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Democratic Peace and Militarized Interstate Disputes in the Transatlantic Community

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1. Introduction: Why (and how) to Study the Democratic Peace¹

Since the end of World War II the so-called "Western world" (essentially NATO and the EU) has been hailed as a community of states approaching the ideal of a zone of democratic peace as no other region. Yet there have been several incidents among the solidified liberal democracies within this community where force was threatened or even used. Such militarized interstate disputes (MIDs) almost always took place in the context of fishery disputes.² Against the background of the liberal theory of the democratic peace, these cases present puzzles because democracies are said to "rarely escalate" such disputes "to the point where they threaten to use military force against each other, or actually use force at all".³ Yet this is what happened in several cases of intra-Western fishery disputes -- among others in a series of conflictual encounters between Iceland and Britain between the 1950s and 1970s (the so-called "cod wars") or between Canada and Spain (the so-called "turbot war") as recently as 1995. These militarized disputes are even more puzzling since several peace-building factors were present: besides being highly developed liberal democracies these states were also significantly interdependent economically as well as members of highly institutionalized international organizations (NATO and the EU). So in a sense peaceful resolution of these conflicts was overdetermined due to the three Kantian peace-stabilizing factors democracy, interdependence and international organization. Nevertheless, force was threatened or even used although conflicts never escalated to full-scale war.

This paper will sketch a research project that is to examine in detail why fisheries conflicts such as the cod wars and the turbot war became militarized in the first place but did not escalate further. In order to examine the underlying causal mechanisms of these processes the project will examine a limited number of cases via historical analysis (or "process-tracing") in detail. Contrary to much of what has been written by democratic peace proponents about the presumed *mechanism underlying inter-democratic conflict resolution*, accommodationist strategies (such as „mediation, negotiation, or other forms

¹ The idea to study fisheries conflicts within the transatlantic community in particular came up in a conversation which one of the authors (Gunther Hellmann) had at the ISA 2000 in Los Angeles with David Haglund. We are grateful to David for his inspiration. For comments and suggestions we are also grateful to Rainer Baumann, Christian Büger, Matthias Dembinski, Andreas Hasenclever and Wolfgang Wagner.

² According to Mclaughlin Mitchell/Prins 1999: 175, 90 percent of the conflicts in Northern America and Western Europe since the end of World War II were fisheries conflicts.

³ Russett 1995: 172.

of peaceful diplomacy⁴) were largely absent during crucial phases of these conflicts even though the most important prerequisites for peaceful resolution were present (highly developed liberal democracies, interdependence, joint membership in highly institutionalized international organizations and a „security community“ which was widely hailed to have formed a collective identity). Rather traditional power politics strategies prevailed during critical phases of the conflict. Still none of these conflicts escalated to full-scale war – which is exactly what DP theorists would expect. Indeed there is significant evidence in both cases that it was actually the *presumed impossibility of such an escalation* which led the parties initiating small-scale violence to use force in the first place. Moreover, the (limited) use of force was almost always accompanied by efforts of the parties involved to achieve some formalization of international rules in the context of expanding regimes. Thus our initial findings point to some irritating observation: whereas the core argument of the democratic peace literature is confirmed (or even strengthened) the causal mechanism which is widely seen to produce this result is obviously deficient to convincingly account for this. This suggests two paths for further research. First, given that even among highly developed democracies the *processes of collective identity formation* are highly conflictive, we need to learn more about the conditions under which democracies consider it legitimate and/or useful to resort to aggressive strategies in pursuit of certain objectives. Second, the connections between the use of aggressive power politics strategies and tactics as means to promote regime building has, to our knowledge, thus far been largely neglected. Questions such as these will therefore be examined in more detail in the context of a larger project.

In the context of the research program on the democratic peace the cases we examine here can be viewed as part of what other scholars have termed "near misses"⁵, i.e. crises where two democracies *almost* went to war with each other. Yet whereas those projects were trying to prove the "insignificance" of the DP arguing that factors other than those favored by DP proponents were responsible for the observable outcome, our emphasis is on a particular class of MIDs between democracies where we are trying to find out why these conflicts escalated at all. Moreover, in the project (though less so here) we will extend the focus well beyond the immediate processes of escalation and de-escalation by also examining the consequences of these conflictual encounters in terms of subsequent state initiatives towards international regime building. Some scholars have questioned whether conflicts such as the cod war or the turbot war are actually relevant for the

⁴ Ibid..

⁵ Layne 1994.

research program on the democratic peace.⁶ Given the fact that these conflicts did not only involve the governments and the military of the conflicting states (even though private actors did play an important role) but also high emotion and public mobilization, we would argue that they do indeed belong into this context. However, given our epistemological position (which we briefly outline below), we would not push this issue since it is a common practice in any discipline to question the scientific status of a research problem.

Against the background of past IR research on war and peace as related to the second image factor *system of rule* we think that it is worth examining in detail why such conflicts between highly developed, interdependent and allied democracies did escalate to the level of militarized exchanges but not further (given standard distinctions between militarized disputes and war). From a practical, policy-oriented point of view the underlying problem may gain in importance in the decades ahead. Whereas since 1989/90 some of the most powerful autocratic regimes have faltered democracies have been proliferating. This process has been (and will continue to be) rough and it is far from historically unidirectional. Yet in spite of several setbacks democratic rule has expanded during the past ten years and is likely to do so in the foreseeable future. Naturally, the number of conflicts between democracies will also increase along the way -- and thus (at least) the *probability* that such conflicts might escalate to militarized encounters. At least in principle this is even more likely given the fact that at least one of the factors that helped to dampen conflicts among the most prominent group of democracies in the past -- the Cold War factor with regard to intra-Western cooperation in NATO -- has vanished. While this certainly does not condemn "the West" to split into rival camps, gradually developing balancing strategies as some realists assume,⁷ it would be politically foolish to exclude this possibility. Some 41 percent of all the goods produced worldwide come from the US or the EU; 56 percent of military expenditures and 85 percent of the international arms trade today originate in what we used to call "the West". Thus, this constitutes an historically unprecedented concentration of power in the hands of democracies. Yet it is far from being clear whether this democratic preponderance in terms of power resources will stabilize international peace, whether it might seduce the allied democracies of "the West" to adopt a modern day version of the crusading spirit (now fighting to make the world for democracy as in Kosovo) or whether the collective

⁶ Nils Petter Gleditsch and Havard Hegre (1997: 288, ftn. 7), for instance have argued that "(m)any of the MIDs between democracies are fisheries disputes (e.g. the cod wars between Iceland and its neighbours). In such conflicts, the threat or use of force is usually acted out between the government on one side and a private fishing vessel on the other. The intergovernmental interaction is generally limited to diplomatic exchange, and it is questionable whether such conflicts have any place in a dataset on interstate disputes". We are grateful to Andreas Hasenclever for pointing us to this quote.

weakness of autocracies might induce some old-fashioned balance-of-power politics among the most powerful democratic centers (such as the EU and the US) in the disguise of geo-political or geo-economic competition and garnished with the occasional militarized dispute. We start from the assumption that *none* of these broad scenarios is *implausible* and that *any* is highly critical for the future of international politics.⁸ From a purely practical point of view it is therefore important to better understand the role of the use of force in inter-democratic conflicts. Moreover, since this field has been neglected by the IR community it is also important from a scientific point of view to examine (via case studies in particular) why militarized interstate disputes arise between democracies in the first place⁹.

Before we proceed we should, however, add some remarks as to the "theoretical" perspective of the paper. We fully share the *normative* appreciation of the democratic peace which is prevalent among the majority of DP researchers. Yet we are more skeptical vis-à-vis the underlying theoretical argument according to which the democratic peace is secure (given its "law-like" nature). In part this skepticism is the result of a difference in epistemological outlook. The overwhelming majority of DP researchers subscribes to what is usually (if somewhat misleadingly) called a positivist epistemology and a corresponding understanding of what it means to formulate laws or test theories. The probabilistic nature in which most propositions about the democratic peace are formulated will render them largely immune to the kind of arguments (or "hypotheses") we will put forth in our research. If one argues, for instance, that democracies "rarely escalate" conflicts to the level of a militarized dispute or even war, case studies such as the ones to be undertaken in this project are largely irrelevant as fairly uninteresting exceptions from the rule. In contrast, our position is that scholars interested in the connections between domestic systems of rule and international peace should be interested also in studying such cases in detail not only because they are "puzzles" in a narrow theory-oriented view but because they may (irrespective of their "exceptional" status) yield insights of the *same "scientific" quality* which IR theorists usually only attribute to the kind of (contingent) generalizations resulting from either large-N quantitative studies or small-N "focused" comparisons of cases. Moreover, even scientist sympathetic to contingent generalizations as a means

⁷ Waltz 1993.

