

The Making of the Territorial Order: New Borders and the Emergence of Interstate Conflict*

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Abstract

We argue that new international borders are rarely *new*. We propose that when states choose new borders they use previous administrative frontiers to solve a difficult short-term bargaining problem and a long-term coordination problem. With a unique new set of data collected specifically for this project, we systematically examine the new international borders of the twentieth century resulting from secession, partition, and the use of force. New international borders, we find, are drawn not according to principles of “nationalism” or defensible borders, but rather according to previous administrative frontiers. How borders are drawn has important consequences for international stability: Borders drawn along previously existing internal or external administrative frontiers experience fewer future territorial disputes *and* have a much lower risk of militarized confrontation if a dispute emerges.

Keywords: *territoriality, territorial disputes, political geography, focal points, coordination, borders, institutions.*

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1 Introduction

When the Soviet Union fell apart in 1991 and 1992, the international borders of the new republics were overwhelmingly drawn following the previously existing internal administrative borders of the Soviet Union. This practice followed international legal norms of *uti possidetis* most recently firmly established by the International Court in 1986.¹ Subsequently, however, Russia broke with this precedent with potentially dangerous consequences for the international community as well as Russia itself. In the summer of 2008 Russia invaded Georgia, supposedly to protect the separatist regions of South Ossetia and Abkhazia. Russia has also intimated that it would support and effectively guarantee the independence of these break-away regions, following the West's endorsement of the Kosovo separatists and Kosovo's independence from Serbia. However, Russia's claim that its support for independence of these two republics mirrors the West's support for the independence of Kosovo falters in one crucial aspect. While Kosovo's new international borders correspond to the old provincial borders within Serbia proper, the new *de facto* borders of South Ossetia and Abkhazia do not follow provincial borders within Georgia. As noted in the *New York Times*,² "Russia has built checkpoints as much as 12 km (7 miles) from the administrative border with South Ossetia, inside Georgia proper, and says it plans to continue patrolling Georgia's main Black Sea port, Poti." By abandoning the principle of previous administrative frontiers, we argue, Russia significantly increases the probability of a re-emergence of this conflict.

While borders are a central, perhaps constitutive, element of the international order, little theoretical and empirical progress has been made to understand when, why and how borders matter. Two recent articles, however, provided foundations for a potentially fruitful research agenda on borders. First, Marc Zacher argues that a developing norm of territorial integrity led to a decreased number of forcible changes in international boundaries because—in particular Western—states sought to avoid the bloody destruction wrought by World Wars I and II.³ We take a different approach and examine the cases

¹See section 3.1.1 for a full explanation of the concept. In English, *uti possidetis* means "as you possess, so may you possess."

²"Russia Invasion Speeds Georgia NATO Membership: U.S." August 23, 2008. http://www.nytimes.com/reuters/world/international-georgia-ossetia-usa-view.html?_r=1&ei=5070&emc=eta1&oref=slogin.

³Zacher 2001.

where a change in international boundaries *did* occur—either forcibly or peacefully—to determine how the new border was drawn.⁴ Second, in her recent article Beth Simmons conceptualizes “borders as institutions that produce joint gains” to argue that settled boundary agreements provide economic benefits to actors on both sides of the border.⁵ We build on Simmons’ conceptualization of borders as institutions by highlighting the coordinative function that borders play. Not all borders imply institutions of equal value because how and where borders are drawn fundamentally affects their coordinative effectiveness. The reason is straightforward: where and how new borders are drawn affects both jurisdictional and policy uncertainty, and thereby affects the prospects of peaceful relations between neighbors.⁶ An institutional perspective on borders, we show, sheds new light on the likelihood and severity of territorial disputes. New borders drawn along previous administrative frontiers significantly decrease the probability of a territorial dispute as well as the probability that such a dispute escalates to the use of force.

Our arguments have implications well-beyond the emergence and re-emergence of territorial disputes. First, they offer suggestions to further explain the emergence and eventual dominance of the territorial state over its competitors.⁷ Second, our arguments also help explain the rather remarkable historical stability of borders.⁸ Third, our arguments offer some tantalizing clues to explain why, in international disputes, states do not simply ask for ‘more’, but typically demand specific discrete units of territory. We thus hope to offer some building blocks to explain which specific territorial units will be contested.⁹ Finally, our paper shows the power of an institutionalist framework in what typically has been considered an issue area dominated by the logic of security concerns.

The paper is organized as follows. We begin with a brief overview of the previous literature on how borders are or ought to be drawn and note that existing ideas emphasize the relevance of borders to future conflict. In section 3 we present our theoretical framework,

⁴Zacher 2001, 234–6 devotes less than two pages to this issue to briefly discuss only nine cases of states that broke up after 1945. We would argue that the claim that drawing the borders of the new states along previous administrative frontiers effectively is the same as upholding the norm of territorial integrity stretches the meaning of the term territorial integrity beyond its boundaries.

⁵Simmons 2005.

⁶Simmons 2005, 828.

⁷Spruyt 1996.

⁸Pounds 1951, 1954.

⁹Technically, this suggests that in practice territory may be a “lumpy” good rather than a continuously divisible one. See Fearon, 1995 and Powell, 2006 for influential treatments of the implications of this observation.

drawing on some recent institutionalist literature to explain why ‘new’ borders typically are drawn along previous internal and international administrative frontiers and why such borders are less likely to be contested. In section 4 we introduce data collected for this project. We show there that in the 20th century new borders indeed were more likely to be drawn along previous administrative frontiers than along ‘defensible borders’ or along lines of ethnicity or ‘nationalism.’ Finally, in section 5 we analyze the data to assess whether the choice of coordinative principle upon which to base the new borders affects the future relationship between neighboring states. We show that if the new border was drawn along previous administrative boundaries it is significantly less likely that a territorial dispute emerges or re-emerges. Furthermore, if a territorial dispute does emerge over a new boundary, the choice of a prior administrative frontier significantly reduces the probability that the dispute becomes militarized. The conclusion wraps up and offers suggestions for further research.

2 Borders

As noted above, few if any political scientists have tried to explain the formation of borders. The lament of Lord Curzon of Kedleston a century ago still stands:

It is a remarkable fact that, although Frontiers are the chief anxiety of nearly every Foreign Office in the civilized world, and are the subject of four out of every five political treaties or conventions that are now concluded, though as a branch of the science of government Frontier policy is of the first practical importance, and has a more profound effect upon the peace or warfare of nations than any other fact, political or economic, there is yet no work or treatise in any language which, so far as I know, affects to treat of the subject as a whole.¹⁰

We propose that an institutional perspective has the potential to indeed treat the ‘subject as a whole.’ Simmons envisions borders as “sets of rules, compliance procedures, and moral and ethnical behavioral norms designed to constrain behavior.”¹¹ The main behavior to be constrained by borders, we argue, is the emergence and escalation of costly territorial disputes between neighbors.

¹⁰Curzon of Kedleston 1908.

¹¹Simmons 2005, 827.

