns in national expenditure do not systematically correspond to the dynamics of intra-regional inter-state conflict as identified for this study.⁸³ In the years following Vietnam's invasion of Cambodia, for instance, neither Thailand's nor Singapore's military budget increased disproportionately. Those of the Philippines and Indonesia soon effectively declined. In all countries except Singapore,

⁷⁸ Keating and Ruzicka 2014, 759-760.

⁷⁹ This claim is often implicit in the literature on the two regions. The argument is made in Battaglino 2010, 76-79; Holsti 1996 and Pión-Berlin and Trinkunas 2007. With respect to Southeast Asia see Solingen 2001.

⁸⁰ According to Ciorciari 2010, Southeast Asia's states practiced "limited alignment." See also Malaysia's efforts to ensure that the FPDA would not be perceived as an alliance pact by Indonesia (Chapter 8).

⁸¹ Barletta 1997; Carasales 1997; Hymans 2001. Latin American countries signed the Treaty of Tlatelolco in 1967 to create a Nuclear Free Zone. Shortly after, a similar initiative was undertaken by ASEAN but failed to materialize in the context of US-Soviet relations.

⁸² Singer et.al. 1972.

⁸³ See also Loftus 1968, 26-32.

expenditure in real terms was clearly and positively correlated with national income. In most cases, significant increases in spending can easily be attributed to non-offensive force modernization programs or domestic considerations, including counterinsurgency, capacity-building for basic public services, boosting local defence industries and sustaining military patronage networks.⁸⁴ These motivations do not preclude the dynamics leading to a classical security dilemma, and analysts occasionally alerted to regional arms races.⁸⁵ However, clear and sustained action-reaction patterns in military spending and acquisitions were absent between any pair of countries in the two regions, including during conflict-prone periods.⁸⁶ The most clearly observable and lasting process of reactive arms procurement has been between Singapore and Malaysia.⁸⁷ Given its geographical condition as a city state, Singapore has made no secret of its offensive defence doctrine. Even in the notoriously difficult relation, however, individual arms purchases frequently amounted to “siblings’ rivalries” between the militaries.⁸⁸ State officials accompanied significant investments by public assurances that military development was done “with great care”⁸⁹ to ensure that no-one was “starting an arms race,”⁹⁰ but instead that purchases by the other were important to the safety of the region as a whole.⁹¹ Acknowledgment in Malaysia that

⁸⁴ Statistics on military expenditure are problematic especially because of a lack of transparency in many of the cases considered here and with regards to extra-budgetary expenses (Colgan 2011; Herrera 1994; Whynes 1979). Any conclusion drawn from the data needs careful examination on a case-by-case basis. Since 2004, RESDAL provides systematic information for all South American countries in the Comparative Atlas of Defence in Latin America. With regards to Southeast Asia see Chambers 2010, 835-58 and Croissant et.al. 2012.

⁸⁵ Since the late 19th century there were four periods in which South America’s external security environment tightened. The first, an intense arms race between Argentina and Chile, terminated in 1902. The second “war-prone phase” saw three conflicts during 1932-1942 (Butt 2013). Flaring disputes and the US’s gradual loss of paramountcy was said to leave Latin America “ripe for conflict” in the late 1970s and again in the 1980s (Grabendorff 1982). Most recently, concerns have been raised over Brazil’s growing economic, political and military power, and an increase in defence expenditure in several South American countries (Bromley and Solmirano 2012). In Southeast Asia, force modernization programs and the steady growth of military expenditure since 1992 and again since 2009 have spurred talks of an arms race with a particular emphasis on the maritime realm (Bitzinger 2010; Mak 1995).

⁸⁶ With regards to the third period during which South America experienced greater interstate tensions see Selcher 1996, 111, and Varas 1985, 84-90; with respect to the 2000s, Battaglino 2013 and Bromley and Solmirano 2012. On Southeast Asia in the aftermath of the Cold War see Ball 1993 and Dewitt and Bow 1996. On the extra-regional drivers of Southeast Asia’s recent military modernization programs and their constraints see Chang 2014.

⁸⁷ Huxley 1991.

⁸⁸ Cited in Swinnerton 1997, 36.

⁸⁹ The essence of 3G in the navy, *The Straits Times*, 20 February 2009.

⁹⁰ M’sian deterrent capability a positive contribution, *Business Times Singapore*, 13 July 1993.

⁹¹ Syed Hamid: Don’t see it as arms race, *New Straits Times*, 22 May 1998. I thank Collin Koh Swee Lean for pointing this out to me and for giving me access to his database.

“if Singapore wants to be a real state this is just what they have to do, arm to their teeth” rendered arms competition well below the threshold of an arms race.⁹²

Indonesia and Brazil are the countries with the greatest economic and political potential in Southeast Asia and South America, respectively. Both have made careful use of their power not to unsettle the regional balance.⁹³ Over the past two decades, the two countries allocated consistently less than two per cent of their national income to military expenditure.⁹⁴ Both have become growing middle powers, but Indonesia is unlikely to abandon its diplomatic approach to dealing with the region.⁹⁵ Likewise, “Brazil scares nobody [...], [it] is not – and has no intention of becoming – a military power.”⁹⁶ It is exemplary for the region that South American states responded to Brazil’s rise with “limited resistance” at best and only through diplomatic and economic means.⁹⁷

Scholars largely concur in that simmering conflicts in South America and Southeast Asia have not led to a competitive external security environment in which states are on alert of the possibility of war amongst them. According to Dominguez et.al., “[t]he peace-making machinery serves the Americas well when it prevents war.”⁹⁸ This is, as Mares suggests, that South American states used force as a relatively cost-free bargaining tool precisely because the risk of war was low.⁹⁹ Michael Leifer, whose writings on Southeast Asia carried a similar, fundamentally realist understanding, wrote on the region’s state of affairs that “post-Confrontation, there has never been a genuine *casus bellum (sic)* among ASEAN states.”¹⁰⁰

War, to be sure, was never completely ruled out, but it was perceived as an utterly distant option. The case study chapters provide further evidence that intra-mural crises, while used to justify temporary surges in spending, did not influence military planning with a view to preparing all-out war in the communities of South America and Southeast Asia.

⁹² Interview with former navy officer requesting anonymity, Kuala Lumpur, 16 November 2011.

⁹³ On Brazil see Burges 2008 and Soares De Lima and Hirst 2006; on Indonesia Emmers 2014 and Sebastian 2006a.

⁹⁴ SIPRI Military Expenditure Database 1988-2014
[http://www.sipri.org/research/armaments/milex/milex_database, last accessed 13.5.2015].

⁹⁵ See Seng Tan 2015, 130-154.

⁹⁶ Malamud 2011, 4, 5.

⁹⁷ Flandes and Wehner 2013.

⁹⁸ Domínguez 2003, 36.

⁹⁹ Mares 2001b.

¹⁰⁰ Leifer 2001, 485. See also Solingen 2001.

The above demonstrated that similar problems from inherited boundaries led to similar outcomes in the two regions. Both were characterized by a situation of militarized peace in which disputes had neither escalated into full-blown war, nor were they brought to a conclusion. Persistent conflict notwithstanding, I argued that there is a lack of indicators to suggest that states seriously contemplated war amongst each other. The remainder of the chapter turns to existing explanations of the no-war puzzle.

Existing explanations

This section deals with five bodies of literature that speak to the research question. The first is security community theory. To begin, I argue that the no-war communities described in the preceding section are consistent with security communities in the most basic sense of the concept. I proceed then to discuss the shortcomings of security community theory in explaining long inter-state peace in South America and Southeast Asia. In the same part I also deal in greater detail with several explanations that are based on liberal and constructivist theorizing, because such are emphasised at different stages in the security community framework.¹⁰¹ It should be noted that not all scholars cited in the discussion use security community theory explicitly but some draw on similar concepts from Peace Studies or the English School's concept of society. For the sake of brevity, I make this explicit only when their main characteristics differ from security community in a relevant way.

The second and third bodies of literature I will discuss deal with the nexus between domestic state structures and war. This is the work on state-building and Third World security, from which my argument borrows important insights. Next, I review macro-historical and global arguments on the changing character of war and the role of territory. In the final part I group together explanations drawing on geopolitics, balance of power theory, and the hegemonic peace theorem. Throughout the discussion I deal with works on the two regions under the common theoretical framework. Where I make no mention of one of them, scholars have either found the respective explanation irrelevant or have not dealt with it in the first place. Strikingly though, the greater part of arguments on interstate war in South America and

¹⁰¹ On security communities and the theoretical middle ground see Koschut 2014.

Southeast Asia resemble each other. Due to a lack of comparative research, however, the main debates have remained rather disconnected despite some important parallels.

Security community theory

Deutsch coined the definition of a pluralistic (read: decentralized) security community as one in which states hold dependable expectations of peaceful change.¹⁰² Such expectations rest on a sense of community tied to the very idea of peace and community-building; yet, the identifying principle for security community is the absence of war and the preparation for war.¹⁰³ The concept is also often equated with 'stable peace' where, again, in the least demanding sense, this describes a 'negative peace' limited to the avoidance of war.¹⁰⁴ Apart from the use of large-scale armed force, the existence of conflict does not stand in opposition to pluralistic security communities. Acharya relies on the Deutschian claim that the members of a security community may indeed find themselves on the opposite side of conflicts between great powers while keeping "actual mutual hostilities and damage to a minimum – or else refuse to fight each other altogether."¹⁰⁵ Even in a mature community, Adler and Barnett assume "conflicting interests, disagreements, and asymmetric bargaining" to exist, albeit under the expectation "that states will practice self-restraint."¹⁰⁶ Coercion is not wholly ruled out, but the probability of military encounters, if given, is low.¹⁰⁷ This resembles South America's and Southeast Asia's no-war communities, but nevertheless, security community theory could not adequately account for the no-war puzzle in the two regions. Finding limited evidence in the presumed mechanisms leading to communities, the best that existing studies could conclude was that some type of community was in the making in South America and Southeast Asia. If minimalist communities actually existed, however, the existing frameworks failed to capture the alternative community-building machinery apparently at work.

The new generation of scholarship ultimately relied on insights from Europe and the US, its explicit goal to study communities beyond the West notwithstanding.¹⁰⁸ To

¹⁰² Deutsch 1957, 5.

¹⁰³ Ibid., 99. This is implicit when the term 'non-war community' is used here.

¹⁰⁴ See the contributions in Kacowicz et al. 2000.

¹⁰⁵ Deutsch 1968, 276, as quoted in Acharya 1998a, 214.

¹⁰⁶ Adler and Barnett 1998a, 55.

¹⁰⁷ Ibid.

¹⁰⁸ Adler and Barnett 1998c, 4.

explain the cases of South America and Southeast Asia, this proved to be a twofold obstacle. On the one hand, it ignored the possibility of a community in which major war is ruled out but the use of force on a smaller scale is seen as a legitimate option. The procedural approach built into the analyses envisaged a group of states developing from one that does not fight wars into one where military encounters become less likely until, eventually, violence becomes unthinkable.¹⁰⁹ In Europe and the North Atlantic area the end of major war was almost simultaneously the start of a deliberate – and eventually successful – attempt to delegitimize the use of force amongst the members of its communities. For the purpose of their study, there was thus no obvious need to pay greater analytical attention to the relation between no-war and no-force. The same sequencing of lessening levels in armed conflict sits uneasily though with South America and Southeast Asia. Conceptually, the avoidance of war and no-violence are not necessarily the same “habit”, “institution”, or “practice” that characterizes community.¹¹⁰ Moreover, the view that growing trust goes hand in hand with a reduction in the severity of conflict along the road to a mature community neglects a myriad of other factors playing into the dynamics of conflict (de)escalation, such as interference from more powerful actors, which have fundamentally shaped security in South America and Southeast Asia.

The second problem with applying security community theory to the two regions is its reliance on the realist, Western-dominant proposition that states are like units. Most studies looking at South America and Southeast Asia through the lens of community show little interest for the internal conditions of the states they are concerned with. Scholars suggested broadening the concept and revisiting the sequencing of community-building. Eventually, however, their analyses were tailored towards the same mechanisms that had been found at work in Europe.¹¹¹ These correspond broadly to Adler and Barnett’s framework, in which the first step is the desire of states to coordinate their security.¹¹² Then, a process of social learning facilitated by exchanges and institutions would create a ‘we-feeling’ and eventually those identities and trust that form the necessary conditions for a mature community, one in which

¹⁰⁹ Adler and Barnett 1998a.

¹¹⁰ It is an institution for Deutsch 1961, 99; a practice for Pouliot 2008.

¹¹¹ See for example Barnett and Adler 1998; Collins 2014; Tuscisny 2007.

¹¹² Adler and Barnett 1998a, 50.

members hold dependable expectations of peaceful change.¹¹³ In both South America and Southeast Asia these mechanisms were either limited or wholly absent.

Transactions, interdependence and institutions

In both regions economic interdependence is higher today as compared to the post WWII-period.¹¹⁴ Yet, intra-regional trade volumes have consistently been less significant as compared to those between the individual countries and their extra-regional trading partners. Solingen and Goldsmith argued that nevertheless, economic liberalism had a pacifying effect on the states of Southeast Asia where the end of the Indochinese wars coincided with the time states began to replace their import-substituting models with export-oriented development strategies.¹¹⁵ Despite moderate levels of economic interdependence, developmentalism has been wielded as a fundamental goal also by South American governments (especially military regimes), and it was argued that this set the costs of war at an unacceptably high level.¹¹⁶ Liberal theories remind us of the link between growth strategies and the desire for domestic political stability. Beyond, however, they have little to say on the importance of economic development in foreign policy-making and less so on the conditions under which security considerations trump economic incentives.

In the political realm, institutions are seen as essential in providing a framework for encouraging transactions and trust.¹¹⁷ From the early days of independence Latin America experienced four waves of regionalism, each of them expanding the

¹¹³ Ibid. Given the understanding that trust is based on mutual identification the framework does not allow disentangling its role into community-constitutive and procedural elements. Dependable expectations are at once “the confidence that disputes will be settled without war” and “unarguably the deepest expression of trust possible in the international arena” (Barnett and Adler 1998, 414).

¹¹⁴ CEPALSTAT, *External trade statistics: Total intraregional trade* [<http://estadisticas.cepal.org/cepalstat/>, last accessed 24.5.2015]; IMF Direction of Trade Statistics, Direction of Trade [<http://elibrary-data.imf.org/QueryBuilder.aspx?key=19784661&s=322>, last accessed 24.5.2015].

¹¹⁵ Goldsmith 2013; Solingen 1998. Testing economic liberalization against ASEAN membership in mitigating conflict, Tang examines the onset of militarized disputes between Southeast Asian states from 1950 to 2000 (2012). His analysis suggests that a shared desire for free markets provided a capitalist road towards peaceful interstate relations in Southeast Asia, but fails to provide an explanation for the correlation. Nevertheless, Tang's work is a rare example to include the whole of Southeast Asia into the analysis rather than precluding a pacifying effect of ASEAN.

¹¹⁶ Centeno goes as far as to argue that developmentalism became a trait of nationalism in South America (2002, 185). On Southeast Asia see Kivimäki 2001, 13.

¹¹⁷ Adler and Barnett 1998a, 42.

institutional architecture.¹¹⁸ Regional cooperation schemes proliferated in both South America and in Southeast Asia especially since the 1990s, but in both cases regional organizations have retained their fundamentally intergovernmental character.¹¹⁹ This calls the possibility of transformative inter-state interactions into question. Regional institutions provided a forum for high-level encounters, but mutual suspicions stood in the way of deeper integration especially in the area of conflict management. A large number of studies on ASEAN highlights the importance of informal cooperation and the social institutions underpinning the organization. As I will argue in Chapter 8, however, ASEAN was only one amongst the diplomatic instruments used in Southeast Asia to manage international conflicts. Lastly, community-building from below cannot explain the two cases either.¹²⁰ People-to-people exchanges have been less common still and in both South America and Southeast Asia regionalism has been a project essentially centred on the elites.

Democracy

Security community's most prominent basis for mutual identification and common identities, liberal democratic values, have historically enjoyed only patchy support in South America and Southeast Asia.¹²¹ Democracies were few in Southeast Asia and in South America, they were of recent origin, questionable status or transitory in nature (read: conflict-inducing rather than pacifying).¹²² In line with the democratic peace literature, one of the most authoritative studies on territorial disputes found that democratic dyads rarely militarize disputes but instead rely on negotiations.¹²³ However, three different studies that use the same data for only slightly differing time periods show that the claim does not hold in the case of South America.¹²⁴ Moreover,

¹¹⁸ For a comprehensive review up to 2009 see Dabène 2009.

¹¹⁹ On South America Malamud 2012; on Southeast Asia see Alagappa 2011, 178-180 and Narine 2009.

¹²⁰ For example, societal integration amongst publics is a central element in the sequential pathway to stable peace in Kupchan 2010, 48.

¹²¹ For both Deutsch and Adler and Barnett democracy does not seem to be a necessary condition (Adler and Barnett 1998a, 40-41; Adler 1997, 257-59). Nevertheless, community scholars generally agree that communities are more likely to emerge amongst democratic states and that only such can enjoy 'warm peace' (Kacowicz 1998; Roberts 2012b).

¹²² The first constitutions of Latin America were remarkably liberal and progressive at that time. However, the provisions seldom translated into standards that would meet contemporary ones and were largely abandoned in the 1930s.

¹²³ Huth and Allee 2002. For summaries of the democratic peace debates see Russett and Oneal 2001.

¹²⁴ Hensel 2001; Martín 2006; Mares 2001b.

at the time of the region's only war since 1945, the Cenepa war between Ecuador and Peru, both countries were democratic. Lastly, Simmons found that joint democracy was not a reliable predictor of compliance with legal rulings in the region either.¹²⁵

Social foundations for common understandings and identities

Adler and Barnett's framework does not predefine the institutionalised ideas, traditions and practices that create a we-feeling and the basis for common identities. The findings of security community scholars were dismissive of attributing strong causal effects to common identities based on positive mutual identification in South America and Southeast Asia.¹²⁶ Along the way of community-building, however, they pointed to shared security concerns leading to new ideas about the regions as bound together by a common faith and distinctive cultures. In chronological order, when states had just gained independence, pressing threats were both internal and external. During the Cold War, security interests amongst the US-aligned countries converged on communist insurgencies and leftist oppositions.¹²⁷ In the 1980s and 1990s, these were replaced, in Southeast Asia, by a common concern with popular movements that demanded political liberalization. In South America, the new, shared foreign and security objective was the safeguarding of democracy.¹²⁸ In addition, trans-boundary challenges such as organized crime, drug trade, terrorism and piracy were now found on the region-wide security agendas and prompted several important cooperation initiatives.¹²⁹

Shared threats, however, did not foster regional thinking that gave rise to a common culture in either of the two regions. None of the arrangements that were devised to respond to common risks was comprehensive in nature. Scholars acknowledged that the challenges and threat perceptions were too divergent within the two communities to provide the basis for strong, not to speak of positive, identifications. In addition, given the non-static nature of security, we lack an account of how common threats can give rise to dependable expectations about conflict. According to Martín, military

¹²⁵ Simmons 2002.

¹²⁶ On South America see Flemes 2004; Fuchs 2005; on Southeast Asia Acharya 2009a; Roberts 2007.

¹²⁷ Martín 2006.

¹²⁸ Hurrell 1998.

¹²⁹ On South America see Domínguez 1998; Griffith 1998. For Southeast Asia see the contributions to Singh and Tan 2011 and *Asian Security's* special issue on the topic (Tan and Singh 2012).

confraternity explains why South American states maintained peace, but this “loose overarching regional organization” does not measure up to an epistemic community.¹³⁰ More than two decades after Acharya concluded that a Southeast Asian defence community seemed “impractical,” a survey of defence diplomacy in the region confirms that a model of Southeast Asian defence regionalism as such did not exist.¹³¹

Certainly, security interdependences prompted states in each region to turn towards each other in search for some form of cooperation. Scholars suggested that the resulting practices could provide an alternative basis for regional identities. Such were South America’s culture of *legalismo*, a “normative and legal reluctance to engage in war,”¹³² and a set of peace-promoting principles commonly described as the ASEAN-way. Both are widely seen as having contributed to the regions’ interstate peace.¹³³ However, the empirical record of these normative frameworks is decidedly mixed. The extent to which states resorted to regional practices of conflict management varied considerably over time, and so did the practice to emphasize shared principles as a diplomatic tool in disputes. Neither Latin American legalism nor the ASEAN-way can thus be seen as a source of trust on which communities can base dependable expectations.

So far I have discussed the explanatory factors generally highlighted by security community scholars and showed that none provides a satisfactory answer to the question how no-war communities developed in South America and Southeast Asia. Beyond the West, security community scholars argued, internal threats played a crucial role in laying the foundations for communities. Yet, this line of argument was not carried further. Curiously, two other domestic level factors received considerable attention by community scholars, namely regime type and the importance of liberal values. The same was not true with regards to the more fundamental matter of state structure.¹³⁴ The new generation of security community scholarship and notably, also its critics, neglected Deutsch's original emphasis on the necessity of functioning political institutions and “autonomous resources and capabilities of individual

¹³⁰ Martín 2006, 161, 168-169.

¹³¹ Acharya 1991, 176; Tan 2012b, see also Capie 2010.

¹³² Kacowicz 1998, 196; see also Kacowicz 2005.

¹³³ On South America, Domínguez 2007, Holsti 1996, 169-171; Merke 2015; on Southeast Asia Askandar 1994; Busse 1999; Nischalke 2000.

¹³⁴ Huntington 1968, 1.

members” in a community.¹³⁵ Focusing on processes and interactions *between* states, his followers collapsed the factor of state capacity into the relevance of a strong core state within a community “to nudge and occasionally coerce others to maintain a collective stance.”¹³⁶

State-building literature

The nexus between state capacity and war/peace is subject to the bellicist approach to state-building, which was most prominently developed by Charles Tilly. In his study on early modern Europe, Tilly found a dual process at work in which “war made the state, and the state made war.”¹³⁷ Based on the Tillyan claim, Centeno argued that the correlation between the causes of war and war occurrence is weaker when states lack domestic capacity.¹³⁸ Centeno showed that newly independent South America developed into a benign international environment that deprived states of critical possibilities to create institutions capable of fostering development. Due to a lack of administrative capacity and strong divisions within the dominant classes, Latin America’s states missed even the few windows of opportunity they were given to increase organizational power and internal cohesion. Under these conditions, the wars of the 19th century turned into wars of the wrong kind that reflected internal struggles for control *over* rather than *for* a territorial state. Not backed by real fighting power, South America’s early conflicts were too short in duration to trigger internal adjustments. The lack of popular support and a meaningful extraction base thus simply removed war from the menu of choice.

Similarly, in the context of Southeast Asia, Doner et. al. claimed that except for Singapore, the region merely developed “intermediate” states because these never experienced a security environment threatening enough to trigger internal strengthening in order to adapt.¹³⁹ For the purpose of this study, the problem with the state-building literature is that its objective lies with analysing the role of violence in the process of state formation rather than with violence *per se*. Hence, Doner et. al. do

¹³⁵ Deutsch 1954, 43; Deutsch 1957, 66.

¹³⁶ Adler and Barnett 1998a, 39.

¹³⁷ Tilly 1975, 142.

¹³⁸ Centeno 2002 and further developed in Centeno and Ferraro 2013. Tilly himself opined that a replication of the European experience in the developing world was unlikely Tilly 1985, 186.

¹³⁹ Doner et. al. 2005, 333.

not elaborate on the implications of their findings on the war-propensity of their intermediate states. Centeno's argument stands on less strong footing when considering that overall, South America's states have strengthened but war remained rare. The constraints he identifies may have had a continued effect in hindering South America's elites from building domestic capacities to engage in sustained war efforts. Yet, just as states found other ways to build capacity, they may well have pursued different ways to respond to external pressures. At one point Centeno acknowledges that South America created a hemispheric system of mutual interdependence and security.¹⁴⁰ It is unclear, however, from where this system originated.

Weak-state security

A second strand of literature that provides insights into the foreign policies of states lacking domestic capacity is the work on weak state security. Driven by the changing landscape of international security (studies) in the 1980s and 1990s, these studies were concerned with a broadly conceptualized group of states in which capacity gaps led to foreign policy behaviours different to those of the strong states in the West.¹⁴¹ The literature emphasised domestic security as equally, if not more important as compared to external security and showed how dominant assumptions about conflict and cooperation fail to capture the drivers of security policies of the developing world.¹⁴² Most of these studies assumed a wide range of phenomena under a single category of 'weak states' and fall short in establishing precisely how the weaknesses played out. Consequently, the literature cannot address an apparent contradiction it exposed. While, on the one hand, the general argument is that internal security considerations trump the benefits of external war, on the other hand the literature showed how weakness generates instability.¹⁴³ Diversionary conflicts and external scapegoating are widely believed to be an especially powerful strategy for Third World leaders when confronting an endless number of problems at home.¹⁴⁴ Moreover, weakness is said to hinder effective multilateralism and hence the creation

¹⁴⁰ Centeno 2002, 70.

¹⁴¹ Ayoob 1995; Azar and Moon 1988; Buzan 1983; Job 1992.

¹⁴² David 1991; Hegre 2000; Narine 2004.

¹⁴³ The claim that domestic security consideration motivated states to avoid war is virtually uncontested amongst Southeast Asianists (Acharya 2000; Khong and Nesadurai 2007; Leifer 1972) and at least broadly accepted amongst Latin America scholars (Centeno 2002; Barletta and Trinkunas 2004).

¹⁴⁴ Blanchard 2005; Job 1992, 28-30; Miller 2007, 125.

of institutions that foster peace-inducing practices.¹⁴⁵ The literature does not provide a conclusive argument that accounts for the de-escalating factors in conflict and leaves us thus with an ambiguous status of domestic weakness as both a peace-creating and a conflict-producing factor.

Global historical processes and the role of territory

This third body of literature subsumes the absence of war over contested territory in South America and Southeast Asia under a global decline in the number of major interstate war. While scholars disagree when the down-ward trend set off, and hence, where its principle drivers are to be found, it is clear that war in the traditional sense has become less frequent.¹⁴⁶

A series of inter-related arguments were put forward to explain the waning of war by reference to global historical processes which describe the role of territory in relation to the state. Their point of departure is the spatial institutionalization of political sovereignty in the emergence of the modern state. The expansion of the state system stood in complex inter-relation with the rise of capitalism and industrialization, which endowed territory with political and economic value. Territory was a major motivation in the wars between the European powers; however, the profound socio-economic changes that went hand in hand with globalization and technological innovation altered the calculus of armed conflict. War became more costly and territorial aggrandisement lost attraction as a strategy to accumulate wealth.¹⁴⁷

Politically, global power-shifts and the development of government structures between, below, and above the state brought the previously uncontested link between the state, territoriality and sovereignty further under attack.¹⁴⁸ As the *loci* for the exercise of power multiplied, thus a second line of argument goes, territory was no longer worth fighting for. Simultaneously, and as political and economic globalization grew, the “unbundling of territoriality” would generate new bases for identities cooling the heat of nationalism and creating a borderless era that would see greater

¹⁴⁵ Ayoob 1998; for the case of ASEAN see Roberts 2012a.

¹⁴⁶ Bigo 2001, 106-107. On the major debates on global trends in armed conflicts see Kaysen 1990; Kaldor 2006; Levy 1991 and Newman 2004.

¹⁴⁷ Rosecrance 1986; Strange 1996.

¹⁴⁸ Strange 1996.

territorial peace.¹⁴⁹ A third set of arguments focuses not on the tangible value of territory but holds that major war, as it became unprofitable, became simply unthinkable. While Mueller places cultural change at the heart of this process, others emphasise changing norms of conquest and the institutionalization of the norm of fixed borders to explain why interstate borders are now seldom changed by interstate war.¹⁵⁰

These arguments offer important insights into the fundamental ideas upon which the territorial orders of South America and Southeast Asia are built. They also provide powerful explanations for the contrast between the wars that accompanied state-building in Europe and the dearth of inter-state violence in the formative period of South America's and Southeast Asia's states. To explain the emergence of no-war communities in the two regions, however, macro-historical, global theories fall short in two regards.

On the one hand, they disregard the continued relevance of territory in interstate violence as it is demonstrated in a large number of mostly quantitative, large-n studies.¹⁵¹ Braithwaite showed that amongst the five most commonly expected factors correlating with escalation, territory is the only one that has a consistent effect no matter how escalation is measured.¹⁵² Senese tested whether the willingness to use force in territorial conflict is merely the result of favourable opportunity structures – after all, it is easier to fight a neighbour than a distant enemy – but dismissed the hypothesis finding that it is the issue of territory at stake that causes conflict.¹⁵³ The salience of territory in war suggests that it always matters in some way to some group of persons even if it has little strategic, economic and emotional value.¹⁵⁴ To answer my research puzzle, however, it is difficult to integrate the findings of the territorial dispute literature with global historical arguments about war. Due to the prevalent quantitative study design, the literature lacks a comprehensive theory that allows linking strategic decision-making to the structural regularities under which conflicts take place.

¹⁴⁹ Ruggie 1993; Ohmae 1999.

¹⁵⁰ Fazal 2007a; Zacher 2001.

¹⁵¹ Reviews are provided in Duffy Toft 2014 and Hensel 2012.

¹⁵² Braithwaite and Lemke 2011.

¹⁵³ Senese 2005.

¹⁵⁴ Hensel et al. 2008.

The second shortcoming of global theories is their neglect of regional characteristics that weaken the supposed impact of peace-conducive factors in states that entered the international system later. In South America and Southeast Asia, the functional demands on territory and borders were comparatively greater, and thus were their potential stakes in a territorial dispute.¹⁵⁵ As the formal creation of states often preceded the one of nations, territorial nationalism was in many cases a strong force in public policy-making.¹⁵⁶ The less developed economies often depended on the assets of territory and the exploitation of natural resources. On the other hand, the costs associated with technological advances in warfare mattered little if conflicts could be fought with primitive means. Tellingly, South America's most destructive war pitted Paraguay and Bolivia, the region's poorest countries, against each other in the arid, uninhabited Chaco boreal (1932–1935). Lastly, consider the principles of territorially defined sovereignty and the norms against conquest and aggression, which played an important role in maintaining stability in South America and Southeast Asia and in fact interacted in complex ways with their decolonization processes themselves. While these principles derived their power from their status as universal, globally institutionalized norms, their effect was strongest where a lack of domestic capacity generated local support.¹⁵⁷

Geopolitics, hegemony and balancing

Realist-based explanations have traditionally dominated the study of Latin American and Southeast Asian international politics. McIntyre explained South America's lack of interstate war as a result of the geographical depth, poor interstate transportation and difficult terrain.¹⁵⁸ A structural explanation based on purely exogenous factors, however, prompts the question why, over close to two centuries, hardly any state in South America built the capacity to overcome geographical obstacles.

Others argued that South America's wars of the 19th century created a regional equilibrium and parity in capabilities that deterred interstate war.¹⁵⁹ Against this view,

¹⁵⁵ For a theoretical development of this argument see Blanchard 2005.

¹⁵⁶ Parodi 2002; vom Hau 2013.

¹⁵⁷ For the Southeast Asian case this argument is made by Acharya 2009b.

¹⁵⁸ McIntyre 1995. A similar argument based on geopolitical factors was made by Herbst in his work on state-building in Africa (Herbst 2000).

¹⁵⁹ Burr 1965; Child 1985b; Kelly 1997.

two independent studies showed that different variants of the deterrence argument cannot explain conflict patterns.¹⁶⁰ Both hold that geopolitical ideas that encouraged intra-regional balancing behaviour were strong only in the Southern Cone during the late 19th century and briefly again under the military dictatorships in the 1970s.

Both regions have stood under the hegemonic influence of the US. In South America, the earliest manifestation of Washington's interest in the region was the Monroe Doctrine (1823; '*America for the Americans*', '*hands off, Europeans*'). The US's pre-eminence in the hemisphere, however, grew significantly only after its victory in the Spanish-American War (1898), until it reached a level of uncontested supremacy at the end of World War II. In contrast to South America's relative isolation from global power politics, Southeast Asia was tied up into great power competition from the very time of independence. For the non-communist states, the US has been the dominant external security provider and once the Sino-Soviet rift came into evidence during the Cold War, Washington's role became increasingly important also for the communist states on the mainland.¹⁶¹ In short, without taking the role of the US into consideration, any account of South American and Southeast Asian interstate relations is necessarily incomplete. Yet, the US's role alone cannot explain the maintenance of non-war communities in the two regions.¹⁶²

Simply stated, the hegemonic peace argument posits that the presence of a great power promotes order and cooperation amongst its subordinate states.¹⁶³ Whether this strategy is successful depends on the hegemon's willingness to enforce compliance, if necessary, and on its capacity to do so. Over the course of the periods analysed in this study, these factors naturally oscillated. Accordingly, the US's preponderance has had different, and far from decisive effects on the stability of South America and Southeast Asia.

In South America, the years between 1945 into the 1960s were the only time when the US had both abundant capacity and a clear motive to exert its dominance through direct action. The success of the Cuban revolution in 1958 turned the region into a

¹⁶⁰ Mares 2001b, ch.5 and Mares and Bernstein 1998; Martín 2006, 61-77.

¹⁶¹ Hamilton-Hart 2012.

¹⁶² For the widely held view that South America's stability was a direct result of the United States' dominance see Child 1980; Einaudi 1972; Wood 1966. The hegemonic peace argument was challenged by several scholars. See McIntyre 1995; Mares 1997; Mares 2001b, and on the inter-American system Kacowicz 1998, 89-90; Morris and Millán 1983.

¹⁶³ Some analysts see hegemonic intervention as a cause of conflict rather than peace. See for example Brands 2010.

top-priority in Washington, but the US's subsequent interventionism had an alienating effect on South America. Although the region turned to Washington for protection more often than away from it, a gradually growing resistance soon condensed in the search for greater autonomy.¹⁶⁴ By the 1980s, a decline of interest on part of the US further compounded its sharply reduced influence. In 1978, Argentina asked Washington to step in before conflict with Chile would escalate into war (see Chapter 6). The White House found itself unable to react and lobbied the Vatican to intervene. Three years later, the US deeply disappointed the same country and with it the entire region by siding with Great Britain in the war over the Falkland Islands.¹⁶⁵ The trend of declining importance continued after the end of the Cold War. Since, Washington's role has been challenged by an increasingly powerful Brazil and the promotion of an explicitly "post-hegemonic" regionalism excluding the United States.¹⁶⁶

The above described relation explains the general orientation of South America's foreign policy strategies. However, the following case studies suggest that the reliance on and importance of the US was significantly reduced when national core interests were threatened from within the region.¹⁶⁷ This disjuncture is plausible also when considering the ambivalent record of the US's direct involvement in border disputes between South American states. Scholars point to only a limited number of cases where it helped to contain interstate violence, and there are other examples when the United States' reluctance to get involved in a conflict corresponded with deteriorating security relations.¹⁶⁸ The two fundamental pillars of the inter-American system did not play a direct role in managing South American conflicts.¹⁶⁹ The Inter-American Treaty of Reciprocal Assistance (the so-called Rio Pact or TRIAR, 1947) was never formally enacted as an alliance pact. The OAS, credited with the successful management of several disputes in Central America and the Caribbean, was side-lined by *ad hoc* mechanisms in the conflict between Ecuador and Peru and in the South American peace efforts in the Central American wars in the 1980s.¹⁷⁰ Evidence for

¹⁶⁴ Gorman 1979; Tulchin 1971.

¹⁶⁵ Cisneros and Escudé 1998.

¹⁶⁶ Riggiozzi and Tussie 2012.

¹⁶⁷ See also Domínguez 2003; Mares 2001b; McIntyre 1995; Pión-Berlin and Trinkunas 2007.

¹⁶⁸ Butt 2013; Wood 1966.

¹⁶⁹ See also Wood 1970.

¹⁷⁰ The US was one of the four 'guarantor states' mediating between Ecuador and Peru. In the Central American peace process Colombia and Venezuela together with Mexico and Panama formed the Contadora Group, which was later enlarged. The Contadora process laid the foundations for the Esquipulas Peace Agreement (1986).

diplomatic manoeuvring by the US in the Colombo-Venezuelan crisis in 1987 is strikingly absent despite the fact that the conflict theatre would likely have affected important shipping routes and oil exports through the Lake Maracaibo (see Chapter 5). Since the early 2000s, the US's heavy investments in Colombia's efforts to combat drugs has been a major source of friction especially in the Andean region rather than a driver of cooperation. Yet, sabre-rattling between Colombia and Venezuela has been dealt with within the region.

The US's involvement in Southeast Asia's interstate conflicts was still more limited. Any direct action risked conflict with other major players in the region, in particular China and Japan, but unless one assumes that balance of power politics produced Southeast Asia's territorial peace by default, neither a macro-regional nor a global balancing logic provide a satisfactory answer to the no-war puzzle. As Acharya and Tan aptly put it:

Quite possibly the most glaring thing about Southeast Asian international relations is the absence of any clear sense of grand strategic coherence or orderliness in the ways in which Southeast Asians and extra-regional powers manage the security of the region.¹⁷¹

Even at times when Southeast Asia ranked high on the list of US foreign policy priorities, Washington abstained from taking the initiative when conflict between Cambodia and Vietnam escalated in 1977-1978 not to jeopardize its rapprochement with China.¹⁷² White asserts that it was the balance between the US, China and Japan that explains East Asia's stability since the 1970s, but his argument ignores Southeast Asia's simultaneous strife for maintaining a degree of autonomy.¹⁷³ States clearly relied on external guarantees to hedge against great powers, but they neither hoped for nor explicitly sought third party guarantees to counter intra-mural challenges. Instead, resilience through national capacity-building became the catchword that described Southeast Asia's national – and for that matter, ASEAN's – combined effort to prevent foreign involvement in the region.¹⁷⁴ For the same reasons of strategic incoherence, however, cooperation between smaller powers has not worked as an indirect effect of hegemony to avoid war. Malaysia and Indonesia, together with Singapore,

¹⁷¹ Acharya and Tan 2006, 40.

¹⁷² Leifer noted early on that the US possessed high strategic awareness of the regional balance as an integral component of the global balance of power (Leifer 1975, 93).

¹⁷³ White 2008; Leifer 1989.

¹⁷⁴ Fortuna Anwar 2000.

collaborated to prevent great power interference in the Straits of Malacca, yet this had little impact on a conflict between the two states in maritime areas further east. While Malaysia has relied on security guarantees under the Five Powers Defence Arrangements, including Britain, Australia, New Zealand and Singapore, it is highly unlikely that the US would have risked alienating Indonesia at any time since the consolidation of maritime Southeast Asia by involving itself in a bilateral conflict. Although hegemony had a structuring impact on the relations in South America and Southeast Asia, the avoidance of war in the two regions is not reducible to the politics of great powers.

Conclusion

This chapter had two tasks. First, I described no-war communities in the sub-systems of South America and Southeast Asia as groups of states that do not go to war against each other. I argued that inter-state peace was maintained despite the persistence of territorial disputes and occasionally flaring crises. Such destabilizing conditions notwithstanding, I found the indicators for serious war preparations to be negative in South America and Southeast Asia. Not only was major war rare within the two regions, it also appeared to be seen as highly unlikely.

In the second part of the chapter I reviewed the literature that provides insights into the no-war puzzle and highlighted the gaps in the existing scholarship. I argued that security community scholarship cannot conclusively explain the communities-in-the-making that it found to exist in South America and Southeast Asia. Scholars overlooked the fact that war and the sustained preparation of war was effectively ruled out, even if antagonisms led to violent conflicts. More importantly, security community studies searched for the wrong mechanisms in liberal and constructivist IR to explain community-building and failed to take seriously the internal conditions of the states they were concerned with.

The literature on state-building and studies on Third World security provide insights into the nexus between domestic state structures and external violence, but do not resolve the no-war puzzle either. The former seeks to explain the role of war in the making of states and has little to say on those processes that determine conflict when the level of state capacity changes. Scholarship on the foreign and security policies of

weak states provides compelling arguments for both conflict-inhibiting and conflict-generating effects of weakness. The apparent tension between these effects, however, remains unresolved. A fourth set of arguments subsumes South America's and Southeast Asia's no-war communities under global, macro-historic processes. This literature should be read as complementary to my argument but is insufficient to answer the question at hand. Several of its assumptions are flawed in the context of non-great power politics and those states that are relative newcomers to the international system. Lastly, I discussed structural explanations based on geopolitics, balance-of-power theory and the hegemonic peace theorem. While I found evidence supporting these claims, the theories tend to neglect the role of agency by the states in the two regions and thus cannot account for the development of no-war community between them.

Spanning two continents and a period close to two centuries, no parsimonious account can be expected to explain the no-war puzzle of South America and Southeast Asia. I draw widely from the different bodies of literature discussed in this chapter and in particular from the work on the domestic conditions of states to enquire into one of the fundamental questions about international peace: the politics of territory. In the next step I seek to show how my analysis fills some of the gaps I identified in the existing literature. I begin the following chapter by developing the argument and specifying the relevant concepts, before I describe the study design and case studies of the thesis.

Chapter 3

Explaining no-war communities: Theory and methodology

Territorial disputes have strained intra-regional relations between the states in South America and Southeast Asia since their very days of independence. Occasional flare-ups have seen the amassing of troops at key flash points along disputed borders, yet in few cases did these crises develop into large-scale armed conflict. As I showed in the previous chapter, the existing literature faces difficulties coming to grips with the no-war communities in the two regions. I propose an alternative way of theorizing communities, one that highlights state capacity as the central factor in explaining South America's and Southeast Asia's periods of interstate peace.

This chapter presents the argument and design of the study. In the first section I justify the relevance of territorial disputes for the study of inter-state conflict. Next, I advance three central propositions. I hold that 1) state capacity (or incapacity) is central to understanding the development of no-war communities in South America and Southeast Asia; 2) state capacity must be disaggregated to understand the strategies states pursued in territorial disputes; and 3) how states sought to manage conflict differed between the two regions, affecting how patterns of no-war were regularized and institutionalized. I proceed by specifying my concept of the state and then describe the relevant dimensions of state capacity that impacted on how countries acted in territorial disputes: military capacity, institutional capacity, and socio-political cohesion. The third section addresses the methodology of the research and the analysis. I explain the rationale for selecting the cases and provide brief summaries of each of them. Lastly, I present the technique of process analysis I used and the source materials I drew upon.

The relevance of territorial conflict to the study of community

Studying territorial disputes is a methodologically powerful tool to examine why simmering conflicts generally did not lead to war in South America and Southeast Asia. In both regions, the territorially-defined state was a Western import. At independence, many states controlled little more than their economic and political centres. Yet, as with any state in the modern era, territory was central to their security from the very outset. Borders serve as defensive barriers to external interference and

satisfy domestic state functions such as the delineation of the area of a state's jurisdiction and rightful claim to the exploitation of resources. As discussed in Chapter 2, territorial issues are often seen to be the best predictor of interstate conflict. At the same time, however, territory is a key to understanding peace between states. Once borders are settled, the chances that they again become the site of contestation are low. Countries sharing a clearly defined border are also more likely to experience long periods without militarized disputes and have a higher chance to move towards upgrading their relations towards 'warm' peaceful ones.¹

Territorial disputes are historically relevant to South America and Southeast Asia. In both cases, interstate relations were marred by territorial issues early on. Regional studies point to contested territories as one of the principal reasons why none of the two regions has moved beyond shallow cooperation in the political-security realm.² Nevertheless, the dynamics of territorial conflicts have not been systematically analysed by either security community theory or by related concepts that seek to capture the evolution of sub-systemic security structures. Breaking with this tendency, I seek to chart the way to community-building by analysing border politics in South America and Southeast Asia. I follow Herbst in understanding border politics as the “attempts by states to mediate pressures from the international system through the use of buffer mechanisms to maximize their authority over territory.”³ Underlying this approach is an understanding of territoriality that is common to geographers and anthropologists, that is, territoriality is a means

to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area.⁴

Territorial disputes can thus be both a cause for conflict and an instrument in a struggle where other, non-territorial issues are at stake.

State structure and security: Explaining boundary politics

My argument advances three inter-related claims, the first of which highlights state capacity as the critical factor in explaining the war-proneness of different regions.

¹ Miller 2007; Owsiak 2012.

² For an example on South America see Frei Ruiz-Tagle 2006, 9; on Southeast Asia see Ganesan and Amer 2010; Indorf 1984 and Leifer 2005b.

³ Herbst 2000.

⁴ Sack 1986, 1, 2.

State capacity, as it is understood here, relates to domestic conditions that result historically from the process of state formation, including the consolidation of modern statehood. This concept broadens the focus on state power resources in IR, where power is conventionally understood as the ability to bring others in line with a particular objective if otherwise they would act differently, and ultimately, to defeat one's adversary in war.⁵ In contrast to this view, the capacity approach emphasises domestic processes of foreign policy-making and allows me to show how state structures both limit the availability of power resources and change the way such are used. A similar approach underlies neoclassical realist analyses such as Zakaria's, who distinguishes between state power and national power, whereas "[s]tate power is the portion of national power the government can extract for its purposes and reflects the ease with which central decision-makers can achieve their ends."⁶

State incapacity moderates territorial conflicts

My central proposition is that incapacity had a conflict-inhibiting effect in South America and in Southeast Asia. An initial lack of domestic capacity impacted upon the prospect of war in two ways. Quite simply, sustained war efforts were virtually impossible for most of the newly independent states. Deficient state structures also induced an overriding and lasting concern with internal security. Because the preservation of the new entities was seen as primarily a domestic matter, external war was only a secondary strategy to survive. Weakness prompted states to secure their borders short of war instead.

Domestic state structures influence border politics in different ways. While the existing literature identifies both conflict-inhibiting and conflict-conducive effects as a result of incapacity, in the cases included in this study weakness was mainly a pacifying force.

For states lacking other resources of power, boundary politics can be an effective means to deal with both internal and external security pressures. Territorial concessions and rapprochement can be traded for better relations with a third state or in order to gain an opponent's support against challengers within or outside the state.⁷

⁵ Dahl 1957; Kugler and Domke 1986; Mearsheimer 2001, ch.3.; Singer et.al. 1972.

⁶ Zakaria 1999, 9.

⁷ Fravel 2008, 17.

The pacifying effects of capacity gaps are less straightforward when considering that domestic weakness can increase the functional needs on borders.⁸ The gains from potentially resource-rich territory are of higher importance to poor countries, and borders cutting across ethnic groups are more salient to states that are internally challenged by irredentist claims. This raises the stakes in a dispute, and it has been argued that it pushes leaders to adopt a hard line vis-à-vis a territorial opponent. A widely held view amongst academics and media analysts is that incapacity renders territorial issues more prone to diversionary tactics and external scapegoating.⁹ Blanchard argues that borders have a powerful symbolic function that can serve leaders in states lacking a “secure and widely accepted national identity” to create internal unity and to demonstrate resolve.¹⁰ Such pressures existed in the cases analysed here and led to escalatory steps in some instances. The strongest incentives from weakness, however, were those of restraint. Claims that link weakness to escalatory behaviour fail to acknowledge that aggressive strategies increase the risk of armed conflict. State leaders who destine resources to satisfy domestic security needs are wary to react upon escalatory incentives and seek ways to ease these pressures. In this way, incapacity had a mainly muting effect on disputes.

The diversionary theory is intuitive but rests on inconclusive theoretical and empirical grounds.¹¹ At least in part, this is due to the fact that some of its assumptions do not travel easily to the developing world.¹² The logic assumes that the creation of an external enemy strengthens in-group cohesion, a claim that is debatable in the context of highly fragmented societies where loyalties span the boundaries of the state. In his study of Latin America's 19th century conflicts, Centeno concludes that “[g]iven the absence of any core sense of nation, external threats often *aggravated* domestic divisions”.¹³ On the other hand, in a system where the ruling elite does not depend on popular support or is internally divided, it is not clear why leaders would choose the potentially costly option to exacerbate external conflict in the first place.

In some instances, my case studies show that leaders were forced to adopt a stricter stance in a dispute than they preferred as they feared a deterioration of domestic

⁸ Blanchard 2005.

⁹ For example Miller 2007, 323-333; Shirk 2007.

¹⁰ Blanchard 2005, 692, 693; see also Blanchard 2003, 426-427.

¹¹ See Enterline 2010.

¹² This critique draws on Morgan and Bickers 1992.

¹³ Centeno 2002, 266 (emphasis added). See also Taylor and Botea 2008, 47-48.

instability. The net effect of lacking capacity was still one conducive to peace rather than war. State authorities frequently sought to avoid being confronted with a dilemma and postponed to deal with existing disputes. Leaders in Colombia, in Chile and in Malaysia censored the press when conflict erupted fearing that they would quickly lose control if the dispute became politicized. In cases where weakness unavoidably escalated a dispute, such seemingly aggressive steps were accompanied by conciliatory moves. As I will argue below, similar internal problems allowed states to see the domestic pressures behind potentially conflict-provoking moves and either abstained from responding in kind or even cooperated with their opponent to contain conflict.

Disaggregated dimensions of state capacity explain conflict behaviour

The overall trend in the trajectories of territorial disputes in South America and Southeast Asia was containment. Yet, periodic crises occurred nevertheless. The second step in my argument addresses the question why disputes sporadically escalated if this seems to contradict the claim that states sought to reduce the risk of conflict.¹⁴ Escalation took place under two sets of circumstances. In some instances, conflict intensified due to changes that disrupted established patterns of conflict management. Only in a small number of cases did states take escalatory measures as a strategy to achieve specific goals in a territorial dispute. Where this occurred, it was seldom in the context of the weakest states. In order to understand the conjunction of accommodation generally and escalation in specific moments, I hold that it is necessary to disaggregate state capacity into its relevant components.

State capacity has multiple dimensions that vary within a state both across policy areas and geographical space.¹⁵ I identify three such dimensions, which, I submit, correlated strongly with the behaviour of states in a territorial dispute: military capacity, institutional capacity, and the state's degree of socio-political cohesion. Together, these dimensions have a significant impact on when states will

¹⁴ David Mares' work addresses a puzzle similar to the no-war communities in this thesis. Mares is brief on explaining the low number of wars in South America, however. He attributes interstate peace to a comprehensive security system in the Americas but concentrates his analysis on the use of force in the region, which, he suggests, is best analysed as a leader's strategy to provide collective and private goods to domestic constituencies. My argument parts with Mares' bargaining model as I see militarization not necessarily as a result of strategic calculations.

¹⁵ On the former see Mann 1984, on the latter Boone 2003 and Herbst 2000.

compromise, delay, or escalate conflict. Delaying means that a state deliberately avoids dealing with the conflict and, if forced to do so, neither compromises nor escalates. Delaying strategies can involve the use of domestic courts or legislatures, engaging in negotiations with an adversary, or seeking other forms of bilateral engagement without these being aimed at bringing about a solution. Escalation can be purely rhetorical or involve the militarization of a dispute. I define militarization broadly and include the occupation of contested territories, the firing by the armed forces of one state against the armed forces, citizens or territory of another state, as well as the mobilization and non-routine show of troops, ships and planes both in and around a contested territory.¹⁶ Militarization also occurs when a state increases control over a disputed area. This can involve the seizure of material or the detention of private citizens of another state in the contested area, the building of structures, as well as the reinforcement of a state's military presence along a contested border if this is aimed at defending its claim. This means that the fortification of the Colombo-Venezuelan land border in the late 1980s and early 1990s, for instance, would not count as an instance of militarization. In this case, the border was poorly defined and Venezuelan troops advanced several times until into recognized Colombian territory. These actions, however, were aimed at curbing guerrilla activity and in addition, they were consented to by the Colombian authorities.

Territorial conflict studies typically reduce the strategies available to a conflicting party to two, that is, escalation vs. compromise or violent vs. non-violent means.¹⁷ In the cases I analysed leaders often did not seek to resolve outstanding issues, neither by compromise nor by coercive means, but avoided dealing with territorial disputes in the first place. The use of postponement strategies runs counter the expectation that states have strong motivations to unambiguously define their borders, especially when these are openly contested.¹⁸ One explanation offered to account for this discrepancy is that the persistence of conflict in peripheral regions and amongst minor powers is due to a lack of capacity and/or latitude of weak states in their relation to major powers.¹⁹ I see no obvious reason to assume that delay may not in itself be a strategy motivated by factors independent of global international power structures. It has taken

¹⁶ See also Jones, Bremer, and Singer 1996 and Cable 1994.

¹⁷ An exception is Fravel; however, he conceptualizes delay merely as the least costly option and not as a strategy motivated by a distinct set of conditions (Fravel 2008).

¹⁸ Simmons 2006.

¹⁹ Thompson 1995, 204.

South American countries on average twenty-five years to settle a territorial conflict and somewhat less than twenty years in Southeast Asia.²⁰ The persistence of territorial conflicts as opposed to other types of conflict strongly suggests that it is more than a mere lack of opportunity that explains their protracted character.²¹

The specification of different conflict strategies allows me to densify the information from a given conflict episode in order to identify the dynamics at work in a dispute. Readers who expect a neat classification that links capacity dimensions causally to conflict strategies, however, will be disappointed. Firstly, I do not unequivocally define one strategy of conflict management or another. For example, Argentina in 1978 sought to delay dealing with the dispute while relying on militarization to pressure Chile. Ultimately, however, it backed down. Secondly, I evaluate conflict strategies based on their relevance in a specific context and on how consistent the signals were that a state sent to its opponent. Thus, not every military exercise in the area of a disputed territory counts as militarization. Similarly, a state does not necessarily pursue a line of strategic conflict escalation if it carries out acts of militarization, given that the following conditions apply: the acts are not consistent, take place in a low-intensity environment, and are countered by political measures.

This approach is problematic in so far as it allows different interpretations of the strategy a state pursues. I address debatable cases to the extent that this is possible, although for the sake of brevity I omit discussions of each step in a conflict. The fact that I do not define conflict strategies in a way that allows translating them into mutually exclusive and collectively exhaustive categories is an obvious shortcoming of my framework. The way it stands, it is not readily operationalizable and thus, more difficult to prove wrong. The choice is justified by the research puzzle. My main interest is to explain why states avoid war, and while it is important to be able to account for conflict escalation, it is not the goal of the analysis to explain every step in a dispute. In fact, as I seek to reveal in the case study chapters, the level of intensity reached in a territorial dispute often follows an in-built logic, which is not reducible to the strategic choices of state leaders.

²⁰ The calculations are based on the ICOW data (Hensel et. al. 2008) and Huth and Allee 2002, respectively.

²¹ See also Hassner 2006; Hassner and Hironaka 2002.

Domestic state structures give rise to the emergence of community

Up to this point, I argued that a lack of domestic capacity rendered external war-making in South America and Southeast Asia nearly impossible and a highly undesired outcome. States escalated conflict only under certain conditions, which related to different configurations of state capacity. Greater capacity, however, did not lead to an increase in the number of wars. The third part of my argument explains how warfare was not only avoided in the two regions, but also became less of a conceivable possibility.

The emergence of community, that is, the development of stable expectations that major wars between the states in South America and in Southeast Asia would not occur, is rooted in the domestic conditions of stateness. The relatively low incidence of inter-state wars and the paucity of national efforts to overcome the obstacles to sustain warfare crystallized before the conflicts of state formation came to an end.²² Because the absence of war was largely a fact by necessity, trust in its unlikelihood involved only a minimal risk. Nevertheless, it laid the foundations for no-war community to develop.

Faced with internal problems, the national elites in South America and Southeast Asia recognized that all states in the region were subject to similar imperatives. The early conflicts of state formation allowed some political communities to consolidate but most aggravated insecurity at home.²³ Internal challenges were similar enough to create common bonds that separated the regions respectively from the great powers. This provided the basis to identify the avoidance of war as a common interest. At the same time, the necessity to create a stable environment increased the willingness of states to accommodate the foreign policy dilemmas faced by others as a result of internal problems. Trust in the low likelihood of war grew. War avoidance continued to be driven by domestic incapacity, but as recognition of and toleration for the

²² Centeno 2002.

²³ Including the War of the Triple Alliance (1864-1870, known as the Great War in Paraguay), which came closest to a major war in modern times, lapsed into a guerrilla-type struggle after a relatively short period of conventional warfare (Jones 2013). See also Centeno's argument that war did not build the state in Latin America but merely led to blood and debt (Centeno 2002). Similarly, in Southeast Asia, Indonesia's *Konfrontasi* against the formation of Malaysia had a devastating effect on the Indonesian economy and amongst the country's elites many had hoped to end the hostilities much earlier than they eventually did (Mackie 1974).

internal problems of others grew, it came to rely less on perceptions of actual capacities than on acceptance of a no-war norm.²⁴

In the process of gaining mutual awareness boundary politics were a central and easily observable signalling device. The obvious and necessary means to ensure some degree of external stability was to uphold the colonial status quo boundaries. Taken together, it was through a combination of un-reflected habit and practice, in part by necessity, as well as diplomacy that states in South America and in Southeast Asia came to trust that major inter-state war between them was unlikely.²⁵

Greater trust went hand in hand with a general increase in state capacity from independence to the contemporary states in South America and Southeast Asia. From this it does not follow that the strengthening of community is contingent upon greater capacity. If state capacity grows, community invariably needs to depend on common understanding other than incapacity, and if such do not exist, war may become more likely.²⁶ To this, the role of tolerance is crucial.

The institutionalization of the no-war pattern was first and foremost sustained by bilateral mechanisms. State-to-state relations, however, were firmly embedded in regional and global international institutions. Accordingly, the practices and discourses of no-war varied over time and between the two regions. Colonial histories, geopolitics and the timing of independence all impacted on how states dealt with territorial issues. In Southeast Asia, the restrictive security environment of the Cold War rendered dealing with intra-regional border problems potentially riskier and led to a greater emphasis on shelving territorial issues within the non-communist block. In South America, following independence mostly during the early 19th

²⁴ Common understandings were prior to toleration. The existence of a territorial dispute raises scepticism and mistrust. Only once states had recognized each other as subjects to a common imperative stemming from domestic incapacity could they develop tolerance in inter-acting with each other, which allowed them to manage territorial conflicts short of war. Mutual toleration reassured states that war would be avoided and led to growing trust, i.e., no-war community. This is unlike in Rawls' principles of interaction amongst peoples (see Rawls 1999, ch.7, esp. 59-60). In Rawls' theory, common understandings constitute a higher good than toleration. The absence of war within a society of "decent" peoples is guaranteed only because peoples bound together by the common understanding of liberalism ought to extend toleration to non-liberal, non-expansionist peoples. For my proposition, the distinction between liberal and non-liberal states within a community is irrelevant as toleration is based on the common understanding of domestic vulnerability, and thus practiced by all states alike. I thank Alfonso Donoso for pointing this out to me.

²⁵ On habit, practice and discourse as distinctive logics underpinning communities see Hopf 2010, 15-16; Pouliot 2008; and Mattern 2005, respectively.

²⁶ On this, I disagree with Buzan's argument that 'mature anarchy' can only develop when states are strong (Buzan 1983, esp. 116).

century, states were relatively more isolated from great power politics and more willing to deal with border disputes. A sizable number of conflicts were submitted to international arbitration. At the same time, leaders were not hesitant to use force to back up their territorial claims. In order to manage conflict, South America's elite relied on treaty provisions and the principles of the emerging canon of international law, including the notion of a distinct, Latin American international law (LAIL) that emphasised the peaceful resolution of conflict and adherence to inherited boundaries. The rules of *legalismo* had a mixed record but nonetheless a lasting impact.²⁷ Its application was characterized by inconsistency perhaps more than anything else, and yet, it developed into a distinctive feature of regional diplomacy that outlasted the shift of *legalismo*'s justification as grounded in a regional theory and practice to one based on global international law.²⁸

The same instruments did not match well with the anti-Western tide of the second wave of de-colonization. International law had strong supporters in Southeast Asia but with regards to intra-regional relations it did not provide for a common principle setting the region apart. Instead, Southeast Asia formed under the impact of a security environment in which the risk was great that open conflict would quickly spiral out of control. The founding members of ASEAN acted upon the common impetus to mute intra-regional disputes when they created the organisation and thus cultivated a notion of informal interstate conduct through consensus-seeking and deliberation.

My argument differs from security community theory in several important aspects. Conceptually, domestic threats were not merely a trigger for cooperation but a key factor in the community building-process.²⁹ Trust, in Adler and Barnett's terms "believing despite uncertainty,"³⁰ developed based on the mutual recognition of common domestic political imperatives. Trust involves by definition a degree of risk that remains subject to verification, and in reconsidering their choice to trust in the low likelihood of war, states 'know' of each other because their own domestic incapacity enables them to perceive of the internal vulnerability of others. This basis for mutual identification gave rise to the reciprocation of tolerance that reassured states that conflict would be settled short of war. Even when inter-subjective

²⁷ Kacowicz 2005.

²⁸ Esquirol 2011; Obregón 2010. For Domínguez, laxity in implementing formal rules was in fact one of the founding rules of Latin American international regionalism (ibid. 2007, 94-97).

²⁹ Adler and Barnett 1998a, 50; Acharya 1998a Acharya 2001, 35.

³⁰ Adler and Barnett 1998a, 46.

understandings between any set of members within a no-war community expand, the locus of trust can never be fully detached from the domestic. Not only does the inter-subjective dimension of trust originate in the domestic, but the observation of domestic (in)capacity of others is never completely abandoned. By this, I do not imply that trust is subject to a constant reiteration of instrumental calculations. Expectations and predictions of future behaviour, however, do not become endogenous to communities.

Unlike security community theory, which has little to say on the strategic aspects of behaviour within communities, my argument accommodates the continued relevance of military power in South America and Southeast Asia. I define the object of trust strictly as the unlikelihood of war. While this is consistent with the central tenets of security community theory (see Chapter 2), it contrasts with how the newer scholarship interprets what the members of a community trust *in*.

Adler and Barnett tie the development of trust inextricably to common identities and hence locate stable expectations in the normative structure between states.³¹ Trust, therefore, tends to be generalized rather than particular to any specific set of issues and circumstances.³² In security community theory states trust that others will abstain from bellicose activities entirely and/or in that the other members of a community comply with certain norms of peaceful behaviour. Expectations of the future probability of war are thus less stable when coercion is threatened or used. This makes it difficult for security community theory to explain why, if states want to avoid war, conflicts become militarized. More importantly, the theory needs to rely on *ad hoc* explanations to make sense of the absence of preparations for war if we are to believe that states lack a sufficient degree of certainty that others will not wage war.

My argument offers a more comprehensive account of the militarized peace in South America and Southeast Asia. In no-war communities, low-intensity conflict does not necessarily jeopardize the bigger goal of maintaining external peace. Because states trust in the non-event of war only, the use of military force is –to an extent– compatible with stable expectations while allowing states to concentrate their resources domestically.