⁸ For a semi-official US view of the future see the extensive study "Global Trends 2015: A Dialogue About the Future With Nongovernmental Experts", a study conducted by the CIA in cooperation with IR specialists among others, <http://www.cia.gov/cia/publications/globaltrends2015/index.html>. In comparison to inter-democratic cooperation, inter-democratic competition or conflict seem to prevail. Moreover, according to all of the four "alternative global futures" outlined the US' global influence is seen to wane whereas Europe's is seen to rise. See also Haglund's (1995) argument about the consequences of the turbot war for NATO.

to construct theories emphasize that case studies contribute insights into the underlying causal mechanisms, which are impossible to identify via large-N studies. Therefore, detailed case studies (be they comparative or single)¹⁰ contribute to knowledge differently. Given the peculiarity of the cases (against some background of presumed "theoretical" knowledge) they celebrate *individuality* via *added complexity* where positivist theorizing celebrates *generality* via *parsimony*. The kind of "ideographic" knowledge thus gained via historical narrative is not inferior, however, to the "nomothetic" (or "theoretical") knowledge gained via distinguishing between presumed "systematic" and "non-systematic" factors.¹¹ If we grant the *contingency* of historical processes and the *creativity* of human action, increasing our *understanding* of significant and complex phenomena (rather than *explaining* events, processes or structures which have been simplified for theory-building purposes) appears to be at least equally if not more useful for the overall enterprise of science.¹² We therefore position ourselves somewhere in the middle between the proponents of historical uniqueness on the one hand and the proponents of theoretical generality on the other. We make explicit use of general claims to knowledge as present in much of the theoretical literature on the DP while examining specific historical cases. We do not claim that our preliminary findings undermine (or even "falsify") claims made by others. Yet we do claim that by replacing the rigid, variable-oriented *ceteris paribus* conditioning of a positivist epistemology with the much looser *ceteris similibus* reasoning of a pragmatist epistemology our case studies may be adding to understand how the democratic peace works. In this sense we do of course also point to some more general conclusions although we do not attach a special scientific status to them as is usually done among positivists.

In the following we will first outline what the scholarly debate has to say about the connections between democracy on the one hand and militarized interstate disputes among democracies on the other. We will also examine what has been suggested in recent research about the additional stabilizing effects of interdependence and joint membership in international organizations. In the

⁹ Cf. Risse-Kappen 1994: 371-372, 377.

¹⁰ On a broader understanding of case studies see Ragin/Becker 1995.

¹¹ For a detailed discussion of the distinction between "systematic" and "non-systematic" factors in the process of theory-building see King/Keohane/Verba 1994: 42-43, 55-63, 79-82, 84.

¹² In this we follow a pragmatist conception of explanation and understanding as outlined by Geoffrey Hawthorn. Hawthorn emphasizes the dimension of the *possible* in historical explanation arguing that in explaining we increase (historical) alternatives as we also reduce them. According to him to understand is to consider what might have been possible. This, however, will necessarily affect what it means to know for certain for the following reason: "if what might causally or practically have been possible is not true of something at some other possible world but is at best only plausible at this; and if what was possible can at best be assessed but, since it did not occur, not be known: then the dialectic of inquiry and reflection by which we come to understand is one which reduces our certainty and in that sense our knowledge as it adds to it. In this way and to this extent, success in History and the social sciences, as perhaps in life itself, consists in understanding more and knowing less" (Hawthorn 1995: 37).

third chapter we will briefly summarize our historical cases before turning to some arguments as to what may explain both the escalation *and* the limitation of these conflicts. In the concluding section we summarize our initial findings which will form the basis of further research in the context of a larger project.

2. Democratic Peace Theory and Militarized Interstate Disputes among Democracies

The type of conflict which we are examining here is hard to reconcile with significant parts of the research on the democratic peace conducted during the past decades. While some of this research may be less applicable most of the explanations put forward in support of the DP proposition do apply and cannot, as we will try to show in subsequent sections, account for the cases we are interested in. In this section we will summarize the relevant research.

In the last few years two explanations of the democratic peace, the so-called "structural" model and the "normative" model, have been dominating the academic debate. The structural model recurs on institutional constraints in democratic political systems, arguing that a set of elaborate checks and balances imposes significant constraints on the capacity of democratic leaders to go to war. Given the "complexity of the democratic process and the requirement of securing a broad base of support for risky policies, democratic leaders are reluctant to wage wars."¹³ Some research has found that, in principle, the structural explanation can account for the occurrence of MIDs between democracies as potential wars which did not escalate both because domestically the decision-making process becomes more difficult with increasing levels of violence and because the transparency of democratic decision-making generates a comparatively clear picture of the relative bargaining power of two conflicting democracies, thereby enabling the weaker party to back down providing for a peaceful settlement.¹⁴ However, the structural explanation is harder to reconcile with the basic underlying rationale of the dyadic version of the DP theory according to which peace prevails only among democracies, but not between democracies and autocracies. If structural constraints were prominent in accounting for the democratic peace they should inhibit democratic decisions to threaten or actually use force regardless of whether the other side is a democracy or an autocracy. The justification that in the latter case democracies find themselves in a "no-choice situation"¹⁵ and

¹³ Maoz/Russett 1993: 626.

¹⁴ Cf. Fearon 1994.

¹⁵ Maoz/Russett 1993: 626

therefore have to react quickly implies the implausible assumption that democracies fighting against autocracies merely try to defend themselves. Yet, it has repeatedly been pointed out that the behavior of neither France nor Great Britain, refusing the peoples of their former colonies their right of self-determination, nor the involvement of the United States in Vietnam can be regarded as defensive wars.¹⁶ Moreover the attempt to separate norms and institutional processes appears to be highly problematic since the complexity of the democratic process is (at least in part) due to the institutionalization of democratic norms and values in democratic decision-making processes.¹⁷ Research during the past few years has also been much more differentiating (and contradictory) as to the possible effects of the democratic process. Some scholars have argued that structural constraints and transparency should only be activated when the risk of war is high. Yet this would only explain that crises should be resolved before they escalate. It does not explain the empirical observation that democracies seem to have a tendency to get into fewer militarized disputes.¹⁸ Moreover, others have been pointing out that an overdose of transparency (and "noise") in democratic decision-making may render it more (not less) difficult to calculate a democratic opponent's aims, adding uncertainty and accelerating the dynamic of escalation processes by putting a premium on preemption.¹⁹

In contrast, the normative model focuses on democratic norms and values. Proponents of this explanation argue that democracies externalize the domestic norms of behavior characteristic of democratic political processes and institutions.²⁰ To be sure, disagreements and conflicts of interests will arise also between democracies since, according to liberalism, such conflicts are "natural, legitimate, and even productive".²¹ Yet while conflicts certainly do arise, "democracies are more likely to settle mutual conflicts of interests (...) *short of the threat or use of any military force*. Conflicts of interest arise, but democracies rarely escalate those disputes to the point where they *threaten* to use military force against each other, or actually use force at all (*even at a level of violence far below the threshold at which we would call it a war*). Much more often than other states, they settle their disagreements by mediation, negotiation, or other forms of peaceful diplomacy."²² Threatening to use force is considered to be "illegitimate" in the context of democratic norms of behavior.²³ As a result DP proponents argue that democracy is not only likely to prevent war among democracies but that it will, in addition, also

¹⁶ Risse-Kappen 1994: 372.

¹⁷ Risse-Kappen 1994: 374; 1995: 499.

¹⁸ Kahl 1998/99: 98.

¹⁹ Finel/Lord 1999.

²⁰ Russett 1993: 30-38; Maoz/Russett 1993: 625.

²¹ Kahl 1998/99: 129.

²² Russett 1995: 172, emphasis added; see also Russett 1993: 119; see also Kahl 1998/99: 130.

produce peaceful resolution of conflicts among them: "The more democratic each state is, the more peaceful their relations are likely to be".²⁴

Some scholars have argued, however, that an exclusive focus on unit-level factors cannot account for the democratic peace or the fact that democracies rarely become involved in MIDs with each other. Rather, according to "constructivist" versions of a liberal democratic peace the level of interaction has to be taken into account as well.²⁵ Externalization of certain norms here translates into positive identification with each other, thereby enabling two or more states to form a collective identity, which -- given sufficient time and experience -- will become deeply rooted (or institutionalized). Once such robust collective identities are established, "the violent transformative events that normally promote negative identification [and thereby increase the likelihood of violent escalation, G.H./B.H.] become less likely".²⁶ John Owen has emphasized, moreover, that the "causal mechanism" which prevents democracies fighting each other lies in their mutual perception as "*liberal democracies*", i.e. as states which are shaped by liberal ideology, featuring free discussion and regular competitive elections in both law and practice: "Ideologically, liberals trust those states they consider fellow liberal democracies and see no reason to fight them".²⁷ States which are sharing such a sense of collective identity are expected to "define their national security interests in compatible and/or collective ways".²⁸ While these propositions sound plausible, they are both rather abstract (given the fact that they usually relate to the state as actor) as well as open to charges of anthropomorphization.²⁹ Colin Kahl has therefore paid particular attention to procedures of operationalization which help to relate the behavioral microfoundations of foreign policy decisionmaking to the causal mechanisms of the DP as stipulated at the level of the state. In line with much of the prior research on MIDs he advances three propositions that should apply if we observe two democracies forming a collective identity: (1) "significant portions of public and elite opinion should be strongly liberal, trusting, and pacific " vis-à-vis each other and the extent and intensity of these opinions should covary with the degree of positive identification"³⁰; (2) these favorable opinions and perceptions regarding other democracies should be held consistently as long as the

²³ Russett 1993: 33; see also Doyle 1983: 213; see also Risse 1995: 499-500.

²⁴ Cf. Russett 1993: 127 and Russett 1995: 172, emphasis added.

²⁵ Risse-Kappen 1995; Owen 1994; Kahl 1998/99.

²⁶ Kahl 1998/99: 124.

²⁷ Owen 1994: 102, 124.

²⁸ Kahl 1998/99: 125.

²⁹ Cf. formulations which refer to democracies "knowing" that fellow democracies have peaceful intentions, Risse-Kappen 1995: 496.

³⁰ Kahl 1998/99: 138-139; see also Owen 1994: 103.

hypothesized processes of collective-identity formation operate³¹; (3) "the majority of decisionmakers should be liberal and avoid foreign policies that carry a substantial risk of war with other states perceived to be liberal"; and (4) "When illiberal decisionmakers, or decisionmakers who do not share the perception that another state is liberal, guide the foreign policy of a liberal democracy, they should be constrained by liberal public or elite opinion when and if these decisionmakers adopt belligerent policies that run the significant risks of war with another liberal state"³².