While that claim is uncontroversial, *how* borders ensure peace and prosperity remains poorly understood. The traditional conflict literature suggests that borders can affect the prospects for peace through two main channels: the separation of hostile or “incompatible” groups and through the creation of defensible borders. The idea that borders need to separate hostile groups is related to the massive literature on “nationalism” while the focus on defensive borders is associated with military historians and realist schools of thought. After we evaluate these alternative viewpoints in 2.1 and 2.2 we conclude that neither of these alternative viewpoints is convincing or tenable. Rather, we argue in section 3, new borders will be drawn along lines of prior administrative frontiers, internal and international, because such borders best minimize political, jurisdictional and economic uncertainty.

2.1 Common Culture & Nationalism

In the age of Nationalism, the conventional wisdom seems to be that to minimize conflict the borders of the state should follow the demographic distribution of pre-existing groups who share cultural similarities and dissimilarities. The literature on nationalism abounds with assertions that state and nation should be congruent.¹² Language, religion or ethnicity and “nationality” are often invoked as examples of the necessary degree of cultural similarity.¹³ A particularly prominent advocate for this view was U. S. President Woodrow Wilson. Wilson’s support for this view mainly derived from the belief that such borders would promote international peace. In other words, he – and many others at the time – believed that clashing ‘national’ groups, within and across borders, were a fundamental cause of war. If borders were to be drawn along lines of common culture or ‘nationalism,’ however, this would prevent irredentism and other forms of international conflict which result from the clash of opposing ‘national’ groups and thus remove an important and fundamental cause of war. Wilson even went so far as to propose that borders should be *re-drawn* to accommodate shifting demographic patterns and formally proposed it in his original draft for Article 10 of the Covenant of the League of Nations.

¹²Smith 1992, 47; Hechter 2000, 65; Friedman 1977, 72. Fearon, for example, argues that “the claims that give rise to ethnic conflict will typically extend only as far as there are “brethren” to bring into Greater Ruritania, or brethren for Ruritania to intervene to protect” Fearon 1998, 110.

¹³Yiftachel 2001.

The Contracting Parties unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial adjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgments of three-fourths of the Delegates be demanded by the welfare and manifest interest of the people concerned, may be effected, if agreeable to those peoples.¹⁴

The argument that (new) international borders should be drawn on the basis of the sense of identity of particular groups and thereby promote peace faces an almost unsurmountable problem: how to territorially separate those who belong to a cultural group from those who do not. On the face of it, it might seem that this problem might be easily solved by letting “the people” vote. As Robert Lansing, US Secretary of State under Woodrow Wilson, put it, “On the surface of it seemed quite reasonable: let the people decide. [But] It was in fact ridiculous because people cannot decide until someone decides who the people are.”¹⁵ In his 1921 article in the *Saturday Evening Post*, Lansing goes into more detail to explain the problem. “When the President talks of self-determination what unit has he in mind? Does he mean a race, a territorial area, or a community? Without a definite unit which is practical, application of this principle is dangerous to peace and stability.”¹⁶

In practice, when attempts have been made to let “the people” vote, the fundamental problem of identifying who “the people” are was resolved by reference to territoriality and, specifically, previously existing administrative units, with their administrative frontiers. When “the people” thus voted one way or another, almost always, a whole administrative unit decided its allegiance and the new international borders obviously followed those of the administrative unit.¹⁷

¹⁴Quoted in Baldwin 1992, 223.

¹⁵Quoted in Castellino 1999, 525. Experts of UNESCO have tried to define who or what would constitute a “people” as follows: “a group of individual human beings who enjoy some of the following features: a common historical tradition, racial or ethnic identity, cultural homogeneity, linguistic unity, religious or ideological affinity, territorial connection, a common economic life.” Quoted in Castellino 1999, 530.

¹⁶“Self-Determination.” *Saturday Evening Post*, 9 April 1921, 7.

¹⁷The Québécois who claim independence from Canada on the basis of their cultural uniqueness demand the secession of the complete province of Quebec. They are not willing to consider that in many parts of Quebec they form a distinct and small minority among English speakers. Ratner 1996, 607 notes that “In the case of Quebec, secessionists seemingly seek to have their cake and eat it, too—to secede and take with them land given to Quebec as part of its integration into Canada.”

This is not to deny that claims of cultural similarity and “nationalism” have proved fertile ground for ‘irredentism’ whereby states and populations make claims to territory on the basis of the race or ethnic relations with the motherland. However, without an agreement, clear understanding and delimitation of who constitute “the people,” it remains very difficult to draw borders on the basis of cultural similarities. The dispute between Hungary and Romania over Transylvania following World War I illustrates this point. The Treaty of Trianon stipulated that Transylvania would be transferred from Hungary to Romania. Transylvania was estimated to be about 54% Romanian, while only around 32% were Magyars. However, Hungarian officials consistently put forth the argument that the borders should be redrawn because certain sectors contain Magyar majorities. Thus, the two sides disagree over the actual territorial units to be individually considered. While Hungarian demands may seem quite reasonable, there were pockets of territory in eastern, western, and central Transylvania with Magyar majorities which complicated any efforts to begin slicing off pieces of Transylvania to consider separately.¹⁸ If officials would have held a plebiscite in Transylvania in 1920, would it involve the whole territory, or would they slice up different units and hold multiple plebiscites? Either way, it would be impossible for the border to cleanly and neatly separate the two cultural groups, either a considerable number of Magyars or Romanians or both would reside on the ‘wrong’ side of the border. In a country like Yugoslavia with decades or even centuries of intermingling and intermarriage, borders to separate groups by association with a particular ethnic group become even more difficult to draw.¹⁹

Almost nowhere in the world do demographic patterns clearly and unambiguously suggest *one* and only one border to separate groups.²⁰ On the contrary, very often it is possible to draw an infinite number of lines to separate groups, with each line leaving more of one or the other group on the ‘wrong’ side, raising the specter of interminable irredentist claims. Because of these difficulties, we argue, borders drawn along lines of common culture or nationalism are unlikely to prevent the re-emergence of territorial

¹⁸U.S. State Department 2006.

¹⁹Even in a country as supposedly homogenous as France—the supposed font of nationalism during the French Revolution—there was no single French language or French cultural or ‘national’ identity to speak of until the end of the 19th century when transportation and communication advances made French administration over the domain of the whole of France feasible Weber 1976. N.d. and Sahlins 1991 argue that it was the *boundary*, rather than some common cultural traits, which defined France.

²⁰The exceptions tend to be islands (Iceland) and mountains.

disputes and international conflict. Since such borders do not solve, but perhaps sometimes even aggravate international disputes, moreover, we expect they will rarely be accepted and implemented by contending states and the international community.

2.2 Defensible borders

Realism argues that in an anarchic system, states can only rely on themselves for their survival. It seems reasonable to infer that realism suggests that borders should be drawn based on military strategic and tactical considerations. More broadly and less paradigmatically, it seems reasonable to argue that states attempt to construct *defensible* borders. If leaders could draw (mutually) defensible borders, this should significantly reduce the probability of international disputes and war.

However, with alliances and supranational institutions (particularly in the 20th century), defense need not be determined by border location. For instance, although the global security interests of the United States greatly expanded after World War II, the United States did not significantly expand its territory. Instead, the U.S. adopted a forward defense strategy, and built its defensive perimeter overseas, through alliances on the European continent and a chain of islands along the coast of China.²¹ As David Lake convincingly argues, with willing foreign partners defense can easily be separated from territorial control.²²

As this argument suggests, even if we were to grant that borders may have initially been chosen for their strategic and military value, this value may change over time as a result of changing technology.²³ Thus, when occasion arises to redraw a new border, one would expect that current military technology and strategic considerations would trump considerations that dictated how the old border was drawn. Furthermore, if current technology makes the location of the border of lesser or little military importance, then another principle is likely to determine the border.