³¹ Ibid., 45-46. For a critique similar to this one see Väyrynen 2000.

³² Levi and Stoker adopt an approach similar to the one in the argument presented in this thesis when they argue: “Trust is seldom unconditional; it is given to specific individuals or institutions over specific domains” (Levi and Stoker 2000, 476).

Lastly, by emphasizing the role of boundary politics in the generation of trust, my study draws attention to the community-constitutive functions of bilateralism. The focus on regional institutions in security community theory tends to overshadow the role of bilateral mechanisms, despite the fact that the importance of state-to-state relations has been noted for both the cases of South America and Southeast Asia.

Conceptualizing the state and its capacity

State capacity is an elusive concept with a vast literature to draw upon.³³ Before I specify the theoretically relevant dimensions for my argument, I explain the concept of the state this study is based on. Here, the state is an institutional entity that claims exclusive authority over a territorially defined space. As an institution, the state embodies rules that affect society and it is thus more than an arena for societal contention. The state is analytically distinct also from its ruling elites. On this view, state capacity is synonymous with a state's autonomy from direct control by its dominant classes, domestic war or peace coalitions, and by foreign states.³⁴

This approach acknowledges that a poorly institutionalized state can be politically co-opted to benefit those in power, yet I reject the view that the security of a state can be set on par with regime security.³⁵ Based on the concepts of the (neo)patrimonial or the bureaucratic state, scholars have shown that a political economy serving particularistic interests existed in most of South America and Southeast Asia over lengthy periods of time.³⁶ Nevertheless, even co-opted administrations must uphold the formal framework of the state in order to survive. My argument is based on the premise that states are not like units; however, I maintain that all states fulfil a certain set of functions and act according to systemic forces.³⁷ At its most basic level, a state's behaviour is determined by its membership in an international system of states. The practical implications of this claim weigh heavier than its common interpretation

³³ On state capacity in security and conflict see Kocher 2010. Excellent discussions on earlier work are Kohli 2002 and Levi 2002. For recent contributions on the concept of state formation see Tuong Vu 2010. On different concepts and their operationalization Hanson and Sigman 2013 and Soifer 2008.

³⁴ Skocpol 1979.

³⁵ Job 1992; Holsti 1996, 105-106.

³⁶ On the Philippine state see Hutchcroft 1991, on Indonesia's New Order system Crouch 1979 and on the Thai state Riggs 1966. Influential contributions by Latin Americanists were O'Donnell 1973 and O'Donnell and Schmitter 1986. Others writing on South America have used the corporatist approach (see the contributions in Malloy 1977; Pike and Stritch 1974; Stepan 1978).

³⁷ Waltz 1979, 93.

suggests. Most states strive to improve their international standing by fulfilling the dominant standards of what a state ought to do and look like.³⁸ This is because few states are great powers, and international reputation and standing can compensate for a lack of material resources.

Secondly, the state's security cannot be reduced to the interests of a particular group because the state's role in society can never be fully divorced from the people it claims to govern.³⁹ Regimes may protect the state merely because its institutions further their private gains, however, including the analytical ideal-type of the patrimonial/bureaucratic-authoritarian state recognizes that a total absorption of the institutions and roles of the state is hardly found in practice. Across different forms of control by a state over its populace (consent, coercion), the capacity of government agencies never approximates complete dominance.⁴⁰ Therefore, even a state lacking the institutional framework to hold its leaders accountable follows an organizational imperative of survival that goes beyond serving the immediate interests of those in power. The state's domestic purpose ultimately rests with its existence in society, and it is thus that

the majority of the weighty political actors are pursuing strategies to further their positions *within* the new institutional framework, rather than directing their energies to resisting, eroding or terminating that framework.⁴¹

Three dimensions of state capacity influenced border politics in South America and Southeast Asia: military capacity, institutional capacity, and socio-political cohesion. All three are continuous dimensions with independent and contingent effects on decisions in territorial disputes. Together, they speak to four key questions: *Who wants to settle? How are disputes settled? Why do disputes become militarized? How do states behave in militarized crises?*

In what follows I explain the three dimensions, show how they are disaggregated into observable factors, and highlight some of their inter-relations. Although the development of capacity in one dimension is not completely separable from the

³⁸ Meyer and Hannan 1979; Meyer and Scott 1983.

³⁹ For a similar approach see Krasner 1978.

⁴⁰ Krasner holds that a state "able to remake the society and culture in which it exists" only exists after major revolutions, being this, however, a consequence of society's weakness rather than of exceptional state strength (ibid., 56).

⁴¹ Stepan 1978, 292, emphasis added. Note that the original quote is used in a different sense as it relates to the institutionalization of regimes. See also Huntington 1968.

others, the degree of interconnectedness between any two factors is sufficiently low in order to conceptualize each separately.

Military capacity

The first dimension, military capacity, relates to the tangible resources of the state. This corresponds to the conventional notion of power in IR that conceptualizes power as largely synonymous with military might.⁴² On its most elemental level, military capacity is prerequisite for a state to display a credible deterrent in order to defend and back up its claim to disputed territory by force. Capabilities also shape the willingness of policy-makers to resort to force both in the long and the short term.⁴³ The cases of Peru and Thailand in this study suggest that states accept greater risks in conflict and tolerate minor armed clashes when they have a clear advantage in the level of overall military preparedness. Military power reduced the costs of steadfastness when these states faced a perceived challenge, even if they used their overall advantage for defensive purposes rather than aggressive goals.⁴⁴ Most often, however, it was the availability of specific assets to achieve a particular, limited goal that weighed strongest in policy choices. Such assets include the ability to establish a permanent presence in a disputed area or to deter the geographical extension of fighting. In analysing a government's decision to use force, I probe the goals and options considered in order to determine the respective relevance of the overall military balance as compared to the local balance.

Due to the limits of data availability and problems of comparability across countries and time, I do not use strict measurement indicators for military capacity. Instead, I give greater weight to relative levels of capacity and to change over time in order to explain border politics. My assessment of the goals behind an action of militarization and the importance of military balance considerations is qualitative and based on the case evidence. For illustrative purposes I include a standard measure of the overall military balance in all cases in which the level of conflict intensity involved a

⁴² Mearsheimer 2001, ch.3.

⁴³ In terms of power, this is akin to realists' claim that military capabilities shape intentions. Waltz 1979, 190-192; Zakaria 1999. See also Leffler 1992.

⁴⁴ Bell 2015, 98-99.

reasonable probability of further escalation. These are the values from the COW's index of combined national capacity, henceforth referred to as CINC.⁴⁵

Institutional capacity

The second dimension that influenced the trajectories of territorial disputes is institutional capacity. Institutional capacity has received relatively little attention in foreign policy analyses, which instead sought to explain specific policy outcomes as a result of institutional design.⁴⁶ The development literature, on the other hand, has for the past two decades put great emphasis on the idea that institutions matter.⁴⁷ The breadth and depth of a state's administrative apparatus constitutes the formal framework both for international interactions and for state-society relations to take place. Regardless of design, an effective institutional infrastructure creates capacity by pooling resources to formulate knowledge-informed policies and to translate them into practice. Functioning institutions deal on a routine basis with procedural problems and can therefore free resources to meet unexpected challenges.⁴⁸ Domestically, institutions create the condition for the state to penetrate society. The state needs a minimum level of administrative power to make its society first “legible” and to then formulate and implement political decisions in order to govern.⁴⁹ Institutions are needed to intervene into society, for example, by promoting official narratives of nationhood that frame state actions in terms of national interest.⁵⁰ War not only requires the physical means of force projection; crucially, a state must be able to communicate a coherent message to its citizens in order to convince its populace to sustain the effort of war. The degree of institutionalization, therefore, is associated with the state’s capacity to create “consensual knowledge” in society, that is, “generally accepted understandings [...] about any set of phenomena considered important by society.”⁵¹

⁴⁵ National Material Capabilities v4.0: Singer, Bremer, and Stuckey 1972.

⁴⁶ The most extensive body of work is on the one on the democratic peace (Russett and Oneal 2001).

⁴⁷ A useful review is provided in Levitsky and Murillo 2009.

⁴⁸ Kissinger 1969, 263.

⁴⁹ Scott 1998, 78; Mann 1984, 189; Fukuyama 2004, 6-14. Fukuyama defines the “strength of state power” exclusively as “the ability of states to plan and execute policies and to enforce laws cleanly and transparently” (ibid., 9).

⁵⁰ Scott 1998, 78.

⁵¹ Haas 1990, 21.

Institutional capacity ought not to be confused with the scope of state functions.⁵² Some political systems such as the US are deliberately designed as weak polities to limit state power. What defines the US as strong on the dimension on institutional capacity, however, is its organizational ability to achieve what Centeno and Portes call its “regulatory intent.”⁵³ Taken together, an institutionally strong state is thus a state able to formulate and implement policies that reflect general societal preferences.

In order to understand states’ motives in a territorial dispute, I define institutional capacity exclusively in relation to boundary politics.⁵⁴ I identify institutional capacity qualitatively based on two components: a state’s knowledge base and its administrative power. Accordingly, a state with high institutional capacity possesses ample knowledge resources with regards to its borders and is able to use these in the decision-making processes of border delimitation, demarcation and management. Knowledge is the systematized information needed to perform these functions. It varies according to the expertise, training and education of the entrusted personnel and the resources available to them. The knowledge base of a state can rest with few people only who may not all be formally part of the bureaucracy, as this was the case in Colombia. Likewise, in Indonesia, continuity in terms of personnel and individual leadership ensured the state considerable knowledge resources despite its rather poorly institutionalized administrative structures. This translated into a proactive policy regarding its boundaries. I consider a state’s knowledge base stronger still when it has created an institutional memory. This means the state counts with a greater pool of trained officials and systematically collects and archives relevant information.

Logistically, institutional capacity is embedded in a number of different departments and state agencies. These need to coordinate well in order to work effectively. The second component of my measure of institutional capacity, administrative power, describes the effectiveness of the respective institutions individually and as a whole. In this sense, a powerful organization of boundary politics is capable of fulfilling its

⁵² Fukuyama 2004, 7.

⁵³ Centeno and Portes 2006.

⁵⁴ An excellent introduction to the indices measuring the institutional/administrative capacity of the state is Hanson and Sigman 2013. I found none of the existing indices serving my purpose for there is an obvious trade-off between the temporal coverage of the available data and the accuracy of the concept measure.

tasks directly by drawing on its own resources, of monitoring its decisions, and of dealing with non-compliance.⁵⁵ In Cambodia, a state with little administrative power, officials had to resort to indirect means and relied on the assistance of neighbouring Thailand to control the border. Similarly, the government called in Cambodia's powerful business elite (*oknha*) and marshalled a public fund to establish a military presence along a disputed section of the border. Another indicator for the lack of efficiency is corruption. In Indonesia, the state's acquiescence of corruption and bribery in the navy was a result of its incapacity to provide sufficient budgetary resources to pay salaries and maintain the navy operable. Corruption practices prevent state agents from optimally fulfilling their tasks and diminishes a state's capacity in that it impairs the level of professionalism.

Unless a state is able to integrate the knowledge resources of the relevant ministerial structures, *ad hoc* committees and other agencies pertaining to the state apparatus into a functioning 'whole', it cannot be called a powerful administration. I base my assessment of whether a state is capable of assembling the various units dealing with boundary politics into parts of a "functioning machine" on three indicators.⁵⁶ The first is its susceptibility to extremist views impacting upon decision-making. This is consistent with arguments that link the status quo orientation of a state to its capacity to resist revisionist pressures.⁵⁷ For example, in Venezuela an extremist view gained public prominence in the early 1980s that denied that Colombia's eastern coast creates rights over the adjacent maritime areas. Developed by a lawyer, this thesis found echo with powerful national groupings in the military and weakened the official position of the Venezuelan governments, which never embraced the view. Institutionally consolidated states are not necessarily more peaceful in their external relations.

There are examples where strong institutions supported aggressive foreign policies, but on balance, I submit that strongly institutionalized polities tend to produce less radical policy outcomes. This is because institutions can moderate discontent and can balance off extremist views that enter the decision-making process. A high level of formal institutionalization generally corresponds with more inclusive political systems. The example of Chile's military dictatorship in this study shows that this is

⁵⁵ See also Haas 1990, 67.

⁵⁶ The analogy is Bardach's (*ibid.* 1977, 36).

⁵⁷ Kacowicz 1998, 51; Miller 2007.

not necessarily the case, but it holds true for most states and is supported by studies that show a strong correlation between subversive insurgencies and weak institutional structures.⁵⁸

The second indicator for a lack of administrative power is a significant level of inter-agency competition. These are not the jealousies between state bureaucracies that influence foreign policies anywhere in the world. I count cases beyond the ordinary politicking that combine institutional blockage in critical situations, a lack of communication and confused allocation of competences. Often, the existence of a myriad of different agencies in itself is an indicator for a lack of institutional capacity. As Migdal holds, many states with limited penetrative capacity have become “labyrinth[s] of public agencies” to multiply appointments in order to expand patronage networks and to limit the prerogatives of any individual institution.⁵⁹ Lastly, I consider the state’s capacity to respond to unknown circumstances as a benchmark for its institutional capacity.⁶⁰

Socio-political cohesion

The third factor that correlated strongly with a state's strategy in territorial dispute is its degree of socio-political cohesion. Socio-political cohesion is situated in the ideational realm of the individuals that comprise a state. It relates to the legitimacy of the idea of the state or, what Buzan also referred to as the political identity of the state.⁶¹ In states at the high end of the cohesion scale, the fundamental questions of the state’s purpose and its relation to society are not raised. In fairly cohesive states, the existing principles that provide answers to these questions are not openly challenged, but in states lacking a meaningful degree of cohesion, the idea of the state is difficult to grasp in the first place.

⁵⁸ Fearon and Laitin 2003; Hironaka 2005; Skocpol 1979. Note, however, that the cause-effect relation between the two phenomena is ambiguous and most probably a mutually re-enforcing one. With regards to Latin America, Soifer claims that states built institutional capacity only once their interior was pacified (Soifer 2015, esp. ch.4). Kuhonta makes a convincing case that an institutional basis was the necessary precondition for the strengthening of the state in Southeast Asia (Kuhonta 2011). The communist insurgency in the Philippines is one example amongst others in both regions where domestic strife eroded professionalism and the capacity of the military (Abinales 1997).

⁵⁹ Migdal 2001, 79.

⁶⁰ Boin et al. 2005, esp. 19-28.

⁶¹ Buzan 1983, 44.

The idea of the state can have different fundamentals such as nations or ideological principles, which can be religious or political in nature. In practice, existing ideas of the state are not based on a single such source but a combination of claims that are attributed to and promoted by the state. Therefore, in my approach the concept of cohesion is necessarily broad and embraces three components: legitimacy, elite consensus and political society.

Reformulated in terms of capacity, socio-political cohesion is the extent to which leaders are empowered to make an authoritative claim that they act on behalf of the state. One source of authority state leaders can draw upon is when the state is considered legitimate. The concept of legitimacy, as it is generally used, focuses on the relation between the rulers and the ruled, on the one hand, and the bases of a state's claim to obedience within society, on the other.⁶² A legitimate state is thus one that successfully claims authority, and does so at a minimal cost. In a legitimate state compliance with its rules is habitual, its citizens regard them as appropriate and reasonable.⁶³

A considerable number of conflict studies examined the impact of legitimacy gaps on foreign policy-making. These, however, tend to narrow the range of indications to contestations at the level of society such as mass demonstrations or secessionist movements. Conflicting ideas over the type of state that should prevail may be reflected at the level of elites, without that such fragmentations are translated into popular mobilization. Coalitions amongst the most powerful can forge an idea of the state that holds it together despite a lack of support in society.⁶⁴ Hence, the breakdown of these coalitions amounts to more than ordinary disagreements, which are commonly expressed *within* a set of rules defined by and as the state itself. Rather, extreme polarization amongst elites is indicative of a fundamental divide over the type of state that should prevail. In addition to legitimacy, elite consensus is therefore the second ingredient in my concept of socio-political cohesion.

Closely linked to the concept of legitimacy is the idea of political society, that is, the identification of citizens vis-à-vis the state not in its institutional expression but as a

⁶² Stepan 1978.

⁶³ Jackman 1993, 40.

⁶⁴ Studies on legitimacy and on the state and security acknowledge this dimension merely in material, but not in ideational terms when they analyse the institutional arrangements that sustain states in the absence of a legitimate (or strong), idea of the state.

political body to which all citizens are members.⁶⁵ A legitimate state is likely to foster a political society, yet the two dimensions are not identical. Political societies are based on principles that characterize the relation between the individuals and groups *within* a state, but these need not be embodied *by* the state. Political society constitutes the third element that describes the cohesiveness of a state, adding to the state's "right to rule" (legitimacy) the emphasis on the demand to rule. The latter is strong only where political societies conceive of themselves as a cohesive entity.⁶⁶ As such, the demand to rule confers authority to leaders to act on behalf of the state.

Low levels of cohesion, therefore, do not necessarily lead people to challenge the state. Along a poorly defined border on Borneo Island, for instance, villagers declared the territory they lived on to be Malaysian instead of Indonesian in order to obtain health benefits provided in Malaysia. This form of exit was not a form of explicit disagreement with a state the villagers would have called illegitimate. Nevertheless, it challenged the idea of the Indonesian state both in its territorial extension and as an entity in which the villagers related (or better, failed to relate) to other Indonesians.

The example shows how the level of socio-political cohesion interacts with the state's territorial reach: the Indonesian state did not provide access to health care facilities to the villagers.⁶⁷ Socio-political cohesion underpins the instrumental military and institutional capacities of the state in that it defines the portion of national resources a state can effectively use. To use a prominent example from the state-building literature, a state needs functioning institutions to collect taxes, but its tax efforts will always be less successful if citizens do not pay tax voluntarily. This, they are likely to do only if the idea of the state is strong. In an institutionalized state, tax-paying becomes a natural duty, and in a dialectical relation, a high level of socio-political cohesion underpins the stability of the state's core institutions.

For the purpose of the present enquiry, however, the state's strength is not reducible to the "realm of ideas and sentiments."⁶⁸ Military capability and institutional capacity both influence boundary politics beyond those instrumental capacity functions in which they depend on the level of socio-political cohesion (i.e. how much the state

⁶⁵ See also Benedict Anderson's concept of community (1991) and Holsti's concept of horizontal legitimacy (1996, 87-90).

⁶⁶ *Ibid.*, 82.

⁶⁷ See also the work on the state's symbolic power, which is thoughtfully summarized in Loveman 2005.

⁶⁸ Holsti 1996, 84.

can extract). As I argue below, all three dimensions influenced border politics in a different way and are therefore conceptually separated.

Based on the above, a state at the low end of cohesion is identified by contested legitimacy at the popular level, a high degree of elite polarization and/or societal fragmentation. The clearest indicators of contested legitimacy are domestic insurgencies and popular uprisings, but deep divisions over the idea of the state may also exist where an authoritarian state successfully suppresses any form of visible protest. In such cases, and because the rule by force is generally more costly than the rule by consented authority, repressive measures and the presence of the security forces in every-day life provide a measure of the extent to which a state relies on coercion to maintain a minimum level of cohesion.⁶⁹

The degree of elite unity is reflected in whether there is a clearly identifiable hierarchy of political authority within the state. This translates into the policy-making process that can be observed in territorial conflict.

Lastly, a low sense of community may be reflected in forms of political violence that are simultaneously indicative of contested legitimacy, such as secessionist conflict. At a lesser level, as an indirect indication of societal fragmentation I take into consideration whether a state promotes extensive policies explicitly designed to foster national narratives.

A lack of cohesiveness manifested itself differently across the countries analysed. This does not undermine the supposed logic linking state capacity to policy outcomes. A low level of cohesion in any of its dimensions limits the strength of the state, and lesser capacity in one dimension yielded similar effects as signs of weakness in another.

Together, military power, institutional capacity and the level of cohesion define the capacity of a state that influenced state behaviour in South America's and Southeast Asia's territorial conflicts. The way the three dimensions combined incentivised strategic choices was no different in the two cases although each of the dimensions stood under the influence of regional factors. I proceeded both deductively and inductively to capture those components of state capacity that explain how border

⁶⁹ Dogan 1992, 120.

politics were used to enhance the security of a state. Before I detail the effects of each of them, it is important to note the limitations of my study.

First, the propositions I develop based on varying levels of state capacity apply to the two regions analysed here. Whether they hold for other regions that share with them a history of colonialism is subject to empirical scrutiny and beyond the scope of this study. Similarly, the strong states of Europe and the US are not found on the upper end of the capacity continuum. Where I speak of comparatively capable states, I relate this to a scale that comprises states in South America and Southeast Asia, but I do not claim that the same logics apply to other parts of the world where the initial conditions might have been different.

The impact of state capacity on border politics

The impact of capacity on a state's conflict management strategy in territorial disputes is the combined outcome of the three components described above: military capacity, institutional capacity, and socio-political cohesion. In the following I describe the main effects each of the dimensions had on state behaviour generally and in specific crisis situations.

Military capacity

A lack of military capacity motivated states to seek compromise solutions to resolve their territorial disputes. States lacking military capacity to counter an external threat obtain obvious benefits from the international recognition of their borders. As the ready acceptance of the colonial boundaries in much of South America and Southeast Asia shows, states relied on the formal codification of borders which they were often unable to defend. The preferred option of militarily weak states was mostly the conclusion of a treaty given that *de jure* recognition entails the explicit renunciation of territorial claims. This is unlike a *de facto* line, which can be established by interim measures such as provisional agreements or joint development areas.

An example for this is Cambodia in the 1960s. Only once the road to a negotiated settlement with its neighbours was closed, Cambodia's Prince Norodom Sihanouk launched an international campaign to gain recognition of Cambodia's poorly defined

borders. Thus, Sihanouk sought to prevent “expansionist neighbors to impair the slightest piece of the national domain.”⁷⁰

With growing military capacity the desire to settle borders decreased. Once states felt they had a sufficient level of military capability to back up their claims, delaying became more attractive as it allowed governments to avoid the risk of politicizing territorial issues. This was a commonly shared concern in all countries studied.

The availability of hard power resources led to higher levels of militarization under two sets of circumstances. First, military assets rendered military posturing and the use of coercion in limited-aims strategies more likely. At the same time, those states that were ready to use military assets also showed strong support for instruments to regulate conduct in disputed areas. Malaysia, for instance, dispatched a special envoy to Indonesia and promoted several cooperation mechanisms when the maritime boundaries between the two countries gained prominence in the early 1990s. Secondly, military power correlated positively with greater levels of conflict intensity in the cases of Peru and Thailand, when these states sought to put an end to a particular crisis by military means.

This, to be sure, does not imply that militarization was taken to ever-higher levels nor did it mean that the recourse to force became the preferred policy option for the militarily stronger state. The case studies suggest that military power has a less deterministic effect and is limited to opportunity, but that it does not change the objectives of a state in a dispute. With a lesser pressing need to settle their borders for security reasons in the first place, stronger states did not seek to resolve outstanding disputes more frequently than others. If they did, this was mostly for reasons other than strategic ones, such as the desire to exploit the resources of a disputed territory or to use foreign policy for domestic political purposes.

Military capacity also did not prompt states to try and resolve disputes by force more often than those who were militarily unprepared. In other words, military power did not trump factors that made the use of force less likely. In sum, the effect of greater military capacity was such that *ceteris paribus*, the militarily strongest states were those less likely to shy away from militarization to pursue their interest in a territorial dispute.

⁷⁰ Quoted in Leifer 1967, 155.

Institutional capacity

Examples mostly from the early periods of independence show that a lack of institutional capacity can facilitate compromise solutions when only a limited number of actors were involved in border politics. In the case of Colombia, weak institutionalized structures for dealing with border politics correlated with a lesser importance of boundaries to national imaginaries, and this increased room for political bargains.⁷¹ In 1973, Singaporean and Indonesian intelligence staff delimited part of their territorial sea boundary in the Singapore Strait in record-time and beyond the eyes of the public reportedly because, on the Singaporean side, “the Ministry of Foreign Affairs was not equipped, it had no geographers.”⁷²

The main effect of a lack of institutional capacity was that it provided incentives to shelve a dispute. States with sufficient knowledge of their borders and the ability to devise and implement long-term strategies were more confident to settle a territorial conflict relying on both peaceful and coercive instruments. This suggests that states resorted to force not to make up for a lack of institutional capacity.

Unless there was a strongly perceived need, poorly institutionalized states tended to delay dealing with territorial questions because leaders felt unable to reach a settlement that could satisfy national demands. A lack of institutional capacity created a sense of vulnerability that led the relevant actors to defer dealing with an outstanding dispute in the first place. When Cambodia’s decades-long internal war came to an end, the country had only few trained officials and no consistent maritime boundary policy. The government was hesitant therefore to negotiate even a joint development area with Thailand, regardless of the potential gains from maritime resources in the Gulf of Thailand. In another case, Malaysia agreed to hold talks on maritime boundary delimitation with Indonesia in order to keep the channels of communications over several unresolved disputes open. In 25 rounds of negotiations, however, Malaysia did not present a settlement proposal. This had less to do with a negotiation strategy but reflected a lack of initiative due to the failure of inter-agency coordination and of mobilizing its knowledge resources.

⁷¹ See also Pardo and Tokatlián 1988b, 103-104; Drekonja Kornat 1982, 66.

⁷² Interview with S.R.Nathan, Singapore, 7 October 2013. See also the reference in his memoirs (*ibid*, 368).

In some cases, the preference for delay led to escalatory dynamics in a dispute when no means were taken to resolve a gradually intensifying conflict. This is not to say that incapacity created conflict or that it prevented conflicts from being settled. Today, about half of the world's maritime boundaries are delimited and there is no systematic pattern linking outstanding boundary disputes to parts of the world that have generally weaker institutions.⁷³ The case study evidence does not support frequently cited arguments that link low institutionalization to interstate conflict. Institutional capacity, as it is conceptualized in this study, had little direct effect in crises situations. Therefore, and in order to increase confidence in my argument, I examine additional mechanisms through which institutional capacity is said to influence the management of territorial disputes. These are the role of the military, uncontrolled border areas, and structural impediments on bilateral cooperation. The case studies provide inconclusive evidence as to the effect of these factors.

The military was an important political player and enjoyed considerable autonomy in several countries of South America and Southeast Asia over lengthy periods of time. In all countries under study, the military fulfilled a range of crucial functions relating to state territories and borders including security and defence as well as expertise in land surveying and measurement. Often, it was also the only institution that could provide access and transportation in border areas. The prominent role of the military in the policy-making process and its autonomy of action on the ground are generally seen as a factor driving escalation.⁷⁴ In the cases analysed here, no apparent pattern emerged distinguishing between civilian and military leaders both with respect to policy preferences and outcomes in territorial conflict.

When the military withdrew from power in South America and in Thailand, Indonesia and the Philippines, the foreign policy agendas with regards to border politics remained largely unchanged. In some cases, greater freedom of action due to dysfunctional chains of command and control had a destabilizing effect on territorial disputes, while in others locally institutionalized practices ensured a degree of stability.

⁷³ See ASIL 2015.

⁷⁴ Blanchard 2003, 427, 431. On the Latin American context see Child 1988; Grabendorff 1982, 277; Pión-Berlin 2000; but Huntington 1957; Martín 2006, ch7.

The armed forces' economic activity and corruption, which are both clearly related to institutional deficiencies, created incentives for Venezuela's military to keep the border with Colombia calm. Likewise, during weeks of violent border clashes at the Thai-Cambodian border, the Thai Army avoided fighting at the border town of Poipet, where conflict would have disrupted lucrative casino businesses. As mentioned above, in Indonesia state officials admit that no serious attempt was undertaken to tackle extortion practices by the navy in maritime areas adjacent to those of neighbouring states due to a lack of budgetary resources. Thus, at the top of the navy command few have an interest in pressing the government on the question of maritime boundaries. These findings substantiate the claim that domestic state structures have a significant impact on the trajectories of territorial disputes, although they do not point to a unidirectional effect.

Illicit activities and loose command structures within the security apparatus are considered as examples of a wider set of so-called new security threats. These arise in border areas where states lack effective control and are generally believed to have escalatory effects on inter-state conflict.⁷⁵ Accordingly, unauthorized cross-border movements lead to a securitization dynamic in border areas even if these are not, or only indirectly related to a disputed area.⁷⁶ Again, the case studies do not provide clear evidence to support the claim that negative security externalities from distressed border areas aggravate territorial conflicts.⁷⁷ Trans-boundary relations in the cases considered were generally highly localized.

Cross-border networks retained a considerable degree of independence from both government-to-government relations and from networks in other parts of the border. In the Colombo-Venezuelan case, there was no discernible link between the handling of cross-border guerrilla attacks and the trajectory of the border dispute. Some of the observations indicate that trans-boundary challenges augmented during times when a territorial dispute resurfaced. Yet, the causal relation is far from clear.⁷⁸ Growing tensions over the maritime border between Indonesia and Malaysia led the Indonesian government to extend protection to fishermen illegally operating in waters under

⁷⁵ Fearon and Laitin 2003; Lake 1997; Dittgen 2000.

⁷⁶ A different explanation on the stability of frontiers is Gavrilis 2010.

⁷⁷ The three cases where trans-boundary issues bore significant implications on a territorial adversary are, with the originator state named first and the affected state second: Colombia-Venezuela, Cambodia-Thailand and Indonesia-Malaysia.

⁷⁸ Jenne 2014.

Malaysian jurisdiction. Malaysia intensified its efforts to intercept the boats and issued diplomatic protest notes. Both actions increased the number of registered fishing incidents; however, these were not the cause, but rather a consequence of the territorial dispute.

Interestingly, the states in which trans-boundary problems originated tended to abstain from denouncing the at times harsh unilateral measures adopted by the affected states. Instead, the case studies suggest that states were fairly capable of responding to at least what were perceived to be the most pressing problems when trans-boundary challenges developed into serious security risks.

So far, I have claimed that a lack of institutional capacity abated conflict by incentivising delay and that it cannot conclusively be related to escalatory dynamics. The existing literature provides an additional set of propositions linking deficiencies of formal institutional structures to states' possibilities to manage conflict bilaterally. Studies on crisis bargaining suggest that states with low levels of institutionalization are more often involved in high-intensity conflicts because they typically lack existing management mechanisms to reassure their adversaries and also find it harder to commit to an international agreement.⁷⁹ Similar claims are found in the literature on international institutions, which shows that institutions reduce the transaction costs associated with cooperation and thus facilitate both personal contacts and conflict resolution.⁸⁰

Stable institutions that lead to successful outcomes are most likely to be created by countries with at least a moderate level of institutionalization. Poorly institutionalized states, however, may still build permanent institutions. I find support for these arguments to the extent that in cases where states had institutionalized cooperation mechanisms in place, these facilitated bilateral consultations between local authorities and between governments. Vietnam, for example, found it easier to fully cooperate with other ASEAN countries once it became a member of the organization than the comparatively weaker institutionalized states of Cambodia and Laos. As cooperation was institutionalized, Vietnam resolved several outstanding maritime boundary disputes and negotiated agreements with Thailand and Indonesia as well as a joint

⁷⁹ The audience costs argument is usually made in relation to democratic systems, but its mechanisms are fundamentally those of stable institutions. See Schultz 2001 and Thomas Schelling's classic work on audience costs (1960, 27-28).

⁸⁰ Keohane 1982; Keohane and Martin 1995.

development area with Malaysia.⁸¹ A former director of the Political Affairs Division in the ASEAN Department at the Ministry of Foreign Affairs explained: “With all these ASEAN meetings it was now easy for us to talk to them, and we had long everything prepared to settle the border.”⁸²

However, in other cases where no such formal mechanisms existed, states relied on alternative diplomatic channels or *ad hoc* mechanism if they sought to cooperate. Thus, while greater institutional capacity helped to manage conflict, incapacity was no impediment to foster bilateral mechanisms given states sought to create such in the first place.

Socio-political cohesion

The perceived lack of cohesion impacted strongly on leaders’ decisions in situations of armed conflict or when the risk of conflict outbreak was high. Severe domestic cleavages led leaders to back down when conflicts threatened to escalate, regardless of whether their militaries satisfied a minimum standard of preparedness. In all cases where states were characterized by low levels of socio-political cohesion, elites perceived a high risk of losing control and feared domestic chaos in the case of a prolonged external conflict. My findings suggest that the same leaders were highly uncertain over the likelihood of success in a strategy of militarization. The counter-example of Chile affirms this contention. Characterized by relatively high levels of cohesion, under the military dictatorship of Augusto Pinochet Chile did not consider options to compromise but faced the possibility of war with Argentina which, the regime knew, was impossible to win.

On the level of general policy preferences, a lack of internal unity tended to emphasise the desire of a state to settle its borders. Low levels of cohesion increased the perceived vulnerability of some states vis-à-vis their opponents. Moreover, the settlement of a dispute could entail the promise to foster a national idea in a divided state.⁸³ In post-Suharto Indonesia, territorial issues have easily stirred nationalism, but

⁸¹ Amer and Hong Thao 2005.

⁸² Interview with Nguyen Hung Son, Hanoi, 17 October 2013. The same was expressed by Nguyen Hung Duy (interview, Hanoi, 17 October 2013).

⁸³ Blanchard 2005, 692.

deeper allegiances to the state remained questionable.⁸⁴ “We want to achieve progress in the negotiations,” a foreign affairs official remarked, “because we would like to show that the government is doing something for all the people in this country.”⁸⁵

The potential benefits of offering compromise, however, were often offset by considerations of domestic stability and led to a preference for delay. Depending on the form of lacking cohesion, leaders showed strong concerns that territorial issues would become a platform for domestic contestation reflective of fundamental internal divisions up to the point that they could no longer control conflict with an external opponent. In addition, these states faced difficulties to form the necessary support bases for ostensive concessions to end conflict. Thus, internal divisions blocked consensus building on a maritime boundary agreement in Venezuela in 1980, and an Argentine junta embattled by a lack of legitimacy was unable to steer against societal pressures demanding the renunciation of an unfavourable arbitration award in 1978. In most cases where states anticipated that disputes would linger, this led to the establishment of cooperative mechanisms across policy areas.

Summary: Combined impact of state capacities on border politics

The case study chapters describe state capacities in the above dimensions with reference to a scale comprising the states of South America and Southeast Asia only; that means, at its low and high ends are the weakest and strongest states of the two no-war communities, respectively. One may locate states from elsewhere in the world on the same scale, but as I do not generalize my contentions beyond the two regions, I make no claim as to where the states of South America and Southeast Asia rank on a global scale. Amongst two states that are defined to have a high level of capacity, however, there may still be an important degree of variation in consequence of the fact that I take changing trends in the level of capacity within one state into account.

A last caveat needs to be noted. The respective strategies I identify may be observed also in states that do not possess the associated attributes. Individually, the characteristics are neither necessary nor sufficient conditions for the respective policy choices. My argument is more modest: When observing conflict strategies in a

⁸⁴ Elson 2008, 310.

⁸⁵ Interview with Havas Oegroseno, Jakarta, 16 December 2013.

territorial dispute in South America and Southeast Asia, it is these combinations that are most likely to be found in states. One may find cases when strongly cohesive states compromise, although in these cases cohesion is unlikely to have motivated the choice.

In summary, compromise is most likely triggered by a severe lack of domestic capacity. The willingness to make substantive concessions to reach a settlement was most evident in the case of Indonesia, which has never been militarily powerful despite the fact that it has always had a politically strong military.⁸⁶ The designation of its boundaries as those of an archipelagic state was closely tied to political principles that came to embody the idea of the Indonesian state, but Indonesia's elites never capitalized upon boundary disputes by escalating them to a level of serious conflict.

Delaying tactics serve several purposes for states characterized by low capacity in one dimension or another. Delay was the best option for some states if they lacked the institutional initiative for settlement and to avoid conflict if they could not afford offering compromise solutions. In other cases, the preference for postponing dealing with an outstanding issue was linked to the consideration that a state might build up its military capacity to back up its claim in the future.

Conflict escalation as a deliberate strategy to escalate was clearly beneficial only for those states located at the higher end of the no-war communities capacity scale. Yet, also in those cases escalation was not an unconditional strategy that contemplated war as an acceptable outcome. Here, the explanatory weight of my argument falls back on the first and the third claims: Domestic vulnerability during the formative periods of South America's and Southeast Asia's states induced a lasting imperative to manage conflict short of war. This gave rise to no-war communities, which ruled out the prospect of large-scale armed conflict between them. The ways of war-avoidance were varied, but even escalatory steps in a conflict did not erode the bases of community.

Due to my chosen approach, those instances of escalation (including militarization) that correspond with higher levels of state capacity miss out on numerous activities by comparatively weaker states that led onto a path of escalation. This will leave those

⁸⁶ Sebastian 2006b, esp. ch.3.

who reduce the outcome of a conflict to bargaining between the disputant parties unsatisfied but provides room for theories of war that highlight systemic forces and conflict-innate factors to explain escalation. The miss-outs do not necessarily contradict my argument. It is difficult, if not impossible, to identify any of the conflict cases as based on an irredentist claim.⁸⁷ In other words, territorial disputes did not reflect hostile intentions in the first place but arose almost inevitably from the ambiguities of the inherited boundaries.

Only few of the weakest countries in South America and Southeast Asia adopted potentially escalatory measures as a deliberate strategy in conflict. State actions were frequently a response to what was perceived ought to be done rather than a policy directed at an adversary. There were instances when governments were clearly aware that their policies would be seen as an aggressive measure, but the explanation for why an escalatory move was not avoided is more complex than an argument linking weakness to conflict escalation in an unconditional fashion would suggest. As the empirical chapters show, potentially escalatory measures were often accompanied by assurances that war was not an option – sometimes by merely exposing the practical limits of an aggressive strategy. Thus, a lack of domestic capacity functioned as a major source of constraint in territorial disputes. In the strategic calculations of policy-makers, weakness generally favoured cooperation over conflict.

Methodology

A qualitative methodology is best suited for my endeavour. I seek to explain the dynamics of territorial disputes based on a contextualized approach towards the actors' preferences and their available alternatives. Therefore, it is necessary to evaluate existing threat perceptions rather than assuming that such are ever present in territorial disputes. Moreover, to conceive of changing patterns in bilateral interactions, it is crucial to consider data from the micro-level which are difficult to quantify.

The study relies on focused and controlled comparisons of cases of territorial disputes over time and across regions and countries. From each the South American and the

⁸⁷ As I argue in chapters 9 and 11, this includes the Indonesian-Malaysian *Konfrontasi* and the war between Democratic Kampuchea and Vietnam in 1977–1978, which are often wrongly treated as driven by revisionism.

Southeast Asian sub-system, I chose two main cases of no-war and one secondary, negative case of war. In line with the presentation of the study design in Chapter 1, my main goal in these latter cases is not to explain war. Instead, I ask whether the belligerent parties were strong states, and if not, whether incapacity explains the escalation of violence.

Method of inference and case study selection

In the following section I describe the pool of cases and the rationale for the selection, including a synopsis of each of the case studies. Next, I present the process analysis technique I used to evaluate the data, discuss the source materials I drew upon, and finally, I explain the use of interviews in the study.

Universe of territorial dispute cases

To establish the pool of territorial dispute cases I drew on several encyclopaediae and the database of Huth and Allee, which I then complemented by information published in the CIA World Fact Book, the resources on the website of the International Boundaries Research Unit (IBRU, University of Durham) and the US Department of State's Office of the Geographer.⁸⁸ My definition relies on the discussion in Huth's study and is similar to most of the commonly used ones.⁸⁹ Accordingly, a territorial dispute is a case of disagreement over the physical and jurisdictional limits between sovereign states, involving explicit contention on part of the official representatives of at least one of the claimant states. The definition is empirically oriented to include conflicting claims over territorial arrangements such as navigation routes, air space or access to waterways. Therefore, I do not differentiate between territorial conflicts, disputes over maritime zones and riparian conflicts. The maritime boundary disputes I analyse all involve conflict over island sovereignty or inland waters, although technically they also include overlapping Exclusive Economic Zone (EEZ) and continental shelf claims.

⁸⁸ Biger 1995; Calvert and Allcock 2004; Huth and Allee 2002; IBRU 1993a; IBRU 1993b; USA 2012.

⁸⁹ Huth 1996, ch.2. See also Huth and Allee 2002, 300; Hensel 2001, 90.

My choice to include both land and maritime boundary disputes is based on the following considerations. Firstly, while disputes over land are generally more prone to militarization, the factors that account for the trajectories of maritime and land border conflicts are largely similar.⁹⁰ What is more, once a dispute becomes militarized, the prospect for future conflict is almost the same.⁹¹

This evidence is supported by studies in geopolitics which highlight the same factors that influence disputes on land as important aspects in maritime boundary disputes, that is, resources and questions of national prestige and identity.⁹² Maritime boundaries are technically linked to land borders and island sovereignty, and it is the latter that oftentimes dominates public perceptions. Writing in the early 1980s, Ken Booth rightly predicted that the parcelization of the sea will “ensure to a greater extent than ever before the sea will be conceived as an extension of the land.”⁹³ “Nations will feel protective and sensitive – indeed patriotic – about these patches.”⁹⁴

Tellingly, Malaysia and Indonesia have yet to settle their land border on Borneo Island, but in contrast to issues related to maritime boundaries, the land border dispute has hardly made it into the news. The “stopping power of water” provides one explanation why maritime disputes have not escalated, but it is warranted to ask why the states of South America and Southeast Asia did not develop the means to overcome the obstacle.⁹⁵ The functions states fulfil with regards to land and maritime boundaries are in both cases those of security and defence, immigration control, commerce and environmental management. Hence, from a state-building perspective it should be the same impetus that stimulates the development of capacities in relation to one and the other.

The pool of territorial dispute cases is limited to disputes amongst the regional states only. This excludes the case of the Falkland Islands/Malvinas between Great Britain and Argentina and also the South China Sea disputes, in which several Southeast Asian states contest island sovereignty and maritime boundaries with China and between each other. In these cases, the presence of an external, more powerful state

⁹⁰ Hensel et al. 2008.

⁹¹ Ibid.

⁹² Buzan 1978; on Latin America see Child 1985b; Kelly 1997 and Morris 1987; on Southeast Asia Bateman 1998; Bateman 2009 and Tan 2012a. A tradition in geo-strategic thinking as it developed in South America, especially the Southern Cone countries, has however been absent in Southeast Asia.

⁹³ Booth 1985, 37.

⁹⁴ Ibid., 45.

⁹⁵ Mearsheimer 2001.

impairs the comparability with purely intra-regional cases. Further, I introduced a cultural distinction to minimize diversity in the South American case by excluding the three countries that do not share the region's Latin American heritage (Guyana, Suriname and French Guiana).

To control for additional factors, I set the beginning of the study period with respect to the case studies at 1945. The year is a commonly accepted marking point after which the principle of the sanctity of borders was more firmly institutionalized and the norm against conquest effectively enforced.⁹⁶ Introducing the temporal limitation had the additional benefit that it reduced the complexity of the two-dimensional comparison between regional factors and at the level of individual disputes. While the historical component of the regional comparison makes it possible to observe boundary politics as a structural phenomenon, drawing on different levels of analysis in the detailed case studies post-1945 allows me to increase confidence in the explanations. It should be acknowledged, however, that in practical terms the year 1945 meant little to South America.

Case study selection

The main cases were selected on the criterion that they represent critical and relevant cases in which contesting territorial claims led to the eruption of crises that involved an impending danger of large-scale armed violence. I based the choice of case studies on a comprehensive assessment of dispute trajectories rather than on the observation of only the most critical moments of any of the disputes, i.e., their 'closeness' to war at any single one moment. Therefore, when referring to a militarized territorial dispute, I do not describe a specific military action but more broadly a general state of relation between states. In a militarized territorial dispute, these are characterised by suspicions and mistrust, and the use of force is not ruled out.

To maximize the range of variation in conflict intensity I multiplied the number of observations by identifying within-cases. These are sequences of a dispute that can be both relatively brief instances of military and/or diplomatic crises or lasting periods of heightened tensions. The relevant criterion to establish what constitutes a within-case is consequentiality, meaning that a given situation can be identified as a turning point

⁹⁶ Atzili 2012; Fazal 2007b; Jackson 1990.

that created new facts, changed the perception of a dispute, or triggered new institutionalized means to satisfy discontent on either side of the conflict.⁹⁷

Because the management of territorial disputes is path-dependent, both military incidents and periods of entrenchment can generate consequential dynamics. I do not claim that war was likely to occur during these observation periods. Quite to the contrary, the danger of war need not be high even for a crisis to occur, suffice that the possibility of escalating military hostilities underwent a qualitative upward change.⁹⁸ Thus, the within-case observations share the following two purposes: First, they speak to the overall question of how territorial conflicts were managed before they could escalate into full-scale war. Secondly, they shed light on how different levels of domestic capacity influenced the behaviour of states in managing territorial dispute across time and regions.

Appendix 2 provides an overview of the case studies including several conflict and actor attributes. The selected cases do not neatly correspond to a comparative logic with regards to the alternative factors listed in the table, including state attributes and conflict trajectories. The overview correlates a limited number of these conditions and factors, and although it cannot satisfactorily eliminate rival arguments, it still lends some support to the argument as none of the factors by itself can be conclusively linked to the level of conflict intensity in the cases.

Case studies

The four principal case studies represent both critical and relevant cases. Critical cases are most-likely cases, meaning that they share characteristics that raise the prospect of war.

A number of factors that render particular conflicts, country dyads and states more likely to fight are found in the overview of the case studies (Appendix 2). Crucial amongst those is their identification as international rivals. The table in Appendix 2 shows the rivalry status of the respective country pairs according to different concepts. Amongst these, the most suitable for my purpose is Thompson's

⁹⁷ The last condition draws on Sidney Verba's concept of crisis (Binder et al. 1971, 19).

⁹⁸ Brecher and Wilkenfeld 2000, 19.

classification of strategic rivalry.⁹⁹ Relying on perceptive elements in bilateral relations, strategic rivals satisfy three conditions. First, the states in question see each other as competitors; second, they perceive of the other as a source of threat and anticipate the possibility of armed conflict; and third, they regard each other as enemies.¹⁰⁰

Five of the chosen case study pairs qualified as strategic rivals at some point in history. The only exception is Cambodia–Thailand, which most likely does not fulfil the criterion of competition due to the large asymmetry in material capabilities. Based on their history of militarized interstate conflicts, however, the relation between the two countries is identified as rivalry according to the alternative operationalisations shown in Appendix 2. Because prior conflict raises the probability of renewed fighting, these provide an additional proxy for the war propensity of the country pair.¹⁰¹

The second criterion for case selection, relevance, refers to the status of a case amongst the population of all disputes. The chosen cases are significant for the regions because of the size and/or influence of the conflicting parties and because of the real and potential regional implications of conflict between them. In the following I provide a synopsis of each of the cases and discuss the alternatives for the negative cases.

Colombia – Venezuela

Colombia and Venezuela dominate the northern tier of the South American sub-system. The dispute concerns the extension of Venezuela's territorial sea in the Gulf of Venezuela, and, by implication, the adjoining maritime zones in the Caribbean Sea and sovereignty claims over the archipelago Los Monjes.

The first juncture in the dispute occurred in 1952 over the ownership of Los Monjes. Venezuela occupied the islets, and although Colombia has not filed any official

⁹⁹ Thompson 2001.

¹⁰⁰ *Ibid.*, 560. Identifying the country-pairs as rivals sets the bar high to show that no-war community existed. Nevertheless, it does not contradict my claim that they were members of a no-war community. Enemies, even if they are threatening, can be mere “irritants or simply problems,” and the competitor status need not satisfy the criterion of a perceived threat to survival (561).

¹⁰¹ Senese and Vasquez 2005.

protest since, from the Colombian point of view their status is yet to be legally codified.

The dispute reached its peak in the area of the Gulf in 1987, when the Colombian frigate *Caldas* sailed in waters Venezuela considered non-negotiable. Eventually, Colombia withdrew its ships from the contested zones. The risk of a military confrontation triggered a new approach that stressed the need to keep the boundary question from the political agenda. Soon after, Hugo Chávez assumed power in Venezuela. The country's political shift to the left marked a turning point in the bilateral relation, and ideological differences led to several critical disagreements since. Yet, the boundary question has not resurfaced.

According to Thompson, Colombia and Venezuela maintained a strategic rivalry from shortly after Venezuela's break-away from New Granada in 1830 on. Based on the historically rather low level of dispute intensity, the rivalry status of the two countries is less straightforward. However, the boundary conflict has been a source of constant irritation and prevented deeper institutionalization of state-to-state relations between the two countries.

Argentina – Chile

Like the first case, the Beagle Channel dispute between Argentina and Chile concerns both questions of territorial sovereignty and maritime boundaries in the southern tip of the continent.

Argentina's security outlook was historically directed towards Brazil to its east, yet conflict between these two states has not involved territorial questions. On its western border, however, overlapping claims led to a long series of interstate quarrels with Chile. Following Argentina's rejection of a British arbitration award, the conflict culminated in a highly militarized, prolonged crisis during 1977–1978. In December 1978, the Argentine President Jorge Videla withdrew an order to attack only after the Vatican stepped in and offered to mediate the dispute. Once the two parties began direct talks, the mediation produced results and a comprehensive peace treaty was signed in 1984. The treaty settled the boundary in the Beagle Channel and laid the framework for resolving another 22 outstanding border conflicts. Today, the two sides

dispute the border in the northern part of the Southern Patagonian ice field and ownership in Antarctica. Both disputes have been shelved.

Ecuador – Peru

The conflict between Ecuador and Peru revolved around territories in the upper Amazon. The two countries fought a war over the border in 1941 and clashed again in 1981. In 1995, the hostilities developed into serious fighting that lasted over 34 days.

The case was chosen as the default case of war because no other conflict between any two South American countries since 1945 came close to classifying even as a minor armed conflict. Most Latin Americanists treat the Ecuador-Peruvian Cenepa War of 1995 as a case of war, acknowledging though that it was a 'small' war limited both in its aims and in its spatial and temporal extension. Reliable data on the number of casualties do not exist, with authoritative sources indicating any number between 200 up to more than 4,000.¹⁰²

The case is included into the study regardless of the ambiguities and because these are, to an extent, conceptual rather than substantive. The Cenepa War challenges the argument that no-war community existed, but as I seek to show in Chapter 8, the main claim of the thesis holds up. A lack of domestic capacity was an important source of restraint in the conflict and explains its resolution in 1998. Ultimately, and in line with Thompson's periodization of strategic rivalry between the two countries, it put no-war community onto a more solid footing.

Indonesia – Malaysia

This case study deals with the maritime boundary between Indonesia and Malaysia, focusing in particular on the tensions that have occurred over areas in the Celebes/Sulawesi Sea. The only period the two countries are identified as rivals was during Indonesia's hostilities against the Federation of Malaysia during the years of *Konfrontasi* (1963–1966). Outstanding boundaries questions have been kept at a low level of intensity, but suspicions never truly receded.

¹⁰² See UCDP 2012 and Palmer 1999, 32, respectively. Holsti puts the count as low as 75 (1996, 155).

The Indonesian-Malaysian relation has been of critical importance to ASEAN. With close to 250 million people, Indonesia's population accounts for 40 percent of the total ASEAN population. In 2013, Indonesia's share of the total ASEAN GDP made up for 36 percent.¹⁰³ Southeast Asia has traditionally looked to Indonesia as the country with a natural entitlement to a privileged position within the region although it effectively lacked the capacities for leadership.¹⁰⁴

The significance of the Indonesia-factor notwithstanding, the case cannot be expected to easily lend support to an ASEAN-based explanation of no-war. The importance of Indonesia's archipelagic state boundaries is reflected in its conception of the fatherland, *tanah air*, which translates literally into 'land and water'. When Indonesia lost a legal case over island sovereignty against Malaysia in 2002, national sentiments ran high. In 2005, a persisting maritime boundary dispute led to a naval standoff in an area known as Ambalat. After a period of diplomatic tensions, the dispute has been controlled.

Cambodia – Thailand

The second Southeast Asian case study concerns a land border dispute between Cambodia and Thailand on the region's mainland. This specific conflict revolves around the border at the Khmer temple Preah Vihear, which the ICJ awarded to Cambodia in 1962. The border in the surrounding area of the temple was never agreed upon and turned into a salient political issue when Cambodia asked UNESCO to declare the temple a world heritage site. The conflict turned violent in 2008 and escalated into what a Thai foreign affairs official called "the first war among ASEAN countries" in 2011.¹⁰⁵ For ASEAN, the conflict was significant as the organization intervened for the very first time formally into a bilateral conflict by providing a framework under which Indonesia was given a role as facilitator.

Specific circumstances in each of the two countries raise questions about comparability. On the one hand, Thailand is the only Southeast Asian state that was never colonized. Siam, as it was formerly named, was geographically positioned

¹⁰³ ASEAN statistics as of December 2014, ASEAN Finance and Macro-economic Surveillance Unit Database, available at <http://www.asean.org/resources/2012-02-10-08-47-55> [last accessed 20.4.2015].

¹⁰⁴ Leifer 1983.

¹⁰⁵ Interview with Virasakdi Futrakul, Bangkok, 14 September 2014.

between the French and the British empire and maintained its formal independence as a buffer between their colonies. Siam's autonomy, however, was severely compromised and the European influence on its internal development strong.¹⁰⁶ The Siamese military, which had fought countless battles against the neighbouring kingdoms during pre-colonial times, gradually began to assume domestic functions.¹⁰⁷ In the late 19th century, King Chulalongkorn began to promote reforms that put Siam on a similar path of modernization and economic development as the surrounding colonial principalities.

Thongchai Winichakul showed how European mapping practices gave rise to Thailand's modern conception of nationhood.¹⁰⁸ In marked contrast to some of the colonized communities, however, Siam did not experience the emergence of a strong national, anti-colonial movement. In consequence, its modernization remained an incomplete one.¹⁰⁹ With old power structures still in place, Thailand is comparable to other states in the region where independence through political settlement resulted in hybrid political transformations and a lack of anti-colonial narratives of nationalism.

With regards to the Cambodian case, the decade spanning 1979–1989 merits special consideration. In 1978, Vietnam invaded the country to remove the Khmer Rouge under Pol Pot from power. Vietnam installed a new government integrated by Cambodians who had been trained in Vietnam after fleeing Pol Pot's regime. The new People's Republic of Kampuchea (PRK) was opposed by a US and China-backed opposition coalition and depended on the continued support of Vietnam. Hanoi provided troops, policy advisers and personnel to staff the ministries as Cambodia's entire bureaucratic elite had perished under Pol Pot. During the PRK's early years, Cambodia's foreign policy can therefore not be considered independent. Given that its current leaders, including Prime Minister Hun Sen, have their origins in the Cambodia-Vietnamese alliance, it is still a matter of debate how much Cambodia continued to be influenced by Vietnam. Since it is difficult to make a judgement from Cambodian sources, I use the account of the Vietnamese senior diplomat Huỳnh Anh

¹⁰⁶ Anderson 1978, 198-211.

¹⁰⁷ Batson 1984.

¹⁰⁸ Thongchai Winichakul 1994.

¹⁰⁹ Kullada Kesboonchoo Mead 2004.

Dũng.¹¹⁰ Accordingly, I consider Cambodia's foreign policy as independent since 1985.

Cambodia – Vietnam

The Cambodian-Vietnamese case is included in the study as a case of war. Democratic Kampuchea and Vietnam fought each other during 1977–1978, but it is controversial to what extent the two countries were involved in a conflict over territory.¹¹¹

I discarded the three possible alternative war cases from Southeast Asia on the grounds that these were clearly not cases of territorial conflict: Indonesia's campaign of Confrontation against Malaysia (1963-1966), Indonesia's invasion and subsequent occupation of East Timor (1975), and the merger of North Vietnam and South Vietnam into the Socialist Republic of Vietnam (1975).

As I argue in Chapter 11, the territorial dispute between Cambodia and Vietnam was a crucial factor leading to the escalation of the conflict in the late 1970s. Therefore, it serves the purpose of my analysis despite the fact that it cannot account for the intensity the conflict eventually reached. The case study exemplifies how the absence of stable borders can increase uncertainty between states: Because Cambodia and Vietnam lacked an independent history of peaceful border politics, the conditions for no-war community were all too readily trumped by the dynamics of the Cold War.

Process analysis, data and source material

In addition to the comparative method I used process analysis to offset the limitations from a study design in which a small number of cases stands against a potentially large number of explanatory factors.¹¹² Process analysis served this purpose in three ways.

First, by obtaining detailed knowledge of decision-making processes I was able to identify those elements that matter in explaining the absence of war in militarized

¹¹⁰ Huỳnh Anh Dũng 1995, 30-33.

¹¹¹ Note that Kohn 2007 and Phillips and Axelrod 2005 classify the conflict as a civil war to which Vietnam was an external party.

¹¹² Process analysis is the term used by Hall 2006.

border disputes. I began with a set of theoretical propositions based on the existing literature. Against these, for each dispute case I built a theory-oriented narrative that condensed the data into an internally consistent set of information.¹¹³ Through various iterations it is then possible to rule out alternative arguments until the narrative satisfies the explanation of the case. In this way, secondly, I could establish whether the outcomes in the cases fitted those predicted by rival arguments. To substantiate my claims, lastly, systematic process analysis allowed me to highlight the specific mechanisms at work in the decision-making processes.¹¹⁴

I conducted interviews and drew upon a wide range of primary, documentary and secondary material. Achieving breadth of information was important to make up for the limitations I had to deal with regarding the availability and accessibility of first-hand information. These challenges included a lack of consistent record keeping, long-term classification of documentary evidence and restrictions on individuals to disclose information. Official records relating to territorial questions are generally treated as reserved matters, even in cases where disputes have been resolved. In a small number of cases I was given access to specific information under the condition that it would not be published. As the conditions varied across countries, it was unavoidable that my data sources are unequally distributed across countries.

Other materials I used were policy documents, newspaper articles, grey literature, published testimonies and memoirs. To the extent that this was possible at distance I also obtained archival material from third actors.¹¹⁵ Besides the extensive use of secondary sources I made an attempt to develop new information mainly through formal and informal interactions with a wide network of persons. These were government officials, diplomats and military personnel, both in office and retired, and persons closely related to decision-makers through their occupational position or personal relationship. Formal and informal conversations with journalists with long-standing experience and academics, who often serve as government advisers and instructors to the security forces in the countries studied, helped me to overcome the difficulties of access limitation to some extent. Furthermore, these contacts offset some of the shortcomings related to the fact that I largely excluded sources published in Khmer, Thai, Malay, and for the bigger part in Indonesian.

¹¹³ Bates et al. 1998.

¹¹⁴ Bennett 2008; George and Bennett 2005.

¹¹⁵ The relevant collections are listed in Appendix 3.

Interviews

In order to achieve textual depth and increase the empirical strength of the thesis, I conducted expert interviews. These were used both as an additive as well as a corroborative methodology. I considered a person as expert if they had responsibilities in the process of planning and/or implementing problem-solving policies in the diplomatic, political and military realm. Further, I considered experts persons with privileged access to information on decision-making processes and the individuals involved in these.¹¹⁶

In the first step I identified the relevant elites according to their present and past positions and then relied heavily on snowballing. I corroborated or alternatively discounted the information by comparison with other sources, which I reference in the thesis where appropriate. The respective groups of interviewees generally do not allow me to generalize their threat perceptions and evaluations of specific situations. Therefore, where generalizations from the interviews are drawn, these are based on the tracing of specific processes.

For the four main case studies I conducted interviews mostly in the respective countries.¹¹⁷ My fieldwork were periods of an average of four weeks in Bogota, Buenos Aires, Caracas and Santiago during September to December 2012; in Jakarta and Kuala Lumpur during October to December 2013; and in Bangkok, Phnom Penh and Preah Vihear between June and September 2014. A small number of interviews were carried out in Hanoi in October 2013. The number of substantial interviews totals approximately 150.

My interviews were semi-structured not to determine the relative importance of different factors that influenced decisions individually or cumulatively. I used mainly open questions as these allowed me to gain knowledge of distinct aspects of relevancy and unwritten conventions as well as to identify patterns of arguing. Except for a small number of my first interviews in Venezuela and Colombia, the interviews were not recorded. I took notes during the conversation or immediately after and later processed these into comprehensive transcripts. In numerous cases I sought clarifications and answers to follow-up questions in repeated encounters or via phone

¹¹⁶ Meuser and Nagel 1991, 443.

¹¹⁷ For a complete list exempting those who expressly asked not to be mentioned see Appendix 4.

or e-mail. At the stage of analysis I processed the transcripts into thematically structured protocols to facilitate comparisons.

Conclusion

Militarized border disputes in South America and Southeast Asia were characterized by latent tensions and suspicions. The threshold to use force was lower in some cases than in others; however, within each of the two no-war communities states held stable expectations that war between them was unlikely. Major war as it characterized the early modern history of Europe was not on the menu of choice in South America and in Southeast Asia where states lacked domestic capacities at the time they gained independence. This said, the stakes of drawing a great power into an intra-regional dispute were too high to present a suitable alternative. Self-help was the best option, but it took a different road than one leading to war. Interstate conflicts triggered limited efforts to capacity-building and made it obvious to others that sustained preparations for warfare were not under way.

Security community theory is only partially correct when it posits that unfortified borders reflect trust between states. To an extent, unfortified borders in South America and in Southeast Asia merely reflected a lack of the relevant resources. However, as communities emerged in the two regions states began to trust that war between them was unlikely even as some resources gradually augmented. The expectation that war would be avoided came to depend less on its sheer impracticability. The recourse to force was nevertheless not ruled out.

In this chapter I argued that a lack of capacity provided the condition for states to recognise each other as sharing an overriding concern with internal stability. Shared understandings provided incentives to exercise toleration and self-restraint and led to the development of minimalist communities in South America and Southeast Asia. Within each, the no-war practice became institutionalized to the extent that states no longer saw their survival threatened by their neighbours.

I proposed a differentiated approach towards the role of domestic capacity when studying territorial conflicts. Highlighting the importance of border politics in the emergence of community in the two regions, my argument roots the sources of interstate peace firmly in the bilateral interactions between states. Nevertheless,

regional and global international structures determined distinct ways to community-building in the two regions.

Part II comprises the empirical parts of the thesis. I start by presenting the regional dimension of conflict management in South America. Next follow the case study chapters on the two main cases and the case of war from South America. I then proceed in the same manner to present the case evidence on Southeast Asia.