All the factors discussed thus far either relate to the unit-level factor democracy or to a relationship or set of interactions where perceptions of collective identity due to similarities in the system of rule play a dominant role. While this has certainly been the key of the DP research programme during the last decade, more recent research has been pointing to additional factors, such as joint membership in international organizations and interdependence, which further strengthen the argument about the liberal peace.³³ While some scholars continue to question the proposition that economic interdependence and peace are causally related³⁴ a majority holds that this is indeed the case. According to recent findings by Oneal and Russett³⁵ interdependence (measured in terms of interstate trade) will not only yield significant gains in terms of peaceful bilateral relations where it will significantly reduce the incidence of militarized interstate disputes. It will produce system-wide effects in terms of more stable and peaceful interstate relations. The overall finding has been confirmed more recently still in a micro-foundational analysis by Christopher Gelpi and Josef Grieco³⁶ drawing on the work of Bueno de Mesquita, Morrow, Siverson and Smith³⁷ on the importance that democratic and non-democratic leaders assign to public policy success as a vehicle for remaining in office. Gelpi and Grieco found that economic interdependence between democracies does indeed depress an already low risk of conflict, arguing that the fear of losing the benefits associated with trade will be likely to cause democratic leaders to prefer to resolve conflicts of interest prior to their escalation to militarized disputes.

³¹ Kahl 1998/99: 139.

³² *Ibid.*: 140.

³³ Cf. Oneal/Russett 1999: 2.

³⁴ Barbieri 1996.

³⁵ Oneal/Russett 1999.

³⁶ Gelpi/Grieco 2000.

³⁷ Bueno de Mesquita/Morrow/Siverson/Smith 1999.

Finally, the importance of joint membership in international organizations has recently been emphasized by Russett, Oneal and Davis.³⁸ In a statistical analysis investigating dyads from 1950 to 1985, they concluded that joint membership in international organizations (in addition to interdependence) significantly reduces the probability of military interstate disputes. "All dyads – even those not democratic or interdependent – become less dispute-prone when those systemic Kantian variables increase."³⁹ Institutions achieve this effect because they are said to fulfill certain functions: coercing norm breakers, mediating among conflicting parties, reducing uncertainty by conveying information, "expanding material self-interest to be more inclusive and longer term" shaping norms and "generating the narratives of mutual identification".⁴⁰

Thus, given the current state of the art on the DP there seems to be a wealth of research findings actually implying that a peaceful resolution of the type of conflict which we will be looking at in detail in the remaining sections is actually overdetermined. To be sure, most of the findings discussed above are framed in probabilistic and *ceteris paribus* language. Yet if any of these findings are to be rendered relevant for policy making, this will be in a world where determinism guides action and where probabilism has no *practical* effect (given that *decisions* are necessarily based on *as if* assumptions implying certainty). Thus in the following sections we will treat most of these probabilistic findings as *if* they were formulated in deterministic language.

3. Does the Democratic Peace Swim? A Brief History of the Cod War and the Turbot War⁴¹

Cod War

The cod war between Iceland and Great Britain (and to a lesser extent between Iceland and the Federal Republic of Germany) escalated three times between 1952 and 1976. In the first place, it appears to be rather obscure that a conflict arose on such an issue. However, Iceland has for a long time been largely dependent on its fishery exports. The disappearance of the herring in Icelandic waters combined with a decline in export prices between 1966 and 1968 led to a drop in real per

³⁸ Oneal/Russett 1999; Russett/Oneal/Davis 1999.

³⁹ Oneal/Russett 1999: 34.

⁴⁰ Russett 1998: 377.

⁴¹ We owe the first part of the title to a suggestion by David Haglund.

capita income in excess of 16 percent.⁴² In Great Britain jobs in the fishery industry were at stake also.

The starting point of the conflict was the unilateral extension of the fishery limits from three to four nautical miles by Iceland in 1952. In reaction Britain refused to process fish caught before Iceland. The Soviet Union stepped into the breach as importer of Icelandic fish and thereby grasped the opportunity for an economic and diplomatic rapprochement with Iceland. In order to prevent closer relations between the Soviet Union and a Western state, the OEEC (later OECD) set up an informal group of negotiators who succeeded in preparing a resolution of the conflict. This was announced by the OECD on 14 November 1956. British restrictions were to be called off and a definite setting of the fishery borders was to be postponed until the UN had completed negotiations on the law of the sea.⁴³

In 1958, however, Iceland again unilaterally extended its fishery limits from four to twelve nautical miles. Britain ignored Icelandic jurisdiction until the Icelandic coast guard tried to seize a British trawler. A British destroyer intervened. In January 1959 an Icelandic vessel fired on a British trawler. The situation eased off when Iceland declared its intention to discuss the matter at the planned 1960 Law of the Sea conference of the United Nations. When the conference did not succeed Britain offered a bilateral settlement of the conflict. In 1961 Iceland agreed to an exchange of notes which ended the first cod war. Great Britain generally recognized the 12 mile zone, Iceland allowed British trawlers to fish within this zone during certain months.⁴⁴ In addition it was announced that in case of any further extension of the fishery zone Iceland "shall give to the United Kingdom Government six months' notice of such extension and, in case of dispute in relation to such extension, the matter shall, at the request of either party, be referred to the International Court of Justice."⁴⁵

However, the 1961 agreement did not succeed in settling the dispute either. In July 1971 a newly elected leftist-agrarian coalition government in Iceland decided to abrogate the agreement contained

⁴² Tomasson 1976: 155.

⁴³ Pfetsch 1995: 68. Since the United Nations International Law Commission (ILC) began a project to codify the law of the sea, three conferences were held. In 1958, at the first United Nations Conference on the Law of the Sea (UNCLOS I) four treaties were adopted and signed. Although it set forth some principles concerning the regulation of fishing on the high seas, the main problem, the breadth of territorial waters was not solved. UNCLOS II broke down at the same point. A third conference (UNCLOS III) was held intermittently from 1973 to 1982. It finally achieved an agreement on the contested issue, establishing a 200 mile exclusive economic zone which was, however "widely accepted as international customary law by the mid-1970s." (Soroos 1997: 247-248).

⁴⁴ Pfetsch 1995: 68.

in the 1961 Exchange of Notes and to extend fishery limits on September 1, 1972 to fifty miles. This unilateral move was especially surprising as the third Law of the Sea Conference (UNCLOS III) was about to formulate explicit rules on fisheries issues. Einar Agutsson, the Icelandic foreign minister, claimed at a press conference though, that Icelandic fish stocks were "threatened with imminent ruin".⁴⁶ This third extension escalated the conflict once again, yet this time not only Great Britain was involved, but also West Germany and Denmark. Britain suggested negotiations but also threatened to refer the case to the International Court of Justice. Iceland denied ICJ jurisdiction arguing that the 1961 agreement, which had come into being under duress the presence of the Royal Navy in Icelandic waters, was no longer valid. In addition it had already served its purpose to end the first cod war. Several bilateral discussions between Iceland and Britain led nowhere. An EC proposal to reduce tariffs for Icelandic fish products by 50 percent if Iceland abandoned its new fishery limits, was not accepted either.⁴⁷ When Great Britain and Germany applied to the ICJ for a ruling on the dispute, Iceland announced that it would not send a representative as it denied ICJ. On 17 August 1972 an ICJ interim order rules that Britain and West German should observe certain catch limits and, postponing a decision on whether it had jurisdiction or not, reminded the parties of the above cited clause on ICJ jurisdiction in any occurring Anglo-Icelandic fishery dispute. Iceland ignored the order yet British and also West German trawlers continued to fish in the controversial area. The Icelandic coast guard in response developed a new weapon against foreign trawlers, cutting the warps holding their nets. Moreover, British and German trawlers were shot at several times. In reaction British trawlers started ramming Icelandic coast guard vessels trying to enforce the observance of the fishery limits. Responding to strong requests from their fishermen the British government in May 1973 sent the Royal Navy to the Icelandic waters in order to protect the trawlers. Further clashes led to several casualties. When Iceland threatened to "alter its ties with NATO and sever diplomatic relations with Britain",⁴⁸ NATO Secretary-General Joseph Luns intervened to achieve a truce. In discussions with the British Prime Minister, Luns allegedly put pressure on Heath to come to an agreement with Iceland for the sake of NATO.⁴⁹ On October 15-16 Prime Ministers Heath and Johannesson agreed on an interim formula laying down restrictions for the subsequent two years.⁵⁰ On 25 July 1974 the ICJ issued its final ruling, emphasizing on the one hand the weak position of

⁴⁵ Tomasson 1976: 157.

⁴⁶ Quoted from Hart 1976: 7. Prime Minister Johannesson expressed similar fears. (See Hart 1976: 9).

⁴⁷ Ibid.: 20.

⁴⁸ Ibid.: 44.

⁴⁹ Ibid.: 45.

⁵⁰ The controversial area was split into six "boxes" five of which were open to British trawlers, certain areas were generally closed and both parties agreed on an estimated annual catch of 130.000 tons, although no limits were fixed.

states which are dependent on fishery exports, but condemning on the other the unilateral extension as contradicting international law.

The third cod war started when negotiations on the extension of the 1973 agreement between Iceland and Britain broke down on 26 November 1975 and Iceland extended its fishery limits to 200 nautical miles.⁵¹ Even though a consensus on a 200-miles-limit had already emerged at the Law of the Sea conference, Iceland again painted a devastating picture of the condition of its fish stocks and Britain again sent tugboats and frigates in order to defend its distant-water-fleet. Several clashes finally culminated in the severance of diplomatic relations by Iceland on 18 February 1976. While U.S. offers to mediate between the two parties were ignored, Britain (under pressure from NATO) finally gave in. When it gave up its claim for a certain allowable catch level (Great Britain demanded 85,000 tons, Icelandic officials unofficially spoke of 65,000 tons and agreed to negotiate a limitation of British trawlers in the contested area), Iceland agreed to further negotiations. On 2 June 1976 Einar Agustsson and Anthony Crosland, the Foreign Ministers of both countries, signed an agreement which limited the presence of British trawlers in the contested area to 25 per day.