In spite of the changing nature of military technology and the implications for military strategy and tactics, some scholars maintain that defensible borders are easily identified

²¹We thank David Lake for this suggestion.

²²Lake 1999.

²³Vauban, Louis XIV's great engineer, for example, conceived of radically different *defensible* borders than his predecessors and his successors in the Twentieth century who constructed the Maginot Line Guerlac 1986, 86.

and defined. Natural frontiers—such as rivers, mountains, deserts and oceans—form defensible frontiers due to their supposed strategic or tactical value in battle.²⁴ Mearsheimer, for one, refers to the importance of the “stopping power of water,” which make oceanic borders particularly desirable.²⁵ The military historian, John Keegan, for another, observes that “[l]arge rivers, highland barriers, dense forests form ‘natural frontiers’ with which, over time, political boundaries tend to coincide”²⁶ Lord Curzon of Kedleston similarly agreed that rivers make particularly good borders.

As states developed and considerable armies were required for their defence, the military value of rivers, in delaying an enemy, and in concentrating defensive action at certain bridges, or fords, or posts, became apparent, and in the demarcation of larger kingdoms and States, they provided a convenient line of division, everywhere recognizable, and easily capable of defence. . . . Accordingly the advantages and disadvantages of rivers as Frontiers may be thus stated. The position of the river is unmistakable, no survey is required to identify or describe it, and the crossing-place frequently admit of fortification. Rivers are lines of division as a rule very familiar to both parties, and are easily transferred to a treaty or traced on a map.²⁷

It is striking to see how over one hundred years ago Curzon emphasizes both the military value of rivers—in concentrating defensive action—as well the coordinative value—rivers are everywhere recognizable and very familiar to both parties. This point was similarly recognized by Schelling who argued

There is, . . . , a strong attraction to the status quo ante, as well as to natural boundaries. Even parallels of latitude have recently exhibited their longevity as focal points for agreement. Certainly there are reasons of convenience in using rivers as the agreed stopping place for troops or using old boundaries, whatever their current relevance; but often these features of the landscape seem less important for their practical convenience than for their power to crystallize agreement.²⁸

Both previous strategies of drawing new international borders, along lines of ethnicity or according to military principles, either implicitly or explicitly highlighted the importance of coordination. Our discussion of the principle of common culture highlighted the difficulty of determining group membership, a coordination problem. Both Curzon and

²⁴For more on the role and use of natural frontiers see Sahlins 1990; Schultz 1991; N.d..

²⁵Mearsheimer 2001.

²⁶Keegan 1994, 71.

²⁷Curzon of Kedleston 1908, 21.

²⁸Schelling 1960, 67. See also Schelling 1966, 132.

Schelling suggested that natural frontiers, although typically thought of as chosen for their defensive value, also and perhaps more importantly, have coordinative value. We develop this line of thinking in more detail in the next section.

3 Borders as Coordinative Institutions

An institutional perspective on borders suggests that borders coordinate the expectations and behavior of both international and domestic actors and thereby produce joint gains. While both domestic and international actors may have conflicting preferences over the precise location of the border, the worst outcome is to have no delineated border at all. The result of a failure to agree on a border is both domestic and international uncertainty which at a minimum impedes trade²⁹ and at a maximum leads to incessant conflict.³⁰ Internationally as well as domestically, borders delineate relevant jurisdictions and help coordinate economic, social and military interactions.³¹ Thus, the delineation of international boundaries essentially amounts to a bargaining problem where the two parties have both compatible and conflicting interests.³² States have compatible interests in drawing a border because it clarifies jurisdictions and leads to joint gains, while the fact that control over territory is zero-sum implies that states have conflicting interests. In such ‘mixed-motive’ situations, actors want to coordinate but on different outcomes.

Once we recognize borders as institutions that coordinate expectations, the questions of how and where borders are drawn become issues of institutional design. The burgeoning literature on the rational design of institutions suggests that states are particularly sensitive about the unexpected consequences of new institutional arrangements.³³ Barbara Koremenos argues that states build renegotiation clauses into agreements that design institutions when they are uncertain about the long-term consequences of these arrangements.³⁴ In this respect, borders are atypical institutions for at least two important

²⁹Simmons 2005.

³⁰Hensel 2000, Holsti 1991, and Vasquez 1993, 2000.

³¹Moore 2000, 40–41 notes how internal boundaries were first prompted in the Europe of the Ninth century when Charlemagne and Louis the Pious mandated that Franks pay a tithe. “If everyone had to pay it was necessary to specify the church to which payment was due, so c.810 it was decreed that ‘each church shall have boundaries [to determine] from which villas it receives the tithes’.”

³²Schelling 1960, 1966.

³³Koremenos 2001; Rosendorff and Milner 2001; Koremenos 2005

³⁴Koremenos 2001, 2005.

reasons. First, it is difficult to conceive of an institution more salient to a state than its borders. Borders define the state’s territorial jurisdiction and control and the identity of its members and thereby affect almost all of the state’s policies in some respect.³⁵ Second, the establishment of borders is not subject to a “renegotiation clause”. Rather, attempts to revise an established border imply the very costly outside option of opening a territorial dispute. Recent research has unambiguously established that territorial disputes are economically costly and relatively likely to escalate to militarized conflict.³⁶

Since the principle of territorial integrity rules out “escape” or “renegotiation” clauses in an agreement establishing newly drawn borders,³⁷ states prefer to draw borders that minimize uncertainty and costs. It is obviously impossible to anticipate all possible implications of a new border as new borders upend old jurisdictions in ways that are many times disruptive.³⁸ It is similarly impossible for leaders to consider all potential borders, because an infinite number of borders can be drawn to separate two states. To solve these problems, leaders rely on focal principles to identify features that make certain borders attractive and relatively safe choices.³⁹

3.1 Administrative Frontiers

Choosing *prior administrative frontiers* – both internal and international – effectively minimizes uncertainty and costs and also effectively deals with the practical difficulty of considering all possible boundaries that could be drawn to separate the two states. While common culture and ‘nationalism’ and natural (and allegedly defensible) borders can be thought of as competing (focal) principles, we argue that the principle of prior administrative frontiers has at least three key advantages. First, uncertainty is minimized for both local actors and leaders when borders they have previously coordinated on become the new international borders. Second, the use of prior administrative frontiers also considerably lowers the transaction costs that must be incurred when multiple jurisdictions are redrawn. Third, the familiarity of previous borders makes them particularly focal for

³⁵See Sack 1986 on territoriality.

³⁶See Simmons 2005 for evidence that territorial disputes have a negative economic impact and Hensel 2000, Holsti 1991, and Vasquez 1993, 2000 for extensive evidence that they are especially violent.

³⁷Zacher 2001.

³⁸See Sahlin 1991.

³⁹See Schelling 1960, Schelling 1966, Kreps 1990.

leaders who negotiate over the location of a new border and thus lower the negotiation costs. In other words, reliance on precedent lowers both uncertainty and transaction costs.