Part II: South America

Chapter 4

The emergence of no-war community in Latin America: Borders, conflict, and the role of *legalismo*

When the last Spanish forces departed from Callao, the port of Lima, in early 1824, they left behind what many described as “hollow states”: weak political entities that controlled little more than the urban centres the Spanish and Portuguese settlers had established along the coastal areas.¹ Local power centres competed for influence and in nearly all of South America the struggles turned violent.² Before 1824 drew to a close, political disorder prompted Simon Bolívar to famously proclaim that it was time

for the bonds of interest uniting the American republics, formerly Spanish colonies, to be provided with a foundation to perpetuate, if possible, the duration of [the new] governments.³

Bolívar’s vision never fully materialized. American unity, in its various disguises of Pan-Americanism, Latin Americanism and South American unity became a powerful ideology without ever being translated into solid political structures.⁴ For decades to come, the new governments remained fundamentally unstable and power dispersed in the hands of local *caudillos*. Regime instability was compounded by economic stagnation and social conflict.⁵ This formative period laid the basis for a community of states for which war was initially essentially impossible, but for which it continued to be highly improbable despite greater capacity.

This chapter sets the scene for the following case studies. It explores the regional context of community-building in South America, which influenced how states responded to internal and external security challenges. The territorial principle of *uti possidetis* [as you possess], a regionally distinct, formalistic-legalistic diplomatic culture, as well as regional institutions facilitated the emergence of no-war community. Yet, they fail to offer a conclusive explanation both individually and in conjunction. Regional developments were driven by changing relations at the bilateral level and crucially those centring on territorial questions.⁶ As the case study chapters

¹ Centeno and Ferraro 2013.

² Centeno 2002, 47, 61-66; Loveman 1999, 43-47.

³ Invitation to Hold a Congress in Panama, 7 December 1824, in Bushnell 2003, 159.

⁴ Mace 1988.

⁵ See Halperín Donghi 1984 and Marichal 1989.

⁶ Alejandro Álvarez wrote in 1909: “It may be said that a very considerable part of the diplomatic history of Latin America reduces itself to an account of the struggle over boundaries.” (1909, 291.)

exemplify, regional factors are thus best seen as mechanisms to manage disputes in response to incentives stemming from a lack of domestic capacity.

The chapter first deals with the politics of boundaries and scrutinizes the impact of the *uti possidetis* principle in maintaining South America's territorial order. The second section discusses *legalismo*, a set of practices that can be traced to the notion of a Latin American international law (LAIL) as an explicitly distinct, regional feature of South American politics. By the mid-20th century the distinguishing regional justification of international law disappeared. *Legalismo*, however, had strengthened the idea of a region that shared common problems and that these are best met through cooperation. It translated into the development of several regional organizations post-1945, whose basic provisions on interstate conduct are subject to the third section.

The politics of territory: *uti possidetis*

Following independence, the borders of the South American republics were to rely on the former administrative boundaries of the Spanish and Portuguese empires. The recognition of the colonial partitions based on the principle of *uti possidetis* served two purposes.⁷ On the one hand, by incorporating territories which the colonizers had not previously occupied into their sovereign spheres, *uti possidetis* denied claims on the basis of *terra nullius*.⁸ Complementing the Monroe Doctrine, this prevented further interference of the European powers at a time when internal consolidation absorbed much of the capacity of the fragile states.

On the other hand, within the region the recognition of the colonial divisions provided states with a legal principle on which to base their territorial claims.⁹ Allowing states to avoid establishing a new territorial order from scratch, *uti possidetis* helped to create an international status quo in the region. Creating order, however, did not mean maintaining an order already in place. The Spanish and Portuguese empires had had little need to clearly define the boundaries that separated the colonial entities in the continent's vast hinterlands. Where past possessions did not exist, *uti possidetis* proved futile as a principle for delimitation. Even where written provisions existed,

⁷ The principle takes its name from the Latin term *uti possidetis, ita possideatis* [as you possess, thus may you possess]. On the differences between its Roman origin and the interpretation in the Latin American context see Kohen 1997 and Lalonde 2002, 51-56.

⁸ Bächler 1978; Kohen 2001, 60-61, 64-65.

⁹ ICJ 1960.

uti possidetis was of no help to determine how to apply these to the realities on the ground.¹⁰ Instead, it provided in many cases a retroactive legal basis for the boundaries states claimed.¹¹

Attempts to create large, confederal nations in South America failed. By 1830, the eight administrative units that had been left at the collapse of the Spanish empire had become eleven. A decade later, the number of states and confederations had increased to 15. By 1903, it were 20.¹² The proper predecessors of the new states were generally thought to be the colonial-time *audiencias*, but more often than not, their original delineations changed course. One study calculated that in 1988 less than a third of South America's borders corresponded with colonial boundaries. Of the others, 17% were bilaterally agreed, 17% imposed by unilateral claims, and 26% were defined by war.¹³ The conflicts over La Plata (1825–1851), the War of the Triple Alliance (1864–1870) as well as the War of the Pacific (1879–1883) all redrew boundaries based on the use of force. The wars and conflicts of the 19th century created strong territorial nationalisms that served to define and legitimize the new states.¹⁴

The principle of *uti possidetis* was not only problematic to apply but also its interpretation was not straightforward.¹⁵ In contrast to the normative framework of the time when colonialism ended in most of Africa, Asia and the Middle East, the international context of Latin America's independence did not preclude the alteration of international boundaries *per se*. Similarly, the norm against conquest was only emerging. This permitted the territorial expansion of Brazil, whose interpretation of *uti possidetis* as a *de facto* principle differed from the formerly Spanish Latin American countries who argued that possession was defined not by occupation but *de jure*. Based on a policy of 'living frontiers', Brazil took control of indigenous peoples' territories and moreover, it expanded its national territory at the expense of its neighbours.¹⁶ Except for the War of the Triple Alliance, Brazil's territorial

¹⁰ Waldock 1984.

¹¹ Lalonde finds that of all South American constitutions promulgated until 1900 only the Colombian constitution of 1886 mentioned *uti possidetis*, however to exclude its application (2002, 33). Likewise, apart from those treaties concluded by Brazil, no more than four international treaties between South American states referred to the principle (Ibid., 33-34).

¹² García Pérez 2005.

¹³ Foucher 1988. See also Lalonde 2002, 56.

¹⁴ See Child 2008, esp. ch. 4 and Loveman 1999.

¹⁵ One of the controversies concerned the exact year *uti possidetis* would refer to. See Bächler 1978, 287-289 and Moore 1913, 31-40.

¹⁶ Parodi 2002, 8-16; see also Child 1985b, 34.

expansion succeeded without outward violence. Based on *uti possidetis de facto*, between 1850 and 1910, Brazil concluded boundary treaties with all its eleven neighbouring states.¹⁷

The mixed record of *uti possidetis* defies the widely held view that it was essential in preventing territorial conflict in the first place.¹⁸ Providing a criterion that allowed states to deal with political conflict in a judicial way, it mattered only because such a criterion was necessary and desired.¹⁹ In many cases, the principle merely postponed disputes over the precise location of the colonial border. Reference to *uti possidetis* cannot account for the motivations of states to deal with territorial disputes violently or non-violently; in other words, it does explain why no-war community emerged. Nevertheless, as the following section shows, it was part of a set of ideas central to institutionalizing the no-war pattern.

The principles of international law and the theory of exceptionalism

The principle of *uti possidetis* became an integral part to a regional canon of legal scholarship in the 19th and early 20th century that advanced the notion of a distinct, Latin American international law (LAIL).²⁰ LAIL was theorized and most explicitly promoted by the Chilean jurist and later member of the International Court of Justice Alejandro Álvarez. Álvarez's first important writings justifying a regional interpretation of international law were published in the first decade of the 20th century.²¹ Writing in French, Spanish and English, his work was influential throughout the Americas but also resonated with European legal scholarship.²² Although differently articulated, Álvarez's notion of an American or Latin American international law had its antecedents with 19th century liberal intellectuals such as the Argentine Juan Bautista Alberdi, Amancio Alcorta and Vicente Gregorio Quesada, to name only a few.²³

Inspired by the liberal ideals of progress and civilization, the early Latin American jurists used reference to the Americas to situate the region within the discipline. More

¹⁷ Teixeira Soares 1972.

¹⁸ Moore 1913.

¹⁹ Nelson 1973, 271.

²⁰ For example Quesada 1882; Álvarez 1909, 290; see also Barberis 1992, 130-160.

²¹ See the list in Obregón 2005, fn. 38.

²² Becker Lorca 2006a.

²³ See Scarfi 2013 and Becker Lorca 2006b, including the references in fn. 43.

importantly, they wrote for a broader political goal to portray the newly independent states as belonging to the civilized world, i.e., as members of the society of nations.²⁴ This imperative carried on, as part of a “Creole legal consciousness”, with the writers of the first half of the 20th century.²⁵ For Álvarez and for his predecessors to be heard internationally they had to relate Latin America’s experience to the European core of the discipline. Yet, with a different geopolitical context came other goals to the effort of building a tradition of a distinctive, regional international law.

From the 1880s on until into the mid-20th century the way LAIL was argued changed in the context of the US’s rise as a truly hegemonic power in the region. For most of the early 19th century intellectuals and writers, the region they referred to was the hemisphere. Including the United States as another model of successful government helped to assert their place in the civilized world.²⁶ Moreover, tying the US into a Pan-American region served a strategic purpose in resisting continued interference by the European powers. It was for this reason also that the Monroe doctrine was mostly positively embraced in Latin America.²⁷

Yet, with the US growing stronger and starting to intervene heavily in Latin American politics, the regional discourse underwent a significant change. Pan-Americanism was now used to control US power by seeking to commit it to a common set of rules for interstate conduct. At the same time, opposition to US hegemony fostered the idea of ‘Latin America’ as a more exclusive, regional concept that drew inspiration from Bolívar’s plans for a Latin American federation.²⁸ Both internationalist conceptions, Pan-Americanism and Bolivarianism, served as ideological sources for the notion of a regional international law. The two ideals supported the same principles and rules, although Pan-Americanism gave rise to the strongest and most enduring institutions.

The writers took different positions in the legal debate over whether there could, and ought to be, a distinct regional canon of international law. All shared the view, however, that certain concepts had a special standing in the region.²⁹ More than a closely defined set of rules, LAIL was a legal consciousness tied to the ideal of

²⁴ Obregón 2010, 5-6.

²⁵ Obregón 2006.

²⁶ Obregón 2015, 37-38.

²⁷ Whitaker 1969, 95-97.

²⁸ Granados García 2004.

²⁹ Jacobini 1954, ch.4, esp. 124.

regional solidarity. It was inspired by the unifying ideals of Bolívar,³⁰ which found expression in the Latin American Conferences celebrated between 1826 and 1889, and based on the recognition of different situations typical to the Americas. These, Álvarez argued, gave rise to problems that required another set of theories and doctrines to solve them.³¹ Guided by the ideal of non-aggression and solidarity amongst states sharing a common origin, the peculiarities included, amongst other, adherence to *uti possidetis*, the principle of non-intervention, rules of conduct for states in civil war, the codification of international law, and the use of peaceful means to prevent interstate conflict, including the use of arbitration to settle disputes.³² Some of these norms had their origin in Latin America, others were not recognized by the universal standard at the time.

While none of LAIL's content was particularly distinct, not even with regards to *uti possidetis*,³³ it was a discursive affirmation of border politics that fostered trust in the non-occurrence of war. Reflecting Latin America's peripheral position in the international system, so far the discussion in the chapter has framed the trajectory of LAIL in the context of its vulnerability vis-à-vis the most powerful actors in the system. However, as much as intra-regional conflicts drove the development of legal doctrines, these also provided the fundament for relations between the regional states.³⁴

It may not be simply coincidence that LAIL was explicitly discussed at a time when boundary disputes intensified.³⁵ The Anti-War Treaty of Non-Aggression and Conciliation (1933), known as the Saavedra-Lamas Treaty, for example, was a reaction to the war between Bolivia and Paraguay over the Chaco Boreal. The provisions for interstate conduct LAIL emphasised became part of the regional consciousness through their codification in a considerable number of international and bilateral treaties.³⁶ How the norm against conquest and the principles of non-intervention and peaceful settlement of disputes mattered in practice is subject to the following section.

³⁰ Caminos 1986, 157; Scarfi 2013, 89-90.

³¹ Álvarez 1909, summarized in 349-352.

³² Becker Lorca 2006b, 292; Monroy Cabra 2002, 17-18; Obregón 2015, 41-42.

³³ Infante 2011, para. 68.

³⁴ Barberis 1992, 130; Becker Lorca 2006b, 300.

³⁵ García Pérez identifies the period from 1875-1910 as the most violent one in terms of territorial conflict (2005, 217).

³⁶ These are comprehensively dealt with in Kacowicz 2005.

Legalismo and the practice of exceptionalism

LAIL was less a distinct set of norms but a legal-diplomatic response to geopolitical challenges from both within and outside the region. Therefore, I summarize the various practices that can be traced back to the notion of LAIL under the term *legalismo*, including the international congresses and treaties, invoking LAIL's various principles, and the use of judicial and quasi-judicial means of conflict settlement.

Legalismo mattered to South America's long interstate peace in that it provided a mechanism for states to manage disputes. As a legitimizing discourse, it became the language of South America's elites in the community-building process. What gave rise to *legalismo* in the first place, however, was domestic incapacity as it prompted states to seek ways to deal with their conflicts.

Between 1850 and 1938, eighteen of South America's 25 interstate boundaries were subject to a treaty.³⁷ As states became increasingly aware of contesting claims over their borders, a sizeable number of disputes was submitted to arbitration.³⁸ According to Prescott,

at least 17 sections of international boundaries have been settled by the monarchs of England, Germany, Italy, and Spain, by the Presidents of Argentina and the United States, or by tribunals of eminent, impartial jurists.³⁹

Arbitration clauses were included in numerous bilateral and multilateral treaties.⁴⁰ After the The Hague Peace Conferences in 1899 and 1907, arbitration became the standard in international conflict settlement but by that time, it already enjoyed the status of a common, and less restricted practice in the hemisphere.⁴¹ American provisions generally exempted matters regulated by a state's constitution. Europe, on the other hand, excluded all questions concerning the honour, dignity and independence of states.⁴²

Arbitration was extensively dealt with also at the Pan-American Conferences celebrated from 1889 onwards. Nevertheless, it was a porous formal peace structure

³⁷ Parodi 2002, 1.

³⁸ Stuyt 1990.

³⁹ Prescott 1990, 200.

⁴⁰ Following Bailey 1967, twelve treaties signed during 1890–1945 provided for arbitration, good offices, investigation and other measures for peaceful conflict settlement.

⁴¹ Lapradelle and Stowell 1908, 17.

⁴² Caminos 1986.

due to the failure by some to ratify the treaties, partial or total exemptions and reservations with regards to constitutional principles.⁴³

Echoing a widely held view amongst Latin Americanists, Domínguez described laxity in implementing formal rules as a founding principle of Latin America's regional identity.⁴⁴ *Legalismo's* patchy record in substance has a parallel when considering South America's post-independence constitutions.⁴⁵ The region has promulgated the largest number of constitutions worldwide.⁴⁶ Yet, these

were never meant to be lived up to; rather, and in keeping with a long Latin American tradition that is still frequently followed, they were meant for the rest of the world to see and admire, meant to show that Latin America on the surface was just as "civilized" as other nations.⁴⁷

Legalismo, however, served more than an external appearance. The fact that its fundamental principles were those underpinning the modern international system did little damage to *legalismo's* political purpose. Explicitly contrasting the region's interest in creating an international order based on legal principles with the disastrous war experiences of Europe, the cultivation of exceptionalism was important to foster intra-regional unity.⁴⁸ South America's elites, by relying on juridical and moral justifications in border disputes, reinforced the signalling character of border politics and reassured each other that war was a distant and undesirable possibility.⁴⁹ This explains what scholars often noted but seldom explained, that is, why the Spanish and Portuguese legal traditions resonated so deeply in the region that legal procedures acquired "unique importance" to policy-makers.⁵⁰

An enduring legacy: Regional organizations

The relation between politics and international law changed in the mid-20th century. The majority of South American diplomats today no longer hold a degree in international law. As the discipline became more specialized and differentiated, it

⁴³ Mecham 1961, 106-111; Nelson 1973, 284; Wright 1933, 99.

⁴⁴ Domínguez 2007, 94-97. The principle of reservations to multilateral treaties was said to be one of Latin America's contributions to international law (Caminos 1986, 160-161.)

⁴⁵ For a sensible critique of the newer historiography of Latin America's 'failed' law see Esquirol 2011.

⁴⁶ Codeiro 2008.

⁴⁷ Wiarda 1990, 17.

⁴⁸ Burr 1965, 49.

⁴⁹ See also Escudé 1988.

⁵⁰ Holsti 1996, 170; Kacowicz 2005; Merke 2013; see also Centeno 2002, 76.

abandoned the political project that had informed the debates around LAIL.⁵¹ Nevertheless, as a mechanism to building South America's no-war community, *legalismo* had a lasting impact on interstate relations.

The regional idea was reflected in four waves of regionalism since 1945 that resulted in a complex web of regional organizations and cooperation schemes.⁵² Their stated aims of integration, however, have not been met. Cooperation has retained its fundamentally intergovernmental character.

Most recently, South American states created UNASUR (Union of South American Nations) with the explicit goal to broaden the regional agenda beyond economic integration to include social and political issues.⁵³ UNASUR played an important role during a prolonged crisis between Colombia and Ecuador and Venezuela in 2008–2010, when the former attacked a Colombian guerrilla camp in Ecuadorian territory. UNASUR's relevance, however, depends on one of its members (in this case, Brazil) taking the initiative and has been premised upon the consent of the concerned parties. As such, the organization functioned above all as a “solidarity mechanisms for presidents in distress.”⁵⁴

The regional dynamism of the 1990s and the 2000s is thus not fundamentally different from previous initiatives. Qualitative changes in interstate relations as in the case of Brazil and Argentina were a driving factor, not the result of formalized regional cooperation.⁵⁵ The limits to the peace-creating forces of Latin America's regional institutions are reflected in the overlaps and gaps both in terms of membership and policy areas. Rather than through regional institutions, no-war community emerged as a system of interlocking bilateralism, in which border politics played a fundamental role.

⁵¹ Obregón 2005, 159-160; for a more detailed, critical explanation see Becker Lorca 2006b, 295-299.

⁵² This periodization is proposed in Dabène 2012.

⁵³ Riggiozzi and Tussie 2012. UNASUR was given legal personality by its Constitutive Treaty signed in Brasilia in 2008. It goes back to a Brazilian initiative in 2000 and came into being with the Cuzco Declaration in 2004.

⁵⁴ Tussi 2016.

⁵⁵ See Hurrell 1998 and Oelsner 2005, ch.5.

Conclusion

The foundations of South America's no-war community were laid during the region's formative period. This chapter explored the regional structures that embedded, reinforced and emerged from bilateral interactions. *Utī possidetis*, which together with other principles informed the regionalist idea of LAIL, has underpinned regional multilateralism until today. Together, South America's regional politics explain why the belief took hold that major interstate war between the states of the region was unlikely despite the early wars and persisting conflicts. As South America's post-independence states consolidated, they still lacked the features of the ideal of the modern state and hence, the incentives to fight modern wars.

The need for domestic security prompted states to manage unresolved territorial disputes. Amongst other, this translated into attempts to create some form of regional interstate union based on the idea of mutual co-existence. The codification of *uti possidetis*, the principle of non-intervention and the norms of peaceful resolution raised the cost of war as they were intimately tied to internationalist ideas. While *uti possidetis* allowed states to avoid building a new territorial order from scratch, it did not do away with conflict. *Legalismo* was a way to deal with outstanding territorial questions that succeeded in some instances, but failed in others. Portraying *legalismo* as a distinctive, regional feature reassured states of their mutual toleration based on the common interest in seeking internal stability. Yet, as the following case study chapters show, the fundamental building blocks of community were those of border politics on the bilateral level.

Chapter 5

Colombia – Venezuela

In 2012, the ICJ issued a ruling that granted Nicaragua extensive maritime areas around the Colombian San Andrés and Providencia archipelago. The ruling sparked a public outcry in Colombia where the government withdrew from all international agreements that gave the ICJ unrestricted competence in disputes.¹ In Venezuela, Colombia's eastern neighbour, the reaction was watched with surprise. The decision was seen as a marked shift in its long-standing position to have outstanding boundary questions dealt with in a judicial forum. More than that, Venezuela's foreign policy elite widely believes that Colombia escalated a maritime boundary dispute in the latter half of the 1980s to press for an arbitration agreement. The so-called Caldas crisis of 1987 was the most serious in a long history of quarrels between the two countries and eventually served as a catharsis that led to the deliberate silencing of territorial issues.

The analysis of this conflict has four parts. The chapter begins with the historical background to the dispute. Next, I discuss the positions of the two parties in the first crisis that occurred over the archipelago of Los Monjes in 1952. In the third section I deal with the period 1952–1987 and illustrate how, based on the politics of the dispute, dependable expectations of no-war were institutionalized. This is followed, in the fourth section, by the analysis of the Caldas crisis. In the fifth section I discuss the approach the two countries adopted to manage the conflict since and assess its relevance to the bilateral relation during 1998–2014. The conclusion summarizes.

The historical background

During 1819–1830, Colombia and Venezuela, together with present-day Ecuador and Panama, formed part of Gran Colombia, the former Viceroyalty of New Granada. When the republican federation disintegrated, the boundaries between the new states were to be based on the *uti possidetis* of 1810. In many parts of the border the principle was not applicable and the two sides had to negotiate the line and then agree on its geographical location on the ground. Various bilateral settlement proposals failed, and in 1881, Venezuela accepted Colombia's invitation to submit the entire

¹ Entra en vigencia la denuncia del Pacto de Bogotá, *El Espectador*, 27 November 2013.

border dispute to an arbiter.² The preamble of the arbitration agreement stated that it was to end all territorial disputes, but new complications arose as soon as the Queen Regent of Spain had delivered her judgement in 1891. According to the award, the border in the peninsula Guajira was to commence at the *mogotes* 'Los Frailes'. However, a commission sent to erect the first border pillar could not find the mountainous elevation in question and agreed to start the border at a promontory called Castilletes. The Venezuelan authorities did not sanction the commission's report, and differences over the execution of the award necessitated another arbitration to interpret the first.³

The ruling of the Swiss Federal Council was delivered in 1922. The verdict largely confirmed the Spanish award and fixed the border in the Guajira at the town of Castilletes. After a difficult and lengthy demarcation process, the two sides signed the Treaty on Border Demarcation and Navigation of Common Rivers (1941).⁴ The Treaty's article I declared that "all differences over border issues are settled," and in the same year, Colombia and Venezuela ratified the 1939 Treaty of Non-Aggression, Conciliation, Arbitration and Judicial Settlement. In the preamble of this treaty the parties renounce the use of force and agreed not to engage in war and aggressive acts against each other. Article IV of the treaty provides for a permanent reconciliation commission to be convened in case an existing dispute cannot be resolved diplomatically, except if conflict concerns the vital interests, territorial integrity or the independence of one of the two states.

The Gulf boundary dispute

Ocean resources started to be a major concern shortly after the signing of the boundary treaty in 1941. During the Second World War, the Gulf of Venezuela, situated to the east of the peninsula Guajira, was strategically important for its oil reserves and Caracas declared it to be its internal waters.⁵ The Gulf boundary was

² Ireland 1938, 209; Venezuela 1979.

³ Aguilera 1988, 103-106.

⁴ This gave Colombia sovereignty over a large part of the Guajira which, had the Venezuelan Congress ratified the Pombo-Michelena draft a century earlier, would have belonged to Venezuela.

⁵ Olavarría 1988, 58. In Colombia, the Gulf of Venezuela is sometimes referred to as Gulf of Coquivacoa.

defined as a line running through Castilletes in the west and Punta Salinas on the Venezuelan peninsula Paraguaná in the east.

Colombia commissioned the American geographer Whittemore Boggs to develop a delimitation proposal for the Gulf areas. Boggs presented two possible applications based on the equidistance principle, depending on whether the rocks of the archipelago Los Monjes were taken into consideration.⁶ The Boggs line unites the points of equal distance to the coast of each country and represents Colombia's maximal aspiration. Venezuela has rejected the equidistant line but claimed that the maritime border closing the Gulf should be the prolongation of the land border, reaching from Castilletes to Punta Salinas.

Map 3. Gulf of Venezuela



Source: Wikimedia Commons, available at https://commons.wikimedia.org/wiki/File:Diferendo_Golfo_de_Venezuela.svg [last accessed 22.1.2016].

Natural resources in the Gulf have played a role to the extent that concessions to explore and exploit mineral deposits repeatedly pushed the issue onto the political agenda. International oil companies became interested in the area in the mid-1960s, and the feared “petrolization” of the conflict triggered the first attempt to delimitate

⁶ Boggs 1951.

the zone.⁷ In 1975, then Colombian President Alfonso López Michelsen proposed to declare the Gulf a common historic bay and to split its resources.⁸ The idea was taken up in a jointly elaborated draft proposal, but after two years of extensive internal consultations it was clear that joint management would not pass in the Venezuelan legislature. In 1980, another round of negotiations was held in the city of Caraballeda. The delegations agreed on a solution that included a similar project to jointly exploit the Gulf resources, but the *Hipótesis of Caraballeda* provoked a frenzied debate in Venezuela and was shelved after the military revolted against the agreement.⁹

The crisis over Los Monjes, 1952

The archipelago Los Monjes comprises three groups of barren islets and rocks northeast of the peninsula Guajira. Its ownership was not clearly defined by legal provisions, and both Colombia and Venezuela tacitly assumed that Los Monjes belonged to them. The dispute arose in June 1951, when the Colombian official publication *Territorios Nacionales* published an article that affirmed Colombia's sovereignty over the archipelago. Venezuela protested, but Colombia's Foreign Minister replied that the 1941 treaty had not left over any territorial differences. His government, he replied, was nevertheless willing to discuss the "strictly technical" issue.¹⁰

In early 1952, Venezuela conducted military manoeuvres in the area and constructed a lighthouse on Los Monjes Sur.¹¹ The Colombian government insisted that the matter could be resolved through consultation, but in August the Colombian warship *ARC Almirante Padilla* engaged in shooting exercises against the rocks. While previous artillery practices had been carried out without attracting attention, they were now seen as a show of force.¹² Between September 8 and 15, Venezuela occupied Los Monjes. Two months later, Colombia's Foreign Ministry delivered a note to the Venezuelan Ambassador declaring that the government did not dispute Venezuela's

⁷ Arrieta 1971, 40; Martínez 1981.

⁸ López Michelsen 1975.

⁹ For a detailed description from a retired army general see Ochoa Antich 2007, 32-33.

¹⁰ In Holguín Peláez 1975, 178.

¹¹ Cavelier 1977, 144.

¹² Valencia Tovar 1993, 489.

sovereignty over the archipelago and that Los Monjes had mistakenly been thought to be Colombian.¹³

State preferences and conflict strategies

It is commonly held that military deterrence contained the conflict.¹⁴ However, neither relative parity in capacity nor Venezuela's mobilization in response to the Colombian artillery practices explain non-escalation. Colombia, despite a moderate level of military preparedness, sought to do away with the conflict at all times. Venezuela was willing to risk a military engagement but was careful not to let the conflict escalate.

Colombia

I classify Colombia's strategy in the conflict as compromise. The only escalatory step undertaken on the Colombian side were the shooting practices in the area of Los Monjes. The practices were carried out by a single frigate, however, and no additional measures were taken that indicated the government was willing to militarize the dispute. Instead, Colombia signalled openness to discuss the matter throughout the crisis and sought to do away with the conflict as soon as possible.

When the conflict erupted in February, the Colombian government requested an evaluation of the armed forces' preparedness. The military reported back that it was not in a condition to sustain an occupation of the islands, nor that it would be so in the near future.¹⁵ Considering the military balance between the two countries, it is evident that the evaluation was based on an assessment that gave little, if no consideration to the militaries' relative strength in a situation of sustained conflict. Venezuela held a technological advantage in armament and in the air force, but Colombia had a stronger navy and nine times more military personnel than Venezuela.¹⁶ In a large-scale armed conflict the size of the Colombian army would have been a decisive factor. Moreover, the troops were battle-tested from *La Violencia*, a civil war that was entering its fifth consecutive year.

¹³ Nota Diplomática GM-542, in Venezuela 1953, 47.

¹⁴ Martín 2006, 69. For a Venezuelan account widely cited by Venezuelan and Colombian analysts see Schwartz 1993.

¹⁵ Informe D-3 Operaciones, in Schwartz 1993, 58.

¹⁶ CINC. For the Venezuelan naval units at the time see Mariño Blanco 2012.

Instead, the Army Command expressed concerns that any action might call into question the entire border in the Guajira peninsula as it was defined in the 1941 treaty. Therefore, it recommended not responding to the Venezuelan thrust.¹⁷ A specially convened advisory committee reached the same conclusion. The committee was integrated by five eminent politicians, including three lawyers, who assessed the situation in various meetings during late March to June. Citing concerns that reopening the border question could lead to its entire revision, the committee concluded that it was best not to react.¹⁸

By any objective standard Colombia was at least decently prepared to face Venezuela in an armed confrontation. The prevailing view that it was ill-prepared and moreover, should abstain from any reaction at all, can only be understood taking its internal situation into consideration. *La Violencia* illustrated Cambodia's lack of cohesion in three respects. On the one hand, it was evidence of a political elite deeply divided along the lines of Liberals and Conservatives.¹⁹ Secondly, it reflected the lack of the state's legitimacy and thirdly, the civil war bore the signs of a fractured political society with little allegiance to a national state.

In the civil strife between Liberals and Conservatives the two parties mobilized generations of peasants as their troops. By the mid-20th century, party affiliation had become the major dividing line in Colombia's society.²⁰ Decades of recurring war had provided the ground for an outburst of egregious violence when the Liberal leader Jorge Eliécer Gaitán was assassinated in 1948.²¹ During the months of the crisis over Los Monjes, the elites' attention was focused on ending the civil conflict.

Internal polarization required a compromising stance towards Venezuela.²² A report signed by the Chief of Army stated that due to what it called the "guerrilla problem," the military could not realistically be expected to play a decisive role in the conflict.²³ On the civilian side, except for the Conservative camp that remained loyal to the

¹⁷ Informe D-3 Operaciones, op.cit.

¹⁸ Minutes, reproduced in Cavalier 1997, 250; Vásquez Carrizosa 1952.

¹⁹ See Fals Borda et.al. 2005.

²⁰ Santa 1964, 37.

²¹ Bushnell 1994, 281. At least 200,000 people died in the conflict (Guzmán Campos et.al., 292).

²² Several writers believe that there is a direct link between external appeasement and the Colombian civil war (Gaviria Liévano 2001, 116-117; Valois Arce 1981). Accordingly, note GM-542 was part of a transaction in which the liberal guerrilla Eliseo "Cheito" Velásquez was killed on his way back from Venezuela. Cheito's extradition had been requested by the Colombian government in 1950, and his assassination happened during the same time the note was issued.

²³ Torres del Río 2000, 27.

dictatorship formally headed by Laureano Gómez, Conservatives and Liberals were banding together to regain control over the internal situation. Six months after the crisis over Los Monjes ended, this would materialize in a consented coup carried out by Army General Gustavo Rojas Pinilla. The coup was significant in that it led to Colombia's only military dictatorship in the 20th century, showing how dire the need to stabilize the country was.

Colombia could not afford an external conflict on the Venezuelan border where *La Violencia* was fiercest. Both, conservative and liberal representatives who integrated the presidential advisory committee, urged not to take any action against Venezuela but to delay a potential deferral to legal settlement instead.²⁴ Two of the committee's members later declared that the group did not participate in the elaboration of note GM-542.²⁵ Regardless, however, once its content was known, it was supported by the pro-government and the liberal press alike.²⁶ Isolated critics denounced the leadership's lack of patriotism, but did not advocate a different policy towards Venezuela.

I classify Colombia's institutional capacity at the time of the crisis as low on a scale comparing the states of no-war communities. Since 1938, a small unit in the Foreign Ministry dealt with matters relating to boundaries (*Oficina de Fronteras*). However, the long periods of civil war had prevented that the ministry systematically built a pool of knowledge. The state lacked effective control in vast parts of the frontier and had little concern over maritime boundaries. The lack of capacity to meet both pressing internal needs and to respond effectively to the Venezuelan challenge had created a deep-seated sense of vulnerability and a felt need to secure the border. Therefore, the Foreign Ministry's insistence that the archipelago was uninhabited and had no apparent economic value is best seen as a strategy to downplay the conflict.²⁷

At least part of the leadership, however, seemed unaware of the strategic value of Los Monjes for delimitating Colombia's maritime spaces.²⁸ Colombian jurists knew of the fact that they could create additional territorial sea even though UNCLOS I, which

²⁴ Report in Vásquez Carrizosa 1952.

²⁵ Gaviria Liévano 2001, 126, 127.

²⁶ Las relaciones colombo-venezolanas, *El Siglo*; Un problema liquidado, *El Espectador*, Una solución lógica, *El Tiempo*, all 25 November 1952. *El Siglo* was owned by Laureano Gómez, *El Espectador* and *El Tiempo* were liberal papers. See Otálvora 2003, 49-50.

²⁷ Declaración oficial, in Gaviria Liévano 2001, fn. 90.

²⁸ Vásquez Carrizosa 1952, 22.

confirmed the territorial sea as a legal principle, took place only in 1958.²⁹ Nevertheless, based on the available reports, this consideration received no attention and the military's April report, in fact, stated that Los Monjes *lacked* strategic importance.

Venezuela

Venezuela altered the status quo on Los Monjes by constructing a lighthouse and accepted in principle the risk of a military engagement when it occupied the islets. Nevertheless, I classify Venezuela's management of the dispute as delay because the occupation stood as an isolated act. Although the crisis was resolved before Venezuela had to decide whether it would maintain its course of action, the available evidence indicates that the government was unlikely to risk further escalation.

The occupation took place only after the Colombian navy drew near the islets for the second time. The operation involved a low risk given Venezuela's relative superiority in air fighting capacity and the recent acquisition of additional naval units. Moreover, the leadership could almost be certain that the risk of escalation was minimal. The junta had had multiple opportunities to observe the Colombian position, which had remained decidedly appeasing. Moreover, as the Colombian Ambassador reported, the government in Caracas expected a coup in Colombia at any time.³⁰

Venezuela arguably did not have to wait long until the note GM-542 confirmed its claim. It is questionable, however, how far it would have gone in an armed confrontation. In dealing with the conflict, the government counted with only a low, but an emerging level of institutional capacity. Under Pérez Jiménez, who pulled the strings in the governing junta whose President he would become in December 1952, foreign policy carried a strong geopolitical imprint and the government invested significantly in strengthening the country's international role.³¹ However, the country's socio-political cohesion appeared more favourable during the crisis than it became obvious immediately after.

²⁹ Holguín Peláez 1975, 34. Holguín Peláez authored the article in *Territorios Nacionales* that sparked the controversy. It also seemed to be clear to Venezuela (Blanco Muñoz 1983, 37; *El Universal*, 27 November 1952).

³⁰ *Preexteriores* 37, Emcolombia, Caracas, 11 March 1952.

³¹ Vivas Gallardo 1999, 96, 109-112, 193.

In the 1950s, one could look at Pérez Jiménez's dictatorship as one more in Venezuela's tradition of authoritarian governments and political-constitutional instability. In hindsight, it is clear that larger forces were at work that drove Venezuela towards a different future.³²

Pérez Jiménez was member of a three-man military junta that had taken power in 1948. Four years later, he was firmly in charge of the country's foreign policy. The 1948 coup had ended a democratic interlude, which, in the short duration of three years, had nevertheless helped to foster a political society by mobilizing workers, peasants, women and youths.³³ Still, in Venezuela was only emerging what Carrera Damas called the first

tangible, specific and functional fundament of the nation: [...] the integration of regions and territories that until then had been little less than not integrated.³⁴

Pérez Jiménez saw Venezuela constantly at risk of reverting to the civil wars of the 19th century and based his order on the repression of popular demands. Nevertheless, by 1952, the junta judged the citizenry ready to legitimize the regime in free and fair elections. When the first results became known, the junta had to realize that the majority supported rather different ideas.³⁵ The consequence of its misjudgement was the recovery of cohesion on a less stable basis still. The junta rigged the ballot and appointed Pérez Jiménez as constitutional president in January 1953.

Pérez Jiménez quite obviously underestimated the socio-economic changes Venezuela's petroleum revenues had set off.³⁶ In addition, elite consensus on the rules of the political game may have appeared greater than it was in the slowly but steadily changing context. The opposition parties denounced their institutional disadvantages, but eventually participated in the elections. Therefore, I classify all three components of Venezuela's socio-political cohesion as moderate. Considering the country's political stability during the crisis, I translate this into an overall level at the rank of medium-high. While Venezuela's strategy of minor escalation during the crisis was based on a moderate level of domestic capacity, it is unlikely that it would have

³² Rey 1989, 533-534.

³³ Ewell 1984, 97-100.

³⁴ Carrera Damas 1984, 153.

³⁵ Lott 1957, 548-550.

³⁶ Ewell 1984, 108.

become more aggressive in the coming months, when political developments revealed a lack of internal cohesion.

Dependable expectations of no-war

The crisis over Los Monjes reached a moderate level of intensity only. The most Venezuela feared was that Colombia would occupy the archipelago, but once it had taken control over the islets, there was little concern that it would be militarily challenged. After roughly one year, Caracas dismantled the outpost it had established on Los Monjes Sur.³⁷

The crisis of 1952 turned into a controversial issue time and again in Colombian politics, yet Venezuela's leadership has remained confident that Los Monjes will not lead to a new conflict. Since the occupation, Venezuela put civilian and military measures in place to upgrade the legal status of Los Monjes under UNCLOS.³⁸ If classified as islands rather than simply rocks or islets, Los Monjes create additional continental shelf and Exclusive Economic Zone. Their strategic value put several Colombian governments under political pressure. In 1971, the Foreign Minister in charge during the crisis had to justify the note GM-542 before the Colombian Congress. The members of the committee then advising the government were questioned in a secret session of the Senate.³⁹ During the same year, the Council of State was asked to nullify note GM-542.⁴⁰ The Council declared itself legally incompetent but accepted another appeal in 1988 based on a new administrative code. In 1992, it found that the acknowledgement of Venezuelan sovereignty over Los Monjes had violated constitutional provisions of due procedure and abrogated the note.⁴¹

Immediately after the judgement was delivered, the Advisory Commission of Foreign Affairs (CARE) pre-empted potential concerns in Venezuela declaring that the ruling did not affect the international juridical effects of the note. Moreover, the CARE

³⁷ Venezuela, *Memoria del Ministerio de Defensa*, 217, cited in Otálvora 2003, 46.

³⁸ In 1997 the construction of an isthmus between Los Monjes Sur and Norte was completed. Venezuela also established a naval and fishing station and organized several official visits and civilian events on the archipelago.

³⁹ *El Tiempo*, 18 August 1971.

⁴⁰ Sentencia n° 1498, Consejo de Estado, Sección Primera, 30 de Marzo de 1971.

⁴¹ Colombia no reclamara Los Monjes, *El Tiempo*, 24 October 1992.

statement affirmed that it had no implications for Colombia's disposition to acknowledge Venezuelan sovereignty over Los Monjes in an international treaty. Accusations that Colombia “ceded” the archipelago were not purely a political instrument, but the criticism has been shared by civil society actors.⁴² Nevertheless, Colombia’s leadership has not taken up the opportunities to mobilize against an external foe.

Naval incidents muted

In 1971, political figures in Colombia and in Venezuela accused each other of spurring an arms race as both underwent significant military reform.⁴³ A CIA Bulletin read that a “war fever” was raging between the two countries.⁴⁴ The seemingly unsettling developments had little practical effect on the relation between the two countries. When the governments started negotiations to settle the boundary both sides imposed measures to prevent the dispute from developing into a heightened political conflict.

The first official talks were announced in the Declaration of Sochagota in 1969.⁴⁵ Negotiations began in Caracas but then soon moved to Rome in order to avoid media attention.⁴⁶ From there, little information on the substance of the talks was disclosed. While diplomatic efforts to settle the border were under way, the number of registered incidents around the disputed areas increased.⁴⁷ Few of them, however, were officially protested.

Nevertheless, in 1971 the situation led to an incident in which Colombia’s Naval Command issued an authorization to open fire in case Venezuela would not abandon

⁴² See Valois Arce 1981; Franco 2002.

⁴³ Sureda Delgado 1995, 99-100.

⁴⁴ Colombia-Venezuela, *Central Intelligence Bulletin*, 6 December 1971, 11; Memorandum from the President's Deputy Assistant for National Security Affairs, *Nixon Presidential Materials*, Doc.677 NSC Files, Box 796, Country Files, Latin America, Vol. 1, 1969–1971.

⁴⁵ Venezuela 1969.

⁴⁶ Interview Leandro Area, Caracas, 25 September 2012.

⁴⁷ Register no. 202 and 282, Venezuela, Estado Mayor General de la Armada, Dirección de Operaciones: División de Asuntos Acuáticos, on file. Julio Londoño, Colombian Foreign Minister during 1986-1990, is quoted as having referred to 250 Colombian ships that were intercepted by Venezuelan authorities between 1968 and 1987 (Nweihed 1994, 332). An authority of the Venezuelan navy confirmed more than 200 detentions or expulsions during 1980-1987 (Interview, Caracas, 28 September 2012).

an area in dispute.⁴⁸ The standoff was resolved in direct conversation between the Commanders-in-Chief.⁴⁹ The Venezuelan government classified the incident as a state secret and in Colombia, it became known only a decade later.⁵⁰ Despite the repeated encounters in the un-delimited areas, the navies did not change their attitude towards each other. Asdrubal Becerra, on board of the Venezuelan *ARV Almirante García* during the 1971 incident, described the situation as no more than a “nervous moment.”⁵¹

The Caldas crisis, 1987

In 1986, the administration of Virgilio Barco took office in Colombia and the government proposed a new *modus operandi* to settle the boundary. Modelled on the provisions of the 1939 treaty, this consisted in a fixed period of direct negotiations, a second phase of conciliation, and should also this fail to produce a solution, ultimately the appeal to an international court.⁵² The proposal was presented in November 1986. After six months without receiving a response, the Colombian government considered that the negotiation period had ended and proceeded to the second step. Based on the 1939 treaty provisions, it named the two members of the conciliation commission that corresponded to each side, invited Venezuela to do the same, and proposed the Peruvian Vice-President as the fifth member to preside over the commission.⁵³

Venezuela had insisted on a purely bilateral approach to settle the border. The Gulf boundary, Caracas held, was a matter of vital interest and territorial integrity and therefore exempt from the 1939 treaty.⁵⁴ On August 6, the Venezuelan government rejected the conciliation commission and it was therefore seen as part of a standing plan when less than a week later the Colombian warship *ARC Caldas* was reported to navigate in what Venezuela considered to be its territorial waters.⁵⁵

The *Caldas* navigated within a designated area based on the Colombian equidistance line, which crossed over the Venezuelan line of prolongation. In previous years,

⁴⁸ Otálvora 2003, 71.

⁴⁹ Valencia Tovar 1993, 491.

⁵⁰ Colombia y Venezuela estuvieron al borde del enfrentamiento naval, *El Tiempo*, 5 February 1981.

⁵¹ E-mail, 30 September 2012.

⁵² Pardo and Tokatlián 1988a, 208.

⁵³ Venezuela rechaza Comisión Consiliadora, *El Espectador*, 12 May 1987.

⁵⁴ Olavarria 1988, 153.

⁵⁵ *Panorama*, 10 August 1987; conversation with Simón Alberto Consalvi, Caracas, 2 October 2012.

sporadic encounters in the disputed area had routinely been dealt with. Both navies were small, and many marines knew each other from training in or joint exercises with the United States. In the first contact between the Venezuelan patrol boat *ARV Independencia* and the *Caldas*, the two commanders merely invited the other to leave what both sides considered to be under their jurisdiction.⁵⁶ However, two factors challenged the established *modus vivendi* and escalated the dispute to a higher level.

Unlike in previous instances, the *Caldas* challenged the tacit agreement to avoid each other and remained in the disputed area also once the Venezuelan units arrived. Reportedly due to capacity shortages, Colombia had maintained only a limited presence in the area during the months prior to the crisis.⁵⁷ Now, the *Caldas* sailed twice into the waters south of Castilletes where Venezuela traditionally exercised sovereignty and that Caracas considered not negotiable.

The Venezuelan leadership ruled out the possibility that the incident was merely an accident, but still thought it could swiftly be dealt with. Yet, the government became increasingly concerned when it failed to observe additional signs indicating that Colombia was using a coercive strategy to pressure Venezuela to agree to the proposed settlement mechanism.⁵⁸ Until the crisis was over, the Chief of Communications of the unified command in the conflict theatre said, “nobody understood what was going on.”⁵⁹ Deeply uncertain over the inconclusive action on the Colombian side, Venezuela resorted to military deterrence to end the dispute.

On August 12, after the standoff had lasted for three days, Venezuelan F-16 fighter aircraft overflew the Colombian navy units.⁶⁰ The Commander in charge at the naval base Mariscal Juan Crisóstomo Falcón warned that following actions “would be taken to another level.”⁶¹ In response to the military preparations on the Venezuelan side, Colombia put its armed forces on alert. Abandoning the area was now seen as tantamount to acknowledging the Venezuelan claim, but diplomatic exchanges failed

⁵⁶ Radio communication, 11 August 1987, recording on file with the autor.

⁵⁷ Presencia naval colombiana, *Últimas Noticias*, 23 May 1987; interviews with Julio Londoño, 17 October 2012 and Carlos Enrique Ospina Cubillos, 15 October 2012, both Bogota.

⁵⁸ Telephone interview with Daniel Jeanpierre Fontaine, Commander of the *ARV Independencia*, Caracas, 29 September 2012; Otálvora 2003, 187.

⁵⁹ Interview with Gaston Correa, Caracas, 2 October 2012.

⁶⁰ A detailed account of the happenings is found in Otálvora 2003, 170-197. See also the report of the Colombian ambassador before the OAS (Acta de la Sesión Extraordinaria celebrada el 21 de agosto de 1987, Consejo Permanente de la Organización de los Estados Americanos) and Castañeda Giral 1995, a partial account of the Commander of the Venezuelan *ARV Libertad*.

⁶¹ Acta, OAS, op.cit., 8.

to resolve the deadlock.⁶² In the afternoon of August 17, the Venezuelan government decided to sink the *ARC Independiente*, which had replaced the *Caldas*, should it maintain its position.⁶³

Colombia understood the message when the Venezuelan naval units took on tactical combat positions. Shortly before midnight, the government withdrew the frigate.⁶⁴ The Colombian broadcast program was interrupted for a declaration by the President. In his address to the nation, Barco declared that Colombia, “faithfully adhering to the principle of peaceful conflict resolution” and in response to calls from the Argentine President and the OAS’ Secretary General, the Brazilian João Clemente Baena Soares, had adopted “appropriate measures to normalize the situation,” and that it hoped the Venezuelan government would do the same.⁶⁵ Three days later, the Colombian Ambassador to the OAS informed in an extraordinary session about the details of the incident.⁶⁶

State preferences and conflict strategies

Colombia

Colombia maintained its position for eight days before it backed down. Because its ship had challenged the status quo and was maintained in the area, I define its management strategy as one of delay. The unilateral withdrawal from zones that Colombia claimed to be un-delimited clearly was a compromise that ended the crisis, notwithstanding the fact that this does not necessarily affect the legal basis of its claim.

The patrol route of the *Caldas* was not coincidental and followed an order from the highest level. This can be viewed as the result of a well-defined policy as to Colombia’s claims in the maritime domain. Compared to 1952, Colombia’s institutional capacity was higher in 1987. In 1980, the unit dealing with matters related to the borders at the Ministry of Foreign Affairs had been increased to the size

⁶² *El Diario de Caracas*, 14 August 1987, 35.

⁶³ Briceño; Castañeda Giral 1995, 77; interview with Fernando Ochoa Antich, 24 September 2012; Entrevista, *El Tiempo*, October 1987.

⁶⁴ Confirmed in conversations with several Colombian marines in service this day.

⁶⁵ Reprinted in *Diario de Caracas*, 19 August 1987, 9-A.

⁶⁶ Acta, OAS, op.cit.

of a department, and since 1975 Colombia had negotiated maritime delimitation agreements with five of its neighbours.

The onset of the crisis, however, cannot be seen as a move to coerce Venezuela into negotiations nor to escalate the dispute strategically. A single frigate lacking naval escort is ill-suited to create a brinkmanship crisis. A battalion that was pulled out from its mission to stabilize the internal situation in Urabá, Antioquia, lacked adequate headgear and boots when troops were redeployed to the Guajira. It was obvious that Colombia was at no point ready to create an external conflict of the magnitude that it would draw in a third party. Instead, from the moment on the dispute attained the quality of a crisis, that is, when Colombia was compelled to draw line with the Venezuelan military reinforcement, the government sought to find a political way out of the standoff.

The foreign policy elite concentrated its efforts on finding a solution that would minimize Colombia's costs in a compromise. By August 14, all units in the Venezuelan-claimed Gulf waters had been pulled back into the disputed area north of the line through Castilletes. The government then sought to negotiate the simultaneous withdrawal of both navies, but unable to establish contact with the Venezuelan government authorities, it decided to withdraw unilaterally.⁶⁷

The local military balance favoured Venezuela in terms of technology and armament more clearly than in 1952. In the air, only two of Colombia's 18 Mirage M-5 were operational. An expert with first-hand information estimated that conflict would likely have turned into a primitive war within a matter of hours due to limited capacities on both sides.⁶⁸ Under these circumstances, the structure and experience of the Colombian army would have been a decisive advantage and should have formed part of a contingency plan. Yet, a military option was not discussed in the meetings of the President with political leaders and his advisors.⁶⁹ The limited number of military measures taken merely provided for what was seen as a minimum defensive capacity in case of an attack. The *Caldas* was replaced by the better-equipped *ARC*

⁶⁷ Aliviar tensiones, *El Tiempo*, 18 August 1987; Historia de un triunfador, *Semana* 583, July 1993, 31.

⁶⁸ Borrero Mansilla 1988.

⁶⁹ Interviews with Fernando Cepeda, 8 October 2012, and Pedro Gómez, various conversations during October 2012, both Bogota.

Independiente on August 15, but the ship was ordered to stay north of Castilletes and operate with maximum prudence.⁷⁰

According to Patiño, Colombia's Army has been the maximum expression of the state's weakness.⁷¹ In the Caldas crisis, the lack of military preparedness was but one symptom of incapacity in several dimensions for which Colombia sought to avoid conflict at all cost.

The National Front, Colombia's constitutional pact between Liberals and Conservatives, had ensured political stability since 1952 but it had done so without significantly strengthening the state. In the late-1980s, the state faced direct challenges by three types of irregular actors: guerrilla groups, paramilitaries and drug traffickers. The armed struggle of the guerrilla had been on-going, with varying intensity, since their emergence in the early-1960s. In response to the guerrilla, paramilitary groups had been formed, in some cases with support of the state and the involvement of the military.⁷² The magnitude of the conflict increased in the 1980s in consequence of a growing drug economy and the end of the National Front governments. In 1987, an attempt at rapprochement collapsed when the entire leadership of the FARC's legal-political arm, the newly created Patriotic Union, and hundreds of its members perished at the hands of the security forces, drug cartels and paramilitaries. Colombia's internal violence had several short-term and long-term effects that impacted directly and indirectly on its management of the Caldas crisis.

A low level of socio-political cohesion rendered an assertive stance a non-option in the dispute. Colombia's elites looked at the idea to mobilize society for an external conflict as something simply irrational. Julio Londoño, an army officer and expert on Colombia's borders, who held the post as Foreign Minister during the incident and who is believed to have masterminded the navigation plan of the *Caldas*, expressed this widely-shared sense in the following words:

Colombia was not looking for a conflict, a conflict would have been absurd: [...] We were suffering serious problems of public disorder, the problem of terrorism was all-present.⁷³

⁷⁰ Bendeck Olivella 1994, 111, 115; Acta, OEA, op.cit., 7.

⁷¹ Patiño Villa 2010, 97.

⁷² The dynamics of the violence are complex and intertwined. See Leal Buitrago and Zamosc 1990; Guzmán Campos et.al. 1963. On the recent decade, see Ávila 2012.

⁷³ Interview, Bogota, 17 October 2012. Londoño maintains that the navy's Atlantic command, in charge of the patrol plans, sent the frigate into the area for routine control of drug trafficking.

The government denied reports of irregularities in the Gulf to avoid the incident being publicised.⁷⁴ The fact that the press did not take up the news that covered the front pages of the Venezuelan papers and the lack of any significant reaction following President Barco's broadcast, however, are also indicative that there was no such thing as a strong common cause. Londoño quotes Barco, who in 1986 had assumed office under a declared state of emergency, as saying: "I cannot allow conflict over something that people don't care about, don't even know; that is in fact not of real importance to the people." Strikingly, Barco's policy line had the unfettered support of all major political actors, and nevertheless, the government thought it necessary to seek help in the region in order to justify before its citizens the decision to withdraw. It was thus that Colombia's official position emphasised the "urgent calls" by the Secretary General of the OAS and several governments in the region.⁷⁵

The internal conflict meant a direct trade-off with regards to the importance Colombia gave to foreign policy matters. The longevity and intensity of the violence had concentrated the elites' attention towards the problems inside the country, and there was little disposition in the first place to re-allocate resources. Under the deteriorating conditions of the 1980s, the level of military professionalism had suffered. While members of the armed forces began to try and influence politics towards the guerrilla, they made no statements regarding the border dispute.⁷⁶

The bureaucracy of the Foreign Ministry played a small, if any role in the Caldas crisis. Most of those dealing with Venezuela did not take an interest in the maritime boundary but were focused on managing the problems the internal conflict was creating. In the mid-1980s one of the four main guerrilla groups, the National Liberation Army (ELN), had begun extending its operations into Venezuelan territory.⁷⁷ Colombia, lacking effective control over vast areas along the border, was

Regardless of his role in the onset of the crisis, Londoño, as part of the group advising the President, supported the line of the government.

⁷⁴ Altos mandos fueron anoche al Palacio, *El Tiempo*, 13 August 1987.

⁷⁵ Acta, OEA, op.cit.

⁷⁶ It was suggested that the military acted without approval of the President in 1985, when M-19 guerrilla seized the Justice Palace in Bogota, and again in a guerrilla attack in Meta in 1990. (Kline and Joan Gray 2007, 217-218). Since 1979, there were several times rumours of a possible military coup, which, although mostly unsustainable, were consistently linked to criticisms of the governments' policy towards the guerrilla.

⁷⁷ Cronología de los Incidentes y Secuestros en la Frontera Venezolano Colombiana, COPAF, 1996.

unable to curb the spill-over of violence and the personnel of the Foreign Ministry spent most of their time seeking to calm angry reactions on the Venezuelan side.⁷⁸

Venezuela

Since the frustration of the Caraballeda proposal, Venezuela sought to defer the outstanding maritime delimitation. The government had held extensive consultations with the relevant political stakeholders and civil society actors to accord the position it was to adopt in the negotiations. The debates had sensibilised the public towards the Gulf boundary, and in the course of the 1980s, the tone towards Colombia had hardened.⁷⁹ Although societal pressures in 1987 were stronger thus than in 1952, Venezuela pursued the same strategy of delay and the government abstained from taking decided measures to end to crisis.

In response to the Colombian proposal to integrate the Conciliation Commission Foreign Minister Simón Alberto Consalvi stressed that there was no hurry as an immediate solution was not in sight.⁸⁰ The government found itself forced to react, however, when fishermen reported that the *Caldas* had expelled them from the area in dispute. No-one understood the goal of the *Caldas*' mission, but given that the Colombian Foreign Minister was one of the country's leading boundary specialists, Venezuela looked at the incident as a planned and unfriendly action. The government relied on the threat to use force, but the militarization of the dispute notwithstanding, an escalatory strategy was not reflected in the diplomatic handling of the crisis. The military response to the *Caldas* was carefully managed, and ultimately based on the conviction that Colombia would avoid an armed confrontation.

At first, the government ordered secrecy over the incident.⁸¹ When it became clear that the Colombian ships would not abandon the area, Venezuela reinforced the presence of the armed forces along the border. Yet, it had to realize quickly that

⁷⁸ Interviews with Diego Cardona, Bogota, 19 October 2012 and Pedro Gómez, op.cit.; Sainz-Borgo 2000, 64-65.

⁷⁹ See Area and Nieschulz 2001, 251-267 and Lara Peña 1988. Lara Peña's writings were influential with the generation of active naval officers at the time.

⁸⁰ *El Nacional*, 13 May 1987, D-1.

⁸¹ No hubo enfrentamiento en el Golfo, *El Nacional*, 11 August 1987.

Colombia faced the evolving crisis utterly unprepared.⁸² The leadership was puzzled at receiving intelligence reports that showed no military preparation. Faced with a “dangerous disequilibrium,” which had now created the conditions for an unintended action leading to a military engagement, the government sought to raise Colombia’s awareness of “how serious the incident really was.”⁸³ Fernando Ochoa Antich, Commander-in-Chief of the first infantry division stationed in the state of Zulia, thought that the most effective way was publicizing the happenings and used a contact at the local newspaper *Panorama* to make the troops deployments public.

Venezuela held an advantage in the conflict zone based on technological superiority.⁸⁴ Moreover, a military strategy was a rather obvious means to confront the alleged aggression since Venezuela’s armed forces took actively part in all policies regarding the border. In 1958, military rule had ended with a power-sharing arrangement between the country’s major political parties. Under the so-called Punto Fijo Pact, the military’s subordination was maintained through the acquiescence of prerogatives. These included, amongst other, the tacit acceptance of its role in matters relating to borders.⁸⁵ The limits of civilian control were forcefully demonstrated when the armed forces frustrated the Caraballeda proposal in 1980.⁸⁶ Elite consensus at the time of the Caldas crisis was strong as no-one questioned the military’s role in the conflict.

I classify Venezuela’s socio-political cohesion as medium-high, given the elite unity under the Punto Fijo system and moderate levels in the other component indicators, legitimacy and political society. Elitist and not free from fraud, Venezuela’s “hyper-organized” democracy had nevertheless provided channels to mediate social demands.⁸⁷ It had ensured politically stable conditions that allowed the oil-economy to flourish, and the masses held confidence in the bipartisan *Punto Fijismo* also as the consequences of the economy’s unsustainable bases were already difficult to ignore.⁸⁸

⁸² Interview with Simón Alberto Consalvi, op.cit. Venezuelan marine officers also noted that the *Caldas* kept its cannons covered at all times. Interviews with Gastón Correa and Daniel Jeanpierre Fontaine, op.cit.

⁸³ Interview with Fernando Ochoa Antich, op.cit.

⁸⁴ Serbin 1993, 296-307.

⁸⁵ Kornblith et.al. 1994, 310.

⁸⁶ See fn. 9.

⁸⁷ Rey 1989, 548.

⁸⁸ Gil Yepes 2006, 233.

At the end of the economically ‘lost decade’ of the 1980s, the state’s legitimacy was not unfettered, but its challenges were marginal.⁸⁹

Yet, there were growing doubts amongst the elites whether the increasingly corruption-infested system was sustainable. The border areas, where the state held a scant presence only, represented one of the Punto Fijo state’s weak spots. Expressing a festering perception of internal vulnerability with implications for the potential of conflict with Colombia, a Venezuelan state official said: “If the border with Colombia was hard to control in times of peace, how could we even think about what would happen there if we had war?”⁹⁰

Political society was nevertheless sufficiently strong to place the government under a demand to rule, which explains why it would not simply ignore the presence of the *Caldas*. In addition, since the early 1970s, Venezuela’s growing international activism, including a new emphasis on the region, was accompanied by an increase in institutional capacity that provided confidence in its handling of the *Caldas* crisis.⁹¹ The responsible Border Division at the Ministry of Foreign Affairs had been restructured and expanded several times during the 1970s and 1980s and had actively promoted publications and seminars on Venezuela’s borders.⁹² Yet, decision-making in the *Caldas* crisis was left in the hands of the President, who consulted with representatives of the main political sectors and the military leadership.⁹³

The lack of a formally institutionalized bilateral channel for conflict management appeared potentially problematic at the height of the crisis. In the afternoon of August 17, the Venezuelan government took the decision to increase military pressure and, should it be necessary, to sink the Colombian ship. The same evening, President Jaime Lusinchi was at a social meeting and out of contact with Foreign Minister Consalvi. The fact that the two key figures were out of reach to coordinate further actions and moreover, unattainable for the Colombians, may have increased the risk of conflict. Ultimately, however, it demonstrated that the possibility of a serious engagement was considered decidedly remote. The decision to force Colombia

⁸⁹ Ciccariello-Maher 2013, 72-82.

⁹⁰ Interview with Feijoo Colomine, who accompanied Leandro Mora, President of Congress, at a bi-national celebration at the border in Táchira when the *Caldas* crisis occurred (Caracas, 21 September 2012).

⁹¹ Kornblith 1996; Rey 1991.

⁹² Ewell 1982, 313.

⁹³ Romero 1990, 225.

militarily to abandon the disputed area was never formally communicated. Apart from the naval manoeuvres in the area of the Gulf, no further measures indicated that Venezuela was prepared to escalate the dispute.

Dependable expectations of no-war

Considering the level of conflict intensity, the Caldas incident was a significant rupture only measured against the standard of Colombo-Venezuelan relations. Neither of the two sides were willing to engage in an armed conflict, nor did they contemplate the possibility of a military engagement beyond skirmishing. The crisis did not affect dependable expectations of no-war, although it showed the possibility of an armed confrontation over the maritime boundary and eventually triggered a new attempt to manage bilateral relations.

Colombia's leadership was surprised by Venezuela's decided reaction but neither the available transcripts of communications during the incident nor statements that were given after the crisis contain criticism accusing Venezuela of an exaggerated or even irrational response. This, however, should be the least to expect had the crisis been seen as putting the countries at the risk of war. It is unclear at all whether Venezuela came to be considered the main threat ahead of the internal conflict.⁹⁴ If so, it is evident still that no major effort was made to reallocate resources.

I argued that it was Colombia's obvious unpreparedness to stand in an armed confrontation that led to the militarization of the dispute in the first place. The Venezuelan leadership maintained this assessment throughout the crisis, and even at the height of the conflict it is difficult to see that Venezuela contemplated an armed conflict given the President's attendance at a social meeting.⁹⁵ The Venezuelan leadership, well aware of Colombia's domestic problems, gave it for granted that Bogota would avoid an external conflict even at a high cost. From Caracas' perspective, the guerrilla activity that had spilled over into Venezuela were the consequence of a "failing" Colombian state.⁹⁶ Venezuelan politicians had urged the Colombian government to increase its military presence along the border in order to

⁹⁴ Bendeck Olivella 1994, 110.