Turbot War

In 1986, when Spain and Portugal officially joined the European Community, a major condition of their inclusion stipulated that their respective fishing fleets, among the largest in the world, had to cease fishing off of the coasts of other European signatories for a period of ten years in order to prevent traditional fishing grounds, especially the so-called Irish box off the coast of Ireland, from being overexploited.⁵² As a result Spanish and Portuguese trawlers went to other fishing grounds such as the Grand Banks, a shallow nutrient rich marine area off the coast of Newfoundland. However, the fish stocks in the Grand Banks rapidly decreased. In reaction Canada declared a moratorium on the fishing of many stocks in 1994 within its 200 mile coastal economic zone. This extremely unpopular measure forced 40,000 fisheries workers out of their jobs in Newfoundland. Meanwhile foreign fishing fleets continued to exploit the stocks. Especially in two areas of the Grand Banks, the so-called Nose and Tail which fall outside the 200 mile fishery limit, Canada wanted to overcome its inability to halt the depletion. Having unsuccessfully lobbied through the Northwest

⁵¹ Meanwhile West Germany and Iceland came to a bilateral agreement on November 28, 1975.

⁵² Soroos 1997: 243; Champagne 1997.

Atlantic Fisheries Organization (NAFO)⁵³ to establish stricter regulations, the Canadian government passed some amendments to the Coastal Fisheries Protection act, which unilaterally extended Canadian jurisdiction beyond the acknowledged 200 mile zone. It allowed Canadian officials to seize vessels which allegedly participated in the overfishing outside this zone. During the 1994 NAFO quota setting meetings Canada succeeded in significantly reducing the Spanish and Portuguese catch quota.

At the beginning of the 1995 fishing season, Spanish and Portuguese officials furiously dismissed the quotas and announced to disobey them. Spanish trawlers exceeded the strict annual catch limits during the first two weeks of the 1995 fishery season.⁵⁴ As EU officials did not respond to complaints and a unilateral moratorium, Canada sent a naval destroyer to the Grand Banks in order to enforce the NAFO quotas. On March 9, 1995, Canadian officials boarded the Spanish fishing vessel "Estai" after a four hour chase with several shots over the trawler's bow. In reaction Spain sent a patrol boat to protect its trawlers.⁵⁵ In the following the EU accused Canada of piracy, whereas Canada complained about illegal nets (with smaller meshing) of the "Estai". Both continued their aggressive rhetoric and action. Canadian naval destroyers tried to board Spanish vessels meanwhile protected by armed patrol boats.⁵⁶ In both countries the conflict also gave rise to remarkable nationalist sentiments. An overwhelming majority of 89 percent of the Canadians approved the government's position, 58 percent said that they would support even further use of force. Spanish reactions culminated in a 50.000 people demonstration and furious protests by fishermen pelting the Canadian embassy in Madrid with fish.⁵⁷ Attempts to achieve a resolution in negotiations failed several times. EU attempts to impose economic sanctions on Canada were blocked by Britain.⁵⁸ Spain faced mounting pressure from EU officials, especially Germany and France who did not want to further jeopardize relations with Canada.⁵⁹ When negotiations appeared to fail again Canada dispatched two warships, a frigate and a destroyer, to the Grand Banks to back up patrol vessels and

⁵³ The NAFO replaced the International Commission for the Northwest Atlantic Fisheries (ICNAF) in order to facilitate cooperation among the countries fishing in the area, to rationalize the management of the fishery and to conserve fishery resources. The two main organs of NAFO are the Scientific Council which evaluates the situation and provides recommendations and the Fisheries Commission which decides on total allowable catches, catch quotas and conservation and enforcement measures. (See Soroos 1997: 247).

⁵⁴ Champagne 1997.

⁵⁵ Soroos 1997: 237-239; Barry 1998: 264-266.

⁵⁶ Soroos 1997: 239.

⁵⁷ Ibid.: 240, quoting the Christian Science Monitor, 17 April 1995: 6.

⁵⁸ During the conflict British fisherman held rallies supporting the Canadian actions. Hundreds of them flew the Canadian maple leaf (see *ibid.*:239).

⁵⁹ Champagne 1997.

coast guard ships already in the area. They were "instructed to use force if Spanish naval vessels fired on Canadian boarding parties."⁶⁰ Under this pressure the EU finally agreed upon a new formula which was adopted by the Council on April 17, 1995, establishing stronger enforcement mechanisms such as independent monitors on all fishing vessels in the contested area, verification of gear and catch records, enhanced satellite surveillance, minimum mesh sizes for nets and penalties for violations.⁶¹ These measures were to be implemented under the auspices of NAFO which approved the agreement at its annual meeting in September 1995.⁶²

4. Heating up Without Breaking out: Understanding the Cod War and the Turbot War (and What it May Mean for the Democratic Peace)

In the two sections preceding this one, we have first outlined how the scientific community has thus far approached the study of MIDs among democracies. Secondly we have provided short summaries of two prominent militarized conflicts between highly developed democracies which, given the dominant view in the academic community studying such conflicts, should not have happened. In this section we will suggest some arguments as to what may explain both the escalation *and* the limitation of these conflicts. We want to emphasize once again that this is only a brief sketch of arguments which we will pursue in more detail later on.

4.1. The Limits of Collective Identity

With the social-constructivist refinement of the normative explanation of the democratic peace⁶³ the focus of research among scholars working on the democratic peace has shifted from the unit-level to the level of interaction and the phenomena of mutual recognition. Even if the normative argument that democracies externalise norms of peaceful conflict resolution proved to be true, however, this could not explain the democratic peace proposition since it does not explain how the factor democracy contributes to overcoming the security dilemma. Only if we assume that democratic

⁶⁰ Barry 1998: 276.

⁶¹ Soroos 1997: 248.

⁶² Barry 1998: 283.

⁶³Risse-Kappen 1994, 1995; Owen 1994; Kahl 1998/99.

states perceive each other as peaceful, we can "deal convincingly with the uncertainty factor inherent in the security dilemma"⁶⁴.

In the social-constructivist version of the democratic peace the formation of a collective identity is to provide this missing theoretical link. To be sure, the emphasis on mutually accepted democratic norms does not imply that competing interests between democracies cease to exist. "It does require, though, that leaders of democratic states use third-party mediation or engage in specific communicative behaviour such as apologies, justifications, or offers of compensatory action when violating norms."⁶⁵ Yet, the analysis of both the cod war and the turbot war clearly show that this assumption is highly problematic.

First, the fact that in all the cases examined the parties concerned were allies was almost totally absent in the way the conflicts were handled. Seldom (if at all) the parties have been referring to common values or even a collective identity in justifying either escalating or de-escalating actions or strategies. As a matter of fact, we found only one reference which can be interpreted in this way. There is some evidence that during the turbot war the Canadian Department of National Defence explicitly opposed the use of force against Spain arguing that this would be inappropriate among NATO-allies.⁶⁶ Also within the European Union the maintenance of good relations to Canada contributed to German and French opposition against an aggressive course.⁶⁷ However, Germany was not a primary actor as compared to Spain and Canada.

The opposite type of behavior, however, was everpresent. The strategies of justification used to legitimize aggressive behavior were similar to the ones usually used by states bent on a strategy of confrontation. The opponent was criminalized, charged with outrageous behaviour in violation of either fundamental norms of civilized international conduct or of broader norms of global responsibility. The kind of "spirit" that should have been expected based on the much hailed "transatlantic community of values" was almost totally absent. During the turbot war, for instance, the Canadian fisheries minister, Brian Tobin accused the Spanish and Portuguese fleets of acting

⁶⁴ Risse-Kappen 1995: 500.

⁶⁵ Ibid.: 504.

⁶⁶ Barry 1998: 265.

⁶⁷ Champagne 1997.

"criminal in the legal sense and in a moral sense too".⁶⁸ He also said that he was "not afraid of these people. I'll take them on."⁶⁹ In response the EU denounced "in the strongest possible terms" Canada's "illegal" action, claiming solidarity with Spain in the face of "a flagrant violation of the law of the sea".⁷⁰ Emma Bonino, EU commissioner for fisheries, accused Canada of turning "the northwest Atlantic into the Wild West"⁷¹ adding that "Canada has not only taken an EU boat to satisfy its internal needs and to hide its inefficiency in fisheries management. Canada has taken the international community hostage."⁷²

A similar pattern of behavior and rhetoric could also be observed during the cod war. In September 1972 Icelandic Prime Minister Johannesson described British trawlers (whose warps had been cut by Icelandic coast guard vessels) as "law-breakers". The next day, the Deepsea Fishing Industry Committee sent a deputation to James Prior, the British Minister of Agriculture, Fisheries and Food (AFF), referring to Icelandic actions as "piracy".⁷³ In a similar fashion Johannesson's successor as prime minister, Geir Hallgrímsson, justified unilateral action in a radio address to the nation on October 14, 1975: "The answer is that the fish stocks in the waters adjacent to Iceland are in such danger of extinction that it would, indeed, be a matter of *heavy responsibility* to wait any longer.... Our livelihood is at stake" (emphasis added). Later he added: " We shall not enter into any agreements which do not fully conform with our interests, and we shall either negotiate for full victory or, if such is our fate, fight until victory is won."⁷⁴

Second, the mechanism for conflict resolution emphasized by DP proponents often were not used, in spite of the fact that clear-cut rules did exist as to how to address conflicts of interests. As described above, the first cod war from 1958 to 1961 had been settled when Iceland and Great Britain bilaterally agreed upon an Exchange of Notes which explicitly defined rules for any further conflict on a similar issue. It was announced that in case of any further extension of the fishery zone Iceland "shall give to the United Kingdom Government six months' notice of such extension and, in case of dispute in relation to such extension, the matter shall, at the request of either party, be

⁶⁸ Ibid.: 261. In another context he said that the issue is not "an issue about who gets what slice of the pie but rather sustaining the pie, sustaining the resource, preventing its extinction", Barry 1998: 267.