As Simmons suggests, a clearly defined border is very advantageous to potential trading partners on both sides of the border.⁴⁰ While any border might *eventually* stabilize expectations and produce joint gains, a completely new border is unlikely to do so overnight. Moreover, leaders will be uncertain about the time it will take for the new border to become a stable institution. Additionally, if a dispute arises over a new border this is likely to greatly slow or even prevent it from becoming a stable institution. If the new border, however, relies on precedent and follows a prior administrative frontier which previously coordinated local and/or international expectations this significantly lowers uncertainty for local actors and frictions that often and easily escalate to international conflict.

Peter Sahlins provides extensive historical evidence that when borders are redrawn in an unfamiliar way that cuts against precedent, this causes numerous problems at the local level that can escalate into actual inter-state disputes.⁴¹ New borders significantly increase the probability of border incidents in several ways. For example, local citizens often violate boundaries that infringe upon “business as usual”. Sahlins discusses numerous cases in which local economic agents (e.g., farmers) continued to conduct business on the wrong side of the border. In several instances, these infractions led to international disputes. It is not difficult to find other cases in which local disputes involving the boundary have at least threatened escalation (e.g., Myanmar-Bangladesh and Congo-Angola).

Prior administrative frontiers also have the distinct advantage that they are cheaper to implement. In cases of secession or partition, reliance on administrative frontiers entails the least internal administrative reorganization and thereby minimizes transaction costs. Similarly, in cases of territorial transfers as the result of the use of force, a “clean break” along previous administrative frontiers minimizes the re-organization costs for both winners and losers.

Finally, prior administrative frontiers also stand out because of their inherent simplicity. As Schelling pointed out long ago, the familiarity of previous borders makes them focal for leaders who negotiate over the location of a new border.⁴² Precisely because parties

⁴⁰Simmons 2002, 2005.

⁴¹Sahlins 1991

⁴²Schelling 1960; Myerson 2009.

have coordinated previously on administrative boundaries, these stand out from an otherwise infinite set of possibilities.⁴³ In contrast, reliance on the principle of natural frontiers often requires more than one natural feature to determine the entire border. Except in the case of islands, reliance on natural frontiers to draw new borders may require several rivers and other natural features to identify the border. In such cases, typically several stretches of the border bridge or link two natural features but themselves are indistinct.

New borders that follow previous administrative frontiers thus minimize the probability and intensity of future conflict for at least two main reasons. First, reliance on prior administrative frontiers minimizes uncertainty about the precise location of the new border. This minimizes the probability of accidental or intentional local violations of the border that can reverberate all the way to the international level. With minimal uncertainty, neighboring countries can form stabler expectations about future relations. This produces the second main effect. The location of a new border boils down to an issue of coordination between two (or more) countries. Less uncertainty and more stable expectations make defections from the coordinative equilibrium more likely to be detected and less attractive. As a result, such new borders are less likely to be challenged. In other words, prior administrative borders will be most effective in preserving peace because not challenging their integrity is already the equilibrium strategy of both local and international actors, which, in turn is exactly the reason why they were chosen in the first place. When new borders follow prior administrative frontiers, incentives to defect from this coordinative equilibrium are minimized for both local and international actors. Before we empirically examine our claims, we first turn to international law which might be argued to offer an alternative explanation for why new borders should or do follow previous administrative frontiers.

⁴³Schelling 1960, 67 noted

“More impressive, perhaps, is the remarkable frequency with which long negotiations over complicated quantitative formulas or ad hoc shares in some costs or benefits converge ultimately on something as crudely simple as equal shares, shares proportionate to some common magnitude . . . or the shares agreed on in some previous but logically irrelevant negotiation.”

3.1.1 International Law: *Uti possidetis, ita possideatis*

International law, as might be expected, has grappled with the question of (new) international borders. It is striking to see how in the international legal literature on the topic, jurists seem to recognize that new borders drawn along the lines of previous administrative boundaries will help to keep the peace. However, this recognition extends only to the creation of *new* states (originally, to new states resulting from de-colonization) and not, as we propose, also to cases of territorial transfer.

International law recognizes the principle of *uti possidetis, ita possideatis*, “as you possess, so you may possess.”⁴⁴ The principle was developed initially in the 19th century to prevent re-colonization of the Spanish Empire by other European states. Latin American states feared that other European powers would argue that some of the territory in the former Spanish Empire constituted *terra nullius*, or uninhabited territory, and could thus simply be acquired by effective occupation. In essence, the doctrine holds that “new states will come to independence with the same boundaries that they had when they were administrative units within the territory or territories of one colonial power.”⁴⁵

Especially with an eye on the cases of territorial transfer as the result of the threat or use of force, it is important to note that the principle of *uti possidetis* does not extend to administrative units below the level of the constituent republic. This point was highlighted in the recent European Union report on the conflict between Georgia and Russia.

According to the overwhelmingly accepted *uti possidetis* principle, only former constituent republics such as Georgia but not territorial sub-units such as South Ossetia or Abkhazia are granted independence in case of dismemberment of a larger entity such as the former Soviet Union. Hence, South Ossetia did not have a right to secede from Georgia, and the same holds true for Abkhazia for much of the same reasons. Recognition of breakaway entities such as Abkhazia and South Ossetia by a third country is consequently contrary to

⁴⁴Ratner 1996, 593.

⁴⁵Shaw 1996, 97. In 1986, the Chamber of the International Court of Justice in the *Burkina Faso/Mali* case noted that the essence of the principle of *uti possidetis* “lies in its primary aim of securing respect for the territorial boundaries at the moment when independence is achieved. Such territorial boundaries might be no more than delimitations between different administrative divisions or colonies all subject to the same sovereign. In that case the application of the principle of *uti possidetis* resulted in administrative boundaries being transformed into international frontiers in the full sense of the term.” ICJ Reports 1986:566.

international law in terms of an unlawful interference in the sovereignty and territorial integrity of the affected country, which is Georgia.⁴⁶

Although the principle of *uti possidetis* can boast a relatively long history, it has become recognized as a full-fledged legal norm only since the 1986 *Burkina Faso/Mali* case. Since the late 1980s, the principle has been extended to secessions and the dissolution of previous non-colonial states such as Czechoslovakia, Yugoslavia and the Soviet Union. It was this principle rather than the norm of territorial integrity that ensured that “[d]uring the postwar period, all of the successor states that emerged from the nine breakups of existing states have kept their former internal administrative boundaries as their new international boundaries.”⁴⁷ Relying on *uti possidetis* the Yugoslavia Arbitration Commission (also known as the Badinter Commission) concluded that “the former boundaries become frontiers protected by international law.”⁴⁸

While the principle of *uti possidetis* applies only to cases where new states emerge from older states and not to transfers of territory from one existing state to another existing state, it is striking to see how legal scholars argue that the principle works to produce peace. The first point is made most clearly by a legal scholar skeptical of *uti possidetis juris*—where the inclusion of the term *juris* refers to the establishment of a general legal norm. Ratner highlights the coordinative role of the principle in language reminiscent of Schelling: “This strips the defense of *uti possidetis* and immutability to its negative core—the absence of any other solution. *Uti possidetis* thus represents the classic example of what Thomas Franck has called an “idiot rule”—a simple, clear norm that offers an acceptable outcome in most situations but whose very clarity undermines its legitimacy in others.”⁴⁹

The second point is clearly articulated by Shaw, when he distinguishes the first role of *uti possidetis*—to prevent claims by other European powers to territory of the former Spanish Empire as *terra nullius*—to its second role. “The second role of *uti possidetis* was to seek to prevent boundary conflicts as between the successor states of the Spanish Empire. Eventually, this second, originally subsidiary, role evolved into the primary function of the

⁴⁶Council of the European Union 2009, 18

⁴⁷Zacher 2001, 234–5.