⁹⁵ Entrevista a Miguel Ángel Capriles, *El Tiempo*, 11 October 1987.

⁹⁶ El estado colombiano ha colapsado en la frontera, *El Nacional*, 22 June 1987; Cardozo de Da Silva 2004.

curb the attacks. An indication for how little security competition there was effectively between the two countries, the same demands were put forth after the Caldas crisis.⁹⁷

Managing dispute in times of crises

After the Caldas incident the two countries promoted a new approach to manage the border dispute within a wider policy agenda. The Declaration of Ureña (1989) and the Act of San Pedro Alejandrino (1990) provided for presidential summits on a regular basis and created local commissions to collaborate on socio-economic integration on the land border (COPAF/COPIAF).⁹⁸ In 1994, a bi-national military and police commission (Combifron) was put in force to extend collaboration in security matters. Under the new framework Venezuela also agreed to form the Conciliation Commission, but none of the two parties ever suggested to put it into force. Lastly, a new commission (CONEG) was created to deal with maritime boundary delimitation together with other “salient issues” including problems relating to land border demarcation, migration, river navigation and hydrographic basins.

In terms of practical impact, the problems the commissions sought to address on the land border were far too serious for that they could achieve major changes.⁹⁹ The schedule of the negotiation commission followed the ups and downs of domestic problems and political quarrels between the two sides. Most of the time, the delegations met to foster relations and sound out positions rather than to propose a settlement of the boundary.

Instead, dispute management on the ground was a matter of unilaterally exercised restraint. In Colombia, a presidential decree excluded from the navy’s patrol plans the un-delimited area Venezuela has considered non-negotiable. The navy has patrolled with oceanographic vessels only and in close proximity to the coast. Both navies avoided their simultaneous presence in the disputed areas, and over the years this came to be considered a tacit agreement.

⁹⁷ Colombia atiende petición de Venezuela, *Últimas Noticias*, 17 June 1987; Aumentar contingentes militares, *El Nacional*, 22 January 1988.

⁹⁸ Ardila 1991; Ramírez 2002, 3.

⁹⁹ Ramírez 2003.

The election of Hugo Chávez Frías in 1999 formally replaced the model that had shaped the Venezuelan state since 1958. The socialist revolution brought about fundamental political, social and economic changes, and with it transformed the fabric of Colombo-Venezuelan relations. Disagreements between the two sides led to serious crises over Venezuela's link with the Colombian guerrilla and the US's role in the region, especially during Colombian President Álvaro Uribe's last years in office (2002–2006, 2006–2010) and again, then under President Nicolás Maduro in Venezuela, in 2015. Nevertheless, the maritime boundary dispute was kept from the political agenda and moreover, it was considered unlikely that it would provoke a conflict.¹⁰⁰

The Venezuelan Punto Fijo state had been built upon the principle of political consultation of all those actors that were considered legitimate.¹⁰¹ To maintain its internal stability, this had compelled different Venezuelan governments to submit details of the border question to public debate, even though the state was unable to mediate a consensus that would have allowed it to resolve the conflict. The new Bolivarian Republic of Venezuela, however, looked for different sources to legitimize the state and was thus able to de-politicize the dispute.

Explaining no-war community

Colombia and Venezuela never fought each other and developed a strong understanding that the other is neither prepared nor willing to fight. Colombia tended to show a greater preference for delimiting the maritime boundaries; however, most of the time a definitive settlement was delayed to avoid that the dispute would escalate. Moreover, since the ICJ's momentous ruling in the Colombo-Nicaraguan case in 2012, it is unlikely that Colombia will propose a judicial settlement any time soon.

The two crises considered in this chapter did not erode dependable expectations of no-war. Beyond this minimalist understanding, however, Colombia and Venezuela have not ruled out the use of force. Venezuela is yet to experience a Colombia freed of internal violence. On the Colombian side, a sense of vulnerability vis-à-vis a neighbour that is commonly seen as susceptible to military influence and political

¹⁰⁰ Area and Rug 2005.

¹⁰¹ Rey 1989.

instability was aggravated by the more recent erosion of personal and institutional ties. Yet, the changes that occurred in the wake of the Caldas crisis bore a lasting – if limited – effect on the possibilities of community. In the words of former Colombian Foreign Minister Jaime Bermúdez, “was there not the Gulf, our problems would be the same, but we realized where it was possible to work together.”¹⁰²

US hegemony cannot explain no-war in the case of the Colombo-Venezuelan boundary. In 1952, the US appeared to have made no more than a questionable assessment of the situation. With regards to the Caldas crisis, none of the written and oral accounts mentions the US in any way and even the OAS provided only a post-hoc forum for Colombia to legitimize its handling of the crisis. Instead, I argued that both sides lacked the capacities to fight and showed that war-avoidance has created dependable expectations that territorial disputes would be settled short of armed conflict.

¹⁰² Interview Bogota, 17 October 2012.

Chapter 6

Argentina – Chile

Twice in history Argentina and Chile seemed to be headed toward an interstate conflict with the potential to develop into a full-scale war. In the late 19th century, the two countries were engaged in an intensive arms race. Eventually, military competition led not to war but to financial exhaustion. To avoid conflict in the future, the two countries signed the Pacts of May (1902), a comprehensive agreement that included a pioneering general arbitration treaty and an arms limitation agreement.

Seven decades later, Argentina found its commitment to judicial conflict settlement working against its interest. In 1977, it rejected an arbitration award that had settled the border at the Beagle Channel in the southern tip of the continent. Without a tenable solution to the outstanding border question, a gradual process of escalation ensued. In December 1978, both sides had fully mobilized their armed forces and Argentina stood ready to attack. This time, before another comprehensive agreement could be signed, the two parties needed the help of the Pope to avoid war. The Vatican stepped in as a mediator and in 1984 Argentina and Chile signed the Treaty of Peace and Friendship. The Treaty settled the border in the Beagle Channel and returned a naval equilibrium in the south similar to the one of 1902.

This chapter begins with the historical background to the Beagle Channel conflict. In the second section I analyse the way Argentina and Chile managed the Isle of Snipe crisis in 1958. The third section deals with two, almost subsequent crises during the most critical moment of the conflict in 1977–1978. I argue that the conflict in the Southern Cone put community to a serious test but eventually strengthened trust in the improbability of war. In the concluding section I sketch the measures that restored dependable expectations and discuss the relevance of democracy as well as the role of the United States in the conflict.

Historical background

Following independence, Argentina and Chile showed little concern for the more than 5.000 kilometres of their common border. In 1855, the two countries signed the Treaty of Peace, Friendship, Commerce and Navigation, which based the borders on

those at the end of Spanish domination in 1810.¹ However, negotiations were to take place at a later time and should disputes arise, these were to be submitted to arbitration.

When Chile fought in the War of the Pacific (1879–1883) it sought to prevent Argentina from side-lining with Peru and Bolivia. Thus, the first border treaty was concluded in 1881.² The treaty defined that the line ran along the highest peaks of the mountain chain that divided the waters in the Andes mountain range. It formalized Argentina's recently acquired possessions in large parts of the southern Patagonia region and in turn attributed the Straits of Magellan to Chile. Problems regarding the implementation of the treaty were to be arbitrated, and this was soon found necessary to establish the border in northern and central Patagonia. In 1896, the two parties submitted this dispute to the British Crown.³

Complementing the treaty, an executive protocol was concluded in 1893 that specified the sovereign spheres of the two countries to the east and west of the Andes' principal mountain chain, to the effect that "Chile cannot claim any point towards the Atlantic, nor can Argentina do so with regard to the Pacific." Conflicts over various parts of the border nevertheless persisted as the watershed in the Andes did not necessarily coincide with the highest peaks in mountains.

The dispute over the Beagle Channel

The 1881 treaty divided the islands in the southernmost territories into those north and south of a line from the Beagle Channel up to Cape Horn. However, both Argentina and Chile claimed the islands of Picton, Lennox, and Nueva (PLN group) and some of their surrounding islets, and therefore interpreted the start of the line, i.e. the border at the eastern mouth of the Beagle Channel, differently. Moreover, the two sides disagreed over the status of the so-called bi-oceanic principle, which had established Argentina's sovereign sphere in the Atlantic, and Chile's in the Pacific. If Chile possessed the PLN group, it could project maritime rights into the Atlantic and thus,

¹ The relevant treaties and protocols are published in Chile 1977, vol. I and subsequent volumes.

² Burr 1971, 162.

³ Ireland 1938, 25-26.

Argentina argued, the islands group must belong to Argentina. Against this, Chile held that the principle only applied to the Andean part of the border.⁴

In 1884, Argentina laid the founding stone of Ushuaia in Tierra del Fuego and started occasional visits to the channel islands. Chile began to colonize the PLN group from 1892 on, but Argentina protested its effective possession in 1915.⁵ The two governments agreed to ask the British Crown to arbitrate but failed to obtain the necessary support of their lower chambers. A new arbitration agreement was reached in 1938, but while it awaited ratification, the designated arbiter, US Attorney General Homer Cummings, died.⁶

After the Second World War, the two sides grew increasingly aware of the strategic and economic importance of the Antarctic. In 1953, Chile founded the town Puerto Luisa (today Puerto Williams) on the southern shore of the Beagle Channel and established a military base on Navarino Island.⁷ The Argentine ships navigated the Beagle to access the naval base at Ushuaia, and contact between the two navies became frequent. In 1954, Argentina proposed to have the dispute arbitrated, but a jointly elaborated draft agreement was shelved.⁸

The Isle of Snipe crisis, 1958

As the various settlement initiatives failed, both sides reinforced their presence in the disputed area. In January 1958, Chile established a channel marker on Snipe Island to the east of the PLN group in the Beagle Channel. Four months later, the official circular *Avisos a los Navegantes* announced that the beacon was brought into service. The Argentine navy replaced the structure, but now the new marker was removed by the Chileans.⁹ A direct confrontation during this first episode of the crisis was probably avoided only by accident.¹⁰

⁴ The arbitration award of 1977, which served as the legal basis for the 1984 treaty, supported Chile's position. See UN 2006.

⁵ Garrett 1985, 89.

⁶ Haffa 1987, 97-98.

⁷ Decreto Supremo No.1082, 28 de julio de 1954.

⁸ Lanús 1984, 500; Meneses Cuiffardi 1992, 130.

⁹ Rodríguez Sepúlveda 1958, 134.

¹⁰ Ibid., 93.

Chile protested the destruction of its lighthouse and informed the Argentine government that it would rebuild the structure.¹¹ The Argentine Foreign Minister Carlos Alberto Florit responded in a note affirming Argentina's claim to the island, and added that the navy had been instructed not to intervene in the issue.¹² This led the Chilean Foreign Ministry to declare that the incident was resolved.

As announced, Chile reconstructed the navigation aid on Snipe. Three months later, the controversy was repeated. Argentina reiterated its claim to the island and the Navy removed the installation on August 9. This time, however, its destruction was widely reported in the Chilean press and sparked popular protests.¹³ Argentina, fearing that Chile would take control over Snipe, sent its own military detachment to the island.

Chile reacted promptly. On the same day, the Foreign Minister informed the Senate in a public session about the happenings.¹⁴ The government recalled its ambassador from Buenos Aires and announced preparations to convene an extraordinary session at the OAS.¹⁵ On August 14, the Commander of the naval infantry unit *Sargento Aldea* received order to dispel the Argentines from the island.¹⁶ These had instructions to maintain position, but not to resist in case of a Chilean disembarkment.¹⁷ Before the Chilean units arrived, however, the controversy was settled.

The Chilean press had been informed that the returning Ambassador José Maza carried a personal message of the Argentine President Arturo Frondizi.¹⁸ Awaiting the news, the government declared that it had halted preparations at the OAS, and on August 17 the two governments announced that they had reached an agreement. A joint declaration was signed into effect on the following day. It provided for the withdrawal of the Argentine troops and re-established the status quo prior to the construction of the Chilean lighthouse.

¹¹ Diario de Sesiones del Senado, Sesión 31^a, 12 August 1958, 1565.

¹² Hormazábal González 1968, 92.

¹³ Indignada reacción pública ante violación del territorio nacional, *El Diario Ilustrado*, 12 agosto 1958.

¹⁴ Diario de Sesiones del Senado, op.cit., 1571-1572.

¹⁵ Armada Argentina invadió, *El Mercurio*, 14 August 1958; Chile 1958, vol. Tomo II., 588.

¹⁶ Sánchez Urrea 2009, 72.

¹⁷ Comando de Operaciones Navales, Secretaria de Marina, AHA, 7203.(P).”S”/958.

¹⁸ Senado aprobó ampliamente en sesión secreta consulta, *La Prensa Austral*, 16 August 1958.

State preferences and conflict strategies

Argentina

Argentina sought to do away with the dispute and delay a definite solution. Frondizi assumed the presidency in May 1958 with a foreign policy agenda that emphasised peaceful relations and regional integration.¹⁹ Also the military, yielding ample political power, sought to avoid conflict. The Argentines had a limited aim in the south, which was, restoring a status quo in which neither country effectively possessed Snipe Island. From Argentina's perspective, the neutral status quo of the island had been altered by the construction of the Chilean lighthouse, and when the Navy occupied the island it sought to return to the initial situation. A status quo agreement existed between the two parties in the Río Encuentro/Palena region, where efforts to settle border disputes were simultaneously under way. Moreover, Argentina argued, maintaining the status quo was a sign of committing to peaceful conflict resolution. Argentina's delaying strategy achieved its objective when Chile agreed not to rebuild the structure on Snipe.

Militarily, Argentina stood against a smaller and poorer country with a military less than a third the size of its own. Regardless of the favourable military balance, the Navy found itself ill-prepared to engage in sustained combat. Only six of Argentina's eleven destroyers were fully functioning, and the one remaining submarine had severe limitations and was taken from service in early 1959.²⁰ The Chilean side, however, had similar problems, and Argentina's numerical superiority still translated into an advantage at sea.

Even at the height of the crisis, Argentina mobilized few of its units and the most combat-suited carried only a small cannon. This sufficed to achieve Argentina's main goal. The occupation of Snipe Island was designed not to create a *fait accompli*, but as a temporary measure to pre-empt Chile from taking possession of the island and to force it to return to the status quo prior to the construction of the lighthouse.²¹ The Navy Command urged the Foreign Ministry repeatedly to ensure Chile would recognize that the island was in dispute and acknowledge that therefore, its status had

¹⁹ Paradiso 1993, 139-147.

²⁰ I am indebted to Guillermo Montenegro for providing the details.

²¹ Informe, Servicio de Informaciones Navales, Historia de las operaciones, AHA, Archivo Snipe, 4°S°58.-Y.O.is.

to remain neutral.²² As soon as the crisis reached a critical stage in September, the Navy made a public announcement declaring that it would withdraw from the island if Chile abandoned its claim to the lighthouse.²³ The Navy deliberately sought to defer dealing with the border question hands on and asked the Foreign Ministry not to link the Snipe conflict to the ownership question of the PLN group.²⁴ Faced with internal problems, Argentina's elites sought to do away with the crisis without even trying to achieve an outcome that would bolster its claim.

Since the ouster of Juan Domingo Perón in 1955, Argentina was in a situation of political and economic turmoil. Factionalism at the top level reflected the fruitless attempts of the elites to make a legitimate state project take root in a deeply politicized society. From the beginning of his presidency on, Frondizi was challenged by sectors from the armed forces and especially the Navy, which had been the driving force in the coup against Perón and viewed Frondizi too close to the Peronist left. For the marines, the Beagle question was a particularly salient issue, but nevertheless, the military and civilian leadership held largely identical positions in handling the Snipe crisis. Frondizi and his foreign policy strategists needed stable conditions to implement their foreign capital-based development program (*desarrollismo*). Moreover, the new government had hardly an interest in giving the military an even greater role in a conflict with Chile. The military, however, was itself deeply divided over Argentina's political future.²⁵

Argentina handled the incident quietly until it was forced into action by Chile's apparent unwillingness to accept a neutral status quo on Snipe Island. According to an authoritative source, the decision to occupy Snipe Island was jointly taken by Frondizi and the Navy's Chief of Staff, Adolfo Estévez.²⁶ This is questionable considering that Estévez, who was the most pro-Frondizi senior figure in the military, informed the Foreign Minister that orders had been given to station a small troop contingent on the island less than 24 hours before it effectively occurred.²⁷ Whether the government

²² For example Comunicado al Sr. Ministro, Ministerio de Marina, 13 May 1958, AHA, Archivo Snipe, 22"S"/958-S.G.st.

²³ Declaración conjunta, *Diario Ilustrado*, 17 de agosto 1958.

²⁴ Comentario sobre la forma en que se está encarnando por el Ministerio el problema, Subsecretaria de Marina, AHA Archivo Snipe, 7203(P)."S"-W.SG.dgm, 26.

²⁵ During the four years Frondizi managed to stay in office two army chiefs, two air force chiefs and one navy chief of staff were forced to resign (Potash 2001, 228).

²⁶ Escudé and Cisneros 2000, vol. XIII, 63.

²⁷ Secretaria de Marina, Departamento General, Agosto 11 de 1958, Expdnte. No. 28"S"/958.S.G.st.

participated in making the decision or not, it endorsed the occupation.²⁸ Argentina's internal power struggles, rather than creating external conflict, were fought out over different matters.

I classify Argentina's institutional capacity with regards to its border politics as fairly developed. Policy-makers could resort to a well-defined set of strategic and geopolitical ideas although in practice, the state's control over its territory was feeble.²⁹ The bureaucracy had acquired expertise in settlement procedures, notably through the arbitrations with Paraguay (1878), Brazil (1895) and Chile (1899, 1902). With regards to the Beagle Channel islands, however, Argentina's position was (and would remain) inconclusive. Quite plausibly, this provided an additional incentive to delay the settlement of the dispute.

Chile

For Chile, Snipe Island was not in dispute and the destruction of its lighthouse therefore constituted an act of aggression. To underscore its claim, the government was ready to escalate the dispute. However, Chile's strategy of escalation had clear limits and it ended the crisis by way of compromising on its initial position. Forced to decide whether to challenge Argentina militarily or to acknowledge the Argentine claim to the island, Chile backed down.

Despite an unfavourable balance in military capacity, Chile was prepared to face up to the perceived Argentine challenge. When its lighthouse was removed for the second time, the government of President Carlos Ibáñez del Campo launched a coordinated information campaign. While from Argentina Frondizi appealed to Latin American brotherhood, Chilean Foreign Minister Alberto Sepúlveda described the incident as a "prolonged and persistent policy" in Argentina's "interest of territorial expansion."³⁰ The political line was supported, though not driven, by a self-confident military, as Chile's navy units remained in close proximity to the island.

Chile's strategy was backed by high levels of socio-political cohesion and institutional capacity. The government found quickly consensus on how the conflict

²⁸ Florit 1996, 147-148; see also Scenna 1981, 173 and Gómez 2015, 47-48. Gómez served as an advisor to Frondizi.

²⁹ Child 1985a, 48-49.

³⁰ Diario de Sesiones del Senado, op.cit., 1571-1572 [author's translation].

should be handled. Since 1930, Chile's multi-party democracy had enabled the inclusion of a range of political interests and actors unparalleled in Latin America.³¹ Like in other countries in the region, revolutionary groups had entered the competition between the traditional parties and now vied for shaping the contours of the future order that would allow the state to modernize. However, the struggles of mass politics in Chile took place largely within an institutionalized level playing field. By the mid-century, the state fulfilled a considerable range of functions throughout its territory and was able to adapt and effectively steer social change. Student organizations took to the streets to protest against rising bus fares only to mobilize against the perceived aggression from Argentina on Snipe Island a few months later. Manifestations of popular nationalism are not necessarily an indicator of political society (they were not in Argentina in 1982 and not in Indonesia in 2007). However, the way civil society actors related to border politics in Chile places such actions into a larger context of state-society relations, which is indicative for a considerably high level of legitimacy. The influence of extreme views in the public debate, such as the Fagalde thesis, was generally short-lived, and criticism of the state's conduct in matters relating to its borders limited.³²

Socio-political cohesion allowed the government to escalate the Snipe conflict to a higher level without having to fear creating political pressures that would lead it into an unwanted military confrontation. This course was backed by a considerable level of institutional capacity which, more so than in Argentina, had gradually come about as a result of external pressures propelling the state to take control over its borders. Nevertheless, Argentina's occupation of Snipe put Chile before the choice to either attack the detachment on the island or to abandon its claim to the lighthouse. To avoid a military engagement, the government agreed to Argentina's terms of settlement.

Dependable expectations of no-war

A military engagement over Snipe Island appeared possible given the protagonist role of the navies on both sides.³³ Yet, the prospect of a large-scale armed conflict was

³¹ See Drake 1993.

³² On the Fagalde thesis see Scenna 1981, 185-187.

³³ Wilhelmy 1979, 459.

perceived to be remote. The incident occurred at a time of pragmatic rapprochement between the two countries and in the course of the same year, two additional border disputes were dealt with at least with moderate success.³⁴ The two navies had been monitoring the movements in the un-delimited areas around the Beagle Channel, but did not appear overly concerned about each other. In fact, it had taken Argentina more than one month until it discovered that Chile had reconstructed the beacon on Snipe.

Nevertheless, the crisis marked the start of a localized rivalry. The two navies' logbooks came to be filled with entries of alleged violations of sovereignty as both navigated the Channel to access the naval bases at Ushuaia and Port Williams. The situation led the two parties to present a new settlement proposal in June 1960. This, however, failed to obtain ratification in Chile.³⁵ Meanwhile, a workable framework to manage relations on the ground was not found. Those in service in the 1960s described the relationship between the navies as one of "permanent tensions and provocations."³⁶ Under these circumstances, the basis for a meaningful set of common understandings in the south was quickly eroded.

The Beagle Channel crisis, 1977–1978

Following a decade of negotiations over the terms of an arbitration, Argentina and Chile signed an agreement in July 1971. It foresaw the creation of a tribunal integrated by five judges of the ICJ to rule over the ownership of the PLN group. Finally, the British Crown was to decide whether to accept the ruling.³⁷ The arbitration tribunal presented its findings in February 1977. These were ratified by the British arbiter and delivered to the two parties on May 2. The judgement fixed the boundary in the Beagle approximately in the middle of the Channel and awarded the PLN group to Chile. The parties were given nine months to execute the award.³⁸

Chile responded immediately that it would faithfully comply. The governing junta in Buenos Aires, however, declared that Argentina had traditionally upheld international commitments, but that this did not carry an obligation to tolerate attacks on "vital

³⁴ Chile 1958, vol. Tomo II, 610-622.

³⁵ Lagos Carmona 1980, 233-234; on the agreement and corresponding debates in Argentina see Lanús 1984, 501-512.

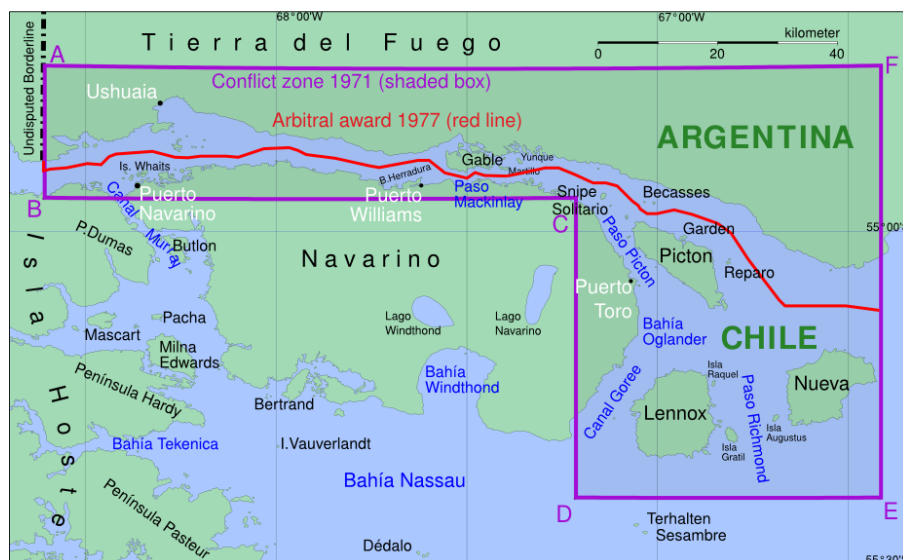
³⁶ Jorge Marín, e-mail 6 April 2013.

³⁷ García Huidobro 1986, 192-193.

³⁸ Court of Arbitration 1977.

national interests and territorial sovereignty over areas not called into question.”³⁹ The government was therefore to pronounce its position once it had studied the award.

Map 4. The Beagle Channel



Source: Wiki Media, available at <https://upload.wikimedia.org/wikipedia/commons/b/bd/Arbitralaward1977.png> [last accessed 16.1.2016].

Argentina had expected a solomonic judgement awarding it at least one island of the PLN group (Nueva).⁴⁰ While the islands themselves were seen to be of little economic and strategic value, the award went against the bi-oceanic principle as it allowed Chile to project sovereignty over a number of smaller islands in the vicinity of the PLN group and maritime rights into the Atlantic.⁴¹ Months before the result of the arbitration was known, an internal decree declared the principle to be the overall objective Argentina was to achieve in the arbitration.⁴² The general public, which had been exposed to extensive press coverage on the legal and political arguments underpinning the principle, was convinced that the geopolitical thesis was rightful.⁴³ Once the award was known, the Argentines thus sought to negotiate a different solution.

³⁹ Diose a publicidad el laudo, *La Nación*, 3 March 1977.

⁴⁰ Memorandum of the head of the arbitration delegation Ernesto de la Guardia, AHA, 30”S”/976-AZ4, 23 February 1976.

⁴¹ Instrucciones generales preliminares para encauzar las negociaciones, CONASE, AHA, “S”CLD43, 12 March 1970.

⁴² Acta, Secretaria General de la Presidencia, AHA, Comisión Interministerial, 29 November 1976.

⁴³ Lacoste 2003.

Julio Torti, the Argentine Chief of Joint Staff, delivered the first proposal to open bilateral negotiations. Pinochet agreed, but the two positions were fundamentally opposed. While Argentina sought to renegotiate the award, Chile's agenda merely foresaw negotiations on the maritime zones based on the possessions as defined in the ruling. The Argentines offered to recognize Chile's sovereignty over the PLN group provided that it dropped its claim to waters in the Atlantic.⁴⁴ Predictably, the proposal fell on deaf ears in Santiago.

José Toribio Merino, the Navy's first and member of the Chilean junta, pressed Pinochet to promulgate a law defining the new maritime zones based on the arbitration award.⁴⁵ After this was done in July, the authorities began to install surveillance posts and navigation aids and appointed naval officers in charge of the areas.⁴⁶ Pending Argentina's pronouncement over the award, Buenos Aires objected the acts and sent additional ships to the south. The tone hardened as the Argentine press began to print aggressive statements by members of the Navy and the Army's officer corps. By mid-December, incidents in the disputed area became constant.⁴⁷

In January, Pinochet sent Manuel Contreras, head of the National Intelligence Agency (DINA), to arrange for a meeting with Videla.⁴⁸ The two Presidents met in Mendoza on January 19 and agreed to develop a new framework for direct negotiations, which was finalized in Puerto Montt the month after. For the duration of the negotiations, the risk of an armed conflict was averted.

From Puerto Montt to Papal mediation

On January 25, the Argentine junta had released an extensive statement in which it disregarded the arbitration award and justified the rejection based on the principles of international law.⁴⁹ The announcement did not come to the surprise of Chile and

⁴⁴ Información básica a las misiones diplomáticas chilenas sobre la cuestión austral, Chile, Ministerio de Relaciones Exteriores, 10 January 1978.

⁴⁵ Interviews with Fernando Matthei, 9 November 2012 and Ernesto Videla, 25 October 2012, both Santiago.

⁴⁶ Alcaldes del mar; Dirección del Litoral y Marina Mercante, Ordenanza no. 1120/26.

⁴⁷ On the military preparations in Chile see Arancibia Clavel and Bulnes Serrano 2004.; in Argentina Gianola Otamendi 2012.

⁴⁸ Reunión de la Junta Militar 13 enero 1978, Acta no. 44.

⁴⁹ Declaración de Nulidad, Buenos Aires, 25 enero de 1978. Argentina declared the award "fundamentally null" [*insanablemente nulo*].

received no reaction from the international community. More so than Argentina, Chile stood internationally isolated given grave violations of human rights.

The conversations under the Puerto Montt agreement began in March 1978. The framework foresaw a first period of conversations to create favourable conditions for the boundary negotiations, which would be dealt with, together with other “substantive” topics, by a second commission (COMIX II). After six months the commission was to present its conclusions.

The first commission concluded its work successfully within the time frame of 45 days. COMIX II started to meet in May and held eight sessions until October.⁵⁰ The delegations advanced on several minor issues but failed to achieve progress on the border question. When the envisaged time period ended, Chile declared that bilateral negotiations were exhausted. The government suggested submitting the boundary question to the ICJ, but given the obvious lack of a legal basis to support Argentina’s position, calling for another adjudication was pure cosmetics. With the Puerto Montt mechanism about to end, both sides increased preparations for an armed conflict.

Military build-ups had continued throughout the year. These were less publicized than before in Argentina and still largely secret in Chile; however, by November, the militaries were fully mobilized and Chile had mined the waters of the Beagle Channel.

On both sides high-level committees met on a daily base. In Chile, Pinochet sought to avoid war and the policy elite followed his directive. In Argentina, the leadership was divided into three groups. The majority, including President Videla, was unprepared to fight. They were opposed by a smaller group that was confident Argentina could achieve its objectives in a quick and localized campaign, and by a third group of army officers who thought Chile could be overrun with little effort.⁵¹ Videla, at the top of a governing junta in which power was equally distributed among the members representing the three branches of the military, lacked presidential authority.⁵² The conflict thus escalated further, even though a way out began to show in late October.

⁵⁰ On the negotiations see Moncayo 1993 and Videla Cifuentes 2007.

⁵¹ Reato 2012, 236; *Cómo se paró la guerra con Chile*, *Somos*, 12 July 1983.

⁵² Novaro and Palermo 2003, 259; Russell 1990, 14-20.

The possibility to ask a third party to mediate had been discussed in early 1978 and was taken up again when the Puerto Montt commission ended.⁵³ Amongst different international authorities offering their good offices, the new Pope John Paul II was considered the most viable option. The foreign ministers agreed on the basic terms of the mediation on December 12, but the initiative was frustrated when the Argentine junta changed its opinion at the last minute.⁵⁴ Those driving a hard line were willing to accept a mediator only provided that Argentina could secure at least part of its objectives.⁵⁵ Chile, however, insisted that the scope of the mediation needed to be unrestricted.

On December 14, Videla informed the Argentine nuncio Pío Laghi that he had signed the order to attack.⁵⁶ Five days later, the Military Committee began to implement the plan (known as *Operation Sovereignty*).⁵⁷ In a pro forma act Chile renewed its invitation to submit the conflict to a third party and started preparations to evoke the Rio Treaty before the OAS.

Representatives of the Catholic Church in Argentina and Chile and the two countries' ambassadors in the Vatican lobbied in Rome for an official intervention.⁵⁸ The Argentine Foreign Ministry's Federico Mirré and Roberto Moncayo travelled to Washington "to have them do *something*," but were told that the US had little influence over Pinochet.⁵⁹ The US was not only unable but unwilling to involve itself in a conflict between two military dictatorships, and urged the Vatican to react.⁶⁰

On the afternoon of December 21, the Pope issued a formal offer to send a personal emissary to help the two countries find a peaceful solution. While Chile immediately agreed, Argentina accepted the mediation the following day only hours before the planned attack. On January 8, the two sides sign a formal mediation agreement in Montevideo. Although the border was settled only in 1984, the risk of war was averted.

⁵³ Interview with Lami Dozo, Buenos Aires, 12 December 2012; Javier Lopetegui, *Mis recuerdos de la reunión en Montemar*, 2001, personal archive Agustín Toro Dávila.

⁵⁴ Passarelli 1998, 77-78; Princen 1988, 115-117.

⁵⁵ Conversations with Guillermo Roberto Moncayo, Buenos Aires, during November and December 2012; Videla 1989.

⁵⁶ Princen 1988, 118.

⁵⁷ Evolución de la Situación con Chile, Ejército Argentino, AHA, 1.3.4. and 1.3.5 (unknown date).

⁵⁸ See Benadava 1999, 26-42 and Camusso and Saguier Fonrouge 2009.

⁵⁹ Interview in Buenos Aires, 28 November 2012, and various conversations during November and December, respectively.

⁶⁰ El papel de la embajada, *Clarín*, 20 December 1998.

State preferences and conflict strategies

Argentina

Argentina escalated the dispute in late 1977 and again in late 1978. In both instances, a definitive solution to the conflict was deferred. The escalatory strategy correlated with a moderate-to-high level of capacity on a scale comprising the states of South America and Southeast Asia. Ultimately, the regime was unwilling and unprepared to fight Chile. Argentina accepted the Vatican's intervention on unrestricted terms and, six years later, a settlement of the border that largely corresponded to the arbitration award the entire nation had rejected.

The Beagle Channel dispute turned into a crisis as soon as its legal basis was openly contested. Yet, the junta's rejection of the award was not without precedents. As soon as the arbitration agreement had been signed in 1971, legislators, historians and jurists began to criticise it. According to Lacoste, the regime had no real choice but came to see it as its obligation to declare the award void.⁶¹ At the outset, most relevant actors, including President and Army-Chief Videla, had agreed that dismissing the award was unacceptable.⁶² In January 1977, an Inter-Ministerial Commission created within the Ministry of Defence came to the conclusion that a military action in case of an unfavourable outcome may trigger a larger conflict, which would incur unacceptable costs relative to the importance of Argentina's objective (the bi-oceanic principle). Three months later, however, the same commission concluded that Argentina would have no means to safeguard its interests if military actions were ruled out.⁶³ Thus, Argentina relied on a strategy of "detering and wearing out" Chile to force it to negotiate.⁶⁴

The option to build up military pressure was advocated by sectors within the Navy and the Army. For many marines, there was "no basis for tolerance" after "many years of repeated skirmishes and constant encounters."⁶⁵ The Navy's representative in the junta, Emilio Massera, campaigned for a tougher stance to strengthen his own

⁶¹ Lacoste 2004.

⁶² Estudio de Seguridad Nacional, AHA, Beagle: Documentos Secretos, 1.4, 3/77"S"/77-JEIN-AZ-4.

⁶³ Delimitación argentino-chilena al sur de la Isla Grande de Tierra del Fuego y este del Cabo de Hornos, AHA, Comisión Interministerial, aprobado 15 April 1977.

⁶⁴ Acta no. 39 and Appendix, Junta Militar, 10 November 1977.

⁶⁵ Interview, Buenos Aires, date omitted.

position relative to Videla.⁶⁶ Nationalistic statements also served Videla's competitors in the Army to further private motives. Yet, to reach a settlement of the Beagle question, an actual confrontation was not seen to be a viable option. During the first episode of the crisis both the junta and the Navy formally discarded actions that were judged to involve a substantive risk of military conflict.⁶⁷ Subsequently, Argentina's handling of the crisis was characterized by the attempt to control the escalation.

In several ways, incapacity explains why the conflict was escalated to the point that a military offensive was authorized. The failure to provide leadership, the susceptibility of foreign policy to political infighting and personal feuds, and in some cases simple ignorance of political realities contributed to the militarization of the conflict. Domestic incapacity, however, explains why the 'soft' line eventually prevailed.⁶⁸

By late 1978, the Argentine leadership was convinced that Pinochet would fight before making territorial concessions.⁶⁹ This raised not only the possibility of an extended conflict but also doubts about the country's preparedness. Successful military deterrence reduced the odds of war, but more importantly, Argentina's lack of capacity in several dimensions became evident.

In terms of hard power resources, Argentina could rely on military superiority in overall terms and in the south. It was estimated that it had an advantage of roughly 3:1, with less favourable conditions regarding its infantry and combat engineers. In the south, Argentina counted with better supply lines and a greater number of bases. Since the junta under Videla had taken power, the indexed military expenditures had increased on a yearly basis and it had placed orders for additional planes and naval units in Europe, Israel, and South Korea.⁷⁰ Counting with an aircraft carrier (Chile had none) and a well-developed naval aviation, the marines stationed in the south felt capable of handling any eventualities.⁷¹ Nevertheless, the militaries running the

⁶⁶ Russell 1990, 17-18.

⁶⁷ See, for example, Instrucciones para la Operación de reencendido de la baliza Isla Barnevelt, Comandante Conjunto Zona Austral, AHA, 251630, August 1977; Proyecto de instrucciones políticas para proceder en las islas, AHA, E-0724, 22 August 1977.

⁶⁸ Most analyses of the Beagle crisis highlight divisions between doves and hawks within the Argentine junta as driving factors in the conflict (see Alles 2011; Corbacho 2003). Generally, these accounts fail to explain the motivations of each group, particularly the doves.

⁶⁹ This was the central message Basilio Lami Dozo, then Deputy Chief of Staff of the air force, carried home from three meetings with Pinochet after the COMIX II had ended (interview, op.cit.; see also Acta 11/78, Comité Militar, 30 October 1978).

⁷⁰ CINC; Argentina-Chile: Weapons suppliers, CREST, CIA, *National Intelligence Daily*, 28 November 1978, CIA-RDP79T00975A030900010094-5x.

⁷¹ Details are in Rodríguez 1997, 149-154.

country lacked the belief that they could mobilize for a successful campaign and withstood internal pressures to fight.

I classify Argentina's level of socio-political cohesion in the late 1970s as tending towards low. Traditionally, political society was characterized by internal divisions and a citizenry that directed popular demands at those alternating in power rather than at the state.⁷² The fundamentals for a political identity had further eroded under the violent and exclusionary politics of the dictatorship. At the time of the Beagle crisis, the masses still largely ignored the junta's "Dirty War" (1976–1983).⁷³ Nevertheless, by militarizing the state more than ever before, the regime had eliminated the state's capacity to instil a common purpose. When facing the possibility of conflict against Chile, the commander of a squadron deployed in Bariloche said, his soldiers "stopped standing together and talking, but people thought for themselves: we have ammunition for ten days, and then?"⁷⁴ Within the navy, "there was a feeling of not giving away territory, yet no fervour, no real conviction whose aims this was for."⁷⁵

By 1978, insurgent attacks within the country had effectively ceased to exist. Unwilling to put the "internal peace" at risk, the leadership sought to avoid relocating its resources toward war with Chile.⁷⁶ At the same time, the junta was highly aware of the limited capacity its Process of National Reorganization (*El Proceso*) had built. The Joint Chief of Staff, which voted in the Inter-Ministerial Commission to increase military pressure, cautioned as well that "the problem is too complex for that a rapid solution can be expected [...] because it needs the activation of the national potential."⁷⁷

To activate the national potential, the "pathological nationalism" that drove bellicose statements was not enough. The legitimate mandate to govern needed instead, however, was elusive.⁷⁸ Videla's son, one of three of Videla's seven children who had joined the army, would later say that the Argentines saw war as a matter only of the

⁷² O'Donnell 1984, esp. 21.

⁷³ According to official figures, state terrorism claimed 13,000 lives; human rights organizations put the number up to 30,000.

⁷⁴ Interview Julio Hang, Buenos Aires, 29 November 2012.

⁷⁵ Interview Benito Rótolo, Buenos Aires, 4 December 2012.

⁷⁶ Pastor 1996, 261. Pastor was Argentina's Foreign Minister between November 1978 to March 1981 and Videla's brother in law.

⁷⁷ Estudio sobre estrategia futura, Estado Mayor, AHA IV-III-4, 9 de noviembre de 1977.

⁷⁸ Escudé and Cisneros 2000, vol. XIII, 65.

armed forces: “People applaud, but don’t incline themselves.”⁷⁹ Basilio Lami Dozo, the Air Force Deputy Chief of Staff and later Commander in Chief, stated that “[i]n the Air Force, I had only doves. In the Navy, there was a lack of conviction at the officer level.” This was because “psychologically, we were not prepared.”⁸⁰

The lack of preparedness was structural. Nationalist exhortations and hostile denouncements of Chile’s alleged expansionism had widely been publicized even before the results of the Beagle arbitration had been known.⁸¹ The same regime (under a differently integrated junta) that decided not to go to war against Chile sent the country to fight Great Britain less than four years later. It is widely acknowledged that a key moment that escalated the conflict was the appearance of President Leopoldo Galtieri on the balcony of the Government House.⁸² Public support, including from political opposition leaders, and the crowd that cheered in front of the *Casa Rosada* pushed Galtieri’s confidence to declare that “the people [of Argentina...] will be prepared to punish who dares to touch a square meter of Argentine territory.”⁸³ The war would show that Argentina was not prepared. In contrast to the Beagle conflict, however, preparations to take the Falkland Islands had been made under complete secrecy, while in the case of Chile, even the hawks had months to observe the clearing obstacles to mobilize war resources in a state lacking cohesion.

At the elite level, cohesion was comparatively stronger. The remaining opposition within the country was muted and the political establishment did not, or at least not openly, challenge the regime. The military stood united behind *El Proceso*. Factionalism within the armed forces led Argentina closer to an armed conflict than most in the country felt comfortable about. Nevertheless, political infighting was not (yet) about the form the military’s state-building project was to take, but reflected inter-agency competition, veto politics and personal agendas not unlike in other decentralized polities.⁸⁴

⁷⁹ Interview, Buenos Aires, 22 December 2012. It is worth noting that two thirds of Argentina’s military was conscripted personnel, directly affecting a significant share of the country’s households at the time. In comparison, in Chile conscripts made up for one third of the armed forces only.

⁸⁰ Interview, Buenos Aires, 12 December 2012.

⁸¹ See Venturini 2009.

⁸² Corbacho 2003; Yofre 2011, 269-271; Haig 1984, 282; see also Informe final de Comisión creada por el Decreto presidencial 200/2012 (*Informe Rattenbach*), part II, ch.5, 303.

⁸³ L.F. Galtieri ante la Plaza de Mayo, Repositorio Institucional de la UNLP, <http://sedici.unlp.edu.ar/handle/10915/32471> [last accessed 14.12.2012].

⁸⁴ Pión-Berlin 1985.

Internal disagreements over some aspects of the policy towards Chile notwithstanding, Videla did not push the external conflict to enforce unity. Even the hardliners, to whom he had to make concessions during the crisis, were less determined to fight than they appeared and did not take up the many possibilities to provoke a military engagement.

I classify Argentina's institutional capacity at the time of the Beagle crisis as comparatively strong. Argentina's knowledge base was obviously limited by the legal weakness of its claim, although it is plausible to contend that the junta was never made frankly aware of the dire prospects of the Argentine position. The junta entrusted professionals to negotiate, and while it maintained the final say in the process, the militaries relied mostly on legal experts to sketch out the details. Argentina's strategy of escalation was not clear-cut but counter-balanced in the diplomatic arena. In this context, institutional capacity helped to manage the conflict on the bilateral level. The Foreign Ministry's diplomatic corps had maintained a considerable level of continuity despite the changes under the junta.⁸⁵ In line with its traditionally proactive role, the Foreign Ministry maintained direct communication as management mechanisms broke down in several instances during the crises.

Chile

From the Chilean perspective Argentina's rejection of the award was an explicit threat that was too costly to maintain. Incapable of forcing a military solution, Chile had sufficient domestic capacity to negate substantive concessions. Therefore, I classify its strategy as one of delay. By agreeing to hold talks, Pinochet accepted a partial compromise. Yet, and despite the fact that the junta was willing to include a legally and internationally sanctioned award into the COMIX' negotiation package and the mediation, Chile refused to renounce any of the rights it had been granted in the award. Self-restraint was both a necessity and a choice as Pinochet privileged immediate needs of internal stability.

Unlike in Argentina, the President of the Chilean military junta held more power than the other military branches (the Air Force, the Navy and the Gendarmerie). Pinochet's political line in the Beagle conflict, as succinctly summarized in the mandate given to

⁸⁵ Bosoer 2005.

the Chilean ambassador to Buenos Aires, was followed by all relevant actors: “First, avoid war. Secondly, do not compromise, for any motive, on Chilean sovereignty.”⁸⁶

Throughout the crisis, press coverage was kept to a minimum. The Foreign Ministry proceeded carefully in protesting Argentina’s presence in the disputed areas and collected records into singular notes not to upset the Argentine side. The navy commanders in the south were instructed to hold close contact with their units to avoid situations that could be seen as provocative. The Navy under José Toribio Merino had a generally less tolerant attitude, but also Merino did not take matters into his own hands.

Unless it would compromise on the arbitration award, Chile had limited possibilities to seek a peaceful settlement of the conflict due to its international isolation in consequence of the regime’s human rights violations. At the height of the conflict, Chile asked for an observer mission but its demands went unheard as no-one wanted to be seen as supporting a pariah state.⁸⁷ Any settlement after an armed conflict, however, would have been favourable to a militarily more powerful Argentina. Chile had a significantly smaller and technologically less sophisticated conventional force. The military, debilitated under an international arms embargo, had not undergone any significant modernization since the mid-1960s.⁸⁸ After the Air Force, the Navy was the most severely affected by the restrictions. In 1978, Chile could mobilize only part of its units with great limitations.

Chile’s strategic position was weak given its lack of geographic depth and the difficulty to defend its extensive coast and Andean borders. Moreover, since the 19th century War of the Pacific, Chile has feared a simultaneous conflict with Argentina in the east and Peru and Bolivia in the north (known as *Hipotesis Vecinal-3*, HV-3). The traditional alliance pattern began to show when the situation deteriorated in late 1978. Peru conducted military manoeuvres in the areas bordering Chile, and despite the fact that there was no immediate evidence that Peru would enter a conflict, the junta was concerned that it would take advantage to reclaim territories it had lost in 1883.⁸⁹

⁸⁶ Arancibia Clavel and Bulnes Serrano 2004, 170.

⁸⁷ *La Nación*, 19 December 1978, 1; interview with Ernesto Videla, op.cit.

⁸⁸ Bawden 2013, 528.

⁸⁹ Memcom of meeting with Admiral José Merino of Chile, DNSA, US National Security Council, Gerald R. Ford Presidential Library, 21 July 1976; Roberto Kelly, en misión secreta, *La Tercera*, 15 December 2012.

Chile undertook limited efforts to boost its military capacity. In 1978, conscripts of the preceding year were not graduated, and about 125,000 Chilean *carabineros* received military training.⁹⁰ The military acquired some equipment on the black market, but Pinochet gave priority to maintaining the balance of the state budget. Chile had unrestricted access to the international banking system despite its political isolation. External funding was, in principle, available, yet Pinochet told the junta: “We are not going to spend money and raise debts; if we need to fight, we fight with what we have.”⁹¹

The junta certainly hoped the professionalism of the Chilean forces would make a victory more difficult for Argentina, but there was no doubt that Argentina would prevail in an armed conflict of any scale. With regards to Chile’s domestic capacity, the decision to face a potential conflict from a position of military inferiority allows several conclusions. First, Pinochet doubted whether Argentina would attack (see below). Second, a comparatively high, overall level of capacity allowed the regime to face up to the possibility of an extended conflict, and at the same time limited the possibility to compromise. Indeed, Pinochet’s disposition to fight was not merely a bluff. When the confrontation seemed imminent, he gave order to destroy any adversary ship entering Chilean waters and to use force against any attempt to disembark on Chilean territory.⁹² The military would not make prisoners of war. Pinochet’s determination to accept a military challenge was based on a high level of domestic capital that enabled him maximizing the costs for an external attacker in support of his strategic goals.

Chile’s levels of socio-political cohesion were comparatively high in all dimensions. The stability of the Pinochet regime (1973–1990) was based, on the one hand, on the ruthless efficiency of a repressive apparatus, but also the credit it received for steering the state into socio-economic stability which, in some form or another, large parts of the population were able to benefit from. Both these conditions favoured a strong consensus amongst the elites and a considerable degree of societal cohesion and legitimacy.

⁹⁰ Arancibia Clavel and Bulnes Serrano 2004, 275.

⁹¹ Interview with Fernando Matthei, *op.cit.*

⁹² Sánchez Urrea 2009, 143-44; Scheihing in Arancibia Clavel and Bulnes Serrano 2004, 309.

The scale of repression of the first years after the coup had decreased, but the memory of the violent unrests and the economic collapse of the pre-coup years was still fresh enough for that many Chileans were willing to pay a high price for the restoration of tranquillity. Those with a different vision had either perished or were exiled. Thousands had been killed or died in detention, and possible sources of revolt were suppressed through a skilful distribution of power and competencies. During the months of the Beagle crisis Pinochet's state project was challenged only in July 1978, when the Air Force chief and member of the junta, Gustavo Leigh, spoke with a journalist of the Italian *Corriere della Sera* about a democratization plan for the country.⁹³ Pinochet dealt swiftly with the affair and removed Leigh from office, yet quelling the internal dissent was potentially costly. With Leigh, he had to dismiss eight generals that followed him in the Air Force hierarchy. Another ten senior officers resigned in solidarity.⁹⁴ The move was an obvious debilitation of the Air Force at a time Argentina built up military pressure, and showed a priority for addressing internal stability before external threats.

Pinochet's support in the Beagle conflict extended beyond the group of his political backers. In the late 1970s, the Chilean diaspora in Western Europe numbered close to 30,000 and reached into the hundreds of thousands worldwide. Tellingly, the Chilean representation in Geneva was contacted by citizens exiled in Switzerland who enquired about the situation with Argentina. In case there was a conflict, they would return to Chile.⁹⁵ The same occurred in the United States.⁹⁶ From exile, leaders of the Socialist Party publicly declared their support of the regime, and inside the country the head of the opposition and former President Eduardo Frei Montalva expressed his backing of Pinochet's line. If there were doubts about the nation's unity behind the policy towards Argentina, these were washed away in a nation-wide consultation that gave an appearance of participation.⁹⁷ In January 1978, three quarters of the population that participated responded positively to the question whether they would support Pinochet in the case of an external aggression.

⁹³ Reprinted in *Hoy*, 26 July 1978, 8-9.

⁹⁴ Muñoz 2008, 75-76.

⁹⁵ Interview with Luis Winter Igualt, Chilean delegate at the Office of the UN's High Commissioner for Human Rights, Santiago, 29 October 2012.

⁹⁶ Interview with Mario Artaza Rouxel, a foreign service official who was exonerated by the junta, Santiago, 6 November 2012.

⁹⁷ Brown and Stepan 1988, 17.

This perhaps “only moment of genuine national unity” does not adequately reflect the state’s legitimacy.⁹⁸ A lack of social capacity played an important role for the restraint the government exercised in critical moments of the conflict. Agustín Toro Dávila, a confidant of Pinochet who was sent as a special envoy to liaison with the Argentine junta, thought it evident that conflict between Chile and Argentina would have meant taking a risk that the two sides could not afford: “Both were *de facto* governments, and if it doesn’t go well, that means the end of the government.”⁹⁹ His political calculus was based on the acknowledgement that the legitimacy of the regime’s political project rested on the thin basis of performance. Although it is unlikely that under the same conditions a Chilean government at any other point in time would have compromised on rights awarded to it in an arbitration, it is nevertheless obvious that Pinochet could potentially cede only after a military defeat.

Still, socio-political cohesion was strong enough for the leadership to find itself capable of facing a conflict without having to prepare public opinion. Pinochet had no need to appeal to an image of defending the nation’s interest as even those not embracing the regime saw him “at least [as] an identifiably *Chilean* dictator.”¹⁰⁰

Chile’s institutional capacity was high and its knowledge base firmly located within the formal bureaucracy. More so than the Argentine junta Pinochet relied on the Foreign Ministry and legal experts in dealing with the conflict. Only once, when it became evident that Argentina would reject the award, he resorted to an *ad hoc* measure and sent Manuel Contreras to speak to Videla. The mission, like other unofficial exchanges, added to the flow of communication without achieving substantial results. Pinochet stopped the parallel negotiations at the request of the Foreign Ministry, which feared that outside the formal institutional framework “any madness, such as giving away an island,” could have occurred.¹⁰¹

⁹⁸ Muñoz 2008, 76.

⁹⁹ Interview, Santiago, 3 November 2012.

¹⁰⁰ Collier and Sater 2004, 363.

¹⁰¹ Interview Orrego Vicuña, head of the Chilean negotiation team in COMIX II, Santiago, 25 October 2012.

Dependable expectations of no-war

December 1978 marked a weak moment of no-war community in South America. Although fighting was eventually avoided, the Argentine junta contemplated an attack that by many was seen as the potential onset of a larger armed conflict. In Chile, the leadership sought to avoid any form of military engagement but appeared decided that if conflict was to break out, it had to come to an end on the battlefield and not at the negotiation table. On both sides, trust in the non-occurrence of a large-scale engagement was significantly undermined and yet, the unsettling of community was momentary and eventually confirmed its very basis, that is, mutual toleration based on the recognition of domestic imperatives to avoid war.

In Argentina, the prevailing view had been that Chile was willing to pursue its goals, if necessary, with force. However, the stakes in the conflict were never a question of survival. This was different for Chile, where Argentina's refusal to accept the arbitration award did raise an existential question as Chile has based its territorial claims vis-à-vis all of its three neighbours firmly on treaty rights. The Chileans did not believe that Argentina wanted war, but remained wary of a military attack until Argentina's defeat in the war over the Falklands. Eventually, the lost confidence was regained with the signing of the settlement treaty in 1984.

The conflict was a reminder of the domestic imperatives of no-war. The Puerto Montt agreement, which put an end to the first crisis, had been worked out by a Chilean military delegation together with the Deputy Chiefs of the Argentine forces. It is worth quoting Toro Dávila, who headed the Chilean group:

We talked about how little sense a conflict would make. We would quickly be left without ammunition, and our fleets would be destroyed as well. Our task was to renew the country, but between [Argentines and Chileans] we had this problem how to gain time in the conflict.¹⁰²

Potentially provocative measures in Argentina such as darkening exercises, including in the capital, did not trigger responses on the Chilean side where Foreign Minister Hernán Cubillos later said such actions had little meaning given that the Argentines knew the Chilean planes could not go as far as Buenos Aires.¹⁰³ The leadership was willing to overlook voices demanding to augment military pressure in Argentina

¹⁰² Interview, op.cit.

¹⁰³ In Tapia 1998, 270.

because of necessity, but also because of an understanding that the majority sought to avoid conflict. Pinochet told Videla in Mendoza: “Take charge, you give the orders; [...] With full command you can control those who want war.”¹⁰⁴

Problems between the capitals and sporadic incidents in the south continued after the start of the negotiation process at the Vatican.¹⁰⁵ In 1981, Argentina rejected the Vatican’s proposal for a settlement. Soon after, Argentina’s defeat in the Falkland War sealed the end of the military’s rule. In 1983, elections took place and the new government under Raúl Alfonsín quickly moved to resolve the conflict. The negotiation teams agreed on a draft that would safeguard the primary objectives of both sides. In a compromise that settled on limited maritime spaces around the islands and navigation rights, Chile maintained the PLN group and Argentina was able to uphold the bi-oceanic principle. In 1984, the Foreign Ministers signed the Treaty of Peace and Friendship at the Vatican.

Argentina’s democratization allowed the solution to become the definite one. Alfonsín “wanted to mark the rupture with the past,” and to consolidate democracy and gain investor confidence, the government inevitably had to improve its relations with Chile and Brazil.¹⁰⁶ Argentina disarmed and resolved a list of territorial issues to deny the military the possibility of a political comeback.¹⁰⁷ Before the Treaty was signed, Alfonsín called for a non-binding referendum. An intense government campaign brought seven out of ten Argentines to the polls and over eighty per cent voted in favour of the Treaty.¹⁰⁸ The bill was passed to the House of Representatives and the Senate, where it was adopted in a narrow vote against opposition from the Peronists. In April 1985, the Chilean junta approved the Treaty.

Explaining no-war community

For many, the end of the Beagle conflict and the developments accompanying rapprochement in the Southern Cone marked the start of security community in the

¹⁰⁴ Muñoz 2008, 77.

¹⁰⁵ Memoirs of the negotiation process are Benadava 1999; Bernstein 1984 and Videla Cifuentes 2007 on the Chilean side; Roberto Moncayo 1993 for Argentina.

¹⁰⁶ Interview Dante Caputo, Buenos Aires, 23 November 2012.

¹⁰⁷ Fournier 1999.

¹⁰⁸ A diez años de la consulta del Beagle, *Todo es Historia*, October 1994, 17.

region.¹⁰⁹ I argued that community existed long before. Rivalry within the military establishments coexisted with the recognition that domestic security needs rendered external war undesirable, if not impossible. While the two countries failed to establish a viable *modus vivendi* so long as they had not agreed to their border in the south, they did not believe that war was the way that would eventually settle the boundaries. When Kacowicz writes that peace was ‘upgraded’ from negative to warm peace in the 1990s, he captures the re-establishment of trust through border politics and a successful attempt to put relations between the navies on a new footing. In 1992, Argentina and Chile resolved twenty-two remaining border issues. Another outstanding conflict (Laguna del Desierto) was settled by a regional arbitration tribunal in 1995, and four years later the two countries ratified the boundary line in a glacial area in southern Patagonia.¹¹⁰ In the defence sector, a joint peacekeeping force *Cruz del Sur* was created and cooperation was gradually extended to other areas.¹¹¹ Much of these developments took place under democratic rule, to which Chile returned in 1990. Yet, as I argued in this chapter, the forces at work in the Argentine-Chilean community were those of state capacity.

Domestic incapacity was the fundamental driving factor for the two states to resolve conflict short of war both in 1958 and in 1978. Subsequent democratization opened a window of opportunity that Alfonsín knew to exploit, but it was again considerations of domestic stability that drove the final compromise in the new democracy.¹¹² Weakness also had a conflict-inhibiting effect within the military institution. The failure of the junta’s state building project and Argentina’s declining power diminished the differential between the Argentine and the Chilean armed forces and eventually facilitated the fostering of better relations.

Ideology and military allegiances cannot explain the maintenance of no-war community during the Beagle Channel crises. Participants describe the atmosphere between civilian and military members in the Foreign Ministries as no different and, as I showed, informal exchanges between military special envoys had no decisive impact. Cooperation between the intelligence services, who would have had the greatest overlap of interest, was highly functional. By the late-1970s, Operation

¹⁰⁹ Malamud 2003, 63.

¹¹⁰ In its northern part, this border is still to be physically established.

¹¹¹ Diamint 2010; Rojas Aravena 2002.

¹¹² It is worth noting that in October 1977 Alfonsín was amongst a group of prominent figures who petitioned the junta to reject the arbitration award (Russell 1990, 42).

Condor had lost momentum and far from having created transnational solidarity, the Argentine SIDE advocated a tougher stance on Chile than the inter-ministerial commission had proposed in 1977.¹¹³

The Beagle conflict was also not a case of hegemonic management.¹¹⁴ Although both countries hoped the US would prevent an armed conflict – Argentina called directly upon Washington, Chile prepared to invoke the Rio Pact – the US was neither able nor willing to influence the course of the crises. The US's relation with Chile was strained over human rights violations and in a particularly bad state since the murder of the Chilean politician Orlando Letelier and his assistant by the Chilean intelligence. The US's leverage to influence Pinochet, officials acknowledged, was close to zero.¹¹⁵

Ultimately, the Carter administration did not want to become a direct party to the dispute. Warnings that the US considered war an unacceptable solution to the problem were substantiated by little more than the offer of support through the OAS.¹¹⁶ This proposal was short-lived, however, given that neither Chile nor Argentina accepted and other countries in the region signalled that they would reject a motion.¹¹⁷ Videla acknowledged that US officials played an important role in facilitating the Vatican's offer to mediate; however, as I argued, the acceptance of the mediation was conditioned by domestic imperatives in the first place.¹¹⁸

¹¹³ Dinges 2004; Propositiones de la Secretaria de Inteligencia de Estado, AHA, Comisión Interministerial del Beagle, 8 September 1977.

¹¹⁴ See also McIntyre 1995, 66-67.

¹¹⁵ Memorandum US Ambassador George Landau, FRUS, n° O2045, 23 February 1978.

¹¹⁶ Lanús 1984, 528; Lindsley 1987; 442; Haffa 1987, 141.

¹¹⁷ Cable 1025, Embajada Chile, 13 December 1978, AHA, carpt. 14.4; Russell 1990, 50-51.

¹¹⁸ Videla 1989, 170.

Chapter 7

Ecuador – Peru

To assert its claims over territories in the Amazon basin, Peru invaded and briefly occupied Ecuador in 1941. Ecuador signed a peace treaty in which it accepted the new boundary, but officials soon criticised the agreement and in 1960 it was officially renounced. Before a new treaty was signed in 1998, the two countries engaged in two violent clashes and a brief, undeclared border war in 1995. Given this history, have Ecuador and Peru held expectations that large-scale armed conflict will not occur between them? And if so, what were the bases for trust in the non-occurrence of major war?

In this chapter I discuss the Ecuador-Peruvian territorial conflict in light of the central claims of the thesis. I examine the effects of domestic incapacity in several episodes of the dispute, including the cases of war in 1941 and 1995, and discuss the sources of trust on both sides. The chapter has four substantive parts. After providing the historical background to the conflict, I deal with the war in 1941 and explain why the dispute persisted after the signing of the Protocol of Peace, Friendship and Boundaries in 1942. In the third section I analyse the incidents of 1981 and 1991. I contrast these with the previous war and suggest that in both cases non-escalation should be seen as increasing the willingness for mutual toleration. In 1995, however, community was severely shaken by a month-long fighting around the Cenepa river valley. I discuss the Cenepa War in the fourth section and probe my argument by paying particular attention to the role of incapacity in the conflict and the subsequent peace process. In the concluding section I relate the conflict to the no-war pattern in South America more generally.

Historical background

Soon after independence Peru fought a war with Gran Colombia. The conflict ended with the signing of a peace treaty that included general provisions on the border. When Gran Colombia dissolved in 1830, Ecuador, as one of its three successor states, evoked the treaty and laid claim on the three provinces Tumbes, Jaén and Maynas (*Oriente*). Lima, to which the three provinces effectively responded, rejected the

claim.¹ In 1832, the two countries signed the Treaty of Friendship, Alliance and Commerce in which they agreed to respect their “present limits” until a border convention was signed. Peru interpreted the present limits based on the principle of ownership, but Ecuador argued that these were the limits defined in a series of Spanish colonial *cédulas* from the early times of the Audiencia of Quito.²

In 1887, the two sides agreed to have the conflict arbitrated by the Spanish Crown. Before the arbitration process had come to end, however, Ecuador learned that the provisional award was mostly supportive of the Peruvian thesis.³ When the terms became public in 1910, demonstrations broke out in Ecuador’s major cities. The situation quickly deteriorated until Argentina, Brazil and the United States stepped in to prevent open hostilities. In November, the King of Spain decided to abstain from making a final decision in the boundary dispute.