⁶⁹ Barry 1998: 257.

⁷⁰ Quoted according to Barry 1998: 266.

⁷¹ Ibid.: 271.

⁷² Ibid.: 268.

⁷³ Hart 1976: 28.

⁷⁴ Tomasson 1976: 156.

referred to the International Court of Justice."⁷⁵ In 1972, however, Iceland unilaterally abrogated the agreement, arguing that it had come into being under duress -- a reference to the presence of the Royal Navy in Icelandic waters at the time. Iceland thus denied the ICJ's jurisdiction and did not even send a representative to the hearings when Great Britain and West Germany sued it for the violation of international law. Iceland's aggressive unilateralism is particularly surprising as the contested issues were on the agenda of the third UN Law of the Sea Conference at that time. Prime Minister Johannesson explained though, that "because of *imminent danger* of overexploitation of the fishery, Iceland could not wait for the outcome of the upcoming Law of the Sea Conference" (emphasis added)⁷⁶. This pattern was exactly repeated during the third cod war (1975/76).⁷⁷

The turbot war also took place under circumstances which appeared to be sufficiently regulated and providing clear cut rules for addressing conflicts of interest in a peaceful way. The Northwest Atlantic Fisheries Organization (NAFO) was a regime for the management of the scarce resources of the Grand Banks establishing total allowable catches (TACs), quotas, and conservation measures for stocks under its control. TACs, quotas and other measures were to be decided by majority votes. Rules also provided for procedures according to which any member state that objected to a quota set by majority voting within sixty days would not be bound by it. However, Canada referred to a moral interpretation of international law and unilaterally extended its exclusive economic zones via national legislation, thereby claiming jurisdiction even on foreign catch levels and quotas in clear disregard to international rules.

As these examples show, threats and the use of force were applied much earlier as was to be expected based on the theory of the DP. This is even more surprising given that one of the factors emphasized by constructivist theorizing (Owen's point about the *mutual recognition as liberal democracies*⁷⁸) was doubtlessly present in all cases. Therefore, if democracies are indeed "better equipped than others with the means for diffusing conflict situations at an early stage before they

⁷⁵ Tomasson 1976: 157.

⁷⁶ Hart 1976: 9. Hart argues that the "imminent danger" repeatedly referred to by Johannesson was certainly a matter of interpretation since it was not convincing that Iceland could not have waited for a few months for an international agreement. Iceland was "in no immediate danger of collapse in 1971, it was in danger of a *gradual* and *perhaps* irreversible decline." (p. 13, emphasis added).

⁷⁷ See Tomasson 1976: 156.

⁷⁸ In his response to realist critics that democracies should not threaten each other, Owen argues that the "causal mechanism" which prevents democracies fighting each other lies in their mutual perception as "liberal democracies". "Ideologically, liberals trust those states they consider fellow liberal democracies and see no reason to fight them", see Owen 1994: 124.

have an opportunity to escalate to military violence"⁷⁹, the highly developed democracies involved in these conflicts should have been prime candidates to prove this point. Yet the strategies of escalation chosen were not particularly accommodative. Therefore, what these examples show is that even among highly developed democracies a recourse to violent means in exchanges with other democracies cannot be excluded.⁸⁰

Third, and related to the last point, mediation was not sought by the conflicting parties, as expected by DP proponents. Rather, if mediation efforts were undertaken, they were usually pushed by interested third parties via international organizations, sometimes even against the will of one or even both conflicting parties. After a threshold of militarized strategies had been crossed, the conflicting parties themselves were preferring unilateral strategies instead. During the cod war, for instance, Iceland apparently regarded NATO as a bargaining chip in its overall strategy rather than as a forum for mediation. Referring the strategic importance of the Keflavik airbase Iceland put pressure on its Western allies to push for the withdrawal of three British frigates from Icelandic waters⁸¹, while rejecting mediation.⁸² When NATO Secretary-General Joseph Luns tried to mediate in an effort which finally did indeed resolve the conflict, Luns had to put enormous pressure on British Prime Minister Douglas Heath to achieve concessions which were considered acceptable by Iceland. Thus, an imminent fear among NATO members that a further escalation of the conflict might lead to Iceland's retreat from the alliance (with NATO losing the strategically important airbase at Keflavik as a consequence) was crucial on securing a resolution of the conflict at the negotiating table.⁸³ During the turbot war mediation did not play a role between the Canada on the one hand and the EU and Spain on the other. The US which was an obvious candidate did not want to get involved, in part, perhaps, because it had long-standing differences with Canada on fisheries issues itself. However, in spite of the rhetoric the conflict itself did not seem to be as threatening to the parties involved and both sides were willing to sit down for negotiation even at the height of the conflict.⁸⁴

⁷⁹ Dixon 1994: 14.

⁸⁰ What will be interesting to examine in more detail later on is the question what possibly caused the crossing of the threshold from the use of peaceful means to threats and the actual use of violence at a rather early stage. Why was it that the conflicting parties did not pursue the paths of conflict resolution expected by DP proponents?

⁸¹ Frankfurter Rundschau, May 30, 1973.

⁸² Frankfurter Rundschau, June 1, 1973.

⁸³ According to press reports (Frankfurter Rundschau, June 1, 1973) high-ranking NATO-officials were convinced that Iceland's threat to withdraw from NATO was real indeed. Moreover, the loss of Keflavik was considered as worse than a loss of the mediterranean base in Malta.

⁸⁴ Cf. Barry 1998: 269-277.

In sum, the strategies of conflict applied by the mature democracies under consideration were not the ones expected by theorists such as social-constructivists. Rather they resembled old-fashioned carrot-and-stick tactics, balance of power strategies and (given social-constructivist expectations) threats which went much further on the continuum between peacefulness / accommodation and violence than anticipated. Given that some of the more accommodative strategies had not been exhausted it would be interesting to examine in more detail, at what point (and for what reasons) these peaceful means were seen not to provide for an acceptable solution.

4.2. Constraining and Enabling Structures: When and Why it Might Pay to Pursue Power Politics Strategies

Structural explanations of the democratic peace emphasize that democratic institutions and decision-making processes provide significant constraints working against decisions to go to war. Democratic societies, so one argument, are difficult to mobilize, especially against other liberal democracies. To be sure, even liberal democracies may "sometimes (be) governed by illiberal leaders who are somewhat autonomous in implementing foreign policy. Such leaders may make threats; (yet) they are simply unable to mobilize the nation for war, due to the constraints of democratic institutions."⁸⁵ Moreover, according to rationalist variants in particular, elected politicians in democracies are said to have multiple incentives not to pursue confrontational foreign policies since this might negatively affect trade relations and, in consequence, lead to welfare losses to their prospective voters. For all these reasons democracies are expected to go an extra mile in exhausting alternative ways of conflict resolution. Again the conflicts examined here provide some irritating evidence that it might actually pay to pursue escalatory strategies of conflict.

First, contrary to liberal expectations about the benevolence of democratic public opinion in situations of conflict with other democracies⁸⁶, there is little evidence in these cases that the publics reacted substantially different as they might have had in a confrontation with an autocracy. Rather, the speed and intensity of public mobilization did not seem to be different. One might even say that some of the perceived confrontational actions taken were seen to be particularly outrageous given

⁸⁵ Owen 1994: 120, also p. 124: "When a liberal democracy is in a war-threatening crisis with a state it considers liberal-democratic, its liberal elites agitate against war. Illiberal leaders find they cannot persuade the public to go to war".

⁸⁶ See e.g. Czempiel 1996 in addition to Owen 1994.

that the democratic perpetrator was expected to behave in line with the "civilized" rules espoused by one's own side. Thus it was significant in both cases that public opinion did not hamper the escalation to the level of threats and small-scale use of violence. To the contrary, it even pushed a more aggressive line of action. The turbot war, for instance, aroused nationalist sentiments in Canada as well as in Spain. According to a poll taken in early April 1995 89 percent of Canadians approved of the actions taken by their government in spite of the fact that they violated international law and 58 percent were even ready to support an escalation if the fishing vessels would not stop.⁸⁷ In Spain the public was also mobilized against Canada's "illegal actions". In Vigo, the home port of the Spanish distant-water fleet 50,000 people went to the streets in fierce demonstrations after Canada had seized the *Estai*. Also, the Canadian embassy in Madrid was pelted with fish on 6 April when thousands came out in protest.⁸⁸ When in the run-up to the escalation the EU fisheries commissioner Emma Bonino signalled objection to the restrictive quota demanded by Canada, Canadian fisheries minister Brian Tobin was strongly supported by the largest fisheries workers association of Newfoundland, the Newfoundland Fish, Food and Allied Workers Union (FFAW) which urged the government to fight the EU with "every means at its disposal". FFAW president Earle McCurdy said: "I don't know if you'd call it gunboat diplomacy. If that's what what it is then so be it."⁸⁹ Canadian public opinion did not object. Tobin fulfilled the expectations of his closest supporters and declared that he would "not let the EU devastate turbot the way it has devastated other groundfish stocks in the 1980s"⁹⁰ As the Commission's position solidified the FFAW, supported by fishing groups from British Columbia, Quebec, and the Maritime provinces, pushed for an amendment of the Coastal Fisheries Protection Act in order to allow fisheries officers to arrest Spanish trawlers fishing turbot outside the Canadian EEZ. McCurdy described the issue as "a question of national will" and expressed his expectation of Atlantic Canada "to be protected from foreign invasion on the fishing grounds in the same way that people on the Prairies would expect to be protected from foreign invasion of their farmlands." In response, Tobin and his officials reviewed the Coastal Fisheries Protection Act to determine how it might be extended from stateless and flag-of-convenience vessels to NAFO members. These steps were backed by "detailed domestic and international communications plans ... to maximize support for Ottawa's anticipated action."⁹¹

⁸⁷ Soroos 1997: 240

⁸⁸ Ibid.