⁴⁸92 ILR 17, cited in Shaw 1997, 497; see also Ratner 1996, 590–591, 596–598.

⁴⁹Ratner 1996, 617, compare with Schelling 1960, 70.

principle.”⁵⁰ In the *Burkina Faso/Mali* case, the Chamber of the International Court of Justice similarly emphasized that *uti possidetis* by now should be recognized as “a general principle, which is logically connected with the phenomenon of the obtaining of independence, wherever it occurs. Its obvious purpose is to prevent the independence and stability of new states being endangered by fratricidal struggles provoked by the challenging of frontiers following the withdrawal of the administrative power.”⁵¹

The legal principle of *uti possidetis* can be invoked to explain why new international borders follow prior internal borders in cases of secession and partition. Such an explanation is particularly plausible for the cases in the last decade of the 20th century when the International Court of Justice positively affirmed the principle. We consider the legal norm a significantly less plausible explanation in cases of territorial transfers as the result of the threat or use of force. Legal scholars might well counter that *normative spillover* could explain these cases as well. Normative spillover occurs when legal arguments or ideas that were useful in one jurisdiction or domain are applied in another jurisdiction or domain.⁵² Thus, the legal norm that internal boundaries should form the new border in the domain of secession and partition, it could be argued, spilled over into the domain of violent transfers of territory. Two points weigh against this line of argument. First, as noted above, the Council of the European Union explicitly argued against the use of “territorial sub-units” to delineate new international borders. Second, we found little evidence in favor of any normative spillover in discussions about the establishment of new borders. Finally, Occam’s razor applies; our perspective of borders as coordinative institutions explains why prior administrative frontiers are used to draw new international borders in cases of *both* peaceful and violent transfers of territory.

In the remainder of this paper, we first examine the new international borders of the last century. We then proceed to focus on our main concern, whether and how the drawing of new borders affects future relations between the states sharing the new border.

⁵⁰Shaw 1997, 492-493, see also 503 and Ratner 1996, 591.

⁵¹ICJ Reports 1986, 565-566.

⁵²Borgen 2007, 730-731.

4 Research Design and Data

In this section, we describe our data collection and the resulting data sets upon which we base our subsequent analysis. The first set of data records every secession of one state from a mother country in the 20th century. We deliberately exclude cases of de-colonization so as not to bias the data in favor of the principle of administrative frontiers through the operation of *uti possidetis*. We record whether the boundaries of the new state conform to previously existing administrative borders. Since these secessions typically result from ‘nationalist’ movements and demands by a group for its ‘own’ nation, we would expect the principle of common culture to play an important role in these new borders, if it has any force. In other words, if anything, this data should be biased in favor of common culture and against prior administrative frontiers.

The second set of data examines all transfers of territory that resulted from military conflict in the 20th century. Thus, we record whether the territory transferred had a precedent in terms of either international or provincial borders, or both. Since this border resulted from conflict, it could be argued that in these cases it should be particularly likely that new borders are drawn to create defensible borders. In other words, if anything, this data is biased in favor of finding defensible borders, rather than prior administrative frontiers, which provide no obvious military protection. To be fair, in lopsided cases that do not involve a cease-fire line of any kind (e.g. Germany in 1945) it is not always immediately obvious how such borders would be drawn.

4.1 Coding Rules

To assess whether newly drawn international boundaries primarily follow previously existing administrative frontiers we had to create a clear coding rule. Such a coding rule should be unambiguous and replicable by any other scholar who examines the same source materials. For each case, we examined the historical record and available historical atlases to assess whether new borders follow:

1. past international boundaries,
2. internal provincial boundaries, or

3. internal county boundaries.

Although in principle there are no theoretical reasons to stop at the level of county, we do not look for precedents at lower levels for two main reasons. First, if we push past county boundaries in some cases, to municipal boundaries for example, there are numerous cases for which this level of information is unavailable. Thus, for the sake of comparability, we do not go any further than county level precedents. If anything, this will bias our results against our theoretical expectations as we are likely not counting some cases that would fit by municipal, judicial, or even ecclesiastical boundaries. Second, our arguments about the relative stability of boundaries applies when the prior administrative boundaries have a similar administrative purpose.

In order for a new border to be coded as following a previous administrative boundary, at least 85% of the border must follow the relevant precedents. While the 85% threshold is not trivial to implement, we use historical atlases or written histories in conjunction with maps from the relevant era(s) to measure this. Cases in which the precise threshold chosen is very important are rare as the vast majority of cases are either closer to 100% or far from 85%.⁵³

Although cases that lie close to our 85% threshold are rare, we show such an example in Figure 1 to demonstrate how the coding procedure works in one of the more difficult cases. The territorial transfer in question is from Austria (formerly Austria-Hungary) to Poland in 1919. The black dotted line with long and short dashes marks the new international border, the slightly lighter solid line marks the pre-World War I international border, and the dotted line with only long dashes indicates the internal border of the Hungarian Kingdom pre-World War I. The new border in question is primarily between Czechoslovakia and Poland and runs between the two solid ovals. It is immediately clear that the vast majority of the border follows the 1914 border of the Hungarian Kingdom, with three exceptions.⁵⁴ The first exception is the section of the border that starts just east of Hlučín (i.e., east of the “western” oval) until the intersection of the new international

⁵³The choice of an 80% or 90% threshold has no effect on any results.

⁵⁴In fact, the two lines coincide so perfectly that they are difficult to distinguish on the map except for where they deviate.

border begins to coincide with the 1914 Hungarian Kingdom boundary.⁵⁵ The second and third exceptions are minor deviations near Orava and Spiš where additional territory was given to Czechoslovakia. The far eastern portion of the new boundary follows the northern border of Bukovina, which was a province within the Austrian empire from 1774–1918. In sum, 86% of the new boundary follows prior administrative frontiers as the unit in question is essentially the Austrian province of Galicia.

Figure 1: The New Border Between Czechoslovakia and Poland in 1919



Map taken from Magocsi 1985.

An additional issue is that of temporal domain. We limit our search for precedents to the so-called Westphalian era. Thus, we do not search for any precedents prior to the mid-seventeenth century. Practically, it is exceedingly difficult to obtain detailed information on administrative frontiers prior to the Eighteenth century. In part due to documentation issues, almost all of our precedents are from after 1815. Additionally, as administrative precedents become older they are likely to lose both their coordinative and practical value in terms of being cheaper to implement.

4.2 New International Boundaries

To test our prediction—that when territories are exchanged or new countries come into being, the new boundaries will follow the focal principle of previous administrative frontiers—

⁵⁵This section of the border is the result of partitioning the Duchy of Teschen. See Gasiorowski 1956 for details.

we first examine all secessions and partitions. Next, we examine the new borders that resulted from the use of force. Recall that we exclude cases of secession and partition resulting from de-colonization to provide a tougher test for our theory. The set of cases in which new international boundaries are drawn as a result of a forcible territorial transfer, however, does include de-colonization cases because the principle of *uti possidetis* does not necessarily apply.