Peru insisted on a strictly juridical settlement and repeatedly proposed submitting the dispute to the Permanent Court in The Hague. Ecuador, now unmistakably aware of the weakness of its legal claim, sought a political solution instead but signalled it would accept US President Theodore Roosevelt as an arbiter.⁴ During 1934–1935, the two parties held direct talks in Lima and continued these, with the help of the US, in Washington. However, the conferences failed to bring about a solution and both sides reinforced their presence in the disputed areas.

The 1941 war

On July 5, hostilities broke out along the Zarumilla River on the western-most part of the border. Both sides accused the other of having fired first and the conflict spread quickly to other locations along the border.⁵ Within twenty days, Peru dismantled the Ecuadorean frontier outposts. On July 31, Ecuador agreed to a ceasefire on Peruvian terms but Peru took advantage of the situation and launched a blitzkrieg into one of Ecuador’s richest provinces, El Oro. The battle at Huaquillas, which allowed Peru’s

¹ Wright 1941, 265.

² St John 1999, 4-8.

³ Zook 1964a, 366.

⁴ St. John 1977, 329.

⁵ On the military details see Urrutia Suárez 1968 for an Ecuadorean account; for the Peruvian perspective de la Barra 1961.

advance into the Ecuadorean heartland, lasted less than two days.⁶ The army moved largely unopposed to occupy further territories in the Ecuadorean Amazon basin.

Although Peru had taken measures to defend its claims against Ecuador's advances in the disputed territory, it had not prepared for war.⁷ Only if Ecuador was to resist during ensuing talks, the entire armed forces would be mobilized and a settlement forced upon Ecuador. The Peruvian government of Manuel Prado had no intention to sustain a costly occupation, but the involvement of Argentina, Brazil and the US altered its political calculation to impose a final border treaty on Ecuador.⁸ The three countries agreed to designate a military observer mission to guarantee an armistice. Nevertheless, they could do little to prevent that clashes and sporadic incidents continued into September. Until the terms of a final settlement of the border were not agreed, the Peruvian military would not withdraw from the Ecuadorean provinces.

Ecuador feared that war would resume and accepted Peru's terms for a demilitarized zone under the supervision of the mediators. The agreement was formalized in the Talara Convention on October 2, but while it ended the fighting, it left the border conflict unresolved.

Peru's decision to escalate the dispute militarily was taken from a position of growing strength. The Prado administration (1939–1945) marked a period of rapprochement between the traditional elites and one of the most radical alternatives, the American Popular Revolutionary Alliance (APRA). If temporary and to some extent superficial, the Prado years represented the inclusion of a wider array of political ideas into an oligarchic state project that promised successful accommodation of the new social demands.⁹ Prado himself considered Peru's victory in 1941 as the result of a fruitful combination of “wills, civil order in recent years and the sound progress of the nation.”¹⁰

Part of the national development project was the professionalization of the military. After a stunted campaign against Colombia in 1932–1933, the army was painfully aware that its external role had almost been completely neglected and made a

⁶ Pons Muzzo 1994, 186-207.

⁷ Zook 1964b, 161-162. and Ureta in Wood 1978, 67-69. Wood offers a detailed discussion on whether or not Peru's attack was an aggression (175-225).

⁸ Krieg 1980, 102; De la Pedraja 2006, 425, 428.

⁹ Halperin Donghi 1993, 228.

¹⁰ Zook 1964b, 186.

conscious effort to withdraw from internal politics to concentrate on the military's external mission.¹¹ Counting on military superiority and an increasing level of socio-political cohesion, the Peruvian elite had no need to fuel public sentiments for its campaign against Ecuador.¹² This allowed the leadership to escalate the conflict to achieve a definitive solution to the border dispute, without that the government had to risk being pushed into pursuing greater territorial gains.

Following a decade of successful modernization efforts, Peru's military advantage was striking in every regard.¹³ In addition, Peru's rapid victory in the war was aided by Ecuador's sheer unpreparedness. Ecuador, facing indigenous mobilization and the radicalization of its peasant movement internally, lived "in a kind of Andean peace" where nobody expected an external aggression.¹⁴ Deprived of meaningful domestic resources, the government in Quito had no choice other than to agree ending the conflict on Peruvian terms.

Peru's decision to seek settling the border by force met favourable international conditions. Washington's attention was concentrated on the Second World War, and both the United States and Brazil sought to foster hemispheric unity against the axis powers.¹⁵ The mediators, now joined by Chile, had sympathy for Ecuador's position but acknowledged the weakness of its legal claim.¹⁶ Their main concern, however, was to bring the conflict to an end. For reasons explained in Chapter 4, the three South American states each had an interest in supporting the legal codification of territorial possessions and thus joined the US in pressuring for a swift settlement.¹⁷

In January 1942, the conflict was dealt with at the side-lines of the ninth Inter-American Conference in Rio de Janeiro.¹⁸ Unable to face another Peruvian attack, Ecuador agreed to a settlement of the border dispute that left it without a sovereign access to the Amazon. The Protocol of Peace, Friendship and Boundaries provided for the withdrawal of the Peruvian troops behind the border as described in the Protocol, which was a line Peru had unilaterally declared the status quo boundary in 1936.¹⁹

¹¹ Villanueva 1971.

¹² See Wood 1966, 306-309.

¹³ Ibarra et al. 1999, 37-39.

¹⁴ Zook 1964b, 165.

¹⁵ Wood, 157; Welles 1945, 218.

¹⁶ Krieg 1980, 107.

¹⁷ Tobar Donoso 1945, 358, 369-370, 375-378, 409.

¹⁸ See the account of the Ecuadorean Foreign Minister in *Ibid.*

¹⁹ Reprinted in Krieg 1980, appendix I.

The agreement further stipulated that a mixed commission was to demarcate the border and gave Argentina, Brazil, Chile and the US a formal role as guarantors of the provisions. The Protocol was ratified in March 1942, and the technical demarcation commission commenced its work.

Denunciation of the Rio Protocol

New complication arose in 1947. In 1946, the US Air Force had conducted the first aerial survey of the border. In the sector of the Cordillera del Cóndor the survey showed that there was not one watershed, as implied in the Rio Protocol, but two. Therefore, Ecuador argued, the Rio Protocol was un-executable and a new boundary had to be negotiated. Peru insisted that the Protocol had defined the border in all parts, but failed to obtain its definitive settlement. When the demarcation commission halted its work in 1950, it left a stretch of 78 kilometres in the area of the Cenepa River unmarked.

From the outset, the Rio Protocol had met with strong criticism in Ecuador.²⁰ In 1960, the recent President re-elect José María Velasco Ibarra declared the agreement null and void. Subsequent administrations maintained that the Protocol had either no, or only partial validity.²¹ Ecuador sought external support for its claim, yet challenging the validity of an internationally recognized treaty, it failed to secure international backing.²²

Since in 1941 Peru had demonstrated its willingness to use force to defend its claim to the border, no-war community rested on a thin basis. However, had Ecuador seen its survival at stake, it would have pulled its troops back from the border. Instead, the patrols remained in fairly close proximity of each other, and occasional clashes continued.

²⁰ Pérez Concha 1961, 114-116.

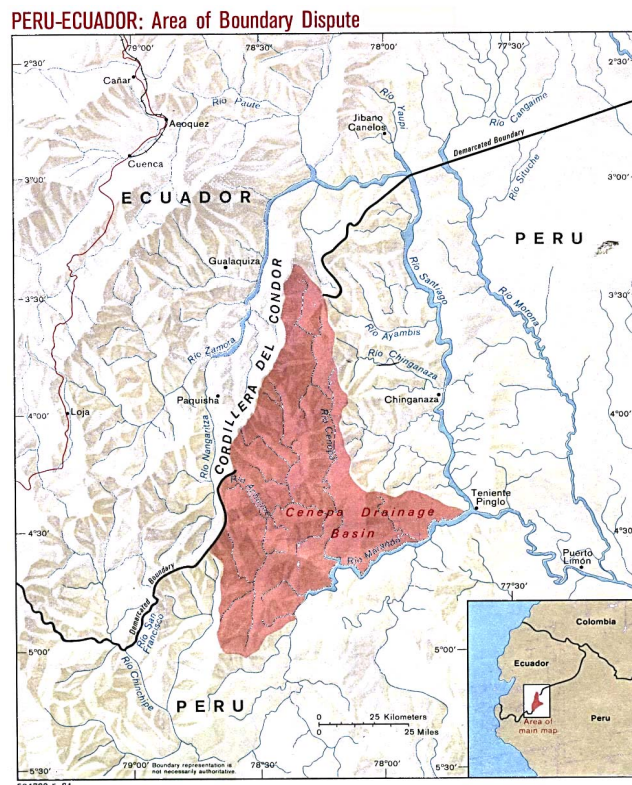
²¹ Mares and Palmer 2012, 35.

²² Ecuador tried to put the issue on the agenda of the UN in 1976, 1980 and 1981. At the OAS, unsuccessful attempts were undertaken in 1959, 1965, 1980 and 1981.

The 'Paquisha' and Pachacútec incidents

In 1981, encounters between the troops on the eastern side of the Condor mountain ridge developed into an armed confrontation that claimed up to 200 lives.²³ Ecuador faced the incident unprepared, and this time Peru did not use its military superiority as a bargaining chip. After barely more than a month of on-and-off fighting, Peru succeeded in driving the Ecuadoreans out of the disputed area and the two parties agreed on a ceasefire agreement.

Map 5. Border Ecuador - Peru



Source: CIA, available at http://www.zonu.com/peru_maps/Peru-Ecuador_Area_Boundary_Dispute_Map_4.htm [last accessed 29.1.2016].

Peru had abandoned its outposts around the Comaina River valley in the 1970s, and Ecuador began to establish a permanent presence in the area.²⁴ In a helicopter incident in late-January both sides accused the other of having opened fire. On January 28, Peru began to attack the Ecuadorean outposts.²⁵ Within less than three days, President

²³ Kacowicz 1998, 81.

²⁴ Tamayo 1995, 44-45.

²⁵ Avery 1984, 69.

Fernando Belaúnde Terry flew the Peruvian flag at the captured side 'Paquisha' and called for a ceasefire agreement.²⁶

In Ecuador, President Jaime Roldós had declared a state of emergency. The border was closed and both sides began the full mobilization of the armed forces. However, the contingents that arrived to the border areas were small. Neither external observers nor the belligerent parties themselves expected that the incident escalated.²⁷ Besides Ecuador and Peru, only five members of the OAS attended a specially convened Foreign Ministers meeting. The American states held the view that the issue was appropriately dealt with by the guarantors, who had met in Brasilia to lay down the conditions of a ceasefire commission.²⁸ Since Ecuador did not recognize the guarantors as part of the Río Protocol, the four states acted as 'friendly nations' under the framework of the OAS.

The ceasefire commission was integrated by the military attachés of the guarantors in Lima and Quito. The group travelled to the border in early February, but as Peruvian troops found additional Ecuadorean outposts in the area, they could do little more than watch as two further Ecuadorean bases were dismantled.²⁹ The Ecuadorean troops offered little resistance, and when Peru threatened that new 'infiltrations' would be considered an act of war, Ecuador's President ordered the armed forces to retreat.³⁰

Ecuador was not prepared for an armed confrontation. Its logistics were not in place to supply a meaningful resistance in the disputed jungle area, and all signs pointed to a rapid easing of tensions.³¹ Peru's absolute superiority in manpower, equipment and air fighting capacity notwithstanding, Ecuador did not expect a strong response to its advances in the disputed area, least a Peruvian invasion.³²

Reportedly, Ecuador's military acted on its own initiative to escalate the incident. Ecuador had ended seven years of military dictatorship in 1979, and the military still wielded political power. Yet, the armed forces certainly did not challenge the

²⁶ Outbreak of hostilities over disputed border area, *Keesing's* 27, March 1981. Ecuador named the outposts Paquisha, Mayaycu and Machinaza, while Peru called the bases surveillance posts (PV-22, PV-3 and PV-4).

²⁷ Cooper 2003; Spencer 1998, 132-133; Bonilla 1996, 4.

²⁸ Frontier war drives another nail into coffin of Andean Pact, *LAWR*, 6 February 1981.

²⁹ Tamayo 1995.

³⁰ Calvert and Allcock 2004, 109.

³¹ Mares 2001b, 174.

³² Spencer 1998, 132.

government's ceasefire negotiations.³³ During their time in power (the longest period of military dictatorship in Ecuador's history), the military had promoted institutional professionalization and greatly expanded its access to state resources. The war experienced of 1941 had influenced the armed forces' reform planning, but the new possibilities were not turned into a military build-up.³⁴

In contrast to 1941, Peru did not use its military superiority to pressure Ecuador to agree to a final boundary settlement.³⁵ Its strategy aimed at sealing the border according to the line specified in the Rio Protocol. Once the Ecuadoreans had been dispelled from the disputed area, the government pulled back most of its troops.³⁶ Similar to Ecuador, democracy had only been recently restored and the government of Fernando Belaúnde Terry held limited control over the military. The failure to include provisions for a definitive border settlement into the ceasefire agreement provoked severe criticism within the Army, but the military did not take the matter in its own hands.³⁷ Despite continuing tensions in the sector of the Condor Mountains, another major clash was avoided.³⁸

At the time of the Paquisha conflict Peru faced an uncertain future. Economic pressures, which had contributed to the military's retreat from power less than a year before, developed into a major economic crisis. From the very day of the elections, the new democracy faced a Maoist insurgency, *Sendero Luminoso* (Shining Path), which would plunge Peru into a protracted guerrilla war. Following the incident over Paquisha, Peru's Army would develop a "border defence mentality" that made finding a *modus vivendi* on the ground difficult.³⁹ At the same time, however, growing internal violence forced Peru to concentrate on the domestic challenge for the decades to come.

During the 1980s, the guerrilla struggle grew in intensity. The internal war reinforced fiscal pressures and an economic crisis, which necessitated a reduction in defence expenditures. Alberto Fujimori, who ruled Peru during 1990–2000, centred the country's defence politics on the insurgents. This led to a marked shift in Peru's

³³ Ibid., 183.

³⁴ Martz 1988, 45.

³⁵ Following the CINC measure, the power differential was larger still in 1981 (2.9) as compared to 1941 (2.1).

³⁶ Bonilla 1999a, 21; Heroes, *Caretas*, ed. 1530.

³⁷ See Mercado Jarrín 1995.

³⁸ Carrión Mena cites twelve significant incidents between 1981 and 1988 (ibid. 2008, 35).

³⁹ Masterson 1991, 283.

strategic orientation and, eventually, a decline of professionalism within the military as it became infested by the corrupt practices of a violent drug war.

In the years following the Paquisha incident, the two sides undertook merely half-hearted attempts to regulate conduct in the disputed area. The status quo was disrupted again in the late 1980s when Peru began to construct the military outpost Pachacútec where the rivers Yaupi and Santiago meet. Only in 1991, however, Ecuador requested the removal of the base and established its own detachment nearby.⁴⁰ The proximity set the precedent for an encounter between the patrols, and in July a clash was avoided only by direct involvement of the two Presidents. The Pachacútec incident was eventually brought to a close when the two Foreign Ministers agreed to redeploy the troops from the border.

The Peruvian Foreign Minister Carlos Torres y Torres Lara said later the so-called Gentlemen's Agreement was a diplomatic victory at a time the state lacked control over two thirds of its territory due to guerrilla activities.⁴¹ He pointed out that not even the prospect of a conflict with Ecuador appeared to invite a sentiment of national unity. In a document that was confiscated few months after the incident, Sendero's leading cadre stated that if war was to occur with Ecuador, the guerrilla would nevertheless continue its "people's war."⁴² The military, the Peruvian Joint Chiefs of Staff reported, was in no conditions to fight an external enemy.⁴³ Instead, the two sides agreed to establish a common security area to avoid further incidents. Although the Gentlemen's Agreement was never implemented, it still served as a sign of good will as both governments sought to foster cooperative relations.⁴⁴

Ecuador used the incident to propose the Pope as a mediator in the dispute. Fujimori, who came to power as Peru was undergoing the "most profound domestic crisis" during its modern history, offered to accommodate the proposal within a settlement procedure based on the Rio Protocol.⁴⁵ In January 1992, Fujimori became the first Peruvian President to pay an official visit to Ecuador. His government undertook a genuine attempt to settle the boundary and offered concessions in commerce and

⁴⁰ Lloret Orellana 2011, 25.

⁴¹ Torres y Torres Lara 1995.

⁴² Reprinted in *ibid.*

⁴³ Boloña Behr 1993, 205.

⁴⁴ Bustamante 1992, 203-205.

⁴⁵ Mares and Palmer 2012, 37.

navigation. However, Ecuador failed to react.⁴⁶ The early-1990s saw perhaps the most significant steps to expand on the thin basis of no-war community between the two countries. Such initiatives, however, materialized only after the 1995 war threatened to erode the fundamentals of community.

The Cenepa War

As discussed in Chapter 3, the Cenepa War was, by all means, a limited war.⁴⁷ Fighting occurred intermittently over a period of 34 days. The clashes were confined to the conflict area in question despite the fact that Ecuador's rejection of the Rio Protocol meant that it did not consider larger stretches of the border as agreed.

Ecuador had begun to fortify its position within the un-demarcated area around the Cenepa River valley from 1991 on. The Peruvian military, although aware of the bases, did nothing to expel the Ecuadoreans for several years. In December 1994, a patrol eventually asked the Ecuadorean troops to leave but the Ecuadorean Army reacted by increasing its patrolling activities.⁴⁸ On January 9, the press reported the first clashes.

The Peruvian Foreign Minister stated in retrospect that these were rather ordinary and would normally have been resolved through direct communication between the ground forces.⁴⁹ Instead of separating the forces, however, both sides prepared for a military engagement.

The Peruvian troops began to construct helipads to prepare dispelling the Ecuadoreans from the area. These sought to counter the military build-up and launched an assault on a Peruvian unit. The Commander-in-Chief of the Ecuadorean Army, Paco Moncayo, confirmed later that attacks on Peruvian bases were interdicted by order of the President not to provoke Peru to step up its operations.⁵⁰ This was exactly what

⁴⁶ Talks with Peru on border dispute, *Keesing's* 38, January 1992, 38717; St John 1999, 32-33.

⁴⁷ The best estimates of fatalities range at 500-1,500. The MID4.01 dataset indicates between 101-250 deaths on each side. Official numbers provided by Ecuador are 31 on the Ecuadorean side and 168 on the Peruvian (Ecuador 1995). Peruvian official sources similarly put the total death count at less than 500, according to the Latin American Association of Human Rights casualties exceeded 500 (Bonilla 1996, 5). Military sources put the estimates significantly higher at 1,000-1,500 (Ibid.; Mares and Palmer 2012, 1).

⁴⁸ Gallardo 1995, 15.

⁴⁹ Goldenberg Schreiber 2000, 32-33.

⁵⁰ Moncayo y su frontera, *Caretas* 1399, 1 February 1996; see also Hernández Peñaherrera 2011, 72, 80.

occurred the day after. On January 27, Peru counter-attacked. Supported by aircraft manoeuvres, the Peruvian forces quickly dislodged the Ecuadoreans from their positions. However, the troops had difficulties to hold them.⁵¹ Ecuador used guerrilla tactics to avoid direct engagements and relied on ambushes and small arms attacks to hold its positions. The Ecuadoreans offered little resistance at the bases *Cueva de los Cayos (Tayos)* and *Base Sur*, but were able to fend off the Peruvian attempts to capture *Tiwinza (Tiwinza)*. The military stalemate ensued until a ceasefire became effective on February 28.

On January 24, Ecuador's President Sixto Durán Ballén called upon the guarantor states to send a military observer mission. Ecuador's National Security Council, however, found that the Peruvian leadership showed greater flexibility after the military's successful resistance in the first clashes, and the confrontations continued.⁵² On January 31, the two sides met with the guarantors in Brazil to discuss a cease-fire proposal. While Peru accepted, Ecuador declined.

The governments in Lima and Quito began to issue contradictory statements, each claiming military victories. On February 11, Fujimori warned of a "dangerous escalation," but after suffering heavy losses, he declared a unilateral ceasefire on February 13.⁵³ This time, Ecuador accepted, but fighting resumed in full strength the week after. Neither side was prepared to take a risk and allow the other to consolidate its position in the disputed area.

At this stage, the guarantors brokered a new peace accord. Signed at the Brazilian Foreign Ministry Itamaraty on February 17, the agreement had little effect at first. Fighting resumed, and for the high number of casualties suffered, February 22 would come to be known as "black Wednesday" in Ecuador. A second ceasefire declaration was necessary to put a formal end to the conflict.

The Declaration, signed at the inauguration celebration of the Uruguayan President in Montevideo, reiterated the terms of the Itamaraty Accord. It defined the steps for the separation of forces and the creation of a demilitarized zone under the auspices of a military observer mission integrated by the guarantor states. Until a comprehensive Global and Definitive Peace Agreement was signed in 1998, the process was

⁵¹ On the details see Fournier Coronado 1995.

⁵² Gallardo Román 2011, 129-130.

⁵³ Ceasefire accepted by both sides, *LAWR*, 23 February 1995.

repeatedly interrupted by troops concentrations, accusations of arms racing and repeated encounters between the soldiers on the ground.⁵⁴ Nevertheless, both the Fujimori administration and the three governments and five heads of state that ruled Ecuador during the time upheld the political commitment to finding a peaceful solution. The sticking point over the un-demarcated border stretch was eventually submitted to arbitration by the guarantors. The new border in the sector of the Cordillera del Cóndor was the old border as defined in the Rio Protocol, but Ecuador was given a one-square kilometre private property on Peruvian ground at Tiwinza, where Ecuador's soldiers had withstood the Peruvian attacks. Since, a new conflict over the border was considered improbable.⁵⁵

Conflict strategies and state capacity

Since the Cenepa conflict is included as a case of war within the framework of the study, I outline the conflict strategies of each state and discuss how these relate to the pattern of war-avoidance.

Ecuador

Unlike in 1981, in the Cenepa War Ecuador successfully defended its bases in the disputed area and in consequence gained the perpetual right to build a memorial to its soldiers at Tiwinza. Despite its military inferiority Ecuador could afford to delay the end of the conflict once the fighting had erupted. Three years later, however, the government ended the protracted crisis with a compromise solution. While the dispute persisted, the perceived risk of a large-scale armed conflict had increased and Ecuador accepted the boundary of 1942 against a symbolic (though therefore no less important) concession.

By gradually extending its presence in the disputed area Ecuador risked a military response. Yet, the leadership signalled its willingness to compromise early on. The same day that Peru launched its military offensive, Ecuador's Foreign Minister explicitly declared that his government acknowledged the Rio Protocol.⁵⁶ In doing so,

⁵⁴ Weidner 1999; for details see Carrión Mena 2008.

⁵⁵ Novak and Namihás 2010.

⁵⁶ Palmer 1999.

the government recognized the continued role of the guarantors until the demarcation of the border was completed.

The Cenepa War was not a pre-meditated conflict. Ecuador was militarily prepared when the conflict erupted and took advantage of the circumstances to defend its position in the claimed territory.⁵⁷ Nevertheless, this does not mean that it necessarily favoured escalation over another strategy in the conflict. There is no evidence of offensive military preparations prior to the outbreak of the hostilities, but quite to the contrary, at that time significant parts of the military were stationed in Quito with instructions to maintain internal order.⁵⁸ Also the news coverage during the months preceding the war contained little talk of the border. Politicians found the dispute useful in their campaigns, but none advocated an aggressive policy.⁵⁹

Ecuador's President Durán Ballén said after the fighting that for all administrations since 1981, the only possibility to reopen negotiations on the border question had been through strengthening the armed forces.⁶⁰ The result was far from a policy effort concentrating the state's resources on the preparation of warfare. The military, once it had returned to the barracks in 1979, naturally focused on duties other than governing and the incidents along the Peruvian border were not the sole, nor necessarily the most important driving factor for the military's reforms.⁶¹

Ecuador's military development was designed based on the expectation of no-war, accepting though the possibility of a military engagement.⁶² In fact, the Ecuadorean leadership was ready to offer military resistance precisely because it saw little danger that the fighting would develop into a full-scale conflict. According to Mares, Ecuador sought to hold its position long enough for a third actor to intervene in order to negotiate a border based on the new situation on the ground.⁶³ Ecuador's expectation of no-war, however, did not rest on the presence of the guarantor states and the end of the fighting was the result of self-restraint. The guarantor's military mission arrived only weeks after the hostilities had ceased and carried a mandate to

⁵⁷ Spencer 1998, 134.

⁵⁸ English 1995, 142.

⁵⁹ Telephone interview with David Mares, 23 May 2013.

⁶⁰ Presidente de Ecuador confirma cuatro años después el armamentismo, *Diario Gestión*, 5 March 1995.

⁶¹ García Gallegos 1995; telephone interview with Adrián Bonilla, 18 April 2014.

⁶² Bonilla 1996, 4.

⁶³ Mares 2001b, 171; see also Mares 1996, 117, 119.

oversee, but not to enforce the ceasefire agreement.⁶⁴ While observers acknowledge the guarantors' facilitating role in the final settlement of the conflict, they also widely agree that the parameters for their action were firmly set by the disputing parties.⁶⁵ Ecuador had no good reason to believe that the guarantors would take decisive steps in case of renewed armed clashes. Rather, it grounded its belief that Peru would not launch a full-scale attack on the observation of domestic vulnerability in the neighbouring country.

Several conditions could have led Quito to assume that Peru would opt for a decisive strike. On April 9, presidential elections took place in Lima and Fujimori's main opponent, former UN-Secretary General Javier Pérez de Cuéllar, advocated a hard line against Ecuador.⁶⁶ Peru was no longer in a condition that tied its attention to maintaining domestic stability. *Sendero Luminoso* continued to stage sporadic attacks, but the effects of Fujimori's hard hand had shut down most of the guerrilla's activity. A harsh adjustment program had reversed the worst effects of Peru's economic crisis, returned investments to the country and made the economy grow at record rates.⁶⁷

These factors had apparently little effect on Ecuador's assessment of the available policy options. Instead of fearing an aggressive response, the military command believed that the moment was propitious for it to escalate the conflict at a relatively low risk because the Peruvian armed forces were weakened.⁶⁸ The reasons cited were the politicization of the military under Fujimori, the influence of corruption, and a state of demoralization after a decade of fighting drug cartels and the guerrilla. More than a mere balance of capabilities, these considerations hint at a deeper understanding of Peru's internal situation.

The final settlement was reached under President Jamil Mahuad. Mahuad took office in August 1998 after a severe, months-long political crisis that had culminated in the impeachment of President Abdalá Bucaram. Faced with rapidly declining popularity, during his time in office Bucaram had not played a nationalistic card against Peru but took steps towards the resolution of the conflict.⁶⁹ Ultimately, it was the awareness

⁶⁴ Weidner 1999.

⁶⁵ Palmer 1999; Simmons 2005.

⁶⁶ Mares and Palmer 2012, 76.

⁶⁷ Orias Arrendodo 2005, 71-72.

⁶⁸ Mares 2001b, 171.

⁶⁹ Bonilla 1999b, 80-81.

that the prolongation of the highly militarized situation was unsustainable that led Ecuador to accept a compromise solution.

Peru

The Peruvian leadership sought to bring the conflict to an end as soon as possible. Finding itself unable to push the Ecuadoreans out of the disputed territory, Peru compromised in handling the crisis. Extending the conflict theatre would have allowed it to bring its military superiority to bear, but instead the leadership imposed a restrictive information policy not to fuel public excitement especially during the first week of clashes.⁷⁰ When the government realized that there was no rapid solution to the conflict Fujimori declared a ceasefire and accepted to negotiate while Ecuador was still holding its position in the disputed area. By signing the Itamaraty Accords, Peru acknowledged the existence of a dispute in the first place and committed to a negotiation process.

The idea of a generalized conflict on Ecuadorean territory had a historical precedent since the war in 1941. Edgardo Mercado Jarrín, one of Peru's most important military strategists and cabinet member during the military regime in the 1970s, developed a thesis in which Peru would enforce the recognition of its claimed Amazon border by occupying a 'territorial security' (*prenda territorial*) in Ecuador. Although widely known, the idea never developed into a political one. During the Cenepa War, the Army contingents mobilized in Tumbes were not allowed to engage the Ecuadorean troops. In late April, Fujimori explicitly ruled out that the border was settled by force.⁷¹

Peru acted from a position of relative strength. The government was able to fully mobilize the armed forces even though preparations for a full-scale conflict would have required time since the military was structurally focused on counterinsurgency. Peru's institutional capacity was greater than Ecuador's. Both countries had developed extensive resources given the long-standing conflict and yet, Peru had a greater ability to translate its position into an actual policy. Most specialists, including Ecuadorean foreign affairs officials, acknowledged that Peru had a stronger legal case

⁷⁰ Lima lets Quito make the running, *LAWR*, 9 February 1995.

⁷¹ Marcella 1995, 21.

based on the Rio Protocol.⁷² In addition, Ecuador's objections to the Protocol had been inconsistent and shifting between arguments based on the nullity and inapplicability theses.⁷³

Peru also displayed a fair degree of socio-political cohesion. Fujimori had consolidated his authoritarian rule in a 'self-coup' (*auto-golpe*) in 1992, and the country accepted the price of repression under the shock of the political and economic turbulences of the preceding years. Yet, soon after the Cenepa War, the thin basis of legitimacy began to dwindle. Internal vulnerability and declining capacity had important effects on how Peru handled the conflict.⁷⁴

Peru's chaotic situation of the late 1980s and early 1990s brought Fujimori, then still a political outsider, to power. To regain internal control, Fujimori undertook a deliberate attempt to improve relations with all of its neighbours, a policy he maintained until his resignation in 2000.⁷⁵ There is no doubt that 1995 saw an armed conflict also because Peru was unwilling to renounce a military strategy. Lima would not compromise in the final settlement; however, neither was it willing to resolve the conflict by a full-scale war.

This position was not exclusive to the President. Fujimori sustained his claim to power by a political alliance with the military, and by 1995, loyal officers occupied most key positions. Nevertheless, Fujimori's control was not unlimited.⁷⁶ The alliance was built on agreement over political authoritarianism coupled with economic neoliberalism, being the key issue the state's response to the guerrilla. With economic recovery and the gradual restoration of internal stability, the conflict with Ecuador had the potential to drive a rift between Fujimori and his loyalists in the armed forces. Yet, the option to escalate the fight beyond the disputed territory was not debated within the military.⁷⁷

One reason for the armed forces' rather coated stance was its declining capacity in terms of material resources and professionalism. The military sent specially trained forces to the combat area, but most of Peru's experienced troops were deployed in the

⁷² Palmer 1997, 111.

⁷³ Bonilla 1996, 7-9.

⁷⁴ Orias Arrendodo 2005, 72-75.

⁷⁵ Simmons 1999, 11.

⁷⁶ Obando 1996.

⁷⁷ Telephone interviews with David Mares and Adrián Bonilla, op.cit.

counterinsurgency. Fujimori and Vladimiro Montesinos Torres, his most important confidant and then head of the intelligence service, had dissolved several effective units and replaced capable commanders with their cronies.⁷⁸ The resulting loss of capacity, as Peruvian officers claimed, led to the failure to defeat the Ecuadoreans at several of their bases in the disputed area.⁷⁹ In addition, it is plausible to assume that it strengthened the belief that war was not a viable option. Declining capacity, thus, had a conflict-inhibiting effect in the Cenepa War.

Explaining no-war community

The case of Ecuador and Peru neatly confirms the thesis that internal security needs rendered war an option too costly to be considered a viable policy strategy. Both the wars of 1941 and 1995 revealed the limits of domestic capacity for external warfare in South America. The trickier question is how the violence of 1981 and 1995 fits into the analysis of conflict strategies in relation to state capacity. Consistent with the proposition of no-war communities, both cases show that force was still considered a viable policy tool, although only to achieve a limited set of goals. In this chapter I sought to show that the immediate cause of the Cenepa War was not the deliberate escalation by either side. Ecuador, as the weaker party, accepted the risk of dealing with the dispute in the military arena precisely because community was in place. The way the border dispute had been dealt with since the conclusion of the Rio Protocol assured Ecuador that Peru was not prepared to repeat the action of 1941.

The perceived need for external defence influenced security planning both in Ecuador and in Peru, but the resulting efforts were indeterminate. In Peru, internal instability mainly, but not only due to the guerrilla, prompted the leadership to concentrate on attending domestic needs. Its main external threat has been a comparatively stronger Chile to its south, yet it is striking still that the conflict with Ecuador triggered hardly any measures to enhance control over the Ecuadorean border.⁸⁰

Ecuador, facing less destabilizing conditions, was able to implement some of the lessons learned from its military shortcomings in 1941 and 1981. In 1995, it was clear though that the government did not expect a major armed conflict. Instead, Ecuador

⁷⁸ Fuertes 2004.

⁷⁹ Los errores de la guerra, *Caretas*, 1354 and 1357, 6 April 1995.

⁸⁰ Tulchin and Fonseca 2010, 23.

offered military resistance counting on Peru to negotiate. Ecuador's calculation did not rest merely on an immediate observation of incapacity but on the shared understanding of no-war community. Eventually, these expectations were proven right.⁸¹

According to Obando, by 1995 the Peruvian military "had accepted it as a valid notion that war within the hemisphere was obsolete."⁸² Did the Cenepa conflict change this belief and erode no-war community within the region? Ultimately, the limited nature of the war and the fact that it led to the signing of a new border treaty confirmed the general pattern. A military historian related the lessons of the conflict to what he describes as

the fundamental characteristic of warfare between countries in Latin America [...] [G]overnments have been most reluctant to allow wars to impose solutions on international disputes. In Latin America, diplomacy and negotiations have been given every chance and every benefit of doubt [...].⁸³

The Cenepa War increased the likelihood of a future incident leading to worse and prompted the two sides to agree on a final settlement. The geographical conditions of the border had made clashes more likely as compared to the other South American case studies. Minor provocations were easier to cover up in the thick jungle while the limited sight made it more difficult to obtain certainty over the intentions behind the actions of the other side. Over decades, Ecuador and Peru had failed to find a viable *modus vivendi* on the ground. Only after the border was settled new cooperation initiatives, including in the defence sector, materialized, putting no-war community on a more solid footing.⁸⁴

⁸¹ Mares 2001b, 171, citing personal interviews.

⁸² Obando 1999, 97.

⁸³ De la Pedraja 2006, 433.

⁸⁴ Novak and Namihás 2010.

Part III: Southeast Asia

Chapter 8

Not quite informal: Borders, conflict and state formation in Southeast Asia

One of the Southeast Asian states' much-cited principles is the intention to create unity in diversity. The slogan is firmly attached to ASEAN, often seen as a unit of initially disparate states, which succeeded in finding and perhaps creating a number of commonalities that allowed the members of the organization to manage internal conflict. In fact, war has not occurred between any two members of ASEAN since its creation in 1967. Prior to its foundation, Indonesia had launched a low-intensity campaign of Confrontation against current-day Malaysia and Singapore. Similarly, Vietnam and Cambodia experienced war in the late-1970s before joining the organization. As discussed in chapter 2, it is suggestive thus to attribute the absence of major interstate war in the region to ASEAN and its ostensive idiosyncratic characteristics. However, in this chapter I argue that there was a Southeast Asian "cognitive prior" to ASEAN unity, a set of common existing beliefs and conduct of statecraft that span the entire region and which gave rise to no-war community: the lack of domestic capacity to sustain external warfare after Southeast Asia gained independence.¹

In line with existing explanations of how ASEAN helped to avoid war my argument acknowledges that community was reflected in and accompanied by the development of ASEAN. Yet, I shall argue that ASEAN has primarily been a product *of* rather than a cause for peace. Southeast Asia's no-war community emerged outside the organizational framework of ASEAN and therefore, its role in interstate relations needs to be seen as one response amongst others to the domestic incapacity to wage war. Member states used the language of the ASEAN-way to mitigate tensions between them but mutual assurances took other forms as well. Ultimately, no-war remained largely a fact by necessity.

To say that ASEAN had a distinctively consensus-seeking, informal way of dealing with interstate conflict was in many ways a simple rationalization of how much ASEAN was able to achieve. Put differently, the ASEAN-way reflected how little the organization could in fact contribute to resolving conflict between its members. There is little doubt that the ASEAN discourse fostered the idea of a grouping of states

¹ Acharya developed the concept of cognitive priors (Acharya 2009b, 21, 145).

bound together by the desire to avoid war. Yet, in order to explain how Southeast Asian states came to share this understanding and chose to cooperate, it is necessary to take the domestic origins of no-war community into account.

This chapter is divided into two sections. I begin by situating ASEAN within the context of Southeast Asian security. The ASEAN literature provides a detailed history of the organization and the debates about ASEAN's relevance are well documented elsewhere.² Nevertheless, it is necessary to clarify the role of the organization and what it came to embody with respect to no-war community because, as Natasha Hamilton-Hart rightly notes, the study of Southeast Asian security has become commensurate with the study of ASEAN.³ After highlighting the domestic bases of Southeast Asian unity in the first section, in the second section I describe Southeast Asia's regional way of institutionalizing the no-war pattern. Like *legalismo* in South America, the notion of the ASEAN-way of peace cannot explain the emergence of community in Southeast Asia and yet, it was a means to strengthened dependable expectations of no-war. Like *legalismo*, the ASEAN-way was also less coherent and region-specific as often displayed. I scrutinize the notion of the ASEAN-way and, in particular, the characteristic of informality in the context of border politics in the region. Finally, by taking a closer look at the role of international law, I address the question why there was no *legalismo* in Asia but why a distinct, ASEAN-related discourse emerged. The concluding paragraphs summarize.

ASEAN within Southeast Asia's no-war community

ASEAN is the product of extra-regional factors and intra-regional peace. The organization was founded in 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand to create a regional international environment that would allow the group of non-communist states to develop. The motives that led to the creation of ASEAN were multiple and each of the founding-five saw different benefits in joining together. In the first place, however, it was the resolution of bilateral conflict that made ASEAN possible, not *vice versa*.

² On ASEAN's history and development see the memoirs of Severino 2006 and the contributions in Sandhu et al. 1992. On the debates over ASEAN's relevance Acharya 2009a; Jones and Smith 2007; Tan 2006.

³ Hamilton-Hart 2009, 60.

Under President Sukarno (1942–1967), Indonesia waged *Konfrontasi*, a low-intensity military, diplomatic and economic campaign against Malaysia, which had gained its formal independence from British colonial rule in 1957. The decolonization plans foresaw the creation of a new Federation of Malaysia by joining the Federation of Malaya (now West Malaysia), Singapore, Brunei and the British protectorates of Sabah and Sarawak (now East Malaysia). Sukarno saw Indonesia's role in the region challenged and behind the Federation, he feared, stood a neo-colonial attempt to secure Britain's imperialist interests in the region.⁴

Indonesia was ridden by a political and economic crisis, which deteriorated further as *Konfrontasi* dragged on. The worsening internal situation gradually empowered a conservative, anti-communist elite around Strategic Reserve Commander Major General Suharto. While Sukarno was still in office, the Indonesian army officers around Suharto began secret talks with Malaysian officials to end *Konfrontasi*.⁵ The Bangkok talks paved the way to a formal peace treaty once Sukarno was forced to step down in 1966. The year after, Suharto was named President. He moved swiftly to implement a "New Order" policy, and to allow the regime to concentrate the state's resources internally, Suharto had to buy external peace. Seeking to revive a devastated economy, Indonesia needed international aid in support of domestic reforms.⁶ The New Order regime re-joined the UN and demonstrated its willingness to exercise self-restraint within the region by committing itself to regional cooperation under the new ASEAN framework.⁷

ASEAN was not thought of as an exclusive organization, nor was it clear who should be the members of the organization. Its founding Declaration stated its openness "for participation to all States in the South-East Asian Region subscribing to [ASEAN's] aims, principles and purposes," none of which included a political criterion.⁸ Burma and Cambodia were asked to join but declined the invitation. Another proposal envisaged the membership of Sri Lanka.⁹ Laos and South Vietnam were present at a Ministerial Meeting in 1969, but the Democratic Republic of Vietnam (North

⁴ Mackie 1974.

⁵ Pour 1993, 263-286.

⁶ Anderson 1983, 488; Malik 1968.

⁷ Antolik 1990b; Leifer 1989, 153-154.

⁸ ASEAN Declaration, 1967, available at <http://www.asean.org/news/item/the-asean-declaration-bangkok-declaration> [last accessed 2.7.2015].

⁹ Severino 2006, ch.2.

Vietnam) was more suspicious towards the association's political and military alignment and simply ignored the ASEAN states' initiatives to foster closer ties.¹⁰

The basic problems ASEAN sought to address were shared across Southeast Asia. As Gordon writes, from the very days of independence the region's leaders were highly aware of similar problems at home, the widespread incidence of conflict between them and Communism as a major emerging political force – whether it was supported or not.¹¹ In Burma, Thailand, the Philippines and Indonesia, states were unable to accommodate minority groups. However, these and the communist movements that challenged the existing structures were only the most visible threats to the newly independent states. According to Singapore's senior diplomat Mushahid Ali, in the first meetings ASEAN leaders

were telling each other how things were done in our countries, how we ran state administrations – and people were quite astonished about the differences.¹²

The lack of domestic capacity was glaring both in the communist and the non-communist parts, and Southeast Asia's elites were familiar with each other's challenges across the ideological spectre. Malaysia, for example, brought South Vietnamese bureaucrats to Malaysia for training and Singapore sought ways to foster trade relations with the DRV. Nevertheless, elites were suspicious of each other. Eventually, Vietnam's invasion of Cambodia changed the prospects for the development of no-war community.

ASEAN had been an association on paper until the dynamics of the Cold War cemented Southeast Asia's ideological divide. Its first significant output was the Treaty of Amity and Cooperation (TAC) produced at ASEAN's first summit in 1976. Shortly after, with Vietnam's troops at its doorstep, ASEAN became what critics labelled a “one-issue organization.”¹³ ASEAN's main activity and purpose became the attempt to influence the fate of Hanoi-controlled Cambodia and to achieve Vietnam's withdrawal.

¹⁰ Huynh Anh Dũng 1995, 12-13. For Vietnam's position see a self-critical assessment of Tran Quang Co Tran Quang Co 2003, 12, 14.

¹¹ Gordon 1966.

¹² Interview, Singapore, 9 October 2013.

¹³ Caballero-Anthony 2005, 103.

Vietnam's Đổi Mới reforms opened the way to bilateral rapprochement with the ASEAN states. The foreshadowed end of the 'Cambodia problem' was formalized in the Paris Peace Accords in 1991 and Vietnam, looking for new economic possibilities and a political ally in substitute of the Soviet Union, joined first a number of regional organizations and subsequently ASEAN. Laos, Myanmar and Cambodia followed suit. The realization of the 'one Southeast Asia idea' brought the new group (CLMV) into an institutional framework that allowed Southeast Asia to cooperate. More than a new desire to work together, it was the formal death of the idea that the two blocks were in conflict which led to a number of bilateral and multilateral cooperation initiatives.

Scholars and ASEAN leaders have claimed that the CLMV group was integrated into the organization by a process of socialization into the ASEAN-way.¹⁴ The CLMV countries, however, did not sign up to new international norms nor change their diplomatic cultures. Instead, what became the most tangible platform of ASEAN unity was domestic capacity building. Accession required the CLMV group to create ASEAN departments within their bureaucracies and to promulgate economic regulations for market integration. ASEAN's history was integrated into the courses for the incoming generations of diplomats and school curricula were updated to promote language training in English, ASEAN's official language. The established ASEAN-6 offered resources and best practices.

Since the early 1990s, ASEAN has been in the driver's seat of several broader regional initiatives and track-two fora in the economic and political-security realm. These include the ASEAN Regional Forum (ARF), the ASEAN-Plus process and the extended ASEAN Defence Ministers Meetings (ADMM). ASEAN officials claim that the activities of the regional bodies amounted to more than one thousand annual meetings by the end of the first decade of the 2000s. The regional dynamism strengthened dependable expectations between individual states in some cases as these summits frequently served to deal with bilateral issues on the side-lines. The ASEAN states established hot lines at the ministerial level and between their defence forces. Yet, in times of crisis, mobile phones were often switched off and the successful management of conflict came to depend on factors other than the ASEAN-promoted regional mechanisms.

¹⁴ Acharya 1998b; Tuan 1996.

Post-Cold War ASEAN is not an organization anymore in which states are “simply forced to trust each other.”¹⁵ ASEAN facilitated the fostering of community in providing a framework in which mutual commitment signalled the common desire to avoid large-scale armed conflict. Nevertheless, the foundations of no-war community both preceded the organization and remained those anchored in bilateralism based on the mutual observation of domestic incapacity to wage war.

The ASEAN-way of territorial peace

The avoidance of war in Southeast Asia is commonly attributed to a distinct, ASEAN-way of conflict management. The many definitions of the ASEAN-way refer to its origins in traditional Asian values, especially the Malay practices of consultation (*musyawarah*) and consensus (*mufakat*), and to a set of principles that include non-intervention and the peaceful settlement of conflicts.¹⁶ Non-violent conflict-settlement is achieved through the down-playing of existing disputes and the prevention of new conflict by an informal, personal, and accommodating style of interaction. The region’s leaders used the notion of the ASEAN-way as a diplomatic tool to promote peaceful relations, but it has little analytical purchase in explaining the management of territorial disputes short of war.

ASEAN has no direct role in bilateral conflicts and never claimed to have such. Michael Leifer called it a “category mistake” to speak of an ASEAN peace process, although he acknowledged that ASEAN’s mode of activity was an “informal process of confidence-building and trust creation” that helped to avoid conflict.¹⁷ Similarly, Malaysia’s long-term Foreign Service official Ahmad Fuzi Haji Abdul Razak stated that it would be “simply a waste of time” burdening ASEAN with bilateral disputes given that these do not affect the organization’s workings.¹⁸ ASEAN’s benefit has been its ability to bracket the ups and downs of bilateral relations, not because of a commitment to a specific, ASEAN-promoted way of conflict management, but because there exists an understanding that disputes between its members will not be allowed to escalate into major armed conflict. As such, the maintenance of ASEAN’s relative autonomy from internal squabbles was possible despite the fact that its

¹⁵ Interview with Kwa Chong Guan, Singapore, 19 August 2013.

¹⁶ Askandar 1994; Busse 1999; Caballero-Anthony 1998; Solidum 1982; Snitwongse 1998.

¹⁷ Leifer 1999.

¹⁸ Interview, Kuala Lumpur, 15 November 2013.

members often did not adhere to the proclaimed principles. This allowed the discursive creation of an international grouping bound together by an ASEAN-way of interstate relations.

ASEAN-informality

It is commonly acknowledged that many of the ASEAN-way's features are not unique to the organization but global, international principles. Yet, it is debatable even whether those procedural norms and standards that are cited to set the region apart play a specific role in dealing with territorial disputes. I relate the following discussion to Amitav Acharya's widely-cited work as it is the most comprehensive attempt to theorize about the ASEAN-way. Accordingly, the perhaps most "distinctive characteristic of ASEAN's political and security framework is its *ad hoc* and informal nature."¹⁹ Further, Acharya suggests,

[u]nlike regional multilateral organizations in Europe, Africa and Latin America, ASEAN's approach to conflict resolution rests on an assumed capacity to manage disputes within its membership without resorting to formal, multilateral measures.²⁰

And,

the ASEAN way is associated with a high degree of discreteness, informality, pragmatism, expediency, consensus building, and non-confrontational bargaining styles which are often contrasted with the adversarial posturing and legalistic decision-making procedures in Western multilateral negotiations.²¹

These claims are debatable. As Part II of the thesis showed, it is difficult to maintain that South America's no-war community is the product of formalized security relations, especially in a multilateral setting. On the global level, the UN General Assembly adopts resolutions by consensus and similarly, the vast majority of decisions adopted in the Security Council passes via consensus already since the time of the Cold War.

ASEAN's notion of informality can also not be put on equal terms with a reluctance to rely on international law or legal settlement procedures, both generally and within

¹⁹ Acharya 1996, 186.

²⁰ Acharya 1998a, 211.

²¹ Acharya 1998b, 58.

the region.²² In 1951, Indonesia and the Philippines signed a Treaty of Friendship stipulating that disputes “which cannot be satisfactorily adjusted by diplomacy or through mediation or arbitration” shall be referred to the ICJ (article II). As early as 1959, Cambodia asked the ICJ to determine the ownership of the temple of Preah Vihear at its border with Thailand. Malaysia went twice to the ICJ over territorial conflicts, in 1998 with Indonesia and in 2003 with Singapore. Tellingly, it was Indonesia’s long-term leader Suharto who decided to submit an islands dispute to the court, against the advice of his Foreign Ministry. Suharto was the foremost representative of Indonesia’s Javanese elite, which is said to have stamped its consensus-culture onto the ASEAN-way of conflict management.²³

Informality and consensus-seeking have neither been more prominent in ASEAN than elsewhere, nor have these principles been applied consistently to deal with disputes between its members. The notion of a distinctive ASEAN-way was a deliberate effort to reassure states of their mutual desire to avoid large-scale armed conflict between them. As I argue in the following section, Southeast Asian states have not been disinclined to rely on international law and legal mechanisms of dispute settlement provided they wanted to resolve territorial conflicts. In contrast to South America though, a radically different international environment altered the incentives to deal with pending disputes and created fewer possibilities to settle them by judicial means. It was thus the notion of informality that came to describe how Southeast Asian states institutionalized the no-war pattern in dealing with each other.

Border politics and the role of international law

Unlike in Latin America, the principle of *uti possidetis* was not formally laid down in Southeast Asia as a concept to define the borders of the newly independent states. Pre-colonial conceptions of frontiers related mostly to peoples’ allegiances and rarely to territories.²⁴ Nevertheless, Southeast Asia’s contemporary borders are broadly those drawn at the beginning of the 20th century and all states embraced their inherited boundaries when they became independent. The idea to create a Greater Indonesia

²² Syatauw 1961.

²³ Leifer 2000, 75.

²⁴ Lee 2011.

(*Indonesia Raya*) was no longer advocated at the time of *Konfrontasi*.²⁵ The Philippine's claim to Sabah was not an irredentist claim either, and in legal terms it has been framed as a different interpretation of *uti possidetis*.²⁶ During the Second World War, Thailand sought to reclaim territories from the northern Malay states, from British Burma and the French protectorate of Cambodia. To allow its accession to the UN, however, Thailand returned three provinces of Cambodia that it had occupied during the war.

Southeast Asia's territoriality politics were as formalistic as elsewhere in the world. The Philippines and Indonesia played an active part in the UNCLOS negotiations where they achieved the international codification of the archipelago principle. When a century earlier South American states promulgated bilateral treaties to pledge territorial integrity and peaceful settlement of conflict, the newly independent ASEAN states signed the TAC. Vietnam concluded a border treaty with Laos (1977) and sought to do the same as part of an international friendship agreement with Democratic Kampuchea. The Politburo failed to settle the border, however, as the friendship idea alienated the Cambodian communists.²⁷ For Vietnam, the treaty was likely an attempt to assure the world that its army would stop at the new border of former South Vietnam. For the Cambodians, and for most non-communist states, it was wrongly seen as proof of Vietnam's bid to create a political federation that challenged the idea of the territorial state (see Chapter 11).

Vietnam was able to formalize the border with Cambodia after it had replaced Pol Pot in a massive military campaign by a Hanoi-friendly administration. However, the invasion drove the final rift into the region and the border, instead of providing security, was henceforth challenged on the grounds of legitimacy.

The Cold War prevented states belonging to different ideological blocks from attending pending boundary disputes. Within the Western-leaning part, the necessity to close ranks against the communist threat provided an additional incentive to delay addressing border questions. Delaying was not the result of a traditional culture, nor a commitment to what emerged as the dominant practice in Southeast Asia. International law was a Western concept the newly independent states could not claim

²⁵ Mackie 1974; Leifer 1978, 14; on Indonesia and East Timor see Leifer 1976, 349.

²⁶ See Garner Noble 1977.

²⁷ Heder 1979a, see also Chapter 11.

ownership of such as the advocates of LAIL had done. There was no Southeast Asian Drago or Calvo. Arbitration was no longer the international standard of resolving disputes, and legal settlement thus not a practice that could be claimed to identify a Southeast Asian commonality. It is perhaps no coincidence that the ASEAN-way, contrasted with the purported Western-style formalism, has come to be identified based on a set of principles that reflects ideas emanating from Indonesia, where colonialism had driven a strong nationalist and explicitly anti-Western movement. In contrast, there are few statements about the ASEAN-way delivered from the Thai foreign policy elite, which was equally instrumental for ASEAN's development but leaning far closer especially to the US than Indonesia.²⁸

Conclusion

In this brief overview of Southeast Asia's regional dimension of conflict management I placed the bilateral foundations of no-war community within their international context. My argument is compatible with the views that the mechanisms characterized as the ASEAN-way have contributed to the avoidance of war, and that the notion of the ASEAN-way helped to foster the idea of ASEAN unity. However, I claimed that the ASEAN-way provides few insights into why Southeast Asian states made use of these resources in the first place. The notion of the ASEAN-way is inconclusive in itself. Moreover, it is difficult to apply to the management of territorial disputes in the region, which appeared just as (in)formal as elsewhere.

Internally, for the founding fathers of the organization the notion of the ASEAN-way carried a negative connotation and described the limitation of its members to agree on more than the smallest common denominator.²⁹ Highlighting informality in dealing with interstate conflict was at times an excuse for the region's policy-makers and most often a tool of regional diplomacy to appeal to Southeast Asian unity. As such, it strengthened dependable expectations of no-war. The ASEAN-wide community, however, regardless of how developed it is seen as today, has a logical prior in a Southeast Asia-wide no-war community based on the commonalities of domestic incapacity. In the following case study chapters I examine the emergence of community between two of ASEAN's founding-members, two members of formerly

²⁸ Amongst the most cited references is Indonesia's Ali Moertopo (Acharya 2001, 63).

²⁹ Interview with Barry Desker, Singapore, 4 October 2013.

opposed blocks, and two former non-ASEAN members. The chapters seek to underscore my proposition that ASEAN and the characteristics ascribed to the organization facilitated the emergence of community, but that it was domestic incapacity that drove the non-occurrence of war.

Chapter 9

Indonesia - Malaysia

Ali Alatas, a prominent figure of Indonesia's New Order regime, is quoted as having said that Southeast Asia's biggest problem was that at independence they knew more about their colonial masters than about their neighbours.¹ The British still wielded control in Kuala Lumpur when Indonesia launched *Konfrontasi*, an undeclared, low-intensity war against current-day Malaysia and Singapore. Cross-border attacks and the intrusion of guerrilla fighters instilled little trust in a peaceful future. Nevertheless, when the *Konfrontasi* years' slogan *Ganyang Malaysia* (crush Malaysia) appeared on protest signs in Jakarta in 2005, there was little concern that the maritime boundary dispute that had led the protestors onto the street would escalate into an armed conflict.

This chapter tells the history of relations between Indonesia and Malaysia as one of community-construction through border politics. I begin with the historical background to the dispute in the Sulawesi (Celebes) Sea and the conclusion of the first maritime boundary agreements between the two states in 1969 and 1971. In the second section I show how community emerged out of necessity and how it allowed the subsequent dealing with persistent disputes as the first boundary agreements had left large parts of the border un-delimited, including around the islands of Sipadan and Ligitan (Pulau Sipadan and Pulau Ligitan). The third section deals with the two states' policy strategies in the islands dispute, which became militarized in the 1990s and was submitted to the ICJ in 1998. In 2002, the ICJ awarded the islands to Malaysia and cleared the way for the delimitation of the adjacent maritime zones. Before negotiations were even planned, however, the dispute led to a militarized crisis in 2005 in which an Indonesian ship and a Malaysian ship collided in waters known as Ambalat.² The naval standoff was quickly resolved, but tensions subsided significantly only after another five years. In the fourth section I analyse the conflict strategies of the two parties during 2005–2010 and discuss the impact of changing levels of state capacity during this time. The concluding section summarizes and deals with alternative arguments.

¹ Christopher Roberts, telephone conversation, 16 August 2013.

² Ambalat is the name given by Indonesia to a seabed area designated for the purpose of granting oil exploration rights. Because the conflict is commonly known as Ambalat conflict, I use the same terminology.

The historical context: *Konfrontasi* and the first maritime boundary agreements

Indonesia and Malaysia have a common land border between Indonesia's Kalimantan and Malaysia's Sabah and Sarawak on Borneo Island. In addition, they share maritime boundaries in three areas: the South China Sea, the Sulawesi Sea, and in the Straits of Malacca and Singapore. The first maritime boundary agreements between the two countries were the 1969 Continental Shelf Treaty and the Agreement on Territorial Seas in the Straits of Malacca, which was signed in 1970 and ratified the year after. The agreements were concluded shortly after the end of *Konfrontasi* as both sides strove to improve their relation.

On Indonesia's side, the end of *Konfrontasi* had been negotiated by a group of army officers around Suharto, who replaced President Sukarno in 1965. Suharto took power with an agenda to implement a New Order that was to overcome internal conflicts and economic dismay. To consolidate his power and focus on domestic reforms, Suharto needed external peace.

As in Indonesia, Malaysia's domestic environment was highly volatile at the time. The continental shelf agreement had been signed under a state of emergency that was in place since Malay-Chinese race riots had erupted on May 13. Four years earlier, the separation of Singapore had intensified an already deep-seated distrust of the dominant Malay elite towards the communities of ethnic Chinese in the country. These were suspected of supporting the communist uprisings that challenged the government in Sarawak and Peninsular Malaysia.³ With a now likeminded, decidedly anti-communist regime in Jakarta, Malaysia was compelled to move beyond *Konfrontasi*.

While Malaysia welcomed assurances, the initiative to conclude the boundary agreements came from Jakarta. Indonesia sought to gain recognition for the legal concept of the archipelagic state by codifying it as part of an international treaty.⁴ Jakarta had failed to obtain its endorsement at the 1958 Conference of the Law of the Sea, and under the New Order regime the principle became a new recourse of state building. The agreements with Malaysia defined the boundaries according to the concept of the archipelago state, which meant, in technical terms, the mutually agreed boundaries corresponded to the archipelagic baselines that unite the outermost points

³ Fowler 2006.

⁴ Kusumaatmadja 1982, 19.

of Indonesia's outermost islands. By giving them *de facto* recognition, the treaties strengthened Indonesia's position for the upcoming negotiations of UNCLOS III.⁵

The archipelago principle had its origins in the Djuanda Declaration of 1957.⁶ The Declaration stated that

all waters surrounding, between, and connecting the islands belonging to the Indonesian state [...] are integral parts of the territory of the Indonesian state and therefore parts of the internal or national waters which are under the absolute sovereignty of the Indonesian state.

The archipelagic concept was the expression of a deep sense of vulnerability that stemmed from Indonesia's geographical composition and the absence of a shared 'idea' that would unite the more than 17,000 islands into a truly *national* territory.⁷ From the very day of independence on, Indonesia had been threatened to be torn apart by regional rebellions and was soon challenged by a communist insurgency. In such a situation, Mochtar Kusumaatmaja, the intellectual author of the archipelagic baselines stated,

the government at the time needed a concept that could simply and clearly be made into a symbol of the unity and union of the Indonesian state and nation.⁸

An external threat triggered the official promulgation of the archipelagic concept. The Netherlands, when transferring sovereignty to Indonesia, had retained control over West Irian (today West Papua), and Indonesia had no capacity to prevent Dutch warships from sailing in between the islands. In a worsening crisis with the former colonial power, Mochtar developed a legal concept denying foreign ships free passage through the archipelago.⁹ The Djuanda Declaration was enacted into law in 1960, but it was not until the New Order regime that the archipelagic concept gained political significance.

Suharto's regime brought Indonesia's foremost Law of the Sea specialists back into the ministry and rediscovered the symbolic power of the archipelagic concept for its domestic audiences.¹⁰ The principle of *Wawasan Nusantara* (archipelago outlook) became deeply intertwined with *Pancasila*, Indonesia's official state ideology.

⁵ Tangsubkul 1984, 54.

⁶ See Butcher 2009.

⁷ Elson 2008.

⁸ Kusumaatmadja 1982, 15

⁹ Kusumaatmadja 1973.

¹⁰ Djalal 1996, 91-92, 89-99.

Suharto's Indonesia never consolidated the socio-political identity it promoted. Nevertheless, the legal and symbolic fences it built around its territory allowed it to manage external dispute and freed the necessary resources to quell and control internal discontent. To enact the archipelagic baselines, Indonesia was ready to offer concessions.

Specialists of the Law of the Sea noted that the lines agreed between Indonesia and Malaysia deviated to the latter's advantage.¹¹ The *Geographer* judged that given earlier disagreements over the continental shelf, it "obviously has been delimited independent of the prior claims."¹² According to one count, the difference between the actual boundary and the commonly used equidistant line amounts to 24,000 km², which Indonesia was prepared to give up.¹³ Indonesia's willingness to compromise was hardly owed to a special relationship with Malaysia. For the benefit of having an agreement in place, Jakarta made concessions in several of the in total ten treaties it negotiated during 1969–1975.¹⁴

Constructing dependable expectations: Indonesia's archipelagic state

Until the 1980s, the relationship between Indonesia and Malaysia was defined by the personal ties that were established during the negotiations that led to the end of *Konfrontasi*. As a Malaysian senior diplomat and former ambassador to Indonesia stated:

There is nothing like two groups having to work secretly together. Because of the strong bonds this created and the shared desire that there should be no more problems between us, contentious issues that arose in the years after were glossed over.¹⁵

However, Kuala Lumpur had been alarmed when Indonesia first proclaimed the archipelagic concept in 1957.¹⁶ For Malaysia, the denial of innocent passage within the archipelagic baselines effectively meant separating Sabah and Sarawak in East Malaysia from the peninsular states. The problem of connectivity was a serious

¹¹ Forbes 2014, 41.

¹² The *Geographer* 1970, 5.

¹³ Gosong Niger, *Jakarta Post*, 16 March 2006.

¹⁴ On the treaty with Australia see King 2002; with Singapore Forbes 1995, 24-25; with Thailand Prescott 1993.