⁸⁹ Barry 1998: 263.

⁹⁰ Ibid.

⁹¹ Ibid.: 264 referring to Robert H. Edwards, *The 1995 Canada-European turbot crisis: Canada's use of force in fisheries diplomacy*, unpublished MA thesis, Dalhousie University, 1996: 6. Barry (1998: 279) emphasizes that in Canada, "the

Again we can observe a similar pattern during the cod war. When several attempts to prevent the 1972/73 cod war in negotiations in the late September 1972 had failed, the Socialist and Communist Parties organized "well-attended demonstrations in Reykjavik, and many people put bumper stickers on their cars depicting the map of Iceland encircled by a chain."⁹² On October 20, the Icelandic Federation of Labor urged workers in member unions to boycott British trawlers and support vessels which used the contested 12-50 mile zone and the Icelandic Minister of Communications, Hannibal Valdimarsson, called for port authorities to refuse aid to British or West German support vessels in Icelandic ports. The next day, the British Transport and General Workers' Union announced a ban on landing of all Icelandic fish and goods by Icelandic vessels (which accounted for approximately 10 percent of Iceland's annual export revenues). While the British government quickly dissociated itself from the TGWU's actions, the West German government did not do so with regard to similar actions taken by West German unions.⁹³ After several wire-cutting incidents, the skippers of approximately one hundred trawlers from Grimsby, Hull, and Fleetwood threatened to withdraw from the fifty-mile zone in a radio telegram unless the Royal Navy intervened. They asked for a decision within 24 hours. This put enormous pressure on the British government as the withdrawal would have been a de facto recognition of the contested 50 mile zone. However, the British government was highly reluctant to send in the Royal Navy, as it had in previous disputes. They assumed that "a display of military muscle by a large country like Britain against a small country like Iceland would not help to win domestic or international support", but rather "create sympathy for the Icelanders and increase their determination to resist." In the end a fast ocean-going tugboat was sent in.⁹⁴ The final decision to send in the two frigates of the Royal Navy was announced only after the trawler skippers had sent a second ultimatum to the Ministry of Agriculture, Fisheries and Food (AFF) stating that they would leave the disputed waters if no naval protection was sent within twelve hours.⁹⁵

fishing industry and the federal government played mutually reinforcing roles during the dispute." "As the turbot issue unfolded, the industry mobilized fishing groups across the country to support convincing action against the Spanish fleet.

⁹² Hart 1976: 30.

⁹³ Cf. *ibid.*: 31.

⁹⁴ *Ibid.*: 34-35. According to Hart, a "reliable source" reported that these events "precipitated a minor outburst of bureaucratic politics. The Minister of State for AFF, Anthony Stodard, pointed out that the tugboat, the "Statesman", was "flying a funny flag" – a Liberian one. Attempts to change it to a Blue Ensign (the flag worn by government vessels) failed as the Liberian registration "could not be waved aside so easily". The process would have involved that the "Statesman" had to stay some days in port. However, the orders by the Foreign Secretary to do were ignored by an Assistant Secretary knowing that the vessel was under the command of the minister of AFF who opposed any delay. The tugboat left with its Liberian registry intact.

⁹⁵ Hart 1976: 39.

The intensity of these reactions can be interpreted as clear signals that even among liberal democracies there are interests which are considered worth "fighting" for. Iceland, for instance, was extremely dependent on fisheries exports. "Fisheries have practically made the country inhabitable, and have provided the bulk of her export earnings, which in turn have been used to import consumer goods, investment goods and essential raw materials."⁹⁶ Although Canada as a whole is not as dependent on the fishing industry, it provides the main income for the Atlantic provinces. In Newfoundland, for instance, it accounts for ten per cent of the gross provincial product and 25 per cent of employment. Moreover almost 700 Newfoundland coastal communities depend in whole or in part on fishing.⁹⁷ Thus, the combination of several factors -- ie. material interests which were considered vital, well-organized interest groups ready to go on the offensive, and the behavior of foreign fishermen considered to be outrageous both from a material and a moral point of view -- provided for strong incentives to ignore major international rules and even use force.⁹⁸

Second, the logic of the structural argument implies that the use of force is only possible if an immediate threat overrules the structural and institutional constraints. "Shortcuts to political mobilization of relevant political support can be accomplished only in situations that can be appropriately described as emergencies."⁹⁹ The crux is that "emergencies" obviously are a matter of perception (or propaganda). In the two cases examined here, there is significant evidence that the use of force was *strategically planned* well ahead of the time the conflicts actually escalated. For instance, it had been well known for some time that Canada seriously worried about the depletion of its stocks. In a 1992 lecture given at the Belgian Royal Institute for International Affairs under the presidency of minister Hermann De Croo the Premier of Newfoundland and Labrador, Clyde Kirby Wells, warned: "Simply put, there is no more room for complacency in tackling this problem. Further diplomatic caution or legal indifference will mean the end of a major world marine resource, and the

⁹⁶ Eggertsson 1975: 91. Prime Minister Johannesson said at a meeting of the Nordic Council in February 1973 that "it is a well known fact that the economic survival of the Icelandic nation is dependent upon the fisheries. Eighty to ninety percent of the foreign exchange income of the country is derived from the export of fishery products. If the fishing grounds in Iceland are destroyed, the basis for the economic survival of the nation is demolished." (quoted from Hart 1976: 8-9).

⁹⁷ Barry 1998: 254.

⁹⁸ In his case study on the 1972/73 cod war Jeffrey Hart (1976: 68) concludes that one important lesson to be learned may be "to maintain individuals at relatively high levels in the government who are knowledgeable about fishery affairs, but who are also able to see how the interests of various subnational actors may differ from the interests of the nation as a whole". Thus, whereas some authors (such as Czempiel 1996) suggests that democracies may use violent means because they are not yet *democratic enough*, Hart argues that the voice of the people may indeed be a factor which may push even liberal democracies towards violent strategies vis-à-vis fellow liberal democracies.

⁹⁹ Maoz/Russett 1993: 626.

demise of hundreds of coastal communities in Newfoundland and Labrador.”¹⁰⁰ Wells compared the effects of a depletion of stocks on Newfoundland with a hypothetical disappearance of wheat in Ukraine, fruit and vegetables in California or grapes in France.¹⁰¹ Not only was the problem of the depletion of straddling stocks in the Northwest Atlantic well known for years, there are also clear indications that the aggressive measures applied by Canada in 1995 had been strategically planned. Already in early 1994, as Tobin later revealed, the Canadian military had been asked to develop plans to intercept foreign trawlers outside the 200-mile limit.¹⁰² The cod war provides an even more serious challenge to this basic assumption of the structural model as the conflict escalated three times during a period of almost 20 years with the escalation always being preceded by several attempts to come to a negotiated settlement. One might argue that structural constraints do only work when broader sections of society are really threatened, i.e. in the case of full-scale wars. Yet, as our cases show, public interest was high in most countries¹⁰³ involved and public opinion, in contrast to the expectations of DP proponents, even pushed for sterner measures (sometimes mobilized by skilful politicians, which, even if they were shying away from threats and the use of force, could hardly be called "illiberal").¹⁰⁴

Third, the turbot war in particular shows that the democratic process may provide both constraints as well as opportunities for individual politicians and interest groups to pursue confrontational strategies. In general, among the manifold explanatory factors which are commonly discussed in the context of the democratic peace proposal (including systemic, external, societal and governmental factors) surprisingly the "sources of explanation that lie within the people involved in making policy decisions" tend to be largely neglected.¹⁰⁵ Given that political leaders bear the final decisions on war and peace and given, moreover, that institutional and cultural constraints do not directly affect the "behaviour" of states (as anthropomorphized actors)¹⁰⁶ but only insofar as they shape the perceptions of decision-makers, the analysis of the effects of political leaders' attitudes should play a much more important role in attempts to understand the democratic peace. During the second cod war, for instance, British officials deeply mistrusted the Icelandic Fisheries Minister Josepsson, a member of

¹⁰⁰ Wells 1992, 28.

¹⁰¹ Ibid.: 17.

¹⁰² Barry 1998: 257.

¹⁰³ Britain was an exception because the public did not follow the fisheries lobbies as in the other countries. According to Hart (1976: 56) the British public "was ambivalent about the cod war. Although most British people saw the Icelandic actions as justifying the exercise of gunboat diplomacy ... there was still a certain amount of popular sympathy for Iceland as country continually threatened by 'fire and ice'".

¹⁰⁴ See part 4.1.