4.3 Secession in the 20th Century

In the 20th century the number of territorial states in the international system has proliferated greatly from 42 in 1900 to 192 in 2004.⁵⁶ Secession has been a significant force in this proliferation.⁵⁷

The list of secessions was obtained by reading all country entries in the historical dictionaries by Palmer, Palmowski, Teed, and Omara.⁵⁸ After compiling the list of secessions, *The Encyclopedia of International Boundaries* edited by Gideon Biger was the main source used to record whether the boundaries coincided with previously existing administrative borders or not. In some cases, additional or alternative sources were utilized.⁵⁹ Table 1 contains all 53 cases of secession and identifies the mother country, the seceding country, the date of secession, whether the borders of the new state conformed to previous administrative borders, and the source used for each case.

⁵⁶State System Membership List, v2004.1 2004.

⁵⁷Zacher 2001, 234-235 earlier found that “During the postwar period, all of the successor states that emerged from the nine breakups of existing states have kept their formal internal administrative boundaries as their new international boundaries.” The cases listed by Zacher 2001 include the following secessions: Syria (1961) from the UAR, Singapore (1965) from Malaysia, Bangladesh (1971) from Pakistan, Gambia (1981) from Senegambia, Namibia (1990) from South Africa, Eritrea (1993) from Ethiopia, Slovakia (1992) from Czechoslovakia. In addition, he includes the break-up of the former Soviet Union (1991) and the break-up of Yugoslavia (1991-1992).

⁵⁸Palmer 1979; Palmowski 1992; Teed 1992; O’Mara 1999.

⁵⁹Biger 1995.

Panama	Colombia	3 November, 1903	Yes	EIB
Norway	Sweden	1905	Yes	EIB
Albania	Ottoman Empire	28 November, 1912	No	EIB
Finland	Russia	6 December, 1917	Yes	EIB
Estonia	Russia	May, 1918	No	EIB
Hungary	Austria-Hungary	16 November, 1918	No ⁶⁰	EIB
Austria	Austria-Hungary	16 November, 1918	No	EIB
Lithuania	Russia	1919	No	EIB
Czechoslovakia	Austria-Hungary	1919	Yes ⁶¹	EIB
Mongolia	China	July, 1921	Yes	EIB
Estonia	Russia	6 September, 1991	Yes	EIB
Latvia	Russia	November, 1918	No	EIB
Burma	India	April, 1937	Yes	Sukhwal
Iceland	Denmark	17 June, 1944	Yes	EIB
Pakistan	India	15 August, 1947	Yes	Chester
South Korea	Korea	15 August, 1948	No ⁶²	EIB
East Germany	Germany	1949	No	Alexander
West Germany	Germany	1949	No	Alexander
Ireland	United Kingdom	18 April, 1949	Yes ⁶³	EIB
North Korea	Korea	1 May, 1949	No	EIB
Taiwan	China	December, 1949	Yes ⁶⁴	Copper
North Vietnam	Vietnam	15 September, 1954	No	IBS
South Vietnam	Vietnam	15 September, 1954 ⁶⁵	No ⁶⁶	IBS
Senegal	Mali Federation	20 August, 1960	Yes	EIB
Cameroon	Nigeria	1 October, 1961	Yes ⁶⁷	Anene
Burundi	Rwanda-Burundi	1964	Yes	EIB
Rwanda	Rwanda-Burundi	1964	Yes	EIB, IBS
Singapore	Federation of Malaya	9 August, 1965	Yes	EIB
Bangladesh	Pakistan	26 March, 1971	Yes	EIB
Turkish Rep. of Northern Cyprus	Cyprus	15 November, 1983	No	KM ⁶⁸
Namibia	South Africa	21 March, 1990	Yes ⁶⁹	EIB
Georgia	Russia	6 April, 1991	Yes	EIB
Croatia	Yugoslavia	25 June, 1991	Yes	EIB
Slovenia	Yugoslavia	25 June, 1991	Yes	EIB
Moldova	Russia	23 August, 1991	Yes	EIB
Belarus	Russia	25 August, 1991	Yes	EIB
Azerbaijan	Russia	30 August, 1991	Yes	EIB
Kyrgyz Republic	Russia	31 August, 1991	Yes ⁷⁰	EIB
Uzbekistan	Russia	31 August, 1991	Yes	EIB
Tajikistan	Russia	September, 1991	Yes	EIB
Estonia	Russia	6 September, 1991	Yes	EIB ⁷¹
Latvia	Russia	6 September, 1991	Yes	EIB
Lithuania	Russia	6 September, 1991	Yes	EIB
Macedonia	Yugoslavia	8 September, 1991	Yes	EIB ⁷²
Armenia	Russia	23 September, 1991	Yes ⁷³	EIB
Turkmenistan	Russia	27 October, 1991	Yes	EIB
Bosnia-Herzegovina	Yugoslavia	3 March, 1992	Yes	EIB
Ukraine	Russia	1 December, 1991	Yes	EIB
Kazakhstan	Russia	16 December, 1991	Yes	EIB
Czech Republic	Czechoslovakia	1 January, 1993	Yes	EIB
Slovakia	Czechoslovakia	1 January, 1993	Yes	EIB
Eritrea	Ethiopia	3 May, 1993	Yes	EIB
East Timor	Indonesia	20 May, 2002	Yes	CIA

In 40 of the 53 secession cases, or approximately 75%, the new borders conform to previously existing administrative boundaries. Thus, new international borders that result from secession overwhelmingly follow previously existing boundaries and are not drawn (or redrawn) to account for ethnicity or the military environment. For example, “the Eritrean government explained that it only claims the “colonial boundary”, meaning the line drawn between the Ethiopian imperial regime and Italian colony of Eritrea. This line was established through several international agreements at the beginning of this century, following the defeat of Italian troops at Adua in 1896. Three treaties are relevant to the present dispute - those of 1900, 1902 and 1908.”⁷⁴ Similarly, the current borders of Bosnia-Herzegovina originate from the Ottoman era.⁷⁵

Examination of these cases of secession and partition, where one might have expected to find many instances of new borders drawn along lines of ‘nationalism’ or common culture, instead found strong support for the power of the principle of prior administrative frontiers. The evidence is also consistent with the principle of *uti possidetis* although that became recognized as a general principle extending beyond its original domain of de-colonization only in the late 1980s.

⁵⁹Polat refers to Polat 2002, 45ff. EIB refers to Biger 1995. Ratner refers to Ratner 1996, 598. CIA refers to Central Intelligence Agency 2004. IBS refers to U.S. State Department 2004. KM refers to Kliot and Mansfield 1997. The Taiwan source is Copper 1996. The Burma case is verified using Sukhwal 1971, 222–224. The Alexander source refers to Alexander 1963, 241. The partition of India and Pakistan is analyzed in detail in Chester 2002. Anene refers to Anene 1970.

⁶⁰The Burgenland region was granted to Austria post-World War I.

⁶¹Formed of Moravia, Ruthenia, Slovakia, and Bohemia.

⁶²The 38th parallel is the marker of the boundary between North and South Korea.

⁶³County and parish boundaries were elevated to the status of international boundaries.