¹⁵ Interview with Mohamed Jawhar Hassan, Kuala Lumpur, 31 October 2013.

¹⁶ Parliamentary Debates 1960-1967, Malaysia, Dewan Ra'ayat, 22 May 1964, 536.

security issue and sparked criticism in the Foreign Ministry and the military. Yet, the internal debate was muted.

According to Malaysia's then Minister of Home Affairs, Ghazali Shafie, the fear of communism and "the perception that Indonesia was playing a key role in stopping the advance of Communist China" was one of two reasons why Prime Minister Abdul Razak had decided to support the Indonesian archipelagic concept, the other being the success of ASEAN.¹⁷ Zainal Abidin Sulong, former Deputy-Secretary at the Ministry of Foreign Affairs and Ambassador to Jakarta during 1972–1977, said that the agreement to normalize relations in the wake of *Konfrontasi* "in effect meant that Malaysia would not dispute the archipelagic baseline map." This followed a political decision "taken in the spirit of post-Confrontation rapprochement and ASEAN cooperation, and Malaysian officials were told to accept the Indonesian concept."¹⁸

Personal trust was insufficient to reassure the two sides. Indonesia remained anxious to ensure Malaysia's support for the archipelago principle.¹⁹ As I argued in Chapter 8, Southeast Asia's elites were not disinclined to use legal means and Indonesian and Malaysia resorted to formal agreements to assure each would respect the interests of the other. The two sides signed two Memoranda of Understanding (1974, 1976) in which Malaysia reaffirmed its support to the archipelagic principle and Indonesia pledged to safeguard Malaysia's interests in the sea separating the Malaysian peninsula from its eastern provinces.²⁰ In 1982, these were formalized in a treaty that granted Malaysia access via two corridors through Indonesia's internal waters.²¹

The post-*Konfrontasi* years were a process of accommodation within and between two states whose attention was firmly focused on building domestic capacity. Indonesia had learned that external war fought with minimal capacity was ill advised, and Malaysia, the smaller and weaker part in the relation, chose cooperation with Indonesia to ensure its survival. Trust was based on the immediate experience that the lack of capacity left few choices other than to cooperate. Yet, the early experiences of

¹⁷ Defending our maritime frontier: A history of Malaysia's maritime negotiations and claims, Record of closed panel discussion, MIMA, 9 September 2003.

¹⁸ *Ibid.*; interviews with B.A. Hamzah, Kuala Lumpur, 4 November 2013 and Arif Havas Oegroseno, Jakarta, 16 December 2013.

¹⁹ Draper 1977, 161; Hamzah 1984, 35.

²⁰ Hamzah 1984; Wisnomoerti 1987, 399.

²¹ Kusumaatmadja 1982, 21.

boundary politics laid the basis of no-war community in which the non-occurrence of major armed conflict became almost a truism.

Dispute over Pulau Sipadan and Pulau Ligitan

Sipadan and Ligitan are two small islands in the Sulawesi Sea northeast of Borneo Island where the borders of Sabah (Malaysia) and Kalimantan (Indonesia) meet. During the 1969 continental shelf negotiations the two sides disagreed over the ownership of Sipadan and postponed the delimitation of the maritime zones in the Sulawesi Sea.²² The conflict grew into a bilateral problem in the 1980s, but became openly known only in 1991, when Malaysia issued deeds to a private company to develop Sipadan as a tourist resort.

In 1991, Indonesia's Foreign Minister Ali Alatas claimed that the development of tourist facilities breached a thirty-year-old understanding not to alter the status quo of the islands. According to the Indonesians, the agreement Alatas referred to was a verbal promise given during the talks in 1969, but Malaysia denied that such an understanding existed.²³ The Indonesians lamented Malaysia's ostensive failure to honour a long-standing promise and sought a way "to establish the islands as Indonesian."²⁴

As soon as the dispute was openly discussed, both sides took measures to manage the conflict. A bilateral commission met in October 1991 and set up a Joint Border Committee (JBC) to discuss the ownership of the islands. The JBC held three rounds of talks from July 1992 to May 1994, but merely succeeded in defining the respective positions. Malaysia continued to promote diving facilities on Sipadan and patrolled the area claiming that it protected tourists and fishermen. In late 1993, Indonesia stepped up its patrolling activities and both sides conducted military exercises around the islands.²⁵ Indonesian troops landed at least twice on Sipadan, and although Suharto's decided intervention stopped the unauthorized missions, Kuala Lumpur began fearing a military operation. The Malaysian security forces reportedly opened

²² Affidavit, reprinted in *Hukum dan Pembangunan* 33, 1 (2003), 106-110.

²³ See Judgement, *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, ICJ Reports, 17 December 2002, paras. 128, 129; Djalal 2013, 11; Sutopo 1991.

²⁴ Interview with Wiryono Sastrohandoyo, then Director General of Political Affairs at the Foreign Ministry, Jakarta, 27 November 2013.

²⁵ Indonesia steps up patrols off disputed islands, *Reuters*, 14 October 1993; Jakarta's biggest naval war game takes place off Riau waters, *Straits Times*, 27 March 1994.

fire when the Indonesian units drew close, and in October 1994 the navy staged an exercise simulating the capture of an occupied island.²⁶ The incidents were officially downplayed, yet growing tensions on the ground indicated that the conflict was far more significant than it was publicly acknowledged.

In early 1994, Malaysia suggested to submit the islands dispute to the ICJ. While Indonesia did not oppose the involvement of a third party in principle, it proposed to use the ASEAN High Council to adjudicate the conflict. Malaysia's Secretary General of Foreign Affairs rejected the High Council at once. Given that Malaysia had border disputes with all of its neighbours, Kamil Jaafar said, the ASEAN countries could not be expected to act as a neutral arbiter.²⁷

Direct talks between the heads of state failed to bring the two positions closer together. In June 1994, each appointed a special representative to hold informal discussions. Mahathir designated his deputy, Anwar Ibrahim, and Suharto sent Moerdiono, the Indonesian Minister of State Secretary. Anwar and Moerdiono held four rounds of meetings, and in October 1996 Suharto reviewed Indonesia's position and agreed to submit the dispute to the ICJ. The decision was against the advice of the legal experts at the Foreign Ministry, but once it was taken, tensions subsided. In May 1997, the Foreign Ministers signed a Special Agreement asking the ICJ to decide over the ownership of Sipadan and Ligitan. After five years of deliberations, the ICJ granted both islands to Malaysia.

State preferences and conflict strategies

The conflict over Sipadan and Ligitan reached a significant level of intensity but never developed into an open crisis. Malaysia sought to delay a definitive solution at first but saw a greater need to do away with the question once the conflict became militarized. Indonesia was prepared to challenge Malaysia's *de facto* ownership of the islands until it eventually compromised and accepted to refer the dispute to the ICJ.

²⁶ KL played rough with Indonesia over islands, *Straits Times*, 29 January 2003; Malaysia military unit exercise upsets neighbours, *Reuters*, 9 October 1994.

²⁷ Interview in Kuala Lumpur, 6 November 2013.

Indonesia

The Indonesian government objected Malaysia's efforts to consolidate its claim more than Malaysia's effective administration of the islands. Indonesia's show of force in the disputed area sent a signal that it would not ignore the growing tourist business on Sipadan. Nevertheless, it hardly reached to the level where it was considered a security risk. After all, the tourist industry remained unaffected by the dispute.

Suharto's political line aimed at getting the conflict out of the way, and when the military pushed its assertions too much and landed on Sipadan, he successfully interdicted further disembarkments.²⁸ During the 32 years of Suharto's rule, the armed forces (*Angkatan Bersenjata Republik Indonesia*, ABRI) dominated the political, economic and social life of Indonesia. Yet, the militarized New Order state focused its resources entirely towards the inside.²⁹ Suharto privileged addressing internal insecurity to make Indonesia resilient to threats from a "distant, unreliable and powerful" external environment in the long run.³⁰ In the short run, this turned external defence into a dogmatic concept to which ABRI never quite lived up. According to the CINC data for the mid-1990s, Indonesia's national capabilities were four times bigger than Malaysia's, owing mainly to the fact that its population was nine times the size of Malaysia's. Indonesia's military capabilities had grown at a constant, if modest level during the 1970s and 1980s, but armed interstate conflict was simply not part of ABRI's doctrine, and therefore not amongst the policy options considered.³¹ Suharto's decision to have the dispute referred to the ICJ reflected a strong desire to settle the border, and because force was not an option, Indonesia accepted the ICJ.

I classify Indonesia's acceptance to submit the conflict to the ICJ as a compromise solution considering its earlier position. At first, Indonesia insisted on a bilateral solution to the dispute.³² When the government considered direct talks to be exhausted, it suggested to establish the ASEAN High Council, most likely hoping that the mechanism would allow political considerations to outweigh its legally rather weak case.³³ Soon after Malaysia had brought up the proposal to refer the dispute to

²⁸ Interview with Wiryono Sastrohandoyo, op.cit.

²⁹ Weinstein 1976.

³⁰ Elson 2008, 270.

³¹ On the endurance of the Indonesian elites' concern for internal stability see Sebastian 2006b.

³² Isles row, *Straits Times*, 9 September 1994.

³³ Butcher 2013, 242-243. The TAC provides for a range of options for the High Council to be used such as good offices and mediation.

the ICJ, Foreign Minister Ali Alatas issued instructions to reject it in the bilateral talks.³⁴ Appealing directly to Suharto, Mahathir's deputy Ibrahim Anwar brokered the agreement after negotiating with Moerdiono. According to Anwar, Suharto was not disinclined to use the court but was concerned that a solution would affect Indonesia's territorial waters.³⁵ The request the two sides eventually submitted to the ICJ accommodated these concerns as they asked the ICJ to decide on the ownership of the islands, but not on the maritime boundaries in the surrounding areas.

Suharto's desire to settle the dispute aligned with the New Order credo to avoid external conflict. This was driven by a sense of intrinsic vulnerability embodied in all aspects of the state. I sketched Indonesia's internal divisions and the lack of state capacity in the decades after independence above. In the mid-1990s, Indonesia appeared to be a strikingly stable state but it still ranked low on the dimensions of state capacity considered here.

I define Indonesia's institutional capacity as medium-low considering its impressive knowledge base even if it rested with few individuals only. Their advocacy in the international Law of the Sea negotiations demonstrated that the state was able to marshal resources when it had pressing security needs. Nevertheless, Indonesia lacked the means to translate the principles of the archipelago state into the every-day lives of its citizens. Its control and the use of its vast maritime areas was underdeveloped, such that for the communities on some of the remote islands the navy was the only means of transport.

At the time the islands dispute gained in intensity, New Order had surpassed its apex and the fault lines it had long covered began to challenge the image of a cohesive state. After taking power, Suharto had physically annihilated his opponents and gradually built a patronage network of family members and political allies.³⁶ By the 1980s, the state party Golkar was in firm control of all key resources. New Order was stable, but it was less resilient than most thought, including Suharto himself. The early 1990s were a period of greater political openness towards the Islamic middle class and an indigenous business elite. Nevertheless, emerging demands for political

³⁴ Interviews with Hasjim Djalal, Jakarta, 25 November 2013, and Arif Havas Oegroseno, *op.cit.*

³⁵ Interview, Kuala Lumpur, 13 November 2014.

³⁶ Crouch 1979; Roosa 2006.

change were fairly readily accommodated in the existing system and did not yet prompt the leadership to find a broader, popular basis of legitimacy.³⁷

Key to the longevity of the regime was its cohesiveness at the elite level where consensus was strong until the latter half of the 1990s.³⁸ As much as the political rise of the military had contributed to the consolidation of the New Order, the demise of the system depended on ABRI. An emerging group of middle-ranking officers eventually opened the way for political change, but nevertheless, until the day of Suharto's resignation their allegiance remained strong and explains why Suharto's line in the islands conflict was widely obeyed.³⁹

The decision to refer the dispute to the ICJ was seen as an indicator for changing socio-economic circumstances that necessitated international openness and Indonesia's desire to portray itself as a law-abiding country.⁴⁰ Whatever Suharto's motivation was, the peaceful handling of the dispute and the push towards its resolution conformed to the politics Indonesia traditionally pursued with regards to its boundaries. This strategy correlated with a significant lack of domestic capacities, and a declining trend particularly in the first half of the 1990s.

Malaysia

Malaysia administered the islands and therefore, the cost it was prepared to pay to settle the dispute was significantly smaller. Yet, its *de facto* possession does not wholly explain Malaysia's position. As long as the status of the islands was not determined, it was clear that the delimitation of the maritime zones would not proceed. I define Malaysia's conflict management strategy as delay although Kuala Lumpur was first to propose the ICJ. By altering the *status quo* on Sipadan, Malaysia risked putting the dispute on the political agenda while the issue lay effectively dormant. Nevertheless, the government downplayed the conflict and as soon as the dispute threatened to become militarized, it offered the ICJ to overcome the problem.

Malaysia's preparedness to assert its claim correlated with growing strength. Economically, Malaysia had experienced spectacular growth rates from the 1980s on.

³⁷ Vatikiotis 1998, 204-215.

³⁸ Fukuoka 2013, 1001-1002.

³⁹ Said 1998, 535.

⁴⁰ E-mail correspondence with Bob Elson, 20 March 2014; Hasjim Djalal in Butcher 2013, 244.

In 1989, the government had signed a peace accord with the Malaysian and North Kalimantan communist parties. Bolstered by growing state budgets, the ending of the so-called Second Emergency facilitated the transformation of the military from a counter-insurgency force into a conventional war-fighting unit. The consolidation of the military institution went hand in hand with the growing importance of ocean resources and led to an emphasis on maritime defence and surveillance in the early 1990s.⁴¹ Although clearly inferior in terms of its overall level of military power, the shifts in force structure and tactical preparation put Malaysia in a position that rendered it capable of facing a localized military engagement when the dispute over Sipadan and Ligitan erupted.⁴²

Similarly, Malaysia's institutional capacity and with it confidence in addressing its maritime boundaries grew at the time. The disputes in the South China Sea gained in importance and the government advanced studies to prepare for the legal proceedings in an islands dispute that Singapore had proposed to submit to the ICJ in 1989. With the creation of a policy research centre on maritime affairs (MIMA, now: Maritime Institute of Malaysia), the authorities sought to develop a political-strategic policy to incorporate the bureaucracy's technical expertise. Nevertheless, Malaysia's institutional capacity in the early 1990s was still low on a scale comparing the countries under study as the new structures only began to emerge.

Unwilling to concede to Indonesia's demands and give up on the lucrative tourist business, the government promoted several mechanisms to manage the dispute. Malaysia was first to propose the joint inter-ministerial working commission, but rather than a serious attempt to resolve the dispute, the JBC was seen as an instrument to manage the conflict. Besides the islands dispute, the JBC was to deal with 15 additional issues including piracy and migration. Given the complexity of each of these items, the Commission produced over a dozen Memoranda of Understanding but few tangible results. According to the Head of the Indonesian delegation, his Malaysian counterpart Kamil Jaafar refused to discuss the ownership of the island "but only looked for a way how to do it."⁴³ In May 1994, Jafaar declared publicly that the JBC might indeed not be the right framework to address the dispute.⁴⁴

⁴¹ Mak 1997.

⁴² Jeshurun 1994, 199.

⁴³ Interview with Wiryono Sastrohandoyo, Jakarta, 27 November 2013.

⁴⁴ Some hiccups in Joint Commission meet, *Business Times*, 30 May 1994.

By that time, the Malaysians had accepted that the dispute would not simply disappear quietly. The government disclosed little information to the public and stepped up its efforts to find a way out of conflict. While dealing with the Singaporean request for legal settlement of an islands dispute, the Foreign Ministry suggested to take the dispute over Sipadan and Ligitan to the ICJ.⁴⁵ After the Attorney General's Chambers assessed the Malaysian claim positively, Mahathir approved the proposal.⁴⁶

The government's quiet handling of the dispute reflected Malaysia's deeply ingrained sense of artificial statehood. Malaysia's leaders never made a secret about their perception of ruling over an ethnically divided state that required special measures – indeed, “some form of authoritarian rule” – to keep the country together.⁴⁷ The ruling elites succeeded in building stable, formalized structures aimed at controlling, but effectively sanctioning ‘communalism’, the officially institutionalized divide between *bumiputera* (sons of the soil, referring to the indigenous people of the Malay Archipelago), and non-*bumiputera* (mainly ethnic Chinese). The exchange value for the elites' promise of racial harmony and economic development was the top-down directive that the population stay out of external matters concerning the state.

The public's “apathy and indifference towards defence matters” granted the regime almost complete freedom in handling its external affairs.⁴⁸ At the same time, Malaysia's political identity of divide narrowed the range of policy options as the leadership remained deeply suspicious about their capacity to mobilize the population for a national cause. Malaysia's skyrocketing economic gains were not matched by the development of national capacity in other dimensions, and the elite had never been pushed to probe how far popular allegiances reached. The regime handled territorial issues with the maximum secrecy possible because, as a former aide to the confidential group at the Prime Minister's Office said, the leadership “prefer[red] not to test how the population would react in such a conflict.”⁴⁹

In 1991, the government was anxious to draw non-Malay support for the ruling alliance. Mahathir issued *Vision 2020*, a policy program that promised a non-ethnic

⁴⁵ Kadir Mohamad 2009.

⁴⁶ Interview with Rahim Hussin, Kuala Lumpur, 11 November 2013.

⁴⁷ Mahathir Mohamad, quoted in Malaysia: Crimes for Democracy?, *FEER*, 14 September 1969.

⁴⁸ Hellmann-Rajanayagam 1998, 67; Gomez and Jomo 1999.

⁴⁹ Interview in Kuala Lumpur, date omitted.

identity for Malaysia. The temporary signs of eroding domestic support did not aggravate the dispute over the islands. As political competitors may have evoked an external enemy to foster unity internally, stability took precedence and Malaysia's elite remained quiet over the conflict with Indonesia.

Dependable expectations of no-war

The dispute over Pulau Sipadan and Pulau Ligitan did not spark a serious crisis but was no less significant. The problems demonstrated that the conditions had changed since the first boundary agreements two decades earlier. With them, the bases of trust had become porous. Suharto's frequently quoted statement that the conflict needed to be resolved not to burden future generations must be seen in the context of the disappearance of personal relationships between those who could appeal to the common bonds of the post-*Konfrontasi* years. The future generations of leaders would not know of the tacit understandings of the time. Thus, the way the islands conflict was managed was significant for future relations in reaffirming both sides of their desire to avoid conflict.

Tensions over Ambalat, 2005–2010

Two developments contributed to the increase of activity in a not clearly defined disputed area in the Sulawesi Sea. This led to a naval standoff in 2005 that increased the risk of military clashes during the years to come.

In 2003, Malaysia offered Shell oil company exploitation rights for a potentially oil-rich seabed area in the north-western sector. Indonesia protested the offer on October 31, but less than six months later, Malaysia's national oil company Petronas granted concessions to two blocks designated as ND6 and ND7.⁵⁰ The former overlapped with areas Indonesia had issued rights over to Shell/ENI (1999/2001) and to UNOCAL (2004), including block Ambalat and East Ambalat.⁵¹ These blocks crossed over Malaysia's unilaterally declared boundary as illustrated in the 1979 map, which ignores a rock (known as Karang Unarang in Indonesia and as Batuan Unarang in

⁵⁰ Position Paper on the Ambalat Bloc region and the East Kalimantan Sea [translation], Indonesia, Coordinating Ministry for Politics, Law and Security, September 2009, II.2.b.

⁵¹ Sulawesi Sea-Ambalat region offshore permits for exploration, Vivian Forbes, collection of maps 2013, on file with the author.

Malaysia), from which Indonesia claimed territorial waters. At about the same time as Indonesia protested the Malaysian concession rights in the Ambalat area, its Ministry of Transportation began constructing a light buoy on Unarang.

Map 6. The Ambalat Area



Source: Pink America, available at http://america.pink/ambalat_360387.html [last accessed 18.1.2016].

The ICJ's ruling over Sipadan and Ligitan and the independence of East Timor had necessitated the revision of Indonesia's baseline system and a new base-point was to be established on Unarang rock.⁵² When works on the lighthouse commenced in early 2005, Malaysia sought to frustrate the construction by hindering the passage of the Indonesian ships around the reef and temporarily arrested the construction workers.⁵³ The Malaysian navy sent additional units to the disputed area and Indonesia deployed an elite unit on Unarang to allow the engineers finish the building of the lighthouse.

Publicly, officials sought to gloss over the risk of an encounter between the security forces. Pressure increased as leading legislators in Indonesia demanded stern action from President Susilo Bambang Yudhoyono (SBY) and anti-Malaysia demonstrations were held in several Indonesian cities.⁵⁴ On March 9, the Foreign Ministers met on the

⁵² Information provided by the Indonesian Oceanographic and Hydrography Office.

⁵³ Clash of wills at sea, *Tempo* 28, 15-21 March 2005.

⁵⁴ Indonesian warship chases away Malaysian vessel, *Jakarta Post*, 8 March 2005.

side-lines of the ASEAN-EU Ministerial Meeting in Jakarta and agreed to take the “necessary steps to ease the growing tension” and to hold formal negotiations to delimit the maritime boundaries.⁵⁵ The technical teams met for the first time on Bali on March 22, but neither side reduced their military presence around Unarang and relations between the patrolling units grew tense.

On April 8, a collision occurred when the Indonesian vessel *KRI Tedong Naga* sought to drive away the Malaysian *KDM Renchong*. The commanding officers of the ships knew each other from attending the same training course, but according to the Indonesian commander, there was no communication immediately before nor after the incident.⁵⁶

The collision, which was described as a brush between the vessels, caused only minor damage and was officially attributed to the imprudent acting of the navy officers. The heads of state issued strict instructions to the militaries to avoid provocations. Nevertheless, although the navies proceeded more cautiously, both sides not only maintained but regularized their patrols in the disputed area.

Continued tensions

After 2005, both sides sought to underscore their claims and the number of recorded trespassings increased.⁵⁷ The JBC dealt with outstanding disputes in all segments and increased attention was paid to the presence of naval and fishing vessels in the various overlapping areas. Tensions subsided markedly only in 2010.

February 2007 saw a diplomatic spat when Indonesia protested the presence of Malaysian naval and air force units in the Ambalat area. Indonesian legislators demanded publicly that Malaysian boats entering the disputed area should be shot at.⁵⁸ This did not happen, however, although the Defence Ministers who dealt with the matter could not agree on measures to avoid the problems. The most Malaysia’s Prime Minister Najib Razak was able to tell the reporters was that “those who were

⁵⁵ Joint statement, Indonesia, Departemen Luar Negeri, Direktorat Informasi dan media, 9 March 2005.

⁵⁶ Interview with Salim, Jakarta, 10 December 2013.

⁵⁷ Interview with Marsetio, Jakarta, 10 December 2013; MAF records cited in Zualkifly bin Hj Ahmad 2011, 46; TNI-AL records cited in Laksmana 2011, 105.

⁵⁸ Indonesian politicians urge firm action, *BBC Monitor*, 1 March 2007.

commanding the ships must act maturely and not be emotional. That's what we agreed.”⁵⁹

The navies in the Ambalat area came again close in late May 2009. The Indonesian commander of the corvette *Untung Suropati* ordered combat-readiness but the situation was quickly controlled as the Malaysian boats backed off.⁶⁰ While SBY called Najib in Malaysia to discuss measures to end the problems, the incident became highly visible in Indonesia. The navy brought journalists to the area to report live on site and protests took place again in several cities.

Malaysia's response was conciliatory. On June 7, Defence Minister Ahmad Zahid Hamidi went on the record to explain the Malaysian position and proposed closing off the waters to avoid future encounters. The Armed Forces Commander Abdul Aziz Zainal met the Indonesian Defence Minister Juwono Sudarsono in Jakarta and offered cooperation in the defence sector. Indonesia asked to accelerate the search for a solution and Malaysia, which had halted the negotiations in April 2008, agreed to resume the JBC in July.⁶¹

Although not directly related to the Ambalat conflict, a decisive impulse to manage the conflict stemmed from an incident that occurred in the Singapore Strait off Tanjung Berakit and Riau Islands Province the year after. On August 13, the Indonesian Maritime Affairs and Fisheries Ministry arrested seven Malaysian fishermen for unauthorized fishing in what they claimed to be Indonesian waters. Malaysia's authorities arrested the three officers who had boarded the Malaysian boat and escorted it the port in Batam, arguing that the boats had been navigating in Malaysian waters.⁶² All men were released within less than a day, but in Indonesia

⁵⁹ Malaysia denies apology to Indonesia over border incident, *AFP*, 29 March 2007.

⁶⁰ Borneo maritime territorial dispute tests Indonesian-Malaysian ties, US Embassy Jakarta, 1 June 2009, at <http://wikileaks.org/cable/2009/06/09JAKARTA929.html> [last accessed 12.5.2014].

⁶¹ Foreign Ministry awaits confirmation of border talks with Malaysia in July, *Jakarta Globe*, 16 June 2009.

⁶² Arsana 2013. According to the Malaysian account, the Indonesian authorities had pulled one of the boats into recognized Indonesian waters to extract bribes. This is plausible given that it is a not uncommon practice and considering that Indonesia's official position was merely that the arrest (not the fishing) had taken place in Indonesian waters. However, neither side released the coordinates of exactly where the incident took place and the exact course of events could not be confirmed in the interviews.

protests resumed and politicians called for the consideration of military and diplomatic sanctions.⁶³

On September 1, SBY put an end to the public controversy. In a televised speech delivered at the military headquarters in Cilangkap the President rejected the use of force and highlighted the need to speed up the search for a solution.⁶⁴ After 15 rounds of fruitless talks, the JBC agreed in October to abandon the strict approach of 'nothing is agreed until everything is agreed' and concluded a provisional agreement on the territorial sea boundary in the Sulawesi Sea.⁶⁵ Although the line is yet to be formalized, it provided for a tacit understanding between the navies and further incidents have been avoided since.

State preferences and conflict strategies

In 2005, both sides were willing to accept an incident. Malaysia was less inclined than Indonesia to settle the boundary but sought to promote mechanisms to manage the dispute instead. To avoid a military engagement, Malaysia backed off in the incidents in 2005 and 2009.

Indonesia

Indonesia sought to resolve the conflict and offered to compromise in the negotiations. Nevertheless, it accepted a calculated risk that the dispute would be militarized although the armed forces were not in a position to sustain even a localized engagement. Ultimately, the Indonesian leadership was convinced that the conflict would not be allowed to develop into an armed confrontation. The government's political line to avoid conflict remained unchanged also as Indonesia's military capacity increased during 2005–2010.

The building of a beacon on Unarang was the catalyst that triggered the Ambalat conflict. While the situation on the ground was still tense, the government resumed the construction works and risked a military response from Malaysia, which had

⁶³ Malaysia "violates Indonesian territory, sovereignty", *Jakarta Post*, 19 August 2010; House wants govt (*sic*) to take tough stance on Malaysia, *Jakarta Post*, 26 August 2010.

⁶⁴ For a critical report see It's neither a president, nor a general, *Jakarta Post*, 3 September 2010.

⁶⁵ Interview with Oktavino Alimudin, Jakarta, 5 December 2013; FM: Important Progress on Maritime Boundary Delimitation, Press release, Indonesian Ministry of Foreign Affairs, 11 October 2011.

included the rock as a basepoint in its 1979 map. Nevertheless, the establishment of a low-tide elevation on Unarang should not be seen as an escalatory move in the conflict but rather as a step in Indonesia's bid to secure its archipelagic baseline system. The new impulse to define the un-delimited maritime boundaries stemmed from the transitional instability following Suharto's resignation in 1998.

Indonesia's *reformasi* years were a period of disorientation marked by a sense of vulnerability not unlike the post-independence period. In the context of the political and social transitions during the end of the New Order regime, East Timor had gained independence and secessionist movements in Aceh and Papua challenged the territorial integrity of the state. Throughout the archipelago, long-repressed conflicts led to religiously and ethnically motivated violence. Under these circumstances, the lost case over Sipadan and Ligitan at the ICJ resonated deeply with the authorities. As the Court could not confirm either side's claims to treaty-based title, the decisive weight in the judgement fell on the principle of effective governance. The exercise of control, including over Indonesia's far-flung islands, became a priority for Indonesia's policy-makers. After the ICJ's 2002 ruling, the government identified twelve critical outermost islands at risk of conflict where it deployed small task forces. In addition, it announced a plan to build lighthouses, of which twenty were to be put up in the Ambalat area alone.⁶⁶

Indonesia's desire to settle its borders was bolstered by an increase in institutional capacity to the level of medium-high in 2010. Beginning in 2001, the Foreign Ministry underwent a process of reform and restructuring that placed policy on a stronger institutional footing.⁶⁷ By 2004, the Directorate of Law and International Treaties was ready to commence negotiations on maritime boundaries.⁶⁸ The incoming foreign affairs officials underwent training abroad in matters relating to the Law of the Sea, and the Ministry promoted seminars with civil society actors and the TNI (Tentara Nasional Indonesia, Indonesian National Armed Forces) to divulge information on the importance of maritime boundaries. The broader knowledge and legitimization base led to a proactive approach in boundary politics and succeeded in creating greater internal consensus than the new openness of Indonesia's political process allowed in most other policy areas.

⁶⁶ Interview with Rivai, Jakarta, 17 December 2013; The Sipadan Ligitan case, *Jane's*, 23 May 2005.

⁶⁷ See Nabbs-Keller 2013.

⁶⁸ Interview with Arif Havas Oegroseno, op.cit.

A lack of resources and the unclear allocation of competences created problems such as defining an official position on the number of outstanding boundary problems (OBPs) along the Malaysian land border.⁶⁹ Similarly, the myriad of maritime-related agencies under the aegis of a rather inefficient coordination body (Bakorkamla) turned attempts to joint maritime control with Malaysia into a logistical jungle. The Indonesian-Malaysian Incidents at Sea Agreement (INCSEA) and a Fisheries MoU of 2011, for instance, have had a limited, if any operational effect.

The cooperation schemes between Indonesia, Malaysia and Singapore in the Straits of Malacca showed that institutional obstacles were not insurmountable provided there was political will behind the initiatives. Yet, in the Ambalat conflict, Indonesia made a half-hearted effort to contribute to the success of various management mechanisms but placed priority on the definitive settlement of the boundaries.

When the dispute flared in 2005, Indonesia's lack of military capacity rendered force a non-option in the conflict. The poor state of the armed forces was the cumulative effect of a weapons embargo by the US and the European Union for human rights violations in East Timor and a deliberate policy to keep the military from power during the *reformasi* period. To claim budgetary allocations, the navy had maintained out-dated Soviet technology from the 1960s but the ships were effectively out of service and unavailable to support the small number of vessels in the Ambalat area. Several other units were trapped because of an uncovered bill from the state oil company Pertamina. Thus, even the seven ships that were reportedly sent to secure the area were never present at the same time.⁷⁰ A high-ranking officer from the Eastern Fleet claimed that colliding was the only possibility to react to Malaysian's presence due to a lack of adequate weaponry. Even in this regard, however, the steel construction of the Malaysian vessel was more robust than the Indonesian Boa-class patrol boat. As the captain of the *Tedong Naga* summed up, he "only ha[d] the spirit, no capacity."⁷¹

The strategic beliefs of the Indonesian leadership cannot be reduced to the strategic circumstances during the years of the Ambalat conflict. Between 2005 and 2010,

⁶⁹ According to the Foreign Ministry, there are nine OBPs while the TNI and the House of Representatives' Commission I maintain that also the border at Tanjung Datu in Borneo's west is still to be settled.

⁷⁰ Interview with Slamet Subyianto, Jakarta, 9 December 2013.

⁷¹ Interview with Salim, op.cit.

Indonesia's defence expenditure declined as a percentage of GDP but almost doubled in real terms. A specialist in force development of the TNI-AL put the navy's readiness in 2010 at about 60%, ten per cent higher than in 2005.⁷² The Ambalat conflict influenced the formulation of key documents in security and defence such as the National Defence Doctrine, the Defence Strategy and the Defence Force Structure, which set forth the Minimum Essential Force program (2008). During 2005–2010, the dispute re-oriented the navy's activities and strategic planning towards Malaysia. However, these developments took place in the context of necessary military overhauls and the consolidation of the military's role in the post-*reformasi* period. In other words, the conflict directed an increase in military capacity during SBY's second term (2009–2014), but Indonesia's upgrading was too limited for one to argue that it drove the military build-up.⁷³

As Indonesia became a democracy the management of border disputes beyond public scrutiny was no longer possible. However, street protests were nothing exceptional but a daily reality in Jakarta. When signs with *Ganyang Malaysia*, the slogan of the *Konfrontasi* years, appeared in front of the Malaysian embassy, SBY declared that the dispute "should be settled well without falling into the trap of confrontation, especially armed confrontation."⁷⁴ By the latter half of the 2000s, Indonesia's political society had strengthened as a result of the ending of the conflict in Aceh, political decentralization and the consolidation of the post-Suharto state. Yet, the state's legitimacy and level of societal cohesion had not fundamentally changed as compared to the early 1990s. Uncertain "where pressure from the public could lead to," the elite was cautious not to fuel the dispute.⁷⁵

After the 2005 incident, Indonesia updated the Navy's Rules of Engagement (RoE).⁷⁶ Highlighting the problems in un-delimited maritime areas, the new regulations forbade provocative actions and opening fire including in case of a hostile act. The President's emphasis on diplomacy and good neighbourliness was criticised, most overtly from within nationalist sectors in the TNI that still wielded political influence.

⁷² Interview with Alman Helvas Ali, Jakarta, 7 December 2013.

⁷³ A useful assessment is Schreer 2013, 15-27.

⁷⁴ Sulawesi sea row dredges up defenses, *Asia Times Online*, 9 March 2005.

⁷⁵ Interview with D'ai Bachtiar, ambassador to Malaysia (2008–2012) and former Police Chief (2001–2008), Jakarta, 2 December 2013. I am indebted to Pak Hafiz Arief and Pak Abraham Mirah for interpreting.

⁷⁶ Aturan pelibatan unsur-unsur TNI AL di wilayah perairan Kalimantan Timur perbatasan RI - Malaysia dimasa damai, TNI-AL, Markas Besar, on file with the author.

The navy brought reporters on board to the disputed area claiming that it wanted to raise the population's awareness about the alleged aggression by the Malaysians. When live-reporting exacerbated the conflict in 2009, however, SBY contacted the Eastern Fleet Command to stop the TNI's direct contact with the media.⁷⁷ The officers followed the instructions, and the vast majority of navy personnel interviewed for this study were eager to assume a new role in maritime diplomacy under civilian directive. For the TNI, external conflict was not amongst the options it was prepared for.

Strong consensus on the elite level enabled the government to steer clear of the nationalist manifestations that led to the sporadic publicizing of the dispute. The numerous parties and interest groups that competed to define Indonesia's political future all agreed that there was no return from *reformasi*. If Indonesia was to develop the capacities of a middle power, it could not afford conflict with Malaysia. Thus, following the 2009 incident, the government sent a parliamentary delegation to Kuala Lumpur. The legislators of Commission I, known for their rather blunt and uncompromising position on the conflict, thought it necessary to pay a "reconciliation visit" to convince the Malaysians that the dispute should no longer be treated lightly.⁷⁸

Malaysia

Malaysia preferred to delay dealing with the maritime boundary dispute hands on. The government wanted the issue off the political agenda but was unwilling to compromise on its claim. It maintained the navy patrolling the disputed Ambalat area and promoted several mechanisms to ensure the dispute would not develop into an actual confrontation. The leadership avoided that the dispute became a publicly debated matter, and when the risk of actual clashes increased, Malaysia backed off.

Malaysia's military reforms after 1989 and significant investments in technologically advanced weapons systems reduced the differential of the CINC standard measure of national capabilities to Indonesia from 1:11 during the *Konfrontasi* years to roughly 1:3 in 2005. Since the 1990s, the regime had focused on capabilities development especially in the Navy and Air Force. As the only Southeast Asian country aside from Singapore, Malaysia had not stopped a number of projects under way when the Asian

⁷⁷ Interview with Salim, op.cit.

⁷⁸ Interview with Theo Sambuaga, Jakarta, 9 December 2013; Valencia and Khalid 2009.

financial crisis hit the region in 1997/1998. When the Ambalat conflict erupted, the Navy was sufficiently well equipped to handle the situation on the ground confidently.

However, Malaysia compromised when the risk of a military engagement at sea grew. In 2005, the navy disturbed the construction of a beacon on Unarang but as Indonesia insisted, the government decided to let the works continue and accepted that Indonesia had strengthened its legal position to claim Unarang as a basepoint. The Navy's Operations Department submitted a plan to the Prime Minister's Office to storm and 'capture' Unarang rock. The proposal foresaw the destruction of the Indonesian structure in an operation without casualties and no possessive actions on the Malaysian part, but the government rejected the proposal without further discussion.

After the incident, Malaysia established routine patrols in the area. At the same time, it sought to enhance bilateral cooperation and multiply the channels of communication with Indonesia. At the Foreign Ministers' meeting in Jakarta, Malaysia's Syed Hamid Albar proposed to negotiate a Joint Development Area (JDA) and signalled that Malaysia was willing to make concessions if Indonesia agreed.⁷⁹ The Malaysian negotiators repeated the proposal in several JBC meetings, but Indonesia feared that a JDA would become a permanent situation in which the boundaries would remain un-delimited.

In 2007, Malaysia revived the INCSEA agreement the two states had signed in 2001. The regulations on conduct in a naval encounter had been developed for the Sipadan and Ligitan conflict but provided a general, non-binding framework only. From 2008 on, the government sponsored several meetings to define a set of operational procedures. Due to reluctance on both sides to define a disputed area where the agreement would apply, however, specific instructions for a viable INCSEA agreement were never concluded.

After the Ambalat dispute flared again in 2009, Malaysia took more decided measures to de-escalate the conflict. To end the publicized crisis in March, the Malaysian vessels abandoned the Ambalat zone. Henceforth, the Navy maintained only a

⁷⁹ Information confirmed by Hassan Wirajuda, interview, op.cit.

reduced presence in the area.⁸⁰ Petronas, Malaysia's state oil and gas company, stopped all activities except for seismic studies. Following the fishing incident in 2010, the government proposed extending the envisaged INCSEA provisions from the military to include also civilian maritime enforcement agencies and initiated talks to include the latter into the framework of the GBC. After another spat in the disputed EEZ in the Straits of Malacca on April 7, 2011, a MoU on Common Guidelines concerning the Treatment of Fishermen was concluded in January 2012.⁸¹ So far, the two sides have not agreed on the allowed mode of trawling but the number of arrests has nevertheless significantly decreased as a result of the MoU.

Malaysia was capable of controlling both its land and maritime spaces and therefore its institutional capacity was stronger than Indonesia's. Border politics stood on a more solid institutional footing in Malaysia although, as a whole, the institutional apparatus did not coordinate well. Shortcomings in the various cooperation schemes Malaysia sought to promote were in part due to the unauthoritative allocation of responsibilities as private and economic actors were brought into the decision-making process. Official titles did not necessarily correspond with influence, and in consequence, none of the relevant institutions had the competence and/or the confidence to advance clear policies in the boundary dispute. For instance, inter-agency rivalry between the Navy and the coast guard (Malaysian Maritime Enforcement Agency, MMEA) complicated the development of the draft regulations for the INCSEA agreement. When it was eventually submitted to the Prime Minister's Office's, the government's attention was focused elsewhere.

Malaysia's political directive to maintain a low profile in the dispute remained unchallenged due to a lack of institutional capacity in terms of a firm knowledge base. The secrecy on boundary matters ought not to be mistaken for merely a policy of strategic uncertainty but importantly, it was owed to the fact that few actors felt capable of marshalling support from other relevant institutions or from civil society actors. Malaysia never published the baselines that define its sovereign and jurisdictional boundaries in the ocean.⁸² There are both technical and tactical justifications that render the decision plausible and yet, it also concurs with a broader

⁸⁰ Interview with Abdul Aziz Jaafar, Jakarta, 11 December 2013.

⁸¹ Interviews with Rahim Hussin (several conversations) and Edi Prasetyono (Jakarta, 25 November 2013), who negotiated the MoU on part of Malaysia and Indonesia, respectively.

⁸² Malaysia's 1979 map contains only the base points, from which some of the baselines can be inferred. See Haller-Trost 1998; Valencia 1991.

pattern in Malaysian border politics. As an expert on maritime boundaries with in-depth experience in different countries observed, the relevant agencies

are not in accord especially on matters of the South China Sea and with Indonesia and Singapore. Tight-lipped is the observation I would make; keep information under cover.⁸³

Malaysia's preference to de-escalate the conflict and avoid dealing with the dispute corresponded with a comparatively low level of socio-political cohesion, which centred the elite's focus more firmly on internal stability as cohesion tended to decline further during 2005–2010. In the preceding section, I classified the level of elite cohesion during the early 1990s as high and political society and legitimacy as ranging on the lower middle part on a scale comparing no-war communities. In the mid-2000s, Malaysia's performance-legitimacy dwindled. Previously, economic slump, discontent with socio-economic inequalities and calls for equal civil and political rights had been met with the successful manoeuvring at the elite level. However, it became difficult to ignore that growing demands for greater political openness had reached a new stage when Malaysians began to march on the streets in late 2007, calling for better social welfare and political reforms.⁸⁴ At the same time, communal frictions with increasingly religious overtones began to show.

The general elections in 2008 dealt a blow to the government as it suffered the unpredicted loss of its two-thirds majority in parliament for the first time since 1969. The threat of losing power created tensions and exacerbated personal feuds within the ruling elite. The frictions did not threaten UMNO's unity, but intra-elite politicking turned the problems with Malaysia into a potential political tool at home.⁸⁵

The 2008 "political tsunami" should not be overstated.⁸⁶ BN retained its majority and responded to the challenge with the well-tried instruments of constitutional change, the politicization of ethnic and religious identities, and the use of the infamous 1960 Internal Security Act against political opponents. Nevertheless, the subsequent elections in 2013 were a confirmation that Malaysians were willing to risk change even if it meant greater uncertainty over the maintenance of the BN's racial

⁸³ Vivian Forbes, e-mail correspondence, July 2015.

⁸⁴ Case 2010.

⁸⁵ No reason to recall our envoy in Jakarta, *New Straits Times*, 10 September 2010.

⁸⁶ Weiss 2009, 741.

harmony.⁸⁷ If these changes affected the government's approach in the Ambalat conflict, they strengthened Malaysia's emphasis on doing away with the issue as quickly as possible.

During the premiership of Najib (2009–), Malaysia's foreign policy lost its proactive momentum. After the 2008 elections, funds from the security budget were re-allocated to meet internal tasks and put other investments in capability advancement until further notice on ice.⁸⁸ Malaysia never experienced violent upheavals nor needed the military to maintain domestic tranquillity. The Ambalat conflict spurred several tactical revisions and adjustments in force structure planning, but the security perceptions of the elite were dominated by internal concerns. The racial conflict has been reflected in the regime's hesitation to entrust the country's security equally to its citizens. In the military, the share of ethnic Chinese and Indians has been significantly lower than their percentage in society with the gap widening the higher the rank.⁸⁹ In 2008, non-Malays (roughly half of the population) made up for less than one per cent in the officer ranks.

The conflict with Indonesia reminded the foreign policy officials once more where Malaysia's security priorities lay. When tensions over Ambalat grew, the National Security Council realized that it had "a capable spying agency, but only with regards to internal enemies."⁹⁰

Dependable expectations of no-war

Both Indonesia and Malaysia saw in the Ambalat conflict signs of a new aggressiveness. Nevertheless, neither side contemplated that the dispute would develop into an armed confrontation. Despite serious conflict over the maritime boundary in the Sulawesi Sea, the cooperation between the two countries in intelligence sharing and patrolling the Straits of Malacca continued unaffected during 2005–2010.

⁸⁷ Maznah 2008.

⁸⁸ Interview with a senior officer at the Defence Intelligence Staff Division, Ministry of Defence, Kuala Lumpur, 29 October 2013. This affected the Air Force and the Navy less than the Army.

⁸⁹ Data provided by the Ministry of Defence, cited in Lam 2010.

⁹⁰ Interview with a member, Kuala Lumpur, 13 November 2013.

The conflict was contained by a complex deterrence structure that reflected an intrinsic sense of vulnerability more than the direct effects of deterrence. While Indonesia's conflict assessments took mainly the local military balance into consideration, Malaysia's elite saw it as simply irrational risking even a localized engagement with a bigger, potentially more powerful Indonesia. Malaysia did not fear an aggression but an unintended action leading to escalation and initiated a range of cooperation proposals to meet the eventuality. The dispute was successfully managed as the political commitment on both sides upheld trust in the non-occurrence of war, also as Indonesia began upgrading its maritime capabilities.

Practically, the various mechanisms had limited functional utility. The INCSEA agreement remained largely unknown, especially amongst members of the TNI-AL, and the meetings under the GBC did not amount to a comprehensive dialogue but have been scheduled at different times during the year. Instead, dependable expectations relied on unilaterally exercised and material constraints in the dispute.

On the Indonesian side, as one of the TNI's leading intellectuals put it, "the budgetary status quo provides the solution to the problem in the disputed maritime zone."⁹¹ Malaysia had greater military capacity to back its claims in the Sulawesi Sea and yet, it proceeded cautiously and willing to exercise tolerance in several regards. Immediately after the ICJ ruling, Malaysia sought to avoid appearing overly triumphant and its vessels navigated the area around the islands in radio silence. After 2005, the government did not protest when on Indonesia's independence day the Indonesian flag flew in the Ambalat area. Ineffective control of Indonesia's maritime areas, especially in the Straits of Malacca, led to periodical increases in piracy and organized crime and subjected Malaysian fishermen to blackmail and bribery. Nevertheless, Kuala Lumpur did not openly denounce the problems.

Explaining no-war community

Boundary disputes between Indonesia and Malaysia revived memories of *Konfrontasi*, a low-scale, undeclared war but nevertheless an unpromising start for no-war community in Southeast Asia. The area of Pulau Sipadan was a site of fighting during *Konfrontasi* and the centre of conflict between the two states in the early

⁹¹ Interview with Agus Widjojo, Singapore, 21 October 2013.

1990s. When the Ambalat conflict flared, signs showing the *Konfrontasi*-slogan *Ganyang Malaysia* in the streets of Jakarta raised the question whether the two sides effectively ruled out that they might face each other in a major armed conflict.

In this chapter, I suggested that boundary politics during the two episodes of conflict fostered no-war community in that they showed the limits of state capacity to engage in sustained conflict. I argued that the early boundary agreements played a crucial role in reassuring the two sides that each would avoid conflict in order to meet their need for domestic stability.

Even during *Konfrontasi*, the Indonesian army had not thrown its full weight behind the war effort in order to prevent the communists from gaining ground. Sukarno's campaign was not driven by irredentism and if the Malaysians had doubts about the reasons behind the aggression, the fostering of close political ties in the aftermath of the conflict rendered it clear that "the earlier historical pattern had been set aside in as far as political boundaries in the modern sense were not in dispute."⁹²

Tan Sri Razali Ismail, one of Malaysia's senior diplomats, concluded from his experience in the Foreign Service during 1962–1998 that "after *Konfrontasi*, Malaysia's sovereignty was accepted."⁹³ Going back to Ali Alatas, the period of rapprochement was the time the two countries started to know more about each other than about their colonial masters.

The nostalgically remembered 'glorious days' did not resolve boundary disputes between the two states. The lack of capacity in Indonesia's New Order brought legal experts to the forefront in dealing with unresolved conflicts. Internal vulnerability led Indonesia to compromise in order to settle its borders, and despite a relative increase in capacity, the country's elite still considers that "UNCLOS [...] could even be regarded as a second declaration of Indonesia's independent existence."⁹⁴ Malaysia's leadership was cognizant of Indonesia's striving for symbolic unity and has itself sought to avoid open confrontation, not knowing how united Malaysia would stand in an external conflict.

Several alternative explanations for the absence of war between the two states do not hold. With the Five Powers Defence Arrangements (FPDA) Malaysia has a

⁹² Leifer 1978, 15, 14.

⁹³ Interview, op.cit.

⁹⁴ Oegroseno 2009, 50.

formalized security guaranty to which Britain, Australia, New Zealand and Singapore are members. The FPDA was important in reassuring the Southeast Asian states against Indonesia in the aftermath of *Konfrontasi*. Nevertheless, as Australian sources indicate, already during the negotiations Malaysia's Prime Minister Tun Razak sought to accommodate Indonesia's concern with foreign bases in the region and provided Suharto's Foreign Minister Adam Malik with details about the planned agreements.⁹⁵ For the past decade, Malaysia had no illusions that the US would take sides in a conflict against Indonesia, now the biggest Muslim democracy and a crucial partner for Washington. Indonesia's elites, on the other hand, have been well aware that for Malaysia the FPDA's primary purpose was the possibility to conduct joint military training with Singapore.

Dyadic attributes also fall short in accounting for no-war. The practical impact of bilateral mechanisms, I showed, was extremely limited and depended on political good will in the first place. Democracy has only partly arrived to Malaysia and if at all, it had the consequence of alienating the two states. Malaysia listened angrily when the Indonesians claimed they could do nothing against the publicization of the Ambalat conflict since media freedom was key in a truly democratic system. In Indonesia, democracy did not change the country's approach to the region. In Chapter 6, I discussed Argentina's efforts to prevent the political comeback of the military when the country democratized. To this end, Argentina resolved most of its territorial disputes with Chile, and I claimed that this opened new possibilities for no-war community in the Southern Cone. Argentina's Chile, however, was Indonesia's Aceh.⁹⁶ The resolution of the internal conflict in 2005 was crucial for strengthening civilian control of the military and shows that if Argentina's armed forces were concerned with internal matters instead of external foes, this was even more true in the case of Indonesia.

ASEAN made no direct appearance in the boundary dispute. I argued in Chapter 8 that ASEAN's proclaimed informality identity served leaders as a diplomatic tool to remind each other of common bonds. Even in this regard ASEAN proved of limited relevance in the Ambalat conflict. As the official responsible for the Malaysia Desk at the Directorate of East Asia and Pacific Affairs of the Indonesian Foreign Ministry

⁹⁵ High Commission Kuala Lumpur to Department of External Affairs 3097 (Secret), 18 August 1970, NAA 221/4/31/4 Part 1, FPDA Post AMDA 1968-1970, 193.

⁹⁶ Mietzner 2009, 303.

said, “we often refer to ASEAN mechanisms when we speak about the haze, but in the context of Ambalat, we refer to UNCLOS.”⁹⁷

Indonesia and Malaysia agreed that the settlement of the Ambalat conflict will be part of a treaty on maritime boundaries in all areas. The legal sticking point is the EEZ boundary in the Straits of Malacca, where Malaysia insists on a line identical to the continental shelf boundary of 1969, which Indonesia rejects. In this chapter I argued that a military confrontation over boundary disputes between Indonesia and Malaysia is conceivable only as the result of a badly-timed accident. Since the Straits of Malacca is one of the world's busiest waterways in terms of trade, a militarized incident there is highly improbable and no-war community likely to remain on a sound footing.

⁹⁷ Interview with Puji Lestari, Jakarta, 3 December 2013. The haze problem refers to regularly occurring haze pollution mostly due to illegal fires in Indonesia with severe health implications mainly for Malaysia and Singapore.

Chapter 10

Cambodia – Thailand

In 2008, Cambodia installed a sign at the ancient temple Preah Vihear telling visitors that the 11th century building was now recognized as a UNESCO World Heritage site. Three years later, the sign was riddled by bullets. Preah Vihear sits at a cliff top straddling the Thai-Cambodian border from where it overlooks the Cambodian plain. During the Cold War, it was a strategic location that repeatedly changed hands. The temple saw Thai, Cambodian and foreign government troops and insurgents. Preah Vihear can be seen as symbol for the turbulences of Southeast Asia's Cold War, when the Thai-Cambodian border marked Southeast Asia's ideological divide. On this view, it was a site of violence. Yet, Preah Vihear was also the point of contact between Cambodia and Thailand that created a common view towards the border and laid the basis for no-war community. In 2011, when clashes over the border at the temple of Preah Vihear brought UNESCO's World Heritage sign down, neither side believed that the conflict could develop into a war.

This chapter has five parts. The first provides the historical background to the conflict. In the second section I analyse the position of each side in the dispute over the ownership of the temple during 1958–1962. The conflict was settled when the ICJ awarded Preah Vihear to Cambodia, but the border in the area surrounding the temple remained undefined. The third section covers the period of the Cambodian wars during 1970–1998. I show how dependable expectations of no-war emerged before the dispute over the border erupted after Cambodia sought to nominate the site for UNESCO's World Heritage list in 2005. The conflict led to a series of clashes during 2008–2011, which I analyse in the fourth section. I demonstrate how a lack of domestic capacity not only constrained the two sides in the conflict but also explains the belief on both parts that neither would escalate the dispute into a major armed conflict. The concluding paragraphs summarize and discuss the role of third parties in the dispute.

Historical background

The pre-colonial history of Thai-Cambodian relations was characterized by conflict and contestation. In the 19th century, the Khmer empire was besieged by Siam to its

west and Vietnam to its east.⁹⁸ Threatened to shrink further, in 1863 it was given the status as a French protectorate. Dealing with the French empire, Siam renounced its claim of suzerainty over north-eastern Cambodia and parts of Laos and in exchange, it received large territorial concessions including the area of Preah Vihear.⁹⁹

In 1904 and 1907, Siam was forced to cede territory in a series of conventions including three provinces west of Preah Vihear: Battambang, Siem Reap and Sisophon. According to the 1904 treaty, the new border followed the watershed on the Dangrek Mountains and would have placed Preah Vihear on Siamese soil. However, a demarcation commission sent to determine the exact line on the ground established a different boundary that put the temple into French territory. According to the treaty, the commission would be integrated by both sides, but upon Siam's request, the cartographic work had been carried out by the French team only.¹⁰⁰ In 1908, the French authorities published a set of eleven maps. Siam did not protest the map showing the boundary at Preah Vihear.

The potential problem disappeared during the Second World War. In 1940, the border moved far into Cambodian territory as Thailand retook control over the three provinces it had transferred to France in 1907.¹⁰¹ The end of Thailand's aggression against Vichy France was brokered by Japan. Bangkok pledged to support the axis powers in the war and in turn received a stretch along the Dangrek Mountain range, including Preah Vihear. The territory was returned after the war ended. Siam needed France's support to become a member of the UN and signed the Washington Accord of November 17, 1946, by which it returned big parts of the three provinces to Cambodia.

Conflict over the ownership of Preah Vihear

When the French left Cambodia in 1953, the Thai police deployed at Preah Vihear and raised the Thai flag at the temple.¹⁰² Cambodia protested, and when its acting head of state, Prince Norodom Sihanouk, visited Bangkok in July 1958, the two sides

⁹⁸ Thailand was called Siam until 1939 and during 1945–1949. I use the term Siam when referring to a specific moment during this time, but Thailand when referring to the country in general terms.

⁹⁹ Prescott 1975.

¹⁰⁰ Oliver 1962, 1038.

¹⁰¹ Wyatt 2003, 245.

¹⁰² Singh 1962, 23.

agreed to hold formal consultations. The prospects for resolving the dispute, however, were dire. In the week after his visit to Thailand, Sihanouk went to Beijing where he officially recognized the People's Republic of China. Thailand, an ally of the US and a member of SEATO, had long doubted Cambodia's declared neutrality in the Cold War. Sihanouk, Foreign Minister Thanat Khoman alleged, "aligned himself with the Chinese Communists in order to recover parts of Thailand."¹⁰³

In eight rounds of bilateral talks, the two sides failed to agree on the documents the work of the negotiations commission would be based on. In September, the consultations broke down.¹⁰⁴ The more controversially dealt claims were accusations of border raids and infiltrations regarding dissidents that operated out of largely uncontrolled border areas on both sides. Thailand, like South Vietnam, feared a communist Cambodia next door and lent support to Khmer opposition groups. Sihanouk denounced the covert actions as disrespect of Cambodia's territorial integrity.¹⁰⁵

In November 1958, Sihanouk broke off diplomatic relations. The UN sent a special envoy to investigate the situation at the border, but relations soon hit a new low-point as Sihanouk blamed Thailand for supporting a plot against him. Thanat Khoman visited Cambodia in June 1959 and told his counterpart, Foreign and Deputy Prime Minister Son Sann, that Thailand was willing to deal with Preah Vihear in bilateral talks. According to Son Sann, the Thais wanted to prevent Cambodia from submitting the dispute to the ICJ.¹⁰⁶ Soon after, however, the Cambodians did exactly that. Three years later, on June 15, 1962, the ICJ ruled with nine votes to three that the temple was situated in territory under the sovereignty of Cambodia.¹⁰⁷

In Thailand, the judgement sparked a "popular outburst of emotion."¹⁰⁸ Public demonstrations were forbidden at the time, yet tens of thousands took to the streets.¹⁰⁹ Six days after the ICJ delivered the verdict, Prime Minister Sarit had made what was presented as a "dramatic announcement" to the nation declaring that Thailand, while

¹⁰³ Memorandum of Conversation, DoS, Central Files 751H.00/6-3060.

¹⁰⁴ Conference de presse tenue par le President de la delegation Cambodgienne aux negociations khmero thaies, Phnom-Penh, le 6 Septembre 1958, CAN, B691.IJ6252.

¹⁰⁵ Leifer 1961.

¹⁰⁶ Son Sann 2011, 93.

¹⁰⁷ Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 15 June 1962, ICJ Reports 1962.

¹⁰⁸ Nuechterlein 1965, 250.

¹⁰⁹ Singh 1962.

disagreeing with the Court, would respect its decision.¹¹⁰ The Thai flag was removed from the temple and the government erected a barbed wire fence nearby to mark the new border. The line crossed over the border as shown in a map the Cambodians had annexed to their court file. The Annex 1 map, as it became known, was the basis on which the ICJ had determined Cambodia's ownership. For the time being, however, the border did not spark a new controversy.

State preferences and conflict strategies

The conflict over Preah Vihear carried clear overtones of an increasingly tense security environment in the Cold War. While proceedings were under way at the ICJ, another mediation at the UN failed and the two sides suspended again diplomatic relations. Yet, the Preah Vihear dispute had not led to a situation in which armed conflict seemed imminent.

Cambodia

Cambodia, which had gained independence in 1953, strove for the international recognition of its borders. To this effect, it avoided militarizing the dispute and showed flexibility toward the Thai position. Sihanouk had experienced the occupation of Cambodia's north-eastern provinces as a young King and harboured suspicions of the territorial ambitions of Cambodia's neighbours. In addition, Sihanouk saw Thailand's support to the Khmer opposition groups on the border as a direct threat to the country's survival. Faced with the presence of Thai security forces at the temple, Cambodia sought to resolve the conflict.

The Cambodian strategy in the dispute was based on purely political means. According to the CINC national capability data, Thailand was four times stronger than Cambodia. Foreign observers judged that neither the size of the Cambodian military (36,000 against 100,000 military personnel in Thailand) nor its equipment and morale rendered it capable of a military offensive.¹¹¹ Despite the hostile tone between the two capitals, Phnom Penh never threatened to use force. Quite to the

¹¹⁰ Thailand complies on Phra Viharn, *Bangkok Post*, 21 June 1962.

¹¹¹ Derzeitige Lage in Kambodscha, Botschaft der BRD Bangkok, Bericht 35/62, 1 October 1962, PA, AA B12-1648, 79.

contrary, officials missed hardly an opportunity to point to the precarious state of the armed forces.¹¹²

Cambodia's institutional capacity at the time of the Preah Vihear dispute was limited. Nevertheless, Phnom Penh pursued an active foreign policy that to a large extent reflected the nature of Sihanouk's rule. There was neither an immediate concern that prompted Cambodia to go to the ICJ, nor was the temple dispute a matter of internal debate. Sihanouk had neutralized his political opponents and in 1958, there was no organized opposition within the country. As King, Prime Minister and subsequently Head of State, Sihanouk enjoyed popularity especially amongst the rural population.¹¹³ He was seen as the father of Cambodia's independence, and until his death in 2012, Sihanouk remained vocal on Cambodian border politics.

Cambodia was prepared to make compromises in handling the dispute. During the exploratory talks, it was the Cambodian delegation that insisted on discussing the temple conflict. To make headway on the matter, Son Sann proposed neutralizing the zone and administering the area jointly, although he requested that the Thai recognize Cambodia's right to the temple.¹¹⁴ Still while Sihanouk had severed diplomatic relations in 1958, the Cambodians used informal contacts in New York to remind the Thai Representative at the UN, Prince Naradhip Bongsarabandh, that they were willing to resume talks at any time.¹¹⁵

It is plausible to assume that Cambodia would have consented to Thailand's wish and dealt with the dispute bilaterally had it not been for time running out. Thailand's consent to the mandatory jurisdiction of the Permanent Court of Justice (the ICJ's predecessor) lapsed in 1961. Fearing that the Thai government would not renew its obligation, Cambodia resorted to what it saw as the only internationally sanctioned settlement mechanism that could bring about a solution in the near future.¹¹⁶

¹¹² See for example Official records of the 17th session, UN General Assembly, 1134th Plenary meeting, 27 September 1962, 173.

¹¹³ Chandler 1991, 88-89.

¹¹⁴ Conference de presse tenue par le President de la delegation Cambodgienne aux negociations khmero thaies, Phnom-Penh, le 6 Septembre 1958. CAN, B691.IJ6252.

¹¹⁵ Memorandum of Conversation, Department of State, Washington, 1 December 1958, DoS, Central Files, 601.51H92/12-158.

¹¹⁶ Interview with Son Soubert, Phnom Penh, 14 August 2014.

Thailand

Militarily superior and in control of the temple, Thailand had few incentives to try and settle the dispute. Instead, Thailand sought to avoid dealing with the matter both in the talks in 1958 and during Thanat Khoman's visit in Phnom Penh the year after.

Thailand's reaction to the ICJ has often been described as hostile and escalatory in an already tense security environment. At first, the government had objected the ICJ's competence and once the decision was known, the reactions of several state officials revealed deep discontent with the Court. It took six days until the government declared that it would respect the decision and the Western press saw it as a flat rejection of the award when Defence Minister Thanom Kittikachorn told journalists he "would rather fight to keep what is Thai."¹¹⁷ However, the Thai elite was not generally dismissive of the Court and Sarit and the military had no interest in involving themselves into an external conflict.