¹⁰⁵ Hermann and Kegley 1995: 512.

the communist people's alliance. As a matter of fact, Josepsson openly expressed his anti-British and anti-NATO positions. In one instance he flew over the fishing grounds in a helicopter, dramatically declaring that "this cannot go on" threatening arrests and confrontation.¹⁰⁷ Early considerations on the British side to suggest negotiations were withdrawn as British officials assumed that Josepsson was not really interested in a resolution of the conflict anyway.¹⁰⁸ In addition Josepsson caused confusion when he gave an assessment of the situation to his British colleague which differed significantly from the Foreign Minister's assessment in bilateral talk with the British foreign minister. The Icelandic Foreign Minister, a member of the moderate Progressive Party, signalled a conciliatory attitude whereas Josepsson stayed unaccommodating. Afterwards the British ministers are said to have doubted whether they were dealing with the same issue in their respective negotiations.¹⁰⁹ Obviously transparency is not an inherent quality of a democracy as some democratic peace theorists suggest.¹¹⁰ Although Josepsson even increased his verbal radicalism during the conflict -- e.g. when expressing his hope that Icelandic gunboats would soon have an opportunity to arrest a British trawler¹¹¹ -- his role as an allegedly hostile communist should not be overestimated since the "moderate" Prime Minister Hallgrímsson was even sharper in his verbal attacks during the third phase of the cod war in 1975/76.¹¹²

The escalation during the turbot war was also brought about by some rather extroverted individual politicians pursuing a specific political agenda. Verbal radicalism and the criminalization of the opponent were pushed mainly by Canadian fisheries minister Brian Tobin and EU fisheries commissioner Emma Bonino. While negotiations continued behind the scenes, some of the key politicians did little to contribute to a solution. As a commission source put it: "Even as the Brian and Emma show goes on ... while they are throwing with dirt in public, we are negotiating in private."¹¹³ However, private negotiations failed several times – most probably at least in part due to the fact that public opinion and the media were mobilized by ministers "throwing with dirt". Public insults reached a curious peak when Tobin dramatically displayed the *Estai's* double mesh net on a barge on the Hudson River across from the United Nations headquarters. The net was about as big as a football field. Presenting undersized turbot, even smaller than his hand, and American plaice, a

¹⁰⁶ For a critique of anthropomorphization see e.g. Czempiel 1996: 83.

¹⁰⁷ Hart 1976: 28.

¹⁰⁸ Ibid.: 20.

¹⁰⁹ In the end Josepsson's position prevailed due to strong public sentiments against any agreement. (See Hart 1976: 30).

¹¹⁰ Cf. Finel/Lord 1999.

¹¹¹ Hart 1976: 39.

¹¹² See *ibid.*: 48 and the examples given in part 4.1.

fish which was not allowed to be caught, Tobin declared: "We're down now finally to one last, lonely, unloved, unattractive little turbot, clinging on by its fingernails to the Grand Banks of Newfoundland, saying 'someone reach out and save me this eleventh hour as I'm about to go down to extinction.'"¹¹⁴ Reaction within the Canadian government was not unanimous. As a matter of fact, the bureaucracy was skeptical as to the measures undertaken by Tobin. Foreign affairs officials wanted more time for negotiations with EU officials, the Department of Justice worried about the legality of seizing foreign vessels, the Royal Canadian Mounted Police (RCMP) were concerned about civil liabilities that could result from an armed confrontation, and the Department of National Defence opposed the use of force against an ally in the North Atlantic Treaty Organization (NATO).¹¹⁵ Yet with the tacit support of Prime Minister Chretien¹¹⁶ Brian Tobin skilfully managed to mobilize support. In the end his strategy paid off. Contrary to his own public assessment ("if there is a winner in this conflict then it's the fish"¹¹⁷) Tobin emerged as "the big winner" managing to "convert his carefully cultivated image as a tough negotiator and defender of Newfoundland into a landslide provincial electoral victory"¹¹⁸ as he became Prime Minister of his home province.

What is interesting about all these examples, though, is that few (if any) decision-makers actually expected that the chosen strategy of confrontation might entail uncontrollable risks of escalation. To the contrary, often the strategy chosen was seen to be a necessary means to signal the importance of one's own interest to the other side in order to get them back to the negotiation table. The most striking example in this regard is again provided by Brian Tobin who privately confided later on that initially he had hoped diplomacy would not succeed. When negotiations went on with the EU in early March 1995 he hoped that they would lead to a dead end "because only action could lead to meaningful talks."¹¹⁹ While this is certainly one of the most explicit statements in this regard, our analysis has shown that it is by far not the only one. Contrary to liberal DP expectations leaders of democracies do see threats and the use of force as a legitimate means to pursue vital interests. What is more, often these means are not only viewed as an instrument of last resort but rather as a means in a larger diplomatic bargain. None of this means that the cases we examined undermines the DP proposition per se. Indeed, as we have already indicated before, none of the decision-makers seemed

¹¹³ Barry 1998: 273, quoting *Globe and Mail*, 30 March 1995.

¹¹⁴ Barry 1998: 272, quoting the *Calgary Herald*, 29 March 1995.

¹¹⁵ Barry 1998: 265.

¹¹⁶ Cf. Barry 1998:257.

¹¹⁷ Barry 1998: 276.

¹¹⁸ Kevin Cox, *Who Won the Great Tubot War?*, in: *The Globe and Mail*, 16 March 1996.

¹¹⁹ Barry 1998: 265, quoting the *Toronto Sun*, 19 March 1995.

to have expected (not to mention: even intentionally risked) a further escalation of these exchanges. One might even say that they did pursue the respective strategies of conflict because the likelihood of an escalation was considered very small indeed. However, these cases so raise doubts as to the role of the use of force in situations of conflicts among democracies -- not to mention the risk that situations such as these might get out of control, especially with highly mobilized public opinion.

4.3. The Kantian Triad – Three Pillars for Eternal Peace?

The two MIDs examined in this paper are particularly striking because the states confronting each other were not only highly developed democracies but because their joint membership in international organizations and a high level of economic interdependence presented additional factors which should have provided for a peaceful resolution of the underlying conflict of interests.¹²⁰ As repeatedly stated, such conflicts do arise and they may even be serious, yet democracies are said to be very good at developing specific procedures for coping with such conflicts, such as mediation in and through international organizations or by third parties.¹²¹

While there are some indications that concern for negative effects on trade relations did play a role in some quarters, they were not strong enough to overrule those vocal groups pushing determined action, including the threat or use of force. In 1972, for instance, Iceland rejected an EC proposal (probably inspired by West Germany) to abandon its new exclusive economic zone in exchange for a 50 percent reduction on tariffs for Icelandic fish products.¹²² Considering serious doubts that, despite a general and dangerous decline, the cod was not "threatened with imminent ruin" this appeared to be a very attractive alternative. Yet it did not help in spite of the fact that there had been close contacts between officials from all countries involved at every bureaucratic level.¹²³

Second, joint membership in international organizations did appear to play some role in the way the conflicts were handled, yet not necessarily in the manner expected by democratic peace theorists.

¹²⁰ See e.g. Oneal/Russett 1999.

¹²¹ Dixon 1993, 1994.

¹²² Hart 1976: 20. Later the EC attached a special protocol to the trade agreement with Iceland, making a tariff reduction conditional upon settlement of the dispute (ibid.: 23).

¹²³ Jeffrey Hart (1976: 52) concluded that the cod war of 1972/73 "is a good example of a dispute in which the existence of solid, long-term working relationships between experts and lower-level bureaucrats was not sufficient to prevent a resort to violence."

Rather than dampening the emotions they (at least initially) often provided a forum for presenting and pushing the conflicting claims in a traditional bargaining mode. For instance, Iceland most probably could not have succeeded to the extent it did without playing its major trump.¹²⁴ The NATO-airbase at Keflavik was of enormous strategic importance to the alliance for the control of submarine movements in the so-called GIUK-gap (the area between Greenland, Iceland and Scotland). "By linking NATO with the fishery dispute, the Icelandic government was putting pressure on Britain through NATO and the United States."¹²⁵ This was quite risky since, if the strategy had not worked, Iceland would have lost \$50-70 million per annum which were brought to the Icelandic economy by the Keflavik air base. Thus rather than providing for an avenue for mediation joint membership in NATO served as bargaining chip in Iceland's strategy of confrontation. Similarly, neither the regional fishery commissions nor other possible channels of interaction such as the United Nations, the OECD or the European Free Trade Association (EFTA) played a significant role during the cod wars of the 1970s. In general, diplomatic channels were extensively used during the cod war, yet it was not the type of modern, accommodative, intra-institutional (and inter-democratic) communication suggested by liberal theory, which carried the day. Rather, old-fashioned diplomatic tools, such as ultimata helped to turn the tide in favor of a settlement. Iceland's concrete threats to sever relations with Britain and to close the Keflavik NATO base on the one hand, and the British threat to send the Royal Navy unless their final proposal was accepted on the other hand helped to reach a breakthrough. In addition NATO allies often put tacit pressure on Britain to accept lower catches, since many feared a major strategic loss for the NATO in the North Atlantic.¹²⁶ It obviously was not by mere coincidence that about ten Soviet ships and an equal number of submarines appeared in the conflict area in May 1973 after having completed a major exercise in the North Atlantic and shortly after the Royal Navy had entered the conflict. Earlier, the Soviet Union had already saved Icelandic exports when Reykjavik had suffered from the consequences of the British trade restrictions during the first cod war. Since the Soviet exercises occurred after a reported request to the USSR by Iceland's coast guard (and just after London had ordered British warships into the area), Moscow probably intended the exercises to signal Iceland that it would be ready to come to its support, as one observer argued.¹²⁷

¹²⁴ "Glückliches Island – ohne die NATO-Trumpfkarte würde sich wohl kaum ein Mitglied der nordatlantischen Völkerfamilie darum kümmern, ob und wie die erste nachchristliche Demokratie Europas überlebt." *Der Spiegel* Nr. 52/1975 S. 72-73.

¹²⁵ Hart 1976: 42-43.

¹²⁶ Hart 1976: 51.