⁶⁴Taiwan was a Chinese province from 1886 to 1895, when the Japanese took control of the island.

⁶⁵This is the date the boundary was delimited.

⁶⁶The 17th parallel of north latitude is roughly what was chosen to determine the boundary.

⁶⁷The international boundary follows a combination of Anglo-German and Anglo-French colonial boundaries. The boundary follows Anglo-German colonial era borders in the south and Anglo-French colonial borders in the north Anene 1970, 52–55, 90–96, 138–140. This border roughly followed the line of mountains.

⁶⁸Interestingly, the “Turkish advance halted along a line almost exactly identical with that proposed by Turkey as the demarcation of partition in 1965, and which had been rejected by the UN mediator Galo Plaza.” Quoted from Kliot and Mansfield 1997.

⁶⁹Agreements between European colonial powers account for almost all of Namibia’s current boundaries.

⁷⁰Although there are several inter-state disputes concerning this border, it still largely conforms to previous internal boundaries.

⁷¹Even though the boundary was drawn along former administrative lines, none of the Baltic countries officially accepted these boundaries Polat 2002, 45ff.

⁷³The Armenia-Azerbaijan boundary is disputed and problematic; however, the recognized international boundary conforms to existing administrative boundaries.

⁷⁴Peninou 1998, 46.

⁷⁵Klemencic 2000, 65.

4.4 Territorial Transfer

A large and growing literature shows that conflict over territory is one of the more prominent dimensions of inter-state conflict.⁷⁶ The question of how borders are drawn after territorial transfers that are the result of a conflict, we argue, might throw new light on this important and interesting subject. Traditional frameworks such as realism and the literature on nationalism—often only implicitly—posit answers to why territorial disputes are so violent. The new data allows us to assess the explanatory power of our theoretical framework against these potential competing explanations. We utilized version 3.0 of the Territorial Change Data Set⁷⁷ available from the Correlates of War website to identify the set of cases. The Territorial Change Data records all territorial changes that involves at least one state from 1816–2000. Since we focus on 20th century cases we eliminate 19th century cases. The data includes a variable that records whether conflict occurred between the military forces of both sides involved in the transfer. We used this variable to eliminate the cases that did not involve conflict, which left us with 112 cases.⁷⁸

It is a non-trivial task to assess whether the territorial unit transferred conformed to previously existing boundaries. No such data exist, and the question of how new borders are drawn is generally not discussed in historical dictionaries or encyclopedias. Hence, we relied on a variety of additional specialized sources, ranging from historical newspapers, to historical atlases specific to a given region or country, or historical works on a specific country. Table 4.4 below provides a summary of the data and lists: the country that gained territory, the country that lost territory, the year of the transfer, and whether the new border follows prior administrative borders. Overall, there are 66 cases out of the 107 known cases that conform to previous borders and 41 that do not. Thus, about 62% of the cases support our prior expectations. Note that 5 of the cases that are treated as not following administrative precedents are listed as “mixed” in the table. In these 5 cases the unit was split relatively evenly between previous borders and borders with no known formal or legal precedent. Furthermore, the cases that do not fit do not follow any clearly distinguishable pattern. In other words, in very few cases are military factors or ethnicity

⁷⁶Huth 1996; Diehl 1999; Hensel 2000; Huth and Allee 2002.

⁷⁷Tir et al. 1998.

⁷⁸We further eliminated cases in which a whole state was transferred to the United Nations (e.g., Japan and Germany 1945) and are left with 107 cases.

clearly used as a principle in the existing cases.

The gaining countries listed in table 4.4 that have asterisks next to them are new states that entered the system via conflict.⁸⁰ We are careful to note these cases because it is possible that the principle of *uti possidetis* applies to them. Although the application of *uti possidetis* was originally intended to avoid irredentist claims and conflict, recently the principle has been evoked in conflictual cases (e.g., Yugoslavia).⁸¹ Thus, to demonstrate that our findings do not rely on *uti possidetis* we remove cases in which new states emerge and distinguish these cases in our analysis of the reemergence of disputes below. Table 4.4 contains 27 cases of conflictual territorial transfer that result in new states, 20 of which are consistent with administrative boundaries. If we remove these cases, the overall picture is slightly altered, but essentially unchanged as 46 out of 80 cases (i.e., approximately 58%) follow administrative boundaries.

Thus, even in cases where one would expect to find new borders to be drawn to provide defensible borders, we find that new borders are mostly drawn following previous administrative frontiers. Since *uti possidetis* can not reasonably be invoked to explain the new borders that were drawn after conflict (and not resulting in a new state), we conclude that the principle of administrative frontiers has independent power of its own.

⁷⁹UA refers to University of Alabama 2006. EIB refers to Biger 1995. IBS refers to U.S. State Department 2004. KM refers to Kliot and Mansfield 1997. The Taiwan source is Copper 1996. Magosci refers to Magocsi 1993. Magosci2 refers to Magocsi 1985. Pluvier refers to Pluvier 1995. Kedansha refers to *Kodansha Encyclopedia of Japan* 2006. Huth refers to Huth 1996. Anderson refers to Anderson 2003. Cribb refers to Cribb 2000. IML refers to Survey of Israel 1970. Hertslet refers to Hertslet 1909. LeFeber refers to LaFeber 1997. U.S. Army refers to Headquarters 1964. U.S. State Dept. refers to U.S. Department of State 1947. Chew refers to Chew 1970. Hewsens refers to Hewsens 2001. Pitcher refers to Pitcher 1972. Rhode and Wagner refers to Rhode and Wagner 1959. BPH refers to Barnes, Parekh and Hudson 1998. Calvert refers to Calvert 2004. Troeller refers to Troeller 1976. Kelly refers to Kelly 1996. Thomas refers to Thomas 1951. Gerteiny refers to Gerteiny 1967. Taylor refers to Taylor 1961. Vassiliev refers to Vassiliev 1997. CSM refers to one of the following articles in the Christian Science Monitor: *France Hails Ending of Morocco Question* 1912, *Peace Treaty as Seen by Former Serbian Minister* 1919, or *Conquest of Jehol Gives Japan Key to Northern China* 1933. NYT refers to one of the following articles in the New York Times: *France Controls Morocco* 1912, *Germany and China* 1905, *French in Africa* 1909, *Treaty With Italy Signed* 1912, *How Turkey's Face Is Saved* 1912, *Italy Today Joins Nations At Peace; Treaty in Effect* 1947, *Texts of First Five Peace Treaties of World War II* 1947, or *3 Enclaves Fall* 1961. WP refers to the following article in The Washington Post: *Official Summary of Treaty Handed to Austrian Delegates* 1919. AC refers to one of the following articles in the Atlanta Constitution: *Turco-Italian Treaty Signed* 1912 or *Italy Resolved To Hold Fiume* 1919. CT refers to one of the following articles in the Chicago Tribune: *Raisuli Joins Mulai Hafid* 1908, *Tsing-Tau Forts Fall; Germans Out of East* 1914, *4 Former Axis Satellites Find Treaties Tough* 1947, *Greece Gets 14 Isles and a Big Burden* 1947, or *Treaty Gains and Losses* 1947.

⁸⁰Some of these cases overlap with those found in table 4.3.

⁸¹Ratner 1996.

Gaining Country	Losing Country	Date	Match	Source ⁷⁹
United Kingdom	Transvaal	1902	Yes	UA
United Kingdom	Orange Free State	1902	Yes	UA
Panama*	Columbia	1903	Yes	EIB
France	Morocco	1912	Yes	CSM, NYT
Japan	Russia	1905	No	LaFeber
China	Germany	1905	Yes	NYT
Netherlands	Indonesia	1907	Yes	CT, Cribb
France	African Nations	1909	No	Gerteiny
France	African Nations	1911	No	NYT
Italy	Turkey–Libya	1912	Yes	NYT, AC
Italy	Turkey–Dodecanese	1912	Yes	Magocsi
Serbia	Turkey	1913	No	UT, Pitcher
Montenegro	Turkey	1913	No	Pitcher
Greece	Turkey	1913	No	Pitcher, Magocsi
Bulgaria	Turkey	1913	No	Magocsi
Serbia	Bulgaria	1913	No	EIB, Magocsi
Greece	Bulgaria	1913	No	EIB, Magocsi
Romania	Bulgaria	1913	Yes	EIB
Najd	Turkey	1914	Yes	Kelly, Troeller
Japan	Germany	1914	Yes	LaFeber, CT
Poland	Russia	1918	No	Magocsi
Czechoslovakia*	Austria	1918	Yes	WP
Georgia*	Russia	1918	Mixed	Hewsen
Azerbaijan*	Russia	1918	Yes	Hewsen
Estonia*	Russia	1918	No	EIB
Latvia*	Russia	1918	No	EIB
Ukraine*	Russia	1918	Yes	Magocsi2
Armenia*	Russia	1918	Yes	Hewsen
Belgium	Germany	1919	Yes	EIB, U.S. State Dept.
Poland	Austria	1919	Yes	Magocsi
Yugoslavia*	Austria	1919	Yes	CSM
Italy	Austria	1919	Yes	EIB, Calvert
Hungary*	Austria	1919	Yes	EIB
France	Germany	1919	Yes	EIB
Poland	Germany	1919	Mixed	EIB, U.S. State Dept.
Italy	Austria	1919	No	AC
France	Germany	1919	Yes	U.S. State Dept.
Yugoslavia*	Bulgaria	1919	No	EIB, Magocsi
Greece	Bulgaria	1919	Yes	EIB, UT, Magocsi
Portugal	Germany	1919	Yes	Thomas
Russia	Ukraine	1920	Yes	Magocsi2
Russia	Armenia	1920	Yes	Hewsen
Russia	Georgia	1920	Yes	Hewsen
Russia	Azerbaijan	1920	Yes	Hewsen
Romania	Russia	1920	Yes	EIB, IBS
Czechoslovakia*	Hungary	1920	Yes	EIB, IBS
Hijaz	Turkey	1920	Yes	Vassiliev
Yugoslavia*	Hungary	1920	No	EIB, Magocsi
Romania	Hungary	1920	Mixed	EIB, Magocsi, Calvert
Poland	Lithuania	1920	No	EIB
Poland	Russia	1921	No	BFO
Mongolia*	China	1921	Yes	EIB
Ireland*	United Kingdom	1922	Yes	EIB
Japan	China	1932	Yes	BPH
Japan	China	1933	Yes	CSM, BPH
Saudi Arabia	Yemen Arab Republic	1934	Yes	EIB
Italy	Ethiopia	1936	Yes	Taylor

Gaining Country	Losing Country	Date	Match	Source
Japan	China	1937	No	Pluvier
Italy	Albania	1939	Yes	EIB
Ethiopia	Italy	1941	Yes	
Peru	Ecuador	1942	No	IBS
China	Japan	1945	No	
Poland	Germany	1945	No	EIB, Rhode and Wagner
U.S.S.R.	Germany	1945	No	EIB
Albania	Italy	1945	Yes	Anderson
China	Japan	1945	Yes	Copper
Russia	Japan	1945	Yes	Kodansha
United States	Japan	1945	Yes	LaFeber
Czechoslovakia	Germany	1945	Yes	EIB
Czechoslovakia	Hungary	1945	Yes	EIB
Syria*	France	1946	Yes	EIB
Czechoslovakia	Hungary	1947	No	IBS
France	Italy	1947	No	EIB, IBS
Yugoslavia	Italy	1947	Yes	Day
Russia	Romania	1947	Yes	CT, Chew
Greece	Italy	1947	Yes	CT, NYT, Magocsi
Russia	Finland	1947	Yes	EIB
Albania	Italy	1947	No	NYT
Israel*	United Kingdom	1948	Mixed	IML
Indonesia*	Netherlands	1949	Yes	Pluvier
Egypt	Israel	1949	Mixed	EIB, IML
Jordan	Israel	1949	Mixed	EIB, IML
India	Pakistan	1949	No	Calvert
Pakistan	India	1949	No	Calvert
Vietnam*	France	1954	No	IBS
Republic of Vietnam*	France	1954	No	IBS
India	Portugal	1961	Yes	NYT
Algeria*	France	1962	Yes	Keesings
Indonesia	Netherlands	1963	Yes	Keesings
Israel	Jordan	1967	Yes	EIB
Israel	Egypt	1967	Yes	EIB, Hertslet, U.S. Army
Israel	Syria	1967	No	EIB, Calvert
Bangladesh*	Pakistan	1971	Yes	EIB
India	Pakistan	1971	No	EIB, Calvert
Iran	United Arab Emirates	1971	No	Huth
Israel	Syria	1973	No	EIB, Calvert
Turkey	Cyprus	1974	No	KM
Angola*	Portugal	1975	Yes	Anderson
Vietnam	Republic of Vietnam	1975	Yes	Anderson
Mali	Burkina Faso	1986	Yes	Day, Keesings
Namibia*	South Africa	1990	Yes	EIB
Croatia*	Yugoslavia	1991	Yes	EIB
Slovenia*	Yugoslavia	1991	Yes	EIB
Bosnia & Herzegovina*	Yugoslavia	1992	Yes	EIB
Eritrea*	Ethiopia	1993	Yes	EIB
East Timor	Indonesia	1999	Yes	Pluvier

4.5 Assessing Two Alternative Explanations

One possible objection to our claims might be that administrative frontiers were initially drawn along lines of ethnicity or with military considerations in mind. Thus, the counter-claim is that our finding that prior administrative borders are chosen is an artifact of their having been drawn according to ethnic distribution or with defensibility in mind. While our examination of the cases does not lead us to believe that this is indeed the case, we demonstrate with data that neither of these two alternative explanations carries weight.

If we believe the claim that administrative borders are drawn in a way consistent with ethnicity, we would expect there to be some relationship between the choice of administrative borders and the existence of an ethnic population on the “wrong” side of the border. Thus, if it is indeed the case that the distribution of ethnic minorities is consistent with prior administrative borders, we should expect boundaries that follow administrative borders to be significantly less likely to create a border minority. We use data on the existence of a minority on the border from Huth and Huth and Allee.⁸² Their variable takes a value of 1 if a minority within 50 miles of the border shares language or ethnicity with the largest group in the the neighboring state and 0 otherwise.⁸³

Table 1: Independence of Administrative Frontiers and Border Minority

	Border Minority	\neg Border Minority	Row Sum
Administrative	