Thailand filed its rejection to the Court's competence to allow an additional year for preparing its legal case although its legal team judged that it had effectively little prospect to winning the objection.¹¹⁸ The delay in reacting to the verdict was in part due to logistical reasons. The judgement arrived from The Hague with the diplomatic pouch to Bangkok, where it was translated overnight and distributed to the Royal Survey Department for field study.¹¹⁹ The Court awarded Preah Vihear to Cambodia based on the consideration that the ground and the vicinity of the territory the temple was built on belonged to Cambodia according to the Annex 1 map. However, the ICJ had not declared that the border as shown in the map defined the actual border. Therefore, the Thais proceeded to examine the possibilities of how to define the 'vicinity' of the temple in order to define the new boundary.

According to Anand Panyarachun, who was at the Foreign Ministry, Sarit felt "personally hurt" when he received the ruling.¹²⁰ Several Army generals pleaded with the Prime Minister to reject the award.¹²¹ Based on the material power differential between the two states, the military could be confident to prevail in an armed conflict. The Thai armed forces, a major beneficiary of US military aid in the Cold War, were

¹¹⁷ Thai rejects court ruling on temple, *The Washington Post*, 17 June 1962.

¹¹⁸ Interview with Sompong Sujaritkul, Bangkok, 14 September 2014.

¹¹⁹ Ibid. and interview with Manaspas Xuto, Bangkok, 19 September 2014.

¹²⁰ Interview Bangkok, 9 September 2014.

¹²¹ Gordon 1966, 64.

larger and better equipped than Cambodia's.¹²² In the view of Bangkok's increasingly more powerful bureaucrats, however, it was beyond question that Thailand would accept the ICJ's ruling. The elite saw compliance with the Court as a matter of international prestige, and in the increasingly tense Cold War environment, the best way to secure Thailand's interest was bringing the conflict over Preah Vihear to a close.¹²³

With the exception of neighbouring Laos, Thailand's foreign policy rested firmly in the hands of the bureaucracy. Sarit's deputy Thanat Khoman and his first Prime Minister, Pote Sarasin, visited Sarit on the same night the judgement was known.¹²⁴ In a conversation few details are known about it was decided to uphold the authority of the Court while allowing Cambodia to claim as little land as possible. Accordingly, Sarit told the press later: "Suppose we agree to give up Khao Phra Viharn Temple. What is the extent of [the temple's] vicinity? [The] Court calls only for turning over the temple."¹²⁵

On July 10, the Council of Ministers defined the vicinity as a triangular-shaped area of about 250 square kilometres.¹²⁶ The decision was never made public, although drawings of the unilaterally established border around Preah Vihear appeared in the newspapers the following day.

At the time the temple dispute turned into a public affair, the government was busy garnering popular support.¹²⁷ Sarit had seized power in two coups in 1957 and 1958. His declared revolution (*pattiwat*) sought to put Thailand on a unified path to modernization by creating national stability in a society that he saw as an a-political and passive peasant population. The authorities organized a fund raising campaign to cover the expenses at the ICJ and set up public radio stations where students and villagers received the news from the Court. The public was sensibilized when the

¹²² Darling 1962, 99-100.

¹²³ Memorandum of conversation between Floyd Whittington and Khun Yom Tantsetthi, 19 June 1962, USNA, BFEA-OSEAA, Thailand Files 1960-1963, RG 59.

¹²⁴ Interview with Anand Panyarachun, Bangkok, 9 September 2014.

¹²⁵ Thailand complies on Phra Viharn, *Bangkok Post*, 21 June 1962.

¹²⁶ Report, Ministry of Interior, Annex 5 to Further Written Observations, Memorial of the Royal Government of Thailand, ICJ: Cambodia v. Thailand.

¹²⁷ Thak Chaloemtiarana 1979, 96-97.

judgement was delivered, and nationalist sentiments swept the country when thousands took to the streets to protest.¹²⁸

Nevertheless, the display of a national cause did not quite represent, in Benedict Anderson's words, an "authentic popular Siamese nationalism" underpinning "a stable, legitimate political order."¹²⁹ Sarit's rule was paternalistic and yet, the Thai leadership was wary of its own capacity to manage the conflict. Thus, it had ensured that nation-building proceeded with tight control. The police had stopped protesters from marching towards the Cambodian embassy when the first talks broke down in 1958. When the referral to the ICJ sparked again public indignation, Sarit rejected proposals to organize public events that would demonstrate unity between the people and the government.¹³⁰ Meanwhile, Interior Minister Praphas declared that irredentist claims on the territories turned over to Cambodia in 1946 had no place in Thailand.¹³¹

When Thailand brought down its flag at the temple, Praphas however declared that one day, it "may have to return [...] to its former place."¹³² At the same time, Sarit warned against "forceful solutions" and asked the press not to agitate the population.¹³³ Conflict with Cambodia, Sarit declared, would open new areas of conflict that only served the communists. Therefore, Thailand was to comply with the ICJ's verdict.

Communism was less of a direct threat to Thailand than to any other non-communist state in Southeast Asia. Yet, it played a crucial role in the emerging Thai-style democracy state with regards to both its ideological and institutional makeup. Sarit's rule (1957–1963) was the formative period of modern Thai politics. *Pattiwat* meant a return from the Western liberal ideas that had ended absolute monarchy in 1932 back to traditional notions of authoritarian statesmanship. The Sarit years brought the monarchy back into politics and forged an alliance between the palace and the

¹²⁸ Strate 2009, 231-232.

¹²⁹ Anderson 1978, 211.

¹³⁰ Thailändische Reaktion, Botschaft der BRD Bangkok, 28 October 1959, PA, AA B12.1646, 710-83-92.40-1020.

¹³¹ Strate 2009, 228.

¹³² Terrible weather as Thailand loses territory to thief at the last minute [translation], *Thai Rai Wan*, 17 July 1962.

¹³³ Thailand complies on Phra Viharn, *Bangkok Post*, 21 June 1962.

military, which was firmly institutionalized as the guardian of national development (*pattana*).¹³⁴

Sarit's unity principles of nation, religion and king were at odds with the ideology communism proposed. The new generation of leaders used the communist threat to justify suppressing the liberal and democratic opposition.¹³⁵ According to Fineman, the Thai elite found communists no less and no more annoying than the conservatives in the Democrat Party (DP) or Thai Muslim separatists in the south.¹³⁶ In contrast to the latter, however, fighting communism appealed to the US, the third partner in Thailand's 'Second Triumvirate', which was needed to forge ties between the monarchy and the military. Linking communism to the Preah Vihear conflict thus had a tactical value internationally for internal stabilization.

The acceptance of the ICJ's ruling was not a matter of serious debate. If parts of the leadership had been willing to reject the decision, they eventually shied at the popular mobilization when the decision became known. While previously the regime had relied on martial law to control the dispute it was likely due to the necessity to cool down the heat of the situation that it allowed spontaneous demonstrations when the decision became known.

Dependable expectations of no-war

The dispute over Preah Vihear was of minor intensity in an otherwise conflictive relationship. However, although Thailand accepted the ICJ's decision, Cambodia failed to obtain the recognition it was seeking.¹³⁷ Sarit's government had declared that it honoured its obligations "with profound sorrow."¹³⁸ In a letter distributed through the UN, Thailand informed the international community that it reserved the right to recover the temple by recourse to applicable legal process in the future.¹³⁹ The ICJ's Statute allowed for the possibility to apply for revision during a period of ten years; nevertheless, ten years lapsed without Thailand considering the option.

¹³⁴ Handley 2006, ch.8.

¹³⁵ Yano 1968.

¹³⁶ Fineman 1997, 260.

¹³⁷ See *The Geographer* 1966, 5.

¹³⁸ Communiqué, 3 July 1962, reprinted in Thailand, Department of Information, *Foreign Affairs Bulletin* Vol. I, Number 6, June-July 1962, Bangkok.

¹³⁹ Note to Secretary-General of the United Nations, Thailand, Ministry of Foreign Affairs, 6 July 1962, reprinted in *ibid*.

In August 1962, the Cambodians sought an alternative. Sihanouk called for an international conference guaranteeing the neutrality and territorial integrity of Cambodia, similar to the Laos Agreements that had been reached earlier that year. Although the request for a collective recognition remained unattended, Sihanouk was able to include a clause on the respect of the territorial integrity principle in several international agreements. In the UN mediation with Thailand, Sihanouk made a clause on the recognition of Cambodia's borders a precondition for restoring formal relations.¹⁴⁰ As Bangkok rejected, another opportunity to create dependable expectations was missed.

There were few signs of good-will on either side during the Preah Vihear controversy. In other cases, states had found common ground in resolving a dispute through international law, but neither Cambodia nor Thailand took pride in their pioneering role as the first Southeast Asian states before the ICJ (see Chapter 8). In Thailand, the Court was perceived as partial to Western interests favouring the formerly French Cambodia. Bangkok recalled its ambassador from Paris to protest the pro-Cambodian vote of the French judge, and because the President of the Court was Polish, Thailand imposed temporary measures against Polish nationals and banned imports from Poland.¹⁴¹ If Cambodia and Thailand avoided armed conflict during the temple controversy, no-war was not a given and in addition, the heavy influence of more powerful third parties further lessened the degree of confidence by neutralizing the material constraints on the possibilities to fight.

Community through a different war on the border, 1970–1990s

The politics at Preah Vihear during the Cold War were a crucial factor in the emergence of no-war community. Built on a cliff-top rising on the Thai side, the temple was strategically important as it placed Bangkok in a position to influence events across the border. Most of the time during 1970–1990s, the respective governments in Phnom Penh did not control the temple and the question of where the border ran became largely irrelevant.

¹⁴⁰ Memorandum on the actual situation with regard to the negotiations of the U.N. mission to Cambodia and Thailand, pro memoria, UN Archive [Herbert de Ribbing], 2 March 1967.

¹⁴¹ Thais sever trade links with Poland, *Washington Post*, 23 June 1962.

In March 1970, Sihanouk was ousted in a coup led by his former Defence Minister Lon Nol. Lon Nol's pro-Western Khmer Republic re-established relations with Thailand and the two sides expressed their desire to use and manage Preah Vihear jointly.¹⁴² Within less than three months, Lon Nol lost control over major parts of the country. At Preah Vihear, his troops held out due to the support of a small contingent of US Special Forces and supply lines through Thailand. They were the last to surrender on May 23, 1975, before the Cambodian communists known as the Khmer Rouge took the flag of the Khmer Republic down from the temple.¹⁴³

With their former opponents now in Phnom Penh, Thailand hoped that a “friendly gesture will ease the tension” and offered the Khmer Rouge free passage through Thailand to reach Preah Vihear.¹⁴⁴ Yet, relations between the two states would remain ambiguous until December 1978, when the Vietnamese ousted the murderous regime under the lead of Pol Pot. According to former Khmer Rouge soldiers, the Thai Army never interfered at Preah Vihear.¹⁴⁵

Vietnam's invasion of Cambodia and the subsequent occupation turned Thailand into a frontline state in the Cold War and the Khmer Rouge into an ally of the non-communist block. The Thai border became the basis of resistance against the regime the Vietnamese installed in Phnom Penh. Backed by the ASEAN states, China and the US, the Khmer Rouge grouped together with royalist and anti-communist Khmer forces. The international coalition sent basic supplies and weapons to Thailand, where the Army made them available to the Cambodian resistance. The contacts made during this period would determine how Cambodian and Thai security personnel related to each other in the conflict over the Preah Vihear border during 2008–2011. Until 1991, the temple served as a base for the Khmer Rouge and only once, during the annual dry-season offensive in late 1984, did Vietnamese forces bring the temple briefly under their control.¹⁴⁶

The war in Cambodia ended formally with the signing of the Paris Peace Accords in 1991. Both Cambodia and Thailand sought friendly relations and cooperated to clear the heavily mined area around Preah Vihear. In 1992, the temple was opened for

¹⁴² Jha 1979, 120.

¹⁴³ Ancient cliff-top temple is last outpost for Khmer Republic, *Washington Post*, 24 April 1975.

¹⁴⁴ Thailand to allow Khmer Rouge passage to border temple, *The Nation*, 24 May 1975, 3.

¹⁴⁵ Former Khmer Rouge cadres speak of the Preah Vihear temple, interviews by Long Day and Nhean Socheat, DC-Cam, 2013, on file with the author.

¹⁴⁶ Interview with Nek Bun Chhay, Phnom Penh, 26 August 2014; Conboy 2013, 146-147, 167, 200.

tourists. In July 1993, however, close to one hundred guerrillas retook control at Preah Vihear. The Khmer Rouge continued their armed struggle for another six years, and while the government in Bangkok denied any involvement, the Thai Army maintained its local business networks with their former allies.¹⁴⁷ When Cambodian government troops (Royal Cambodian Armed Forces, RCAF) reached Preah Vihear in April 1998 to sign a peace deal with the remnant Khmer Rouge, they found them sitting together with Thai Rangers (*Thahan Phran*, a paramilitary force under the command of the Army).¹⁴⁸

Soon after Cambodia was pacified, the first Cambodian-Thai Joint Boundary Commission (JBC) convened in Bangkok. Subsequently, the two sides agreed on a MoU on surveying and demarcating the land boundary (2000) and a MoU on joint oil and gas exploration in the Gulf of Thailand (2001). Most of the foreign affairs and security officials working together knew each other personally. Some had previously sat on opposite sides of the table, but at the very least, they shared an understanding of security considerations on the border.

Conflict over the border at Preah Vihear, 2008–2011

The dispute over the border at Preah Vihear gained prominence when the temple became an opportunity for tourism. Thailand protested efforts by the Cambodian government to integrate Preah Vihear into its tourism infrastructure and claimed that an expanding market below the temple violated a *status quo* clause in the 2000 MoU. Cambodia replied that the *status quo* agreement only applied where the border was not agreed.

The disagreement became obvious when Cambodia prepared to have the temple listed as a UNESCO World Heritage site. The plans for the nomination included a map that showed an indicative boundary line and an administrative zoning that crossed over Thailand's 1962 line. Bangkok feared that the listing would prejudice Thailand's claims in the area surrounding the temple and opposed an inscription based on the Cambodian interpretation of the border.

¹⁴⁷ French 2002, 147, 151.

¹⁴⁸ Preah Vihear: the jewel in the crown, *PPP*, 10 April 1998.

At the meeting of UNESCO's World Heritage Committee in 2008, the two sides reached a compromise. Cambodia's Deputy Prime Minister Sok An and the Thai Foreign Minister Noppadon Pattama signed a Joint Communiqué in which Cambodia withdrew the controversial map and Thailand, in turn, agreed to the listing. On July 7, the Committee inscribed Preah Vihear as a World Heritage site.

At his return to Thailand, Noppadon was greeted with protests. Marching on the streets of Bangkok, the extra-parliamentary Alliance for Democracy (PAD, the 'Yellow Shirts') accused him of treason. In a political crisis that had turned into a mass-based social conflict, the PAD demanded the resignation of the government and Preah Vihear, as Democrat Party opposition leader Abhisit Vejjajiva said, would become the "knockout punch" to end the premiership of Samak Sundaravej.¹⁴⁹ Samak represented the political camp of former Prime Minister Thaksin Shinawatra, who had been ousted in a concerted coup in 2006. Thaksin's rise to power was carried by the aspirations of a progressive urban middle class and the rural population of Thailand's north and northeast, and once the coup-makers allowed for elections, these had returned Thaksin's successor party to the Government House.

Lawyers of the PAD, a group of Senators and the Democrat Party turned to the judiciary where they achieved the revocation of the Communiqué.¹⁵⁰ At Preah Vihear, a Yellow Shirt rally prompted Cambodia to close the nearby checkpoint. Nevertheless, on July 15, three activists from the ultra-nationalist grouping *Dharmayatra* crossed into the disputed area. They were arrested by Cambodian security forces and quickly released, but Thailand sent its border police to assist. Both sides relocated troops to the border and Thai Rangers moved into the Keo Sikha Kiri Svava pagoda in the disputed territory.

To ease the situation, the two sides held talks at various levels. However, the Thai Army insisted that a unilateral withdrawal from the pagoda was tantamount to accepting Cambodia's claim to the disputed area. For the same reason, Cambodia refused to remove the settlement near the temple. By mid-July, the habitual

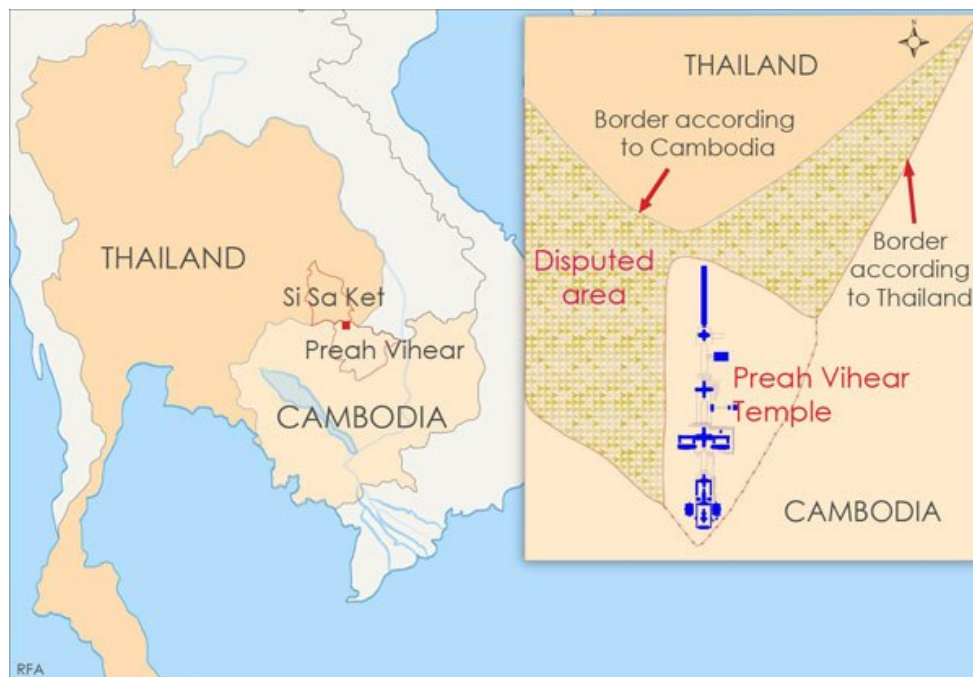
¹⁴⁹ Controversy over 11th century temple inflames Thai politics, *AP*, 27 June 2008.

¹⁵⁰ The PAD also filed criminal complaints with the National Anti-Corruption Commission (NACC) against senior foreign policy officials and the members of Samak's cabinet for negligence of duty in endorsing the communiqué. The NACC found 28 members of the government guilty.

conversations between the troops at the border had stopped and junior officers believed clashes could occur any time.¹⁵¹

This happened in October after a mine incident in which two Thai Rangers got injured. More troops amassed in the area and on October 15, the Thai Army encountered a Cambodian patrol in the disputed zone at Phnom Trap/Phu Makhua. When the Cambodian troops refused to leave, the Thais opened fire. After less than an hour, the shoot-out ended with an agreement between the local commanders.

Map 7. The Preah Vihear temple area



Source: Radio Free Asia, available at <http://www.rfa.org/english/news/cambodia/preah-vihear-04172013193602.html> [last accessed 26.1.2016].

The clash left three Cambodian and one Thai soldier dead. Both governments called for cooperation and resumed talks under the JBC to agree on the withdrawal of troops and continue survey work on the border. However, the process was complicated by the politicization of the judiciary on the Thai side.¹⁵² In October, the Constitutional Court had issued a controversial ruling in which it found that Samak's government had failed to seek prior approval of the legislature before signing the Communiqué at

¹⁵¹ US embassy cable 08BANGKOK2167, 16 July 2008, Wikileaks Ref.ID 162247.

¹⁵² See McCargo 2014.

UNESCO.¹⁵³ Fearing indictment for an unauthorized action on the boundary question, the JBC delegation submitted even the minutes of the meetings to Parliament.

In December, the relation between the two capitals was further complicated as Thailand formed a new coalition government under Democrat Party leader Abhisit. While in the opposition, the party had tolerated that its members joined the PAD's rallies. On one of the Yellow Shirt stages, Abhisit's Foreign Minister Kasit Piromya had called Hun Sen a scoundrel.¹⁵⁴

Another shoot-out occurred at Preah Vihear on April 3, 2009, after UNESCO officials had visited the site to examine the damage from the October fighting. In September, several PAD activists rallied near the temple and crossed the border into Cambodia. Hun Sen, frustrated over the lack of progress to resolve the dispute, declared that anyone who crossed the border illegally would be shot at.¹⁵⁵ The following month, he created a political crisis at the ASEAN Summit in the Thai city of Hua Hin, where he floated the news that he had offered Thaksin to serve as his personal economic advisor. Thailand withdrew its ambassador and for close to one year, diplomatic relations remained suspended. The spat did not resonate on the border. During most of 2010, the situation at Preah Vihear remained calm.

Return to the ICJ, 2011

The dispute reached a new height in February 2011 when the Thai Army began building a road to the pagoda. As Cambodia's protests went unheard, troops of the RCAAF sought to fire warning shots at the construction machines. More than a mere warning, however, the bullets actually hit the construction site. The Thai Army responded with heavy artillery.¹⁵⁶ Within forty-eight hours, two ceasefires were agreed and broke down again before Cambodia called for an urgent meeting at the UN Security Council. When the hostilities ceased on February 7, three Thai and five

¹⁵³ Royal Gazette vol. 123 Sect. 108A, 1-60, 10 October 2008.

¹⁵⁴ Kasit and Jakrapob: Abhisit's double standard?, *Prachatai*, 3 February 2009.

¹⁵⁵ Cambodian leader warns Thais over border dispute, *AP*, 28 September 2009.

¹⁵⁶ For the official Thai and Cambodian accounts see Annex to the letter dated 5 February 2011, Permanent Mission of Thailand to the President of the Security Council, UN, S/2011/57, and Annex to the letter dated 5 February 2011, Permanent Representative of Cambodia to the President of the Security Council, UN, S/2011/56. The UN documents are found in the respective UN Reports of the Security Council, available at <http://www.un.org/en/sc/documents/reports/> [last accessed 11.3.2015].

Cambodians were reported dead and close to one hundred military, police and civilians injured.

The Security Council met on February 14. It called for a permanent ceasefire but turned down Cambodia's request for a UN observer mission. Instead, the Council expressed its support for bilateral and regional efforts to find a peaceful solution to the conflict.¹⁵⁷ This provided an opportunity for Indonesia, which held the yearly ASEAN chairmanship and had quietly supported bilateral efforts to resolve the conflict since it first erupted in 2008. Seeking to foster the credibility of ASEAN, Indonesia's Foreign Minister Marty Natalegawa held informal discussions with the Thai and the Cambodian representatives at the ASEAN Foreign Ministers meeting on February 21–22. Eventually, it was agreed that Indonesia send a military observer team to the border and Cambodia and Thailand would resume talks under the frameworks of the GBC and the JBC.¹⁵⁸

None of the agreed measures bore fruit. Cambodia immediately accepted the terms for the observer mission, but the Supreme Commander and Chief of Staff of the Thai Army told the government that the military would not allow foreign military personnel in the disputed area. Also the promised meeting of the GBC had to be cancelled as the Army insisted that third parties had to stay out of the dispute.¹⁵⁹ When the civilian-led JBC convened during April 7–8, the delegations spent most of the time disagreeing over the role Indonesia had to play in the meeting.

Cambodia had repeatedly warned that it would refer the dispute to the ICJ if a solution were not found. To unlock the bilateral process, the Thai government pushed the pending reports of the previous JBC meetings through Parliament. Before the survey works at Preah Vihear could commence, however, fighting broke out at two temples about 150 kilometres further west at the border. RCAF had begun fortifying its position at the Ta Kwai [Thai]/Ta Krabei [Khmer] temple in early 2011 after Cambodian intelligence services had warned of a Thai attack.¹⁶⁰ On April 22, a clash escalated into an exchange of mortar and heavy artillery fire. The fighting spread

¹⁵⁷ Security Council Press Statement on Cambodia-Thailand Border Situation, 4 February 2011, SC/10174.

¹⁵⁸ Statement by the Chairman of the Association of Southeast Asian Nations following the Informal Meeting of the Foreign Ministers of ASEAN, Jakarta, 22 February 2011.

¹⁵⁹ Thailand must show it is not an obstacle to peace, *The Nation*, 3 March 2011.

¹⁶⁰ Interview with Samir Chan, Phnom Penh, 18 August 2014.

quickly to the nearby Ta Muen/Ta Moen temples and the border crossing of O'Smach. Decisive efforts to halt the hostilities commenced only slowly.

On April 28, the commanders of the military regions agreed on a ceasefire. When it broke down several hours later, Cambodia, fearing that the conflict would spread, submitted a request for interpretation of the 1962 judgment to the ICJ and asked the Court for the urgent indication of provisional measures.¹⁶¹ Small arms fire continued for five days. According to official Cambodian accounts, 14 soldiers were killed and 94 people injured.¹⁶² Thailand reported five soldiers dead and more than one hundred troops and civilians wounded.¹⁶³

On July 18, the ICJ called for a demilitarized zone and requested the immediate withdrawal of troops and unrestricted access for the observers to a designated area at Preah Vihear. The measures carried binding effect, yet their implementation was slow and never completed. In early May, at the side-lines of the ASEAN Summit in Indonesia, the two sides had reaffirmed their commitment to the observer mission.¹⁶⁴ In Thailand, however, the Democrat Party campaigned for early elections and on July 3, a new government was elected. Even though the Pheua Thai administration under Thaksin's youngest sister Yingluck Shinawatra had friendly relations with Cambodia, the government was unable to change the prevailing attitude of the Army's top brass.

The border remained nevertheless calm. In November 2013, the ICJ ruled by unanimous vote that the 1962 verdict gave the entire promontory on which Preah Vihear was situated to Cambodia. It further declared that the judges in 1962 had not taken Cambodia's Annex 1 map as basis to decide on the boundary at the temple and that therefore, the map did not define the border in the area beyond the promontory, including the disputed Phnom Trap/Phu Makua.¹⁶⁵ This allowed the Thai government to claim a partial victory. As of September 2015, no steps have been taken to implement the verdict.

¹⁶¹ Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand). The application and relevant documentation are available at <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&case=151&p3=0> [last accessed 10.12.2014].

¹⁶² Cambodia 2012, 46.

¹⁶³ Forward Operations Centre of the Second Army Region, *Thai News Service*, 4 May 2011.

¹⁶⁴ Agreed summary of the Meeting of the Foreign Ministers of Cambodia, Indonesia and Thailand, Jakarta, 9 May 2011.

¹⁶⁵ Judgement (Cambodia v. Thailand), para. 92-97.

State preferences and conflict strategies

Cambodia

Cambodia's strategy in the dispute was necessarily defensive. Lacking the capacity to confront an external enemy, sustaining the conflict meant a direct trade-off in resources. The government strove for a definitive settlement of the border question and made the necessary concessions not to let the dispute escalate. I classify Cambodia's strategy in the conflict as compromise. In the various crises during 2008–2011, however, Cambodia did not give in to Thai military pressure.

Cambodia had little choice but to accept that the Thai Rangers occupied the Kao Sikha Kiri Svava pagoda when the conflict erupted in July 2008. Television news showed RCAF troops shouldering out-dated AK-47 rifles walking in flip-flops up to the temple. After a matter of days, the troops lacked food supplies and basic equipment.

At the Ta Moen/Ta Muen temples 150 kilometres further west, Khmer and Thai soldiers had in previous years celebrated Buddhist New Year together. Largely outside the attention of the media and the public, the Thai Rangers denied RCAF soldiers access to the disputed area as tensions increased at Preah Vihear. Cambodian troops then moved into the nearby Ta Krabei/Ta Kwai temple, a site that is cut in half by the watershed line that defines the border according to the Franco-Siamese treaties. When the Thai demanded that they abandon the temple, RCAF quickly retreated.¹⁶⁶ Both sides refrained from occupying the building, but around the same time, the Thai Army installed a detachment on Phnom Trap/Phu Makua. Cambodia never openly protested.

Phnom Penh's compromises appeared contradictory to Hun Sen's political outrages especially during the Abhisit government. During Thaksin's premiership (2001–2006), Thaksin and Hun Sen had developed close economic and personal ties. When Thaksin was ousted in a military coup, Cambodia backed his 'Red Shirt' supporters against the Democrat Party.¹⁶⁷ With Abhisit in power, the tone in the dispute became harsher but the way both sides handled the conflict did not fundamentally change. Hun Sen found mostly, but not always friendly words for Thaksin and the Red Shirts.

¹⁶⁶ Soldiers withdraw from Ta Moan Thom, Ta Krabey temples, *PPP*, 22 October 2008.

¹⁶⁷ Accusations that Cambodia actively and systematically lent support to the Red Shirts and its militants is yet to be proven.

Asked by Thaksin and his aide Jakrapob Penkair why he helped Thailand's Red Shirts, Hun Sen responded: "Because you are the lesser evil."¹⁶⁸

The government's discord with the Democrats was most apparent when Hun Sen appointed Thaksin as his personal advisor. His announcement hijacked ASEAN's benevolent conflict culture image and official non-interference rule as he floated the news at the ASEAN summit. In the view of the Thai elite, Thailand, which hosted the meeting as the annual chairman, was publicly ridiculed.

Hun Sen ensured that the ensuing diplomatic crisis would not resonate in the border. The Prime Minister ordered a military delegation including generals Chea Tara and Srey Doeuk, both in charge at Preah Vihear, to convey a personal message to the Thai Army.¹⁶⁹ At the close of the ASEAN meeting, Hun Sen told the press that Cambodia would redeploy its troops from the temple to the camp.¹⁷⁰

The skilful manoeuvring was possible because Hun Sen commanded a highly centralized state. Cambodia's medium-to-low level of socio-political cohesion depended strongly on unity at the elite level, which I classify as high at the time of the conflict. Hun Sen and the ruling Cambodian People's Party (CPP) had consolidated power since they formed the first government after Pol Pot was removed from power in 1979. In 2008, Cambodia was led by an exclusive circle that was at once the country's political, economic and military elite.¹⁷¹

After the elections on July 27, 2008, the CPP stood strengthened. The nomination of Preah Vihear as a World Heritage Site and the simmering dispute had boosted the party's popularity. Yet, the CPP also enjoyed wide support from the population especially in the countryside for its past achievements in pacifying the country. The young generation no longer remembered the violence of 1975–1979 and its aftermath, and demands for change and protest against a personalized and exclusive state gained strength.¹⁷² Yet, the existing bases of legitimacy are sometimes too easily neglected given Cambodia's UNTAC legacy, which has created a large and vocal foreign-funded NGO-community mandated to disclose democracy's shortcomings. While

¹⁶⁸ Interview with Jakrapob Penkair, Phnom Penh, 28 July 2014.

¹⁶⁹ ASEAN: Cambodia-Thai dispute needs intervention to avoid serious division [translation], *Reaksmei Kampuchea*, 9 November 2009.

¹⁷⁰ Cowboy diplomacy, *The Nation*, 10 November 2010.

¹⁷¹ Heder 2005.

¹⁷² Heder 2012.

nepotism, exploitation and repression have been a reality that alienated many in Cambodia's weak political society, the lack of an articulated alternative ensured the CPP enough popular backing that even the critical elite thought it prudent to rally behind Hun Sen in the conflict with Thailand.

The major challenge to the prevailing state model has been the ruling party's origin in the Vietnamese invasion. Hun Sen's critics long accused the government of executing Hanoi's interest, especially in the context of pending territorial disputes. Similar divisions over the Thai border, however, did not exist. Also the monarchy and the temples, once independent loci of power, supported the government line. Tep Vong, Cambodia's Great Supreme Patriarch, shared the government's perception that the conflict was driven by Thai nationalists and insisted that Hun Sen was right to offer resistance in the clashes. When CPP leaders came for counsel, however, he told them Cambodia could not possibly have another war.¹⁷³

Cambodia had to weigh the resources the conflict drew against those it needed domestically. In the fighting in April 2011, Thailand sent its F-16s over the border but the government decided to bring its anti-air missiles only into position if the situation could no longer be controlled.¹⁷⁴ Each time the clashes dragged on, the government needed to raise funds. Cambodia made the necessary improvements to the effect that by 2011, the country was more confident to face up to Thailand in a localized clash. Yet, the measures were means at capacity-building clearly limited by the need not to upset the prevailing structures.

RCAF was in a poor state in terms of equipment and professionalism. The military had absorbed large numbers of former guerrillas when Cambodia's internal conflict ended. Since, RCAF has become an instrument mainly for political infighting.¹⁷⁵ In 2008, the downward trend in Cambodia's military expenditure as a share of GDP was reversed. However, expenditures remained at a fairly constant level of 2.5% of total revenues for five consecutive years and thus below the 2.7% that the 2006 Defence

¹⁷³ Interview, Wat Ounalom, 1 August 2014. I am indebted to Tat for interpreting.

¹⁷⁴ Interview at the Ministry of Defence, Phnom Penh, 14 August 2014.

¹⁷⁵ To the best of my knowledge, there is no single academic work on RCAF. Evidence is found in Global Witness 2007 and Heder 2012.

White Paper set as necessary to sustain the development of Cambodia's unworkable, out-dated equipment.¹⁷⁶

The biggest part of the fixed budget posts covered salaries which increased from monthly \$100 to over \$200 plus an extra allowance for soldiers stationed in the conflict zone.¹⁷⁷ The government also had to compensate soldiers for the loss of additional income from second employments or small businesses run to provide for their families' living. The soldiers were granted title to 25 hectares of land each and encouraged to bring their families to take up residence in the area. In the course of three years, state authorities built two settlements, Hun Sen Village and Eco Village.

None of these measures were new. They had been foreseen in the plans for military reform on integrated border defence and self-reliance as part of the peace deal between the government and the former guerrilla, which allowed the latter to maintain their lands and local networks.¹⁷⁸ As a result of having their livelihoods close by, the troops at Preah Vihear had little interest in extending the fighting.

Compared to 2008, by 2011 Cambodia had slightly increased its military and institutional capacity. RCAF had improved its equipment mainly through its defence cooperation with China.¹⁷⁹ The Ministry of Defence identified corruption as a major obstacle to military effectiveness and the government took measures to ensure that at least the allocated resources reached their desired destination. If few, some of the adaptive measures promised lasting effects. At the National Defence University, for example, Hun Manet, a West Point-educated son of Hun Sen, replaced the defunct examinations system.

The implementation of the integrated border defence concept did not invariably translate into greater capacity. Lower-ranking RCAF troops complained that land titles were granted on a political basis, and an officer described a frequent practice of

¹⁷⁶ Cambodia to raise FY10 defence budget by 23%, *Jane's Defense Industry*, 2 November 2009; IISS data, various years; National Strategic Development Plan 2006–2010, Ministry of Planning, Phnom Penh, 11.

¹⁷⁷ This paragraph is based on interviews at the National Authority of Preah Vihear and information from the Ministry of National Defense, Department of Development.

¹⁷⁸ Cambodia 2006, 75-76.

¹⁷⁹ China gives over 250 military trucks to Cambodia, *AFP*, 1 June 2010.

land measurement as “a method where you shoot, and where the bullet hits the ground, this is how far your land reaches.”¹⁸⁰

Cambodia’s knowledge base remained constant at a low level during 2008–2011. A small group of persons around Var Kim Hong at the Council of Ministers and Long Visalo at the Ministry of Foreign Affairs has managed border affairs since the 1980s. However, they had limited resources. Because most existing archives had been destroyed during the DK regime, the development of a comprehensive pool of information could begin only in the 1990s. Still then, the development of a strong knowledge base was hampered by the lack of advanced technology and mines in the border areas.

By 2011, the military command was confident that the troops could stand in a localized engagement. In the April clashes, after three days under near-permanent shelling, the forces at the Ta Kwai/Ta Krabei temples reported that they could maintain their defence for another two days at most and asked for permission to counter-attack. Hun Sen immediately approved the request.

The above shows that the Cambodian state was capable of marshalling resources to overcome the severest constraints on its capacity to face an external conflict. In 2011, the government was frustrated over the lack of progress in the dispute and no longer acceded when Thailand insisted to deal with the conflict bilaterally. Nevertheless, the leadership remained wary to ensure that the security forces “share information and dried fish, all we have in Cambodia” to avoid accidents and misunderstandings.¹⁸¹ When the risk increased that the fighting would spread to other parts of the border, Cambodia no longer relied on military defence but submitted the conflict to the ICJ.

As Ou Virak, a prominent human rights activist pointed out, since UNTAC Cambodia never stood more united than in the conflict with Thailand.¹⁸² However, the leadership knew of the limits of mobilizing domestic capacity. A donations campaign that alleviated the situation of the troops at Preah Vihear was supported by a significant part of the population. Yet, the success of the campaign depended on the support of

¹⁸⁰ Interview, Phnom Penh, 24 August 2014. The Cambodian Center for Human Rights (CCHR) documented several land conflicts related to the Preah Vihear conflict. Interview with Vann Sophat, Phnom Penh, 27 August 2014; information available with CCHR.

¹⁸¹ Interview with Phay Siphon, Phnom Penh, 1 August 2014.

¹⁸² Interview, Phnom Penh, 4 August 2014.

the major broadcasters, all of which were owned or under the control of the CCP.¹⁸³ Similarly, the government relied on earmarked relations at the top-level to allow land allocations to the military in order to facilitate its deployment in the first place. Hun Sen asked business magnates (*okhna*) to return lands they had obtained for a symbolic price.¹⁸⁴ Other *okhna* were offered to sign an Investment Partnership MoU in which they agreed to finance individual army units. The top-down approach ensured Hun Sen tight control in the conflict and muted potential criticism of the compromises he made to avoid that the conflict escalated. At the same time, it raised doubts about the possibilities of mobilizing capacity if not based on personal control. The Cambodian spokesperson of the Ministry of Defence recalled that “Hun Sen called every night during the conflict. Command in the border is one-to-one, *nobody else* can do like he does.”¹⁸⁵

Thailand

Thailand had sufficient military capacity to be confident that fighting could be contained. Even more, superiority both in manpower and equipment would have allowed launching a decisive strike against Cambodia. The many poorly demarcated and disputed stretches along the border provided easy targets to overburden RCAF by forcing it to deploy at additional trouble spots. Yet, Thailand ensured that fighting remained restricted to a small number of areas. The civilian leadership, which had limited political power vis-à-vis the military, left it in the hands of the Army to handle relations in the border. The military, on the other hand, wanted a political strategy to lead the way and was unprepared to assume political responsibility itself. While relying on the bureaucracy to resolve the border question, however, the armed forces command saw little reason to abstain from backing its claims by force. During 2008–2011, Thailand delayed resolving the conflict but exercised restraint in the clashes to prevent the incidents from escalating.

The Thai military held full control over the operational strategy in the conflict and a political veto in policy-making. Thailand’s borders had come under the exclusive

¹⁸³ Bayon TV is owned by Hun Sen’s daughter Hun Mana; one of CTN’s channels is owned by Kith Meng, who has close links to Hun Sen; Apsara TV is owned by the sons of CPP Secretary-General Say Chhum and Deputy Prime Minister Sok An; TVK is the national TV controlled by state authorities.

¹⁸⁴ Interview with the manager of a manufacturing business, Phnom Penh, 18 August 2014.

¹⁸⁵ Interview with Chhum Socheat, Phnom Penh, 23 August 2014; emphasis added.

control of the Army during the Cold War and all governments in charge during 2008–2011 depended on the military’s backing. Except for disagreements on the foreign observer mission, however, the preferences of the military and the civilian leadership were largely identical. For both, priority took what Michael Montesano called Thailand’s “slow-burn civil war.”¹⁸⁶ Due to the concern that conflict with Cambodia would further fuel internal divisions, the elites sought to prevent that the border conflict intensified.

Thailand’s crisis was the culmination of a conventional power struggle that fed into a conflict over legitimate state authority.¹⁸⁷ Thaksin and the Red Shirts were a new force on Thailand’s political scene that had upset the balance between the traditionally powerful institutions: the monarchy, the military and the bureaucracy. Though challenged in different ways, the established elites found common ground in a looming crisis over the succession of King Bhumibol.¹⁸⁸ Since Sarit, the King has served as the principal source of legitimization for a state built on the principles of social hierarchy, Buddhism and market liberalism; a state that excluded significant parts of the population and alienated others.¹⁸⁹ These found a voice in Thaksin, and it was thus that fractions at the elite level translated quickly into a mass-based social conflict.

I define the strength of Thailand’s political society as moderate and its elite cohesion and legitimacy as low during 2008–2011. The legitimacy of the prevailing order was openly and violently challenged and polarization reached to a level where it changed social networks and family relations. Nevertheless, even if Thailand’s political society was weakly constituted and the conflict essentially elite-driven, a shared idea what ‘Thailand’ was struggling for was apparent in the demands that people brought to the streets.

In 2008, the conflict became “hostage” to Thai domestic politics.¹⁹⁰ The elites, however, remained wary to control popular mobilization. Soon after the dispute gained visibility on the PAD’s stages, the issue ceased to attract the masses. The

¹⁸⁶ Montesano 2012.

¹⁸⁷ ICG 2014.

¹⁸⁸ Because of a harsh *lèse majesté* law this aspect is not debated in Thailand and often omitted in an otherwise abundant literature on the Thai crisis. For an exception see Winichakul 2008. The role of the monarchy in politics is extensively dealt with in Handley 2006 and Marshall 2014, although these risk overstating the importance of the succession in a wider, political conflict.

¹⁸⁹ Stent 2012.

¹⁹⁰ Sok Udom Deth 2014, 246.

Army's top brass was supportive of the PAD's cause, yet the military was more concerned about the deteriorating situation in Bangkok than it was interested in mending a hostile opposition towards Cambodia. When the dispute flared in July, Samak asked Supreme Commander Boonsrang to meet Cambodia's Defence Minister Tea Banh and the two officials agreed on pulling back a number of troops. "[The talks] achieved what they were supposed to: no fighting, the rest is politics," Boonsrang explained.¹⁹¹ The Army did not see resolving the conflict as its responsibility, least by recourse to force. Rather, the foreign policy elite observed, the military wanted a "clear, written order from the government, so they wouldn't be accused of taking sides between the Yellow Shirts and the Red Shirts."¹⁹²

The Army's primary concern was Bangkok, where the Yellow Shirts blocked the international airport and the Government House. In October, the on paper neutral monarchy was openly dragged into the political conflict when Queen Sirikit attended the funeral of a Yellow Shirt protester who had died in clashes with the police.¹⁹³ The internal fronts hardened, and it was now undoubtedly clear where the priorities lay. When the first clashes occurred at Preah Vihear, the Army's Commander in Chief Anupong Paochinda called upon short-term Prime Minister Somchai Wongsawat to resign.¹⁹⁴ The temple dispute was not amongst the reasons cited by the military. Eventually, Somchai was removed for mishandling the Yellow Shirts' occupation of the Parliament.

With close to half of the population in open opposition to either one of the two political parties in office, Thailand's elite was unprepared to wage an external conflict. The leadership could not offer compromise either as it lacked the capacity to mediate consensus and instead delayed taking further steps in the dispute.

The instrumentalisation of the political process in the aftermath of the 2006 coup played into the strategy.¹⁹⁵ Thailand could rely on a solid knowledge base regarding its borders but only a moderate level of administrative capacity. While individual institutions worked professionally and were on principle capable of implementing border demarcation and management tasks, they were paralyzed in the internal

¹⁹¹ Interview, Bangkok, 10 September 2014.

¹⁹² Prasas Vinitchai, e-mail, 14 October 2014. Similar views were expressed Kasit Piromya and another foreign affairs official (interviews, both Bangkok, 20 and 12 September 2014, respectively).

¹⁹³ Princess Chulabhorn's politics, *New Mandala*, 14 January 2014.

¹⁹⁴ US embassy Bangkok, Wikileaks Ref.ID 08BANGKOK3143.

¹⁹⁵ McCargo 2014.

conflict. The National Security Council was often bypassed and the JBC only aggravated the existing misgivings as the Thais were hesitant to make even informal agreements. After the indictments related to the World Heritage title, including Noppadon's, all actors sought to play safe. When the fighting in February 2011 raised concerns over a possible escalation, the Abhisit administration eventually asked the Constitutional Court to rule whether the minutes in fact required approval. Backed by political will, the Court's judgement unlocked the JBC process.¹⁹⁶

The personally cold relationship between the capitals during Abhisit's tenure did not make a difference to Thailand's position in the conflict. In any case, it did not affect the military's point of view. The Democrats and the Army stood on the same side in Thailand's domestic struggle, but the alliance was built on a limited common cause. The Democrat Party had historically sought to curtail the power of the military but needed the Army's support as the domestic crisis deteriorated further in early 2009. To counter an increasingly aggressive climate, the government responded with strict security measures and a national unity campaign at home. At the same time, it sought rapprochement with Cambodia.

The rift over the Preah Vihear border between the Democrats and the PAD became evident in early 2011.¹⁹⁷ Already before, the government had tried to calm hardliners but the attempt to appease PAD-associate Veera Somkwamkid ended in a fiasco.¹⁹⁸ Veera, together with the Democrat MP Panich Vikitsreth and five others got arrested for trespassing into Cambodian territory near the disputed border of Sa Kaew Ban Nong Chan. Panich was a confidant of Abhisti and the Thai Army command blamed the Democrats for unnecessarily provoking Cambodia. The government distanced itself from the PAD activists and both sides worked quietly to allow Panich's swift return before demonstrations in Bangkok gathered momentum.

The fighting in February 2011 was more intense than the previous clashes. Again, the confrontation was not a consequence of Thailand's internal crisis but the result of local dynamics at the border. Like most officials in Thailand, Thai Foreign Minister Kasit believed that Cambodia provoked the clashes to bring a third party into the

¹⁹⁶ See Statement by His Excellency Mr. Kasit Piromya, Minister of Foreign Affairs of Thailand, at the United Nations Security Council, New York, 14 February 2011.

¹⁹⁷ Thai-Cambodian border tensions ease after plaque removed, *Dpa*, January 27, 2011. See also Issues Concerning War on the Cambodian-Thai Border, Press Briefing, 17 February 2011, *Cambodia New Vision*, <http://cnv.org.kh/?p=1014> [last accessed 5.12.2014].

¹⁹⁸ Interview with Panich Vikisreth, Bangkok, 17 September 2014. Details are in Vikitsreth 2011.

conflict and told Prawit “to teach [Hun Sen] a lesson.”¹⁹⁹ Both, however, sought to bring the fighting to a quick close. Prawit approached Hun Sen and agreed with Cambodia’s Tea Banh to pull the troops out of the disputed area.²⁰⁰ In the event of clashes, the Thai let the Cambodians know, the Army was to attack only specific military targets in the area of the temple.²⁰¹

Thailand’s superiority in conventional war power left the Cambodians with limited possibilities to hold their defences. The last round of fighting about 150 kilometres away from Preah Vihear raised concerns that the conflict would spread. Yet, the Thai forces, which were 2.5 times as many as Cambodia’s, kept the border at Preah Vihear quiet while engaging RCAF further west. The government struggled to uphold security at home where the situation was tense after a violent crackdown in April and May 2010. Sending the Army into an external conflict was a non-option for the Democrats. Instead, Kasit said, “we needed the military against the Red Shirts, because the police was all red.”²⁰²

The Red Shirts prevailed at the polls in July 2011. Yingluck assumed the premiership under the condition that she would not interfere with the military and, like the Democrats before, had to accept that the Army top brass would not allow an observer mission to the disputed area. The civilian leadership remained wary how the ICJ’s verdict would be received. On November 11, 2013, an hour after the judgement was read in The Hague, the Foreign Ministry’s officials received a message from the Army Headquarters saying the military was content with the results.²⁰³ The Army’s top brass preferred leaving political responsibility in the border question in the hands of the civilians. When the military seized power in 2014, it put the pending implementation of the ICJ’s verdict on hold.

¹⁹⁹ Interview, Bangkok, 20 September 2014.

²⁰⁰ Hun Sen, Selected Comments at the Graduation and Diploma Conferment of the Norton University, 7 February 2011, *Cambodia New Vision*, <http://cnv.org.kh/?p=1034> [last accessed 5.12.2014].

²⁰¹ *Ibid.*; interview with Panitan Wattanayagorn, Bangkok, 6 June 2014.

²⁰² Interview with Kasit Piromya, Bangkok, 14 June 2014.

²⁰³ Interview, 12 September 2014.

Dependable expectations of no-war

Cambodia was hardly a threat to Thailand. Similar to the ‘forgotten conflict’ in the Deep South, for Bangkok’s elites the skirmishes were an isolated and rather distant event. Examining reports about bunkers RCAF had built in early 2011, the Army Headquarters wondered: “Do [the Cambodians] think anything will go on? What is that for?”²⁰⁴

Major armed conflict was not amongst the options the Thai military considered likely or desirable. Quite obviously, Thailand’s main security concern was internal and although Hun Sen played into the colour-coded conflict, he did not use his relations with the Shinawatra family as a bargaining tool in the border dispute.

During the early 1980s, the Thai Army had prepared for war at the Cambodian border. Thailand saw presumably more foreign troops moving along and across the border than any other country in Southeast Asia. Foreign involvement in the region was widely perceived as a consequence of internal vulnerability and on these grounds Thailand had spearheaded the international alliance with Cambodia’s opposition groups during 1979–1991. Many of the Thai Army officers who occupied senior positions during 2008–2011 had risen the ranks in the Second Army Region and were well aware of the problems of the poorly demarcated border. They knew Cambodian soldiers and officers personally because many had remained in the same areas where they previously fought as guerrillas.

While considered a disadvantage for professional military standards, the fact that RCAF never adopted a rotation system proved practical for the Thai Army to use their contacts and ensure the clashes around Preah Vihear were contained. Thai officers noted that they faced difficulties in agreeing on ceasefire talks only with RCAF officers who had been deployed from Phnom Penh.

For Cambodia, the prospect of conflict was different. The government feared the Thai Army would move into other areas along the Dangrek border that were difficult to access from the Cambodian side. RCAF could never be certain about how quickly an incident around Preah Vihear could be brought under control, even with a friendly government in Bangkok. If Cambodia looked at Thailand as a more powerful state taking advantage of its political weight and military superiority, however, it clearly

²⁰⁴ Interview with Krisda Norapoompipat, Bangkok, 18 September 2014.

also saw a state bound by a limited amount of domestic capacity – glaring at the very moment the conflict erupted. The signals Phnom Penh received both from Bangkok and from the border were clear: Thailand had no interest in extending an armed conflict beyond the disputed areas in question. The promise was put into practice along the Aranyaprathet/Poipet border, where military-to-military consultations ensured that the conflict would not disturb trans-border businesses and Thai gamblers frequenting casinos across the border.

Explaining no-war community

Cambodia was ASEAN's newest member state when its troops clashed with Thai security forces intermittently during 2008–2011. Nevertheless, I maintained in this chapter, neither side considered a large-scale armed conflict probable. With little prospect that the militarized situation at the temple of Preah Vihear would change, Cambodia, the weaker party in the dispute, submitted the border question to the ICJ.

Notably, the same Cambodian elite that steered clear of a protracted conflict with Thailand had not been recognized in Bangkok as the legitimate government for more than a decade in 1979–1991. I argued that it was precisely during this period that no-war community was formed. Boundary politics in Cambodia's post-independence years, and more specifically the conflict over the ownership of Preah Vihear, had failed to create a strong basis for dependable expectations that both sides would resolve conflict short of war. From 1970 on, the border of Southeast Asia's Cold War fostered a culture of violence that explains why deaths along the Cambodian-Thai frontier have not necessarily prompted either of the two states to change the prevailing conditions, including in an inter-state conflict. Nevertheless, due to their shared history during the Cold War, both sides developed an understanding of each other's internal problems and recognized that the need for domestic security led both to seek external peace. During 2008–2011, incapacity imposed obvious material constraints on the possibility of external conflict and both sides were cognizant that these conditions would prevail in the medium term.

Since 1999, Cambodia and Thailand were both members of ASEAN but reference to the Association cannot explain why the two countries avoided going to war. In several regards, the conflict was an unprecedented opportunity to prove ASEAN's relevance

in maintaining regional peace. The UN Security Council explicitly referred the case to be dealt with at the regional level, and Thailand greeted the decision as it sought to limit the involvement of external actors. Also Cambodia welcomed the fact that ASEAN eventually became active, but the organization was neither the only, nor necessarily the first choice for Phnom Penh. “We note that it was the UNSC’s preference to refer the matter for regional resolution,” Cambodia’s Deputy Prime Minister Sok An soberly commented.²⁰⁵

In 2008, ASEAN had produced merely the habitual calls for a peaceful settlement of the conflict.²⁰⁶ Its possibilities depended on the yearly rotating chair, which passed from Thailand (2008–2009) to Vietnam (2010) to Indonesia (2011). The latter had proposed to set up a contact group already in 2008 and used ASEAN’s leverage to mediate.²⁰⁷ Yet, as the Thai Army rejected both to hold talks in Indonesia and the observer mission, Jakarta was careful not to exert overt pressure since no other member state was willing to take on a pro-active stance.

Other third parties played a similarly limited role in the dispute. During 2008–2011, China and the US sought to maintain good relations with both sides and thus Thailand was able to keep the conflict from being dealt with at the UN Security Council.²⁰⁸ In 2008, Hun Sen withdrew his request for an urgent meeting when it was clear that Cambodia had little prospect for success. Three years later, the Security Council merely called for a ceasefire and limited itself to support bilateral and regional efforts to resolve the conflict.

The US’s influence on Bangkok was significantly greater in 1962. It is frequently said that the US pressured Sarit and/or King Bhumibol to accept the ICJ’s decision to award Preah Vihear to Cambodia.²⁰⁹ The power of the monarchy, however, was only beginning to re-emerge at that time. Washington bore a tremendous influence on Sarit, but in late 1961 the Thais claimed that the US showed insufficient commitment to Thailand’s security and was too favourable to Cambodia, which had been a less reliable partner in the fight against communism.²¹⁰ President Kennedy’s visit to

²⁰⁵ Oral answers to questions submitted by the author through Helen Jarvis, e-mail, 29 August 2014. I thank Helen Jarvis for her extraordinary support.

²⁰⁶ Statement by Minister for Foreign Affairs George Yeo, Singapore, 22 July 2008.

²⁰⁷ For further details see Jones and Jenne 2015, 11-16.

²⁰⁸ Interview, Virasakdi Futrakul, Bangkok, 18 September 2014.

²⁰⁹ Thailand, *Time Magazine*, 27 May 1966.

²¹⁰ Thak Chaloemtiarana 1979, 164.

Bangkok in February 1962 had reassured Sarit, but when the ICJ delivered its judgement, Thailand found a culprit in the US. Bangkok was convinced that the US sought to woo Sihanouk by having former Secretary of State Dean Acheson acting as Cambodia's attorney and saw the appointment as a political move to its own disadvantage.²¹¹ In addition, during the proceedings Thailand had had to accept the drop out of one of its counsels, the American Philip Jessup, when he was nominated as a judge to the Court. The son of the US's Ambassador Kenneth Young remembered that "Thanat [Khoman] and Sarit were furious with the ruling, for them, the American judge had betrayed them."²¹² Young advised Sarit to hold up international law and comply with the verdict, but it is unlikely that his appeals were the decisive factor.²¹³ As I argued above, the question whether Thailand would accept the verdict was never a serious matter of debate but seen as necessary to avoid that conflict with Cambodia escalated.

²¹¹ Telegram from the embassy in Cambodia, Phnom Penh, 19 January 1962, DoS, Central Files, 751H.00/1-1962, 82.

²¹² Interview, Bangkok, 13 September 2014.

²¹³ John Burgess studied declassified cables from the US's Bangkok and Phnom Penh embassies and found no evidence that the US "leaned on" Sarit to get him to accept the decision." E-mail, 17 July 2014.

Chapter 11

Cambodia – Vietnam

War between Cambodia and Vietnam had started as a secret war in late 1977. Its ending in January 1979 marked the end of nearly four years of state terrorism at the hands of the Khmer Rouge and the beginning of Vietnam's occupation of Cambodia. Although it has frequently been called a border war, territorial claims did not play a direct role in the conflict in 1977–1979. Instead, existing accounts discuss superpower rivalries, ideological conflict between the two communist regimes and historical and ethnic animosities as explanatory factors for the war. Although scholars note that territorial change before and during colonial times had left various areas in dispute, there has been little systematic effort to relate territorial conflict to the war in 1977–1979. In order to place the war within the framework of my study, in this chapter I examine the role territorial issues played in the escalation during 1977–1979. This allows me to probe some of the theoretical propositions derived from my main case studies in a case when war occurred within what I claim developed into a no-war community.

The chapter is divided into four parts. After providing the historical context, in the second section I discuss the territorial dimension to the war. The conclusion I reach is not different from the dominant explanations as I argue that territorial conflicts were not an immediate cause of the war. However, building on Steve Heder's work, I maintain that unresolved territorial questions had an important signalling effect in the run-up to the escalation.¹ Thus, conflict between the two sides can be analysed as a case of territorial conflict from 1975 on, when the Cambodian Communists took power, and up to 1977. I proceed by examining the effect of state capacity on how each side dealt with the territorial dispute and discuss the role of state capacity in the broader context of the war. Given that disagreements over the border persisted after Vietnam's occupation ended in 1991, it is relevant to ask what legacy the war left for the development of dependable expectations of no-war. Therefore, in the third section of the chapter, I discuss whether irredentist motives played a role in the conflict during 1975–1979. The concluding section summarizes.

¹ Heder 1979a.

Historical background

The Khmer and Vietnamese came to share a territorial border as the result of Vietnam's southward expansion from the eleventh century on. Until the late seventeenth century, about one third of the southern part of present-day Vietnam belonged to the Khmer empire. During the French colonial period, *Kampuchea Krom* (Lower Cambodia), as the territories in the lower Mekong Delta were called by the Khmer, was integrated into the colony of Cochinchina. At the 1954 Geneva Conference on Indochina, Cochinchina became part of the Republic of Vietnam (ROV, South Vietnam). Cambodia circulated a note amongst the conference participants expressing that its respect for the territorial integrity of South Vietnam did not imply "the abandonment of such legitimate rights and interests as Cambodia might assert with regard to certain regions."² Khmer minorities made up a significant part of the population in the southern Vietnamese territories; nevertheless, Cambodian authorities never pressed their claims in the Mekong Delta.³

Disputes arose over several off-shore islands in the Gulf of Thailand soon after Cambodia gained independence in 1953.⁴ In 1939, the Governor General of Indochina, Jules Brevié, had drawn an administrative and police boundary that awarded control over all islands south of the line to Cochinchina. All islands lying to the north of the line were to remain subject to the administration of Cambodia. The Brevié line was a straight line that cut across Poulo Wai Island and the Tu Chu archipelago, but it skirted the largest island of *Phu Quoc* (Khmer: *Koh Tral*) in the north, placing it thus under the control of Cochinchina. As new concepts on rights over maritime spaces developed, both Cambodia and South Vietnam laid claim to these islands and to others in close distance to the coast, regardless of which side of the Brevié line these were located.⁵

In 1967, the government of the communist Democratic Republic of Vietnam (DRV, North Vietnam) and the North Vietnamese-sponsored National Liberation Front (NLF) each issued a declaration in which they recognized and pledged to respect

² Leifer 1967, 94.

³ Ibid., 93-94.

⁴ Schofield 1999, 362-363.

⁵ See for example Sarin Chhak 1966, 58-159.

Cambodia's "existing borders."⁶ The ROV's representatives in Saigon refused to sign a similar clause. Meanwhile, Cambodia and the Vietnamese parties who had signed the declaration held different interpretations of its meaning.

Cambodia, then under the rule of Prince Sihanouk, had in previous consultations adopted the position that Cambodia's border was non-negotiable but had claimed for itself the right to propose minor amendments to the land border. These corresponded to small areas in dispute as depicted on a series of official French maps.⁷ From the Cambodian perspective, the Vietnamese declarations to respect Cambodia's borders meant that they had relinquished the right to their own interpretation of any ambiguities. Phnom Penh implied that in exchange for Cambodia's exclusive right to propose alterations to the boundary, Cambodia abandoned its reservation to lay claim on the Mekong Delta.⁸

With regards to the islands in the Gulf of Thailand, the Vietnamese communists recognized Cambodia's ownership of three islands north of the Brevié line that had been disputed by the government in Saigon. This provided Cambodia with the basis to claim that Vietnam had accepted the Brevié line as a sea border.⁹ With hindsight, Vietnam's Deputy Prime Minister and border expert Phan Hien acknowledged that the declarations did imply the acceptance of the Brevié line as the maritime boundary although at that time, he said, "we were not aware of problems of territorial waters, continental shelf, etc."¹⁰

North Vietnam and the NLF had readily acceded to Sihanouk's plea for an official recognition of Cambodia's borders.¹¹ During 1964–1975, the communist forces relied on supply routes and base camps within Cambodia to fight the South Vietnamese government in Saigon. On April 30, 1975, Saigon fell and Hanoi announced the creation of the unified Socialist Republic of Vietnam (SRV). Less than two weeks earlier, the Cambodian communists had taken power in Phnom Penh. The Khmer Rouge, how Sihanouk had called the group of communists around Pol Pot and Ieng Sary, were the former protégées of Hanoi. However, differences between the

⁶ The texts are reproduced in Heder 1979b, 24. See also Socialist Republic of Vietnam, Ministry of Foreign Affairs 1978, vol. I, 123-124.

⁷ The Geographer 1976, 7-9.

⁸ Heder 1979a, 158-159; Thion 1978, 53.

⁹ Farrell 1992, 303.

¹⁰ Chanda 1986, 33; Abschrift eines Briefes des ADN-Korrespondenten in Hanoi, 3 January 1978, *PA MfAA A12.214* microfiche 121, 2.

¹¹ Chandler 1991, 168.

Vietnamese and the Cambodian communists became evident as soon as they were in power.

Territorial dispute and the causes of war

On December 25, 1978, Vietnam launched a full-scale attack on Democratic Kampuchea (DK). The invading forces, which included about 15,000 Khmer troops, took Phnom Penh on January 7, 1979, and pushed a militarily clearly inferior DK army into the bordering areas of Thailand. The invasion followed fourteen months of on-and-off conflict. During this time, the border question as such played no longer a role in the conflict. However, each side still saw the other's position in the outstanding territorial disputes as evidence for the hostile intentions of the other.