During the turbot war, international organizations did not live up to liberal expectations either. The existing regulatory regime for fisheries issues (NAFO) was too weak and did not provide the necessary tools to settle the conflict. Other international organizations did not significantly contribute to the resolution either.¹²⁸ However, it is quite plausible that the conflict might even have escalated further, if EU members such as Germany and France had not pushed Spain to refrain from some of the more violent countermeasures against Canadian unilateralism within EU structures.¹²⁹ Also, as in the cod war, alliances did not always go along with institutional ties during the turbot war. Britain vetoed any economic sanctions against Canada in the Council of the European Union, in spite of the fact that it had to gain most from stricter enforcement rules aside of Ireland when the restriction to the Spanish and Portuguese fleet to fish in European waters would have expired one year later.¹³⁰ Yet rather than historic ties and sentiment between commonwealth partners, strategic calculations best account for British noncooperation within the EU.¹³¹ Javier Solana, then Spanish Foreign Minister at the time, emphasized the irritation on Britain's stance pointing out that "our memory is long" and that Britain's behavior "could lead us to a deep crisis in Europe".¹³² Given that both NATO and the EU are generally considered to be the most highly institutionalized international organizations (and therefore prime candidates for the kind of moderating effect during time of crises among member states) it is striking to see that balancing behavior of various sorts was much more prevalent than the accommodative, mediating type of initiatives suggested by democratic peace theorists.

In spite of the lack of a dampening effect of joint IO membership, however, it is important to add that some of institutional settings provided a forum for pursuing negotiated settlements of the disputes later on. As a matter of fact, one might even say that the violent strategies were calculated steps (and thus only "interludes") in an underlying strategy to pursue ones interests. As already quoted above Brian Tobin did emphasize this strategic signalling function of the use of force. Similar attitudes apparently also played a role in the positioning of the Icelandic Fisheries Minister Josepsson's party, the Peoples' Union.¹³³ Thus the way the democracies handled the conflicts seemed

¹²⁷ Ibid.: 135-136.

¹²⁸ Cf. Haglund 1995.

¹²⁹ Champagne 1997.

¹³⁰ Barry 1998: 272.

¹³¹ Ibid.: 283.

¹³² Ibid.: 274.

¹³³ See Hart 1976: 30.

to correspond to traditional carrot-and-stick type diplomacy which, at some point, seemed to necessitate some more violent signaling of the significance of the interests at stake.

Third, DP proponents argue that liberal democracies should submit to international jurisdiction if they cannot solve their disputes or if mediation is not available. Yet, as described above, this is not what we observed in the cases examined. The first cod war from 1958 to 1961 had been settled when Iceland and Great Britain had bilaterally agreed upon an Exchange of Notes which explicitly defined rules for any further conflict on a similar issue. Yet this did not prevent the conflict to escalate, with Iceland denying ICJ jurisdiction.¹³⁴ An interim decision by the ICJ on August 17, 1972¹³⁵ was even counter-productive politically as it strengthened the British position and thereby reinforced the Icelanders commitment to resistance. After having decided that it had jurisdiction in February 1973, the Court ruled in July 1974 that it was not permissible to hinder foreign fleets to fish in the contested area. Yet Iceland did not accept the judgement.¹³⁶ During the turbot war Spain also went to the ICJ against Canada. Similarly to Iceland, Canada denied the ICJ' jurisdiction on environmental issues and won two years later. In justifying its decision not to recognize ICJ jurisdiction Brian Tobin commented that Canada did not want a two year process at the end of which there were no decision and no turbot anymore, either.¹³⁷ In spite of these cases of disregard for international jurisdiction which contradicts liberal expectations, surprisingly the settlement of both cases anticipated upcoming international law. The third UN Law of the Sea Conference eventually agreed upon a 200-miles exclusive economic zone, and the bilateral agreement between Canada and the EU was approved without incident by NAFO at its annual meeting in September 1995.¹³⁸

Research by legal experts suggests that this might indeed be a structural factor in international law in general which needs to be taken into account more systematically since "the dynamism of the development of international law creates opportunities for countries to test the limits of acceptability."¹³⁹ Moreover, according to this view "existing international law" can even be developed

¹³⁴ See above part 4.1.

¹³⁵ See above part 3.

¹³⁶ Hart 1976: 25, 36, 53; Pfetsch 1995: 69.

¹³⁷ Frankfurter Rundschau, 29 March 1995.

¹³⁸ Barry 1998: 283. Soroos (1997: 248-250) argues that the turbot war at least partly contributed to the approval of the UN Treaty on Straddling and Highly Migratory Fish Stocks in August 1995 by breaking "new ground on enforcement" (249).

¹³⁹ McDorman 1994: 9.

"by illegal, unilateral measures."¹⁴⁰ The cases examined here point to a close link between the strategic use of threat and (small-scale) force in an attempt to reach more precise and/or beneficial regulations within international regimes. To our knowledge, this aspect of the link between MIDs among democracies and regime building has not been pursued thus far and will also figure prominently in the project envisioned here.

5. Conclusion: It Swims, But the Sea Remains Rough

Against the background of the theory of the democratic peace the evidence provided by the cod war and the turbot war is irritating in some ways and reassuring in others. It is reassuring in the sense that it strengthens the point that democracies have strong incentives not to let disputes escalate to large-scale violence. As a matter of fact, especially in the case of the turbot war there are clear indications that the militarization observed was not part of a conflict with a medium or even high potential for escalation, but rather an expression of certainty on the part of some decisionmakers that it was *not risky* at all to use some force to prove a certain point and to improve the Canadian's hand in the negotiations with the EU. Thus, in this sense this were not "near misses" -- as for instance Layne (1994) discusses MIDs among democracies -- but almost "guaranteed misses".¹⁴¹ Yet while this may be reassuring, it does not sufficiently take into account that escalation processes are *inherently risky*, especially when prestige and reputation are involved in highly publicized conflicts (as was the case to some extent in the turbot war). Therefore, it would be foolish indeed to assume that inter-democratic conflicts can be rendered safe for small-scale militarization.

Secondly it is also reassuring to see that the (limited) use of force was almost always accompanied by efforts of the parties involved to achieve some form of more explicit international regulation of the disputed issues. In this sense, the use of force or "aggressive" behavior was seen as a (necessary) means by the parties initiating violence to improve international law. Yet this aspect is also quite irritating because it contradicts much of what has been written by democratic peace proponents about the *presumed mechanism underlying inter-democratic conflict resolution*. Accommodationist strategies were not prominent, nor was mediation actively sought by the conflicting parties (even though there were plenty of avenues given their joint membership in several IOs). In this regard even the much hailed

¹⁴⁰ Ibid.: 27.

¹⁴¹ We owe this term to a suggestion by Harald Müller.

transatlantic community (which comes closest to a security community in a Deutschian sense) was highly deficient. Rather traditional power politics strategies prevailed for much of the time. Thus, our initial findings suggest that even among highly developed democracies the *processes of collective identity formation as well as the processes which might lead to the achievement of commonly held legal positions are highly conflictive*. During these processes the resort to violence cannot be excluded even if the states involved almost ideally fit into the picture drawn by democratic peace theorists. What is more, the threat and the use of force may be an *intentionally chosen instrument* to pursue wider-ranging objectives in democratic strategies of conflict. Neither their democratic constitution, nor their engagement in international organizations or their high levels of interdependence have prevented what may be called an anachronistic fallback into the age of gunboat diplomacy. On the other hand one of the similarities in both cases has been that the bilateral settlement of the conflict was later institutionalized and accepted not only by the conflicting parties. A 200 nautical miles exclusive economic zone, the *corpus delicti* in the third cod war, has been announced by most of the coastal states on the basis of the 1981 UN Convention on the Law of the Sea, and the agreement between Canada and the EU on reduced catch quotas has been accepted by NAFO. Still, formal agreements such as these do not ultimately bind states as we have seen in the case of Iceland's unilateral abrogation of the 1961 Exchange of Notes. The effect of advances in issue-specific regime building might indeed be to reduce the uncertainty on the legal binding force of such agreements. Yet the formation of a *political community* seems to be a *conditio sine qua non* for the establishment of reliable enforcement measures which need to be mutually accepted.

To sum up, our initial findings point to some irritating observation: whereas the core argument of the democratic peace literature is confirmed (or even strengthened) the causal mechanism which is widely seen to produce this result is obviously deficient to convincingly account for this. This suggests two paths for further research. First, given that even among highly developed democracies the *processes of collective identity formation* are highly conflictive, we need to learn more about the conditions under which democracies consider it legitimate and/or useful to resort to aggressive strategies in pursuit of certain objectives. Second, the connections between the use of aggressive power politics strategies and tactics as means to promote regime building has, to our knowledge, thus far been largely neglected. Questions such as these will therefore be examined in more detail in the context of a larger project.

Some authors have suggested that the typical characteristics of democratic foreign policy would eventually help to overcome an orientation along strategic interests in world politics. Chan suggests that "if an interest-based perspective can account for the democratic peace, it would mean that democracies after all do not behave differently from other types of countries given that the foreign conduct of all countries is understood as the pursuit of national interest by the traditional realist paradigm."¹⁴² Apparently, the states within the so-called OECD-world have successfully abolished full-scale war as an instrument of politics. However, contrary to some propositions by DP theorists they do not always behave like doves -- neither in their relations vis-à-vis autocracies, nor in their relations among themselves. Strategic behaviour and the accompanying power politics strategies and tactics are still considered legitimate even among highly developed western democracies. In the end we may be best served by keeping in mind that both democracy and peace are inherently normative concepts.¹⁴³ The conflictive nature of collective identity formation indicates that the absence of war between polyarchies is quite robust empirically. *Democratic peace*, however, is a matter of hope, not an historical achievement.

¹⁴² Chan 1997: 78. We would claim that any kind of action, be it strategic or communicative, is led by interests.

¹⁴³ Cf. Brock 1998: 69.

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