Immediately after the communist takeover in Phnom Penh and Saigon, small-scale fighting broke out in several areas. Some of the skirmishes took place in disputed zones, but most resulted from the presence of Vietnamese inside Cambodia, where they had organized anti-government militias.¹² The Khmer Rouge had long resented Vietnam's influence in Cambodia but once they no longer depended on Hanoi's support in the communist revolution, they challenged more openly what they saw as an attempt to bring Cambodia into an Indochinese Federation under the lead of Vietnam.¹³

The most serious conflicts took place on the offshore islands. In early May, Kampuchean troops attacked Phu Quoc and occupied the island of Tho Chu (Poulo Panjang/Koh Krachak Ses), from where they forcedly evacuated at least 500 Vietnamese who were most likely killed.¹⁴ On May 12, Cambodia arrested the crew of the US merchant ship *Mayaguez* off the islets group of Puolo Wai. Considering the geographic location of the incidents, it was evident that Cambodia sought to bring the areas under control that it claimed lay within the boundaries of its territorial waters.¹⁵

¹² Osborne 1978, 259-261; Quinn 1976, 167.

¹³ The Indochinese Federation was a concept for a strategic alliance between the communist states of Indochina from the 1930s. During the 1970s, the Vietnamese made no reference to the Federation but talked of a "special relationship" with Cambodia and Laos.

¹⁴ Researchers probe alleged KR island massacre, *Cambodia Daily*, 29 August 2014; Van Ginneken 1983, 134.

¹⁵ Farrell 1992, 317.

Vietnam responded to the assaults by retaking Tho Chu and occupying Puolo Wai, where it arrested 800 Cambodians. Following high-level consultations in June and July, the prisoners were released and in August Vietnamese troops withdrew from Koh Wai.¹⁶

Skirmishes continued on a low scale. In part, these stemmed from Cambodian attacks on Vietnamese territory that were aimed at herding back refugees who fled displacement, murder, forced labour and malnutrition under the Khmer Rouge.¹⁷ In April, the two sides agreed to hold talks on border demarcation and outstanding disputes but the consultations failed at the preparatory stage.

In several meetings during May 4–18, the delegations reaffirmed their agreement that the land border would be based on the French pre-Geneva maps. However, with regards to the sea boundary, the two positions were fundamentally opposed. Cambodia argued that a maritime boundary existed *de facto* and that delimitation had to start from the Brevié line. Vietnam, on the other hand, claimed that a maritime boundary had never been agreed upon and asked for access through a territorial sea larger than the three kilometres around Phu Quoc as marked by the Brevié line. According to the Vietnamese lead negotiator Phan Hien, he offered an equal area to the opposite side of the island to the Cambodians in compensation. Yet, the Standing Committee of the Central Committee of the CPK (Communist Party of Kampuchea) found that there was little prospect that an agreement could be reached and asked Vietnam to suspend the negotiations.¹⁸

The talks never resumed. By proposing Brevié's administrative boundary as a maritime boundary, Cambodia had relinquished previous claims to islands that lay south of the line and to Phu Quoc; indeed, the islands it had occupied in 1975. From the Kampuchean perspective, Vietnam's argument that "legally, the Brevier Line (*sic*) had no basis at all" was a negation of the 1967 declarations, for which, as the Cambodians saw it, they had given up their reservation to claim the former Khmer

¹⁶ Evans and Rowley 1990, 87; Huỳnh Anh Dũng 1995, 8-9.

¹⁷ Records of Meeting of the Standing Committee, 26 March 1976, ECCC E3/218; Chanda, Witness report, ECCC Case 001/18-07-2007-ECCC/TC, E1/25.1, 00334415. In 2003, Cambodia and the UN created the Extraordinary Chambers in the Courts of Cambodia (ECCC) to prosecute senior DK leaders for these crimes. As of 2015, three persons had been convicted and further cases were under way.

¹⁸ Examination of the reaction of Vietnam during the fifth meeting, Standing Committee, 14 May 1976, ECCC E3/221-00182693. See also Kiernan 2002, 115-120.

territories in the Mekong Delta.¹⁹ On top of that, “instead of receiving recompense for their renunciation of claims on islands south of the Brevié line [...], the Kampucheans were asked to give up territorial waters north of it.”²⁰

Given the existing animosities, the Vietnamese position appeared neglectful, if not aggressive towards the Cambodian claims. The failed talks were not only a missed opportunity to twist the direction in the conflict, but heightened suspicions on the Cambodian side. In early 1977, DK gradually withdrew from local liaison committees that had been set up in the border regions.²¹ These, Ieng Sary later claimed, had been used by Vietnam “to open contacts [...] to carry out subversive activities.”²²

Beginning on April 30, DK troops launched several attacks on Vietnamese territories. According to Heder, the Cambodians sought to increase pressure on the disputed areas to back their claims.²³ Neither Cambodia’s nor Vietnam’s official news organs reported the skirmishes. Hanoi still appeared to consider the boundary question as a priority and appointed Vo Anh Tuan, a leading representative to the Law of the Sea Conventions, as ambassador to Phnom Penh.²⁴ It was evident, however, that there was little room for rapprochement. In May, Vietnam issued its claim to an EEZ and shortly after *Radio Phnom Penh* broadcasted a list of 44 islands, which DK claimed to lie within Cambodian territorial waters. The listing did not include Phu Quoc, but in line with this reasoning, a simultaneously published map showed the Brevié line as the sea boundary.²⁵

On June 7, Vietnam’s Politburo sent a letter to Phnom Penh proposing a high-level meeting to settle the border “as soon as possible.”²⁶ DK replied on June 18 that talks could resume once the situation had returned to normal. Its proposal to withdraw troops from the immediate border areas was never discussed.²⁷

¹⁹ Examination, op.cit.

²⁰ Heder 1979a, 164.

²¹ Huỳnh Anh Dũng 1995, 10; Socialist Republic of Vietnam, Ministry of Foreign Affairs 1978, 132.

²² Statement, in *Truth Magazine* April 2008.

²³ Heder 1979a, 165. Others agree that DK was responsible for the attacks (see Leighton 1978, 448; Vickery 1984, 207-208).

²⁴ Farrell 1992, 324.

²⁵ Schofield 1999, 363; Chanda in *FEER* 8 August 1977.

²⁶ Letter sent by the Central Committee of the Communist Party of Vietnam and the Government of the Socialist Republic of Vietnam to the Central Committee of the Communist Party of Kampuchea and the Government of Democratic Kampuchea, Hanoi, June 7, 1977.

²⁷ Letter from Democratic Kampuchea, Ministry of Foreign Affairs, to the Governments of the Non-aligned countries [translation], Phnom Penh, March 17, 6.

According to Heder, the territorial conflict and long-standing disagreements

created profound suspicions that exacerbated the border conflict and transformed it into a violent struggle for survival, especially in the case of Kampuchea.²⁸

Although Heder's account of the war is debated, his conclusion adequately summarizes the dynamics from late 1977 on. In late September, the conflict escalated after a campaign of coordinated assaults by DK troops. Vietnam retaliated with a major attack on December 16, and Cambodia responded by making the conflict public. What had hitherto been a secret struggle turned now into a propaganda war in which the border dispute was no longer a point of reference. Thion notes that the Pol Pot-authored *Black Paper*, a booklet that presented Cambodia's allegations, made no mention of the border talks from May 1976. Although these would have offered ground for criticism of Vietnam's "bad faith" – "[r]enegotiation contradicted the solemn declarations of 1967" – "the border problem ha[d] largely been overtaken by events" when the *Black Paper* was published in September 1978.²⁹

Similarly, Vietnam no longer saw the conflict in terms of territorial disagreements. From January 1978 on, members of the Politburo openly accused China of instigating the hostilities and blamed DK for genocide of the Cambodian people. For Hanoi, driving Pol Pot from power was not a question of *if* anymore but merely a matter of *how*. In June 1978, the Politburo decided to remove the DK regime in a conventional military invasion and to replace it with a new administration under the control of Vietnam.³⁰

State capacity

The case of Cambodia and Vietnam defies the central proposition of the thesis, that is, the young states of Southeast Asia sought to avoid war. Both states were fundamentally vulnerable when territorial disputes turned into a major armed conflict that eventually led to war. After the twin victory over the US-backed regimes in Phnom Penh and Saigon, each of them had a dire need for internal consolidation. Yet, neither Vietnam, nor much less Cambodia, made substantive moves to avoid war.

²⁸ Heder 1979a, 157.

²⁹ Thion 1978, 53.

³⁰ Morris 1999, 108.

To place the war within the framework of my study, I argued that the 1975–1977 period can be analysed as a case of territorial dispute. Scholarly accounts agree that the escalation from mid-1977 on marked the point of no return. In the events leading to this key moment, I suggested, the territorial conflict was an important factor even though it ceased to play a role thereafter. The following discussion first deals with the role of state capacity during 1975–1977 in the case of DK. I discuss state capacity in the case of Vietnam in general terms only since the Cambodian attacks were responsible for taking the conflict to a higher level in mid-1977.

Cambodia

Before Cambodia escalated the conflict around May 1977, the DK leaders deliberately delayed dealing with the territorial question. The only initiatives to discuss the border came from Vietnam. The DK's Standing Committee, when examining the preparatory talks in 1976, quickly concluded that an agreement was not in sight.³¹ While the two parties could prolong the negotiations, Vorn Vet said, there should be no clashes “so that both sides will be comfortable, so that we can strengthen and expand on our side.” Nuon Chea, second to Pol Pot in the party hierarchy, expressed doubts as to whether the Vietnamese were effectively trying to find a solution that would take Cambodia's interest into consideration. Son Senn, DK's Deputy Prime Minister in charge of Defence, then wondered that if the talks were to last they could lead to tensions. Pol Pot concluded the discussion saying that the negotiations had reached “the be quiet and delay stage.” The Standing Committee found it best to end the negotiations, but in order not to upset the Vietnamese, the Cambodians officially asked to postpone the talks.

The reasons for DK's denial to even enter in negotiations were quite apparently a deep-seated perception of vulnerability. In the early days of the revolution, Nuon Chea said, the leading cadres

agreed to go faster so our enemies could not attack us. Pol Pot said if we did not develop faster and try to make it work, we would die and Vietnam would swallow us up.³²

³¹ Examination, *op.cit.*

³² Chon and Sambath Thet 2010, 49.

The Cambodian Communist Party had its own disagreements with the Vietnamese Communist Party. Yet, as Osborne noted:

Though the words come from a new communist leadership, the terms in which they are cast are those of Sihanouk's Cambodia, and indeed of Sihanouk's ancestors. The issue is not simply the border [...]; it is the survival of Kampuchea's national territory that has so often been diminished by the Vietnamese in the past.³³

Under these conditions, Vietnam's rather mundane proposal to negotiate the disagreements over the exact border course not only contradicted the Cambodian understanding that it had an exclusive right to propose alterations to the border. For the DK leadership, it reflected offensive intentions.

Nevertheless, until early 1977, the DK leaders did not see an offensive military posture as necessary to stop the Vietnamese from entering the disputed areas.³⁴ After the border talks in May, Son Sen said Cambodia should maintain the status quo in the disputed areas in Ratanakiri and Mondulkiri, although this certainly meant not reducing the level of violence either.³⁵

It is plausible to claim that a lack of institutional capacity heightened the sense of vulnerability vis-à-vis the Vietnamese. The Standing Committee complained that the Vietnamese were “not politicians, they are experts.”³⁶ DK's foreign policy was in the hands of few individuals at the top of the party hierarchy. Less than a dozen part-time assistants reportedly aided Ieng Sary, who was in charge of foreign affairs.³⁷ It is not clear whether the members of the delegation in the preparatory talks were familiar with the border question, but their available knowledge resources were most likely limited.³⁸ Sarin Chhak, who had done the to date most comprehensive study of the Cambodian-Vietnamese border in 1966, was not in the Foreign Ministry anymore.³⁹ Cambodia's position on the Brevié line had been inconsistent in the past, and if there was documentary evidence, it was later discovered that the Khmer Rouge had destroyed almost all archives.

³³ Osborne 1978, 161.

³⁴ See Meeting of the Standing Committee, 26 March 1976, *ECCC*, E3/218.

³⁵ Examinations, op.cit.

³⁶ I rely on Kiernan's translation rather than the *ECCC*'s (Kiernan 2002, 117).

³⁷ *Modern Kampuchea, News from Kampuchea*, October 1977.

³⁸ On the members of the delegation see Kiernan 2002, 115-116.

³⁹ Chanda 1986, 111. Sarin Chhak disappeared in 1979.

It was obvious during the offensive in 1978–1979 that Vietnam was militarily far superior to Cambodia.⁴⁰ For Morris, the material power differential was thus that the “decision to confront Vietnam militarily [...] makes no sense from any perspective.”⁴¹ However, DK was a comparatively cohesive state. When the communists arrived in Phnom Penh following five years of civil war, the expectations amongst the population were high that people could “reclaim battlefields” for food production.⁴² In some zones more so than in others, reality soon proved to be different. Nevertheless, the Khmer Rouge achieved what perhaps no other Cambodian political authority had done, that was, to penetrate society down to the village level.⁴³ In December 1978, Vietnam’s troops encountered a clearly inferior but a disciplined force.

By mid-1976, DK’s strictly hierarchical structures were consolidated. In January, the country had adopted a new constitution. With it, the name of the new state, Democratic Kampuchea, was made official. Several tens of thousand refugees already in the first months under the regime bore evidence that the revolution progressed at a pace and in a way that alienated and excluded great parts of the population. The systematic torture and killings, however, were not necessarily a sign of perceived incapacity to ensure allegiance by non-violent claims to power, especially in the first two years of the revolution. Like class struggle, for the Cambodian communists the fight against the enemy was a continuous one.⁴⁴

The intensification of the conflict at the Vietnamese border in September 1977 coincided with the official announcement of the CPK and Pol Pot as its leader; to this point, the communist leaders had referred to themselves merely as the *Angkar* (The Organization). One year before, Pol Pot had stepped down as Prime Minister, officially to take care of his health. The year of his absence from public office followed an attempted coup and saw the beginning of systematic purges deep into the ranks of the party.⁴⁵ Amongst the targeted cadres were those who had received training in Vietnam, were trained by the Vietnamese, or who were known to be sympathetic to the less radical model of Vietnamese socialism. Whether the multiplication of cross-border assaults was linked to the elimination of the pro-Hanoi

⁴⁰ See Le conflit entre le Cambodge et le Vietnam, *Le Monde*, 3 January 1978.

⁴¹ Morris 1999, 113.

⁴² Summers 1975, 218.

⁴³ Kiernan 1976.

⁴⁴ See for example *Tung Padevat* [translation: ECCC E3/760-00509604-00509635], June 1976, 21.

⁴⁵ Quinn 1982, 138-139.

Cambodian communists is debated.⁴⁶ Certainly, however, Pol Pot and his loyalists emerged from the purges with greater control over the state apparatus.

For DK, external violence was part of the struggle for internal stability. Consistent with the central proposition of the thesis, however, inter-state conflict was not a means to strengthen internally but instead, the escalation of the border conflict followed an increase in capacity.

Vietnam

After Vietnam's unification Hanoi sought to settle the new borders in the south. The Cambodian delegation at the preparatory talks reported that the Vietnamese had insisted dealing specifically with those areas where clashes occurred. Previously, Nuon Chea noted, Lê Duẩn, the General Secretary of the Central Committee of the Communist Party of Vietnam (CPV), had written twice already asking for negotiations.

Once the conflict was public, however, Vietnam's calls to resolve the boundary dispute became no more than half-hearted attempts at a solution.⁴⁷ Nevertheless, until the first major attack on DK in December 1977, Vietnam exercised restraint to avoid further escalation. Hanoi kept diplomatic channels open to find a solution and villagers in the south who asked troops to fend off the Khmer attacks failed to receive protection.⁴⁸

The Cambodian cross-border raids targeted a vulnerable area. After unification, Hanoi's policy efforts were concentrated on national reconstruction. The war-dependent economy suffered losses of income and the cutting of US aid and swung into a constant crisis in 1976. Vietnam faced a food shortage that was especially severe in the south where large numbers of Cambodian refugees presented an additional challenge to implement Hanoi's development plans.⁴⁹ To tackle the immediate needs, the regime sought to rebuild transportations infrastructure and prepare farmland. In the long run, the CPV faced the task of integrating an additional 20 million people that had been governed under a distinct socio-economic model and

⁴⁶ This point is argued by Kiernan 2002. See also Chanda 1986, 83, and Chandler 1983, 298.

⁴⁷ See Chanda 1986, 216.

⁴⁸ Kiernan 1980, 65.

⁴⁹ Thayer 1978.

presented a diverse set of past allegiances. Although splinter groups of the anti-communist resistance were poorly organized, the south was still a primary security concern in Hanoi.⁵⁰

To what extent cross-border attacks from Kampuchea influenced the policy of the Central Committee is difficult to determine. Before the fall of Saigon, the Vietnamese Communists had promised a gradual socialist transformation in the South, but once the country was unified, Hanoi moved steadily towards merging the two systems. If the unstable situation along the Cambodian border did not motivate the controversial decision, at the very least it did nothing to lessen Hanoi's concern of losing control over the social and political development of the south.⁵¹

Vietnam's internal conditions explain why over months Hanoi sought to prevent conflict with Cambodia from escalating. Eventually, however, it shifted to a strategy of coercive diplomacy. The strike in December 1977 was well planned. An estimated 30,000 to 60,000 troops, supported by artillery, tanks and warplanes penetrated several dozen kilometres into Cambodia.⁵² According to Huỳnh Anh Dũng, director of the official party organ *Nhân Dân* and member of the Central Committee, the attack was designed to

make them realize that we are not passive as they have assumed and to tell them that they have to choose the other solution – negotiations.⁵³

The decision to remove Pol Pot from power, however, was not the result of incapacity. The CPV's propaganda campaign had not addressed a domestic audience but aimed at seeking external support. Without beating the drums of war, Vietnam mobilized for a campaign that quite possibly surprised even the Khmer Rouge. Until the very last, Ieng Sary reportedly did not believe that war would occur.⁵⁴ "The fear for me was a coup from the inside, not the threat of an invasion from the outside," he said.

⁵⁰ Pike 1978, 72.

⁵¹ Vinh Long 2006.

⁵² Cambodia vs. Vietnam, *FEER*, 13 January 1978, 14-15.

⁵³ Hanoi blames conflict on Pol Pot, *FEER*, 21 April 1978.

⁵⁴ Becker, 303.

Dependable expectations

The territories Cambodia and Vietnam disputed were areas of less than 100km².⁵⁵ Yet, narratives of the conflict often refer to irredentist and expansionist motives that apparently informed the policies of the two states. I argued that the 1976 talks on the border were an indirect factor leading to war and a missed opportunity to avoid that the conflict escalated. In other words, border politics had an important signalling character in the event that crucially influenced the political and social future of Cambodia and Vietnam. If the two countries were to develop dependable expectations that existing disagreements over the border would not lead to major war, it is relevant to determine whether irredentist motives were observable in the war. In both cases, evidence for such is ambiguous at best.

Cambodia

Where referenced, claims to Kampuchean irredentism cite nearly exclusively information provided in Chanda and Kiernan. Kiernan places DK's foreign policy within the framework of state terrorism and suggests that the Khmer Rouge pursued irredentist policies towards all of their neighbours.⁵⁶ It is undeniable that internal and external violence were inextricably linked in DK; however, to answer the questions whether the Khmer Rouge had irredentist motives, Kiernan's arguments need to be placed within the broader context of Cambodian border politics. DK's assaults had no immediate aim to take territory by force. Instead, all available evidence indicates that the raids, from which the troops promptly withdrew, were thought of as a defensive measure against the feared absorption of Cambodia into a Hanoi-dominated federation.

Chanda cites interviews with Sihanouk from the Prince's conversations with members of the DK's Standing Committee, which suggest that cross-border assaults were driven by territorial motivations.⁵⁷ The Vietnamese threat, the Khmer Rouge leaders told Sihanouk, could only be met by engaging in armed confrontations that would force Hanoi "to accept a 'more just' land and sea border." It is entirely plausible that the inner circle of DK made such remarks to Sihanouk, yet these statements alone are

⁵⁵ Thion 1978, 53.

⁵⁶ Kiernan 2002, 360-369. See also Leighton 1978, 448; Morris 1999, 92.

⁵⁷ Chanda 1986, 298.

insufficient to sustain the claim of irredentist motives. In this context, it is relevant to note that the conversations took place while Sihanouk was under house arrest in Phnom Penh.

In an interview with DK's News Agency Pol Pot claimed that Cambodia alone had the right

to demand the revision of border documents and changes in the demarcation of land and sea borders [...] including to demand resettlement of the Kampuchea Kraom issue and the issue of the Cambodian islands. [...] However, because Democratic Cambodia wants friendship, it has not revised any documents at all.⁵⁸

The position to claim a unilateral right to change the border is difficult to defend under international law. Yet, as shown above, rather than a DK position this was a Cambodian stance that had been defended by Sihanouk and later Lon Nol. Notwithstanding Lon Nol's anti-Vietnamese militarism, however, neither he nor the conservative generals of the Khmer Republic are known to have advocated an irredentist position.⁵⁹

The rhetoric with regards to the former Cambodian territories of Vietnam did not change markedly during the DK years. According to a member of the Vietnamese delegation in the 1976 talks, these were in fact not amongst the areas where the Cambodians asked to change the border.⁶⁰ When the dispute had already turned into an armed conflict, the *Voice of Democratic Kampuchea* broadcasted a commentary that claimed: "the Le Duan-Pham Van Dong's clique madly carries on its acts of extermination against the Khmer race in Kampuchea Krom."⁶¹ It referred to the territories of the Mekong Delta clearly as Vietnamese and made no assertions that these were to be Cambodian.

There is evidence of irredentist exhortations mostly by lower and mid-ranking cadres.⁶² Persons who were interviewed in refugee camps believed that the annexation of the Mekong Delta was a political goal from the start of the Cambodian revolution.⁶³ However, Michael Vickery notes that not all people knew even about the conflict with

⁵⁸ Interview on conflict with Vietnam, *FBIS*, 12 April 1978 (FE/5788/A3/5).

⁵⁹ Meyer 1971; e-mail correspondence with David Chandler, 19 January 2015.

⁶⁰ Kiernan 2002, 114.

⁶¹ In *ECCC* D30595, SE-2007.

⁶² Kiernan 2002, 104, 105, 370.

⁶³ Kiernan 1980, 62-63.

Vietnam before it was publicized. “At least the top DK leadership did not admit [an irredentist] goal in the political information which it personally disseminated.”⁶⁴

At the celebration of the CPK’s anniversary in September 1977, Pol Pot indicated that DK needed peasants to cultivate Cambodian land rather than additional territory.⁶⁵ The occasion was significant as it was the first time the party was publicly announced and Pol Pot was presented as its leader. Had Pol Pot wanted to commit Kampuchea to a war for territorial gains, there is no obvious reason why the five-hour broadcast would not have been an opportune moment.

Vietnam

DK accused Vietnam of pursuing expansionist goals. Nurtured by a concern with the communist advances in Indochina, this was a popular view also in Washington and the US-aligned countries of Southeast Asia. The allegations were cast in terms of political and ideological influence more than they were expressed in terms of territorial expansionism. Yet, they were inextricably linked to territorial questions and the pending boundary disputes.

Based on the Vietnamese strategy in the conflict, the claim that Hanoi was driven by territorial aspirations is readily dismissed. The first major campaigns against Cambodia aimed at weakening DK’s capacity and deter further violence.⁶⁶ From early 1978 on, the assaults included reconnaissance missions and operations to build inroads for bringing anti-Pol Pot cadres safely to Vietnam. For Hanoi’s military strategists Indochina was a singular strategic theatre, but although Vietnam was at all times capable of permanently occupying stretches of Cambodian territory, the Politburo was well aware that good relations with Cambodia and Laos required the establishment of an official and legitimate boundary.⁶⁷

Vietnam held border talks with Laos at the same time it asked DK for negotiations. The two sides reached an agreement in early 1976 and signed a treaty in July 1977. The treaty based the border on the *uti possidetis* principle and returned to Laos

⁶⁴ Vickery 1984, 203-206.

⁶⁵ In *Tung Padevat*, September 1977 [translation: ECCC E3/11-00486212-00486266].

⁶⁶ Chanda 1986, 206.

⁶⁷ Gottesman 2003, 211. Precisely what the SRV’s Cambodia plans were prior to the invasion remains unclear (Chanda 1986, 345-346). Soon after, the lack of an exit strategy created serious disagreement within the party.

territory that North Vietnamese troops had “borrowed” for the Ho Chi Minh trail in the independence struggles.⁶⁸ However, the document was not made public until 1986, which likely raised suspicions on part of the Khmer Rouge. Although Laos was clearly dependent on Vietnam, there is no evidence indicating that Vietnam used its influence for territorial gains. According to the perhaps best available source in English, the “agreements and demarcation were not to [Laos'] detriment, that is, Laos did not have to give up substantial areas.”⁶⁹

As soon as Vietnam controlled most of Cambodia it established a new government in Phnom Penh. “We cannot keep showing our own people only,” General Hoang Tung told East German representatives.⁷⁰ However, the PRK’s survival depended on thousands of Vietnamese soldiers against an internationally backed resistance coalition that included the Khmer Rouge. The new state administration also needed Vietnamese bureaucrats and advisors as Phnom Penh’s political elite had either perished or emigrated during the DK years. This gave grounds for Cambodia’s political opposition to denounce a series of boundary agreements that were signed in the aftermath of the invasion.⁷¹

Based on a 25-year Treaty of Peace, Friendship and Cooperation (1979), the PRK and Vietnam had concluded an Agreement on Historical Waters (1982), an Agreement on the Principle for Settlement of Border Disputes (1983) and a Treaty on Delimitation (1985). The designation of historic waters had the effect of putting the pending maritime delimitation on hold. Meanwhile, the 1982 provisions established the Brevié line as the boundary to divide sovereignty over the islands. The second agreement added a status quo provision for areas that were yet to be defined, and the 1985 Treaty integrated the previous agreements in that it affirmed that the borders were those based on the *uti possidetis* as shown on the pre-Geneva maps.

In 1996, King Sihanouk and the coalition government’s Co-Prime Minister Ranariddh publicly declared the agreements null and void. However, the few available independent studies of the 1980s agreements conclude that the provisions conform to

⁶⁸ Le Thai Hoang 2007, 11.

⁶⁹ Amer and Hong Thao 2005, 432.

⁷⁰ ADN Hanoi: Informationsbericht, an Mfaa, Referat Ferner Osten, 2. Februar 1979. MfAA A12.214, Microfiche L78-21-L189, ZR140/85.

⁷¹ See Thayer 2012, 68-69.

standard practices in international law.⁷² With regards to the framework agreements on the maritime boundaries, a detailed study notes: “The observer is left with serious questions of what actually has been settled.”⁷³ On the land border, a comparison between the geographical coordinates of the 1985 treaty and maps used by both sides suggests that “very few, and very minor, changes were effected in the old borders.”⁷⁴

Vietnam's traditional ambitions to consolidate itself as a leading power in Indochina are well documented. However, summing up the above, its position in the territorial dispute was not driven by expansionist aspirations. Potential territorial gains apparently played no role in the decision to invade, and based on the available evidence it is possible to conclude that Hanoi did not use its pre-eminent position to pressure the PRK into territorial concessions.

Explaining war

The US' National Security Adviser Zbigniew Brzezinski called the war between Cambodia and Vietnam a proxy war between Peking and Moscow.⁷⁵ By mid 1977, China and the Soviet Union could no longer ignore the war that raged between their respective allies, yet the roots of the conflict lay further south. In this chapter I highlighted the border dispute as one of the central disagreements between Cambodia and Vietnam. For Cambodia, any dealing with the border was from the outset a matter of survival and an obsessive concern with Vietnam's alleged expansionism turned even the request to settle disagreements over outstanding boundary problems into a security threat.

The transformations Cambodia underwent under the Khmer Rouge were more radical than its step to independence twelve years earlier. In the view of the Cambodian communists, Vietnam did not treat the new Kampuchea as a sovereign equal. In this way, the conflict can be seen as a war of state formation in which the French colonial borders were nevertheless respected. DK militarized the boundary dispute *despite* its need for internal stability, which it pursued at an immeasurable cost. In line with the overall argument of the thesis, the critical escalatory steps happened as Cambodia

⁷² Interview with Clive Schofield, Singapore, 24 September 2013.

⁷³ Farrell 1992, 335.

⁷⁴ Vickery 2011, 40-42.

⁷⁵ Interview, *Time Magazine*, 23 January 1978.

strengthened. The events thereafter were crucially determined by the involvement of third parties. Nevertheless, there is ground to believe that DK would not have abandoned its violent strife for security at least in the short run, and Vietnam's willingness to watch idly clearly had its limits. To put it again with Thion, if other factors had not overtaken the border dispute, it would plausibly have been only a matter of time until Vietnam retaliated. If it would have taken the form of an invasion, however, is anything but clear.

To date, about 80 per cent of the Cambodian–Vietnamese land border are surveyed and demarcated. Given that the centre of Cambodia's ruling party has remained the same officials that were brought from Vietnam to rebuild the country in 1979, questions over the legitimacy of the regime rendered border politics in Cambodia highly controversial. The legacy of the war has created strong incentives for both states to avoid escalating outstanding border disputes. Yet, no-war community has allowed short-run expectations only that both sides will keep cooperating on remaining territorial disputes and instead relies heavily on direct observations of policy preferences on each side.

Conclusion

Groups of states that do not go to war against each other and moreover, hold stable expectations that war will not occur between them in the future, are said to constitute minimalist security communities. Such communities, which I termed no-war communities, emerged in South America and in Southeast Asia.

When Karl Deutsch's original community concept was revived in the 1990s, scholars identified the two regions as the most likely candidates for security communities after the original case Deutsch found in the North Atlantic area.¹ However, while the relatively low number of interstate wars and the perceived low probability of future wars in South America and Southeast Asia matched the premises of security community theory, analysts noted a disjuncture between the mechanisms generally seen as producing such communities and the conditions of the two regions.

Both lacked the common identities said to underpin stable security communities and also the processes and conditions found to be conducive to interstate peace in the West. Economic and political liberalism provided a limited basis on which the interests and expectations of South American and Southeast Asian states could converge. Similarly, international exchanges through trade and personal interactions did not occur at a level of frequency that would have allowed scholars to attribute the relative absence of war in South America and Southeast Asia to transactions and socialization. Security community scholars studied the peace-conducive tenets of regional institutions and cooperation schemes, but they also failed to find substantiating evidence for strong regional cultures and a demonstrated commitment to rule out the use of force in intra-regional politics. Although communities appeared to exist beyond the West, scholars concluded, these were only loosely knit and lagged behind their rhetoric.²

This thesis proposed a different explanation for the emergence of community in South America and Southeast Asia. The lack of domestic capacity, I argued, reduced the possibilities for external warfare and created incentives for states to manage conflict with their neighbours. Incapacity muted security competition in the two regions and at the same time provided a shared knowledge base upon which states developed dependable expectations that war between them was unlikely to occur. Cognizant of

¹ Acharya 1998a; Hurrell 1998.

² Hurrell 1998, 254; Jetschke and Rüländ 2009.

common, domestic problems and the challenges these created, states exercised self-restraint and practiced tolerance in order to avoid conflicts from escalating into war. In this concluding chapter I summarize the main propositions of the argument before drawing out its theoretical, empirical and practical implications.

The argument restated

Chapter 2 of the thesis began by showing that South America and Southeast Asia effectively meet the characteristics of no-war communities. Although states rarely went to war against each other, relations between them were characterized by simmering disputes and occasionally flaring militarized crises. Under these conditions, the relative dearth of interstate conflict and the expectation that future conflict was highly improbable constitute a puzzle that the existing scholarship has not conclusively addressed.

To account for the emergence of no-war communities in the two regions I based my analysis on the study of conflict management in cases of territorial disputes. Territorial conflicts, I argued, are a methodologically powerful tool to analyse ‘hard cases’ in which conflict came close to open hostilities but eventually stopped short of war. Interstate relations in South America and Southeast Asia were often strained over overlapping territorial claims, most of them a legacy of colonialism that had left many of the future interstate borders vaguely defined. Theory predicts that territorial conflicts are more prone to lead to military confrontations.³ Yet, although mutual threat perceptions never ceased to exist between the states in South America and Southeast Asia, the possibility of a large-scale armed conflict was considered distinctly remote. To explain the relative dearth of interstate conflict in the two regions, I advanced an argument in three steps.

The case studies in Part II and Part III of the thesis showed that the reluctance of South American and Southeast Asian states to engage in external conflict is best explained with reference to domestic imperatives. A lack of domestic capacity imposed constraints on the newly independent states and gave rise to a lasting concern with internal stability. To concentrate resources domestically, states sought peace with their neighbours.

³ Hensel 2012.

The case study chapters demonstrated that it was not merely a strategic necessity that led states to avoid war. As they grew aware of their shared desire to avoid conflict due to similar, internal problems, states gradually strengthened their expectations that war would be avoided. The process of gaining trust in the non-occurrence of war was one in which the recognition of common problems facilitated mutual toleration and cooperation to manage conflict. In this framework, domestic incapacity was the shared knowledge base on which community developed. In some cases, states came to share a larger set of common understandings. Even as states strengthened, however, the bonds that created the common grounds of no-war community were the imperatives stemming from a lack of domestic capacity.

The recognition of common incentives to avoid war provided a more stable basis for community than external security guarantees or regional institutions. I discussed the role of external actors in the case study chapters and showed that the direct involvement of third parties was limited. Most of the time states lacked either the desire or the conviction that another actor would step in to prevent conflict from escalating. In other cases, third parties were reluctant to involve themselves in a bilateral dispute.

It was the way states managed territorial conflicts that reassured their opponents that they were neither capable nor willing to mobilize resources for waging external war. In many instances, how a state behaved in an impending crisis revealed the immediate obstacles to mobilizing resources and willpower to pursue territorial goals through the recourse to force. Lingering disputes failed to trigger substantive efforts at internal strengthening and reinforced trust that also in the longer term war would be avoided.

If conflict triggered increases in defence spending or structural reforms, these measures were often short-lived or accompanied by policies to prevent security competition. Because states had limited capacities to concern themselves with external matters in the first place, initiatives to cooperate, albeit often superficial, sufficed to mitigate the security dilemma. The experience of the conflicts in the early periods after independence had shown that wars could be fought with primitive means. Eventually, however, they reinforced the belief that internal stability necessitated external peace.

Incapacity created political problems and misperceptions, which, as Buzan and others noted, led to escalatory steps in interstate disputes in some instances.⁴ Yet, for the same reasons of domestic incapacity, large-scale armed conflict was avoided. The net effect of internal weakness, I argued, was conflict-inhibiting. Those instances where incapacity could unambiguously be linked to conflict escalation were few and if it occurred, states exhibited a considerable degree of reciprocal tolerance based on similar problems they themselves confronted.

The second proposition I advanced in the thesis addressed the way states behaved in a territorial conflict. To account for those factors that incentivised restraint, I disentangled state capacity into three components: military capacity, institutional capacity and socio-political cohesion. In each of the main case study chapters I identified state capacity as their combined outcome and showed how each influenced the choice of states to compromise, delay, or escalate a territorial dispute.

In the cases analysed, a clear strategy of escalation correlated with a comparatively higher level of state capacity. All case studies clearly showed that elite perceptions of the socio-political cohesion of a state – their ability to mobilize domestic resources for an external conflict – altered the calculus of military balances and leaders' disposition to escalate territorial conflicts. Institutional capacity to manage and control borders had implications for a state's readiness to pursue settlement procedures. While a lack of domestic resources provided strong incentives to do away with territorial disputes, states were often led into delaying strategies when they lacked institutional capacity.

Furthermore, I argued that a lack of institutional capacity could not conclusively be linked to conflict escalation. A lack of institutional control in border areas can create negative security externalities for neighbouring states. Yet, the trajectories of territorial conflicts were not systematically linked to problems stemming from uncontrolled trans-boundary activities. On the other hand, the success of formally institutionalized cooperation to manage conflict was not visibly hampered by weak institutional structures but depended first and foremost on political will. In cases where there were pressing security needs, states succeeded in marshalling the necessary resources even if their administrative apparatus was generally weak.

⁴ Buzan 2007, ch.9; Blanchard 2005.

Similarly, a lack of socio-political cohesion had, on balance, a conflict-inhibiting effect. Mobilization and diversionary tactics served state leaders only in some cases and only to a limited extent. Leaders were wary to find themselves unable to control conflict once public agitation had passed a certain threshold and ensured that mobilization proceeded in a strictly controlled manner. Those states that escalated conflicts, militarily and/or diplomatically, counter-balanced these strategies or eventually backed down.

No-war community does not describe a static state of relations. How strong dependable expectations were that conflicts would be settled short of war varied both between country pairs and within dyadic relations over time. The regional comparison also revealed differences as Southeast Asia gained independence more than a century later than the states of South America. In both regions, however, bilateral relations were the central mechanisms through which community emerged based on the incentives stemming from a lack of domestic capacity. I argued in chapters 4 and 8 that the way the no-war pattern was institutionalized was crucially influenced by regional and global international factors. Accordingly, my third proposition held that the paths South America and Southeast Asia took towards community-building differed.

In the late 19th century, South American states submitted a large number of territorial disputes to arbitration. At the same time, lawyers developed the notion of a distinct, regional international law. What I summarized under the term *legalismo* was in essence the discursive constitution of a regional grouping of states bound together by common incentives to avoid going to war. As an expression of mutual toleration, *legalismo* served states as a reassurance of the future improbability of major armed conflict if actual state behaviour was not quite as legalistic as it was on paper.

In Southeast Asia, international law was both unsuitable and unattractive to find a common denominator for the states of the region. International law was seen as a distinctively Western concept when Southeast Asia gained independence and arbitration and adjudication were no longer the standard means of international conflict resolution. Instead, the notion of an ASEAN-style diplomacy came to occupy the place of *legalismo* in Southeast Asian politics.

The ASEAN-way described an informal way of consensus-seeking and conflict avoidance that reassured the organization's members of their shared objective to avoid war. However, as ASEAN turned into a partial institution in the Cold War it was more of an obstacle to region-wide community-building than a facilitator of peace. Nevertheless, as I sought to show in Part III, a community based on the recognition of common incentives stemming from a lack of domestic capacity was in place before the Cold War ended and ASEAN achieved its one-Southeast Asia vision.

Like in Adler and Barnett, the community-building as described in this thesis has not been teleological. Yet, to a certain extent time made a difference as community in South America is today more consolidated than in Southeast Asia. In the former, trust in the non-occurrence of major armed conflict depends less still on the immediate observation of incapacity than on the habitualized non-consideration of war as one amongst the available policy options.

Implications

By showing that domestic incapacity can lead to community between states, this study is intended as an addition to security community theory and, more specifically, as a contribution that aids its research agenda travel beyond the West.⁵ In the following paragraphs I first discuss the potential benefits that may be gained from the argument as compared to the community-building process described by security community theory. Next, I relate the thesis to work that links state capacity to peace and consequently, relates incapacity to the breakdown of order. Lastly, I sketch two implications that the findings of the thesis carry for the international community's efforts on state capacity building.

The study of international communities

Adler and Barnett included domestic security threats in the list of possible trigger mechanisms in their three-tier model of community-building.⁶ At the emergent stage of community, the model then envisaged process variables (transactions,

⁵ Adler and Barnett 1998c, 15.

⁶ Barnett and Adler 1998, 145.

organizations, social learning) and structural conditions (knowledge, power) to facilitate collective identities and mutual trust. These characterized mature communities in which force is no longer considered amongst the possible policy options.⁷

The knowledge category described the international cognitive structure, “the shared meanings and understandings [...] analytically tied to conflict and conflict resolution” that underpinned dependable expectations of peaceful change.⁸ For security community scholars, knowledge was mainly, although not exclusively, linked to liberal ideas and democracy. Even in a loosely coupled community, members therefore abstained from bellicose activities altogether.⁹ In other words, trust, defined as belief despite uncertainty, depended exclusively upon the intentions of the other.¹⁰

In South America and Southeast Asia, domestic incapacity was not merely a precipitating condition for community but indeed the knowledge base on which dependable expectations emerged. Uncertainty over the others’ intentions was high, and as the case study chapters show, states never completely disregarded the role of coercive means in dealing with each other. Security community theory grappled with the relevance of strategic considerations and persisting threat perceptions as these contradicted the presumed positive identification between the members of a security community. At this point, security community scholars had to conclude that in each of the two regions, community was incipient at best.

In contrast, I maintained that states held dependable expectations that war would not occur despite persisting militarized disputes. My claim is in line with Deutsch, who did not use the concept of trust but referred to the “mutual predictability of behavior” within a community.¹¹ No-war in South America and in Southeast Asia was often predictable as it was a sheer fact of necessity. In consequence, trust in no-war communities relies less on individual actions of the other in a dispute than on observable, structural conditions lowering the probability of war. Because states held a shared set of knowledge about their limited capacity to mobilize war-fighting

⁷ Adler and Barnett 1998a, 38.

⁸ *Ibid.*, 40.

⁹ *Ibid.*, 30.

¹⁰ *Ibid.*, 46.

¹¹ Deutsch et.al., 57.

resources, in particular the limits imposed by a low level of socio-political cohesion, their expectations of no-war were more stable than the existing conflicts suggested.

The concept of no-war community is therefore compatible with militarized conflict and allows incorporating new areas of enquiry into the study of community in South America and Southeast Asia. These include a wide range of topics on the use of coercive means in interstate relations and the systematic study of the drivers behind security and defence policy-making independent of the generally assumed reciprocal dynamics of security competition.¹²

Importantly, this more rationalist approach does not limit the role of trust to strategic considerations and will still serve community scholars' interest in studying the non-material structures between states. As the case study chapters showed, trust was often a necessity but in many cases it became part of the background knowledge in the decision-making process based, however, on the common experience of prevailing domestic vulnerabilities.

In Adler and Barnett's framework, transactions undergird the development of trust but played a less prominent role in the community-building process than they did in the original Deutschian account.¹³ Similarly, the study of no-war community in South America and Southeast Asia showed that there is limited analytical purchase in studying the 'economic' as the realm of cooperation as opposed to a political sphere of conflict. In several of the cases analysed in this study, observers noted that the level of bilateral economic exchanges was unaffected by rising tensions and even minor skirmishes. What appears to be at odds with arguments that link trade to the frequency and/or intensity of conflict is less surprising, however, considering that the distinction between a political and an economic sphere is problematic in most countries included in the study given the close linkages between the state and the market.

State capacity and conflict propensity

The claim that a lack of state capacity creates stability is counter-intuitive. Indeed, although omitted in Adler and Barnett's framework, Deutsch emphasised the necessity of functioning political institutions and "autonomous resources and

¹² See for example Wendt and Barnett 1993.

¹³ Adler and Barnett 1998c, 17.

capabilities of individual members” in the development of community.¹⁴ Eventually, in the post-Cold War era, state-building came to be seen as the best means to create peace. Threats stemmed no longer from strong, aggressive states but from states that lacked domestic capacity and created an environment of anarchy in which different groups vied for power.¹⁵ Scholars focused on explaining forms of political violence other than interstate conflict, but under the assumed conditions of anarchy within the state, weak states came to be seen as an originator of both internal and external conflict.¹⁶

At the most general level, weak states challenged the assumption of rationality that underlies some realist and neorealist theorizing. Despite the differences between several realist theories, the bottom-line of these arguments is that the lack of state capacity leads more often to ‘irrational’, i.e. unpredictable behaviour, meaning that states create conditions that diminish rather than enhance their security.¹⁷

Weak states increase the risk that order breaks down as they aggravate the problems of an imperfect world in which information is never complete and political processes are never fully transparent.¹⁸ As Lemke put it,

politically incapable states have diminished ability to respond to international stimuli in the simplified rational cost-benefit calculus caricatured in our Eurocentric theories.¹⁹

In a world of strong states, war can occur as an unintended consequence of the security dilemma in which states, by seeking to defend themselves, trigger counter measures that only pose a greater threat to their security. In a world that is also inhabited by weak states, however, external security competition is even harder to come by because for these states, the main dilemma is internal.²⁰ Domestic considerations distort the logic of interaction between states and hamper the implementation of a coherent, national security strategy.²¹ In fact, the ‘national state’

¹⁴ Deutsch 1954, 43; Deutsch 1957, 66.

¹⁵ For an overview see Newman 2009.

¹⁶ Gleditsch et.al. 2008; Holsti 1996, 141.

¹⁷ Levy 1998, 145.

¹⁸ Walter 2002 discusses these arguments in the context of civil wars.

¹⁹ Lemke 2003, 58.

²⁰ Job 1992.

²¹ Buzan 2007, 272.

as a referent object becomes blurred to the point that anarchy between states turns into chaos.²²

Quite apparently, incapacity did not lead to the collapse of order in South America and in Southeast Asia. Amongst the cases included in this study, the Thai-Cambodian conflict over the border at the temple of Preah Vihear reached the highest level of intensity short of war. There is no evidence for linking the onset of hostilities to miscalculations, biases or pathologies stemming from a lack of capacity. Commitment problems were eventually overcome when capacity in Thailand declined, not increased, and Cambodia practiced toleration. Thus, the argument I presented held, international order was maintained despite, and at least in part *because* the external policy choices of South American and Southeast Asian states were made based on domestic considerations.

In contrast to other approaches to foreign policy analysis that take domestic level factors into consideration, I explained no-war not merely with reference to domestic audiences and elite coalitions within each state of a pair, but highlighted incapacity as an inter-subjective dimension of community that assured states that war would not occur between them. Given the shared knowledge base within community, the failing external rationality of weak state behaviour therefore did not result in greater uncertainty for their opponents. If the behaviour of another state remained unpredictable, states in South America and Southeast Asia were not “unreliable partners”.²³ The overall pattern of no-war became sufficiently routinized for that war avoidance was perceived not merely as a fact by default, but as a consistently pursued strategy by all states in the two regions, respectively.

The argument presented here should not be read as an excuse for the problems deficient state structures created in some of the analysed cases and it should not detract from the fact that the peoples of South America and Southeast Asia suffered from different forms of violence. Yet, shifting the focus to the stability of international orders, I posited that incapacity cannot be linked to conflict. To summarize, I claimed that the ‘distorted’ external behaviour of states lacking capacity, similar to what David called a strategy of omni-balancing external and internal threats

²² Smith 1991, 330.

²³ Miller 2007, 313.

simultaneously, did not increase the probability of war.²⁴ Quite to the contrary, it facilitated mutual recognition and toleration. Throughout the case study chapters I showed that leaders found diversionary tactics in conditions of domestic instability of limited use, and I argued that the states of South America and Southeast Asia were conservative in their orientation towards the regional status quo.

One may finally ask whether incapacity hindered the emergence of strong regional institutions that would have allowed South America and Southeast Asia to become more than no-war communities. Regionalism studies suggest that successful integration projects need powerful states to carry the costs of integration.²⁵ If my argument is correct, security regionalism made limited headway in South America and Southeast Asia not because of a lack of capacity but for a lack of demand. To restate the central proposition, just as the states in the two regions lacked many of the characteristics of the ideal type of the modern state, they lacked the incentives to fight modern wars. Managing disputes short of war, they developed dependable expectations that outright conflict would be avoided also in the future and therefore had little need to create powerful international institutions.

Arguments linking state capacity and conflict vary to some extent depending on how capacity is conceptualized and operationalized. In this study, I distinguished three dimensions of state capacity that mattered in the context of territorial disputes but that may not serve the purpose of other enquiries. A large number of available indices on state capacity notwithstanding, the present enquiry showed that there is still a need to refine the at times highly stylized measures and hopes to encourage future studies on how capacity structures, resulting from different processes of state formation, influence incentive structures for conflict and cooperation.

Practical implications

In practical terms, the study carries two messages for the policy community. The first is the old truism that good fences make good neighbours. Settled borders remove potential irritants and are a central signalling device in creating stable expectations of a shared desire to avoid conflict. Unresolved border questions do not necessarily lead

²⁴ David 1991.

²⁵ Katzenstein 2005; Mattli 1999.

to conflict, but in this study, external security was prior to and not a result of cooperation between states. However, the case study chapters also showed that at times political will can fill in external security gaps even if it leaves internal security needs unattended.

Secondly, based on the insight that stable borders are not necessarily linked to the existence of strong states, more thorough attention ought to be paid to the specific capacity-building efforts the international community widely supports. If militarized borders are a consequence of local political pressures arising from ambiguously defined border areas rather than of diversionary tactics, then a different set of management mechanisms will prove effective. Instead of fostering trust at the top level of the state, locally defined border regimes are likely to maintain stability and lead to those trustful relations that are a precondition for, and not a consequence of, regional cooperation. If, on the other hand, militarized borders in weak states are a consequence of policy design and by extension a question of political preference rather than a lack of capacity per se, the findings of the research should bear implications on the formulation of security sector policy, including international border control assistance programs.

Appendices

Appendix 1: Conflict comparisons

Table 1 and 2 list the wars fought by the states of South America and Southeast Asia according to the Correlates of War data (COW)¹ and the Uppsala Conflict Data program (UCDP),² which includes conflicts with a yearly fatality rate between 25 and 1,000. Table 1 on South America further includes commonly accepted classifications by regional experts that omit the criterion of 1,000 battle deaths. Similar alternative accounts on Southeast Asia are omitted as scholars mainly relied on standard measures or used different indicators altogether to illustrate conflict patterns in the region. It should be noted, however, that the Indonesian-Malaysian *Konfrontasi* is commonly seen as a significant experience of armed conflict resembling the experience of war.

From the UCDP data only inter-state wars are listed, although some of the wars included with the COW dataset are coded as 'internationalized internal armed conflict' by UCDP.

¹ Sarkees and Wayman 2010.

² Gleditsch et al. 2002.

Table 1. South American interstate wars since 1810

Year	Name	Participants	Centeno (2002)	Mares (2006)	COW	UCDP
Intra-regional wars						
1825–1828	Cisplatine	Argentina, Brazil, Uruguay	x	n.a.	-	n.a.
1836–1839	War of the Peruvian-Bolivian Confederation	Chile (Argentina), Bolivia, Peru	x		-	
1841	Peruvian-Bolivian War	Bolivia, Peru	x		-	
1863	Ecuador-Colombian	Colombia, Ecuador	x		x	
1864-1870	Triple Alliance	Argentina, Brazil, Paraguay, Uruguay	x		x	
1879-1883	War of the Pacific	Bolivia, Chile Peru	x		x	
1932–1935	Chaco War	Bolivia, Paraguay	x		x	
1932–1933	Leticia	Colombia, Peru	x	x	-	
1941	Zarumilla	Ecuador, Peru	x	x	-	
1981	Paquisha	Ecuador, Peru	x	-	-	-
1995	Cenepa	Ecuador, Peru	x	x	x ³	minor: territorial
Wars involving external states						
1836-1851	War of La Plata/Guerra Grande	Argentina, Brazil, France, Great Britain, Uruguay	x	n.a.	x	n.a.
1865-1866	Spanish invasion	Bolivia ⁴ , Chile, Peru, Spain	x		x	
1917-1918	World War I	Brazil	x	x	-	
1944-1945	World War II	Brazil	x	x	x	
1951-1953	Korean War	Colombia	-	x	x	-
1982	Falkland Islands	Argentina, Great Britain	x	x	x	minor: territorial

³ In the COW's latest MID dataset (v4.01) the highest hostility level of the conflict is coded not as a 'war' but as 'use of force' (Palmer et.al.).

⁴ Not coded as a participant in the COW dataset.

Table 2. Southeast Asian interstate wars since 1945

Year	Name	Participants	COW	UCDP ⁵
Intra-regional wars				
1965–1975	North Vietnam – South Vietnam	North Vietnam, South Vietnam	x	war: territorial
1977–1979	Cambodia-Vietnam	Vietnam, Cambodia	x	minor: territorial (1975–1978)
Wars involving external states				
1950/51 – 1953	Korean War	Philippines, Thailand	x	-
1965–1975	US-Vietnam War	Cambodia, Philippines, North Vietnam, South Vietnam, Thailand	x	-
1968–1973	Second Laotian War	Thailand, Laos, Vietnam	x	-
1970–1971	Communist Coalition	Cambodia, North Vietnam, South Vietnam	x	-
1979	Sino-Vietnamese Punitive War	China, Vietnam	x	war: territorial
1987	Sino-Vietnamese Border	China, Vietnam	x	minor: territorial

⁵ UCDP further lists the following intra-mural, minor inter-state armed conflicts with fatalities ranging from 25-999: Indonesia–Malaysia 1963-1966; Cambodia–Thailand 1977-1978 (territorial); 2011 (territorial); Laos– Thailand 1986-1988 (territorial).

Appendix 2: Case studies overview

	South America						Southeast Asia					
	no war			war			no war			war		
	Argentina	Chile	Colombia	Venezuela	Ecuador	Peru	Indonesia	Malaysia	Cambodia	Thailand	Cambodia	Vietnam
<i>Conflict parties</i>												
<i>Main case</i>	Beagle Channel, 1977-1978		Caldas incident, 1987		Cenepa War, 1995		Ambalat conflict, 2005-2010		Preah Vihear border, 2008-2011		Border war (1975-) 1977-1978	
No-war community	Overall level of state capacity	moderate	low	moderate	moderate	moderate	low	moderate	low	moderate	low	moderate
	Evidence for no-war community	yes (weak)	yes (strong)		yes (weak)		yes (strong)		yes (strong)		no	
Conflict setting	Intensity	diplomatic crisis, mobilization of the armed forces, no actual combat	diplomatic crisis, limited mobilization of the armed forces		diplomatic crisis, armed conflict		diplomatic crisis, naval standoff		diplomatic crisis, armed conflict		war	
	Salience ¹	moderate; primarily tangible	high; primarily tangible		high; tangible and intangible		moderate; both tangible and intangible (Sipadan and Ligitan)		Preah Vihear temple; moderate; purely intangible		moderate; primarily intangible	
	Fatalities	0	0		600-1500		2		32		8000	
Dyadic attributes	External involvement	Vatican	no		American guarantor states		no		Indonesia under ASEAN		no	
	Previous armed conflict	no	no		Zarumilla war, 1941		Konfrontasi, 1963-1966		historic		historic	
	Rivalry, ² strategic	1843-1991	1831 -		1830-1998		1962-1966		no		1956 (ROV) - 1983	
Rivalry, conflict history ³	1873-1984	1982 -		1891-1998		1962-1966		1953 -		1956 (ROV) - 1979		

¹ Standardized ICOW composite measure (Hensel et al. 2008).

² Thompson 2001, updated version (2010), on file with the author.

Appendix 3: Source materials

South America

Argentina

- Departamento de Estudios Históricos Navales, Armada Argentina, Casa Almirante Brown, library and archive (Archivo Histórico de la Armada, AHA: *Archivo Beagle*, Estado Mayor General de la Armada)

The archive is not organized according to a singular system and not all documents are registered. I follow the following system: Name of *Carpeta* (if available), Number of the *Expediente* – institutional designation: *Letra*.

- Personal archive of Carlos Manuel Muñiz, entrusted to the Consejo Argentino para las Relaciones Internacionales (CARI)
- Personal archive of Guillermo Roberto Moncayo
- Personal archive of Archibaldo Lanús

Chile

- Academia Nacional de Estudios Políticos y Estratégicos (ANEPE), course material and press archive
- Centro de Documentación (CEDOC), legal documentation and press archive
- Dirección de Fronteras y Límites de Estado (DIFROL), Ministry of External Affairs, library
- Academia de la Guerra del Ejército, library
- Personal archive of Agustín Toro Dávila

Colombia

- Course material and theses from the Escuela Superior de la Guerra
- Biblioteca Central de las Fuerzas Militares Tomás Rueda Vargas
- Personal press archive of Pedro Gómez Barrero

Venezuela

- Casa Amarilla, Ministry of External Relations (Venezuela, MRE), archive
- Instituto de Altos Estudios de la Defensa Nacional (IAEDEN), Fuerte Tiuna, course material and theses
- Centro de Información y Documentación Especializado en Relaciones Exteriores (CIDERE), Instituto de Altos Estudios Diplomáticos Pedro Gual, library

Southeast Asia

Cambodia

- National Archive Cambodia
- Archives of the Extraordinary Chambers in the Courts of Cambodia (ECCC)
- Documentation Center of Cambodia (DC-Cam)

Indonesia

- Centre for Strategic and International Studies (CSIS), library
- Jakarta Post, archive

Malaysia

- Arkib Negara Malaysia (ANM), National Archive
- Maritime Institute of Malaysia (MIMA), library and documentation
- Malaysian Armed Forces Command and Staff College, library and course material

Singapore

- S. Rajaratnam School of International Studies (RSIS), library
- Institute of Southeast Asian Studies (ISEAS), library
- SAFTI Military Institute, library

Other

Australia

- National Archives of Australia (NAA)

Germany

- Federal Commissioner for Stasi Records [Behörde des Bundesbeauftragten für Stasi-Unterlagen (BStU)]
- Ministry of Foreign Affairs, archive [Politisches Archiv des Auswärtigen Amtes der Bundesrepublik Deutschland (PA)]

United States of America

- CIA Record Search Tool (CREST)
- Digital National Security Archives (NSA, at ProQuest)
- Office of the Historian, Foreign Relations of the United States Series (FRUS)

Appendix 4: Interviews

South America

Argentina

Gustavo Ainchil
Raul Alconada
Roberto Balbo
Gustavo Bobrik
Dante Caputo
Andrés Cisneros
Marcelo Delpech
Rosendo Fraga
Carlos Frasch
Hortensia Gutierrez Posse
Julio Hang
Alejandro Kenny
Basilio Lami Dozo
Archibaldo Lanús
Gustavo Lioi
Jorge Marín
Pablo Martínez
Federico Mirré
Roberto Moncayo
Raúl Estrada Oyuela
Marcelo Stubrin
Roberto Ulloa
Rafael Videla
Carlos Zavalla

Chile

Juan Emilio Cheyre
Roberto Arancibia Clavel
Rodolfo Codina
Ángel Flisfisch
Maria Teresa Infante
Fernando Matthei Aubel
Francisco Orrego Vicuña
Marcos Robledo
Pepe Rodríguez Elizondo
Mario Artaza Rouxel
Hugo Tilly Ebersperger
Agustín Toro Dávila
Alberto van Klaveren

Ernesto Videla Cifuentes
Luis Winter Igualt

Colombia

Martha Ardila
Jaime Bermúdez
Armando Borrero Mansilla
Diego Cardona Cardona
Fernando Cepeda Ulloa
Francisco Coy
Enrique Gaviria Liévano
Pedro Gómez Barrero
Francisco Leal Buitrago
Julio Londoño Paredes
Carlos Enrique Ospina Cubillos
Rodrigo Pardo
Carlos Antonio Pinedo
Camilo Reyes
Darío Ruiz Tinoco

Venezuela

Leandro Area
Asdrubal Becerra Rivas
Jesus Briceño García
Feijoo Colomine
Simón Alberto Consalvi
Gastón Correa Boscan
Fernando Gerbasi
Roberto de Flavis Giancola
Daniel Fontaine Jean-Pierre (*phone*)
José Machillanda
Tomas Mariño Blanco
Giovanna de Michelle
Francisco Nieves-Croes
Fernando Ochoa Antich
Edgar Otálvora
Enrique Planchart
Juan Carlos Sainz Borgo
Rocio San Miguel
José Velasco Collazo

Southeast Asia

ASEAN

Mala Selvaraju
Hoang Thi Ha

Cambodia

Chan Chhorn
Chan Samir
Chanborey Cheunboran
Chhum Socheat
Chhea Sarouen
Chuch Phoeun
Steve Heder
Helen Jarvis
Heng Rattana
Kang Sam Oeun
Kong Puthikar
Anne Lemaistre
Lao Monghay
Long Kosal
Lay Chanda
Long Haykampoul
Mam Sam
Nhek Bun Chhay
Ou Narin
Ou Virak
Ouch Borith
Pen Sovann
Phat Sopheh
Phay Siphon
Pou Sothirak
Sok Vibol
Son Chhay
Son Soubert
Sorn Samnang
Sun Saing
Var Kim Hong
Y Ratana
Tep Vung

Indonesia

Oktavino Alimudin
Derry Aman

Kusnanto Anggoro
Da'i Bachtiar
Kresno Buntoro
Santo Darmosumarto
Hasjim Djalal
Haris Djoko
Ditya Farianto
Dewi Fortuna Anwar
Alman Helvas Ali
Albert Inkiriwang
Pugi Lestari
Marsetio
Mirza Nurhidayat
Havas Oegroseno
Freddy Panggabean
Estu Prabowo
Edi Prasetyono
Abdul Rivai Ras
Salim
Theo Sambuaga
Wiryono Sastrohandoyo
Slamet Subiyanto
Untung Surapati
Jose Tavares
Harry Tjan
Agus Widjojo
Hassan Wirajuda

Malaysia

Jalila bt. Abdul Jalil
Ahmad Fuzi Haji Abdul Razak
Mat Rabi bin Abu Samah
Noor Farida Ariffin
Mat Arifin
Abdul Aziz Jaafar
Akmal Che Mustafa
Munraj Gil
B.A. Hamzah
Ibrahim Anwar
Mohamed Jawhar Hassan
Rahim Hussin
Razali Ismail

Kamil Jafaar
Balakrishna Jatswan Sidhu (*phone*)
Liew Chin Tong
Raja Nurshirwan
Pahlawan Mior Rosdi
Che Hassan
Kamarul
Yee Tai Peng
Mohd Azmi bin Mohd Yussof
Ramli Mohd Sham
Phar Kim Beng
Oh Ei Sun
Mat Taim Yasin

Singapore

Mushahid Ali
Ang Cheng Guan
Barry Desker
Kwa Chong Guan
S.R. Nathan
Rod Severino
Tan Seng Cheye

Thailand

Darm Boontham
Tej Bunnag
Surachart Bamrungsuk
Songchai Chaipatiyut
Surayud Chulanond
Virasakdi Futrakul
Chavanond Intarakomalyasut
Boonsrang Niumpradit
Xuwicha Noi

Krisda Norampoonpipat
Anand Panyarachun
Jaray Papangkorn
Noppadon Pattama
Virachai Plasai
Chirdchu Raktabutr
Montornkit Roobkajorn
Thawatchai Samutsakorn
Natt Sri-In
Sompong Sujaritkul
Vasin Theeravechyan
Nipat Thonglek
Kasit Piromya
Bowornsak Uwanno
Srisakra Valiphodom
Abhisit Vejjajiva
Panich Vikitsreth
Panitan Wattanayagorn
Manaspas Xuto
Steve Young

Vietnam

Dinh Quang Hai
Anh Tuan
Le Trung Dung
Nguyen Hung Duy
Nguyen Hung Son
Nguyen Huu Dao
Nguyen Trung
Pham Quang Minh
Tran Viet Thai
Ta Minh Tuan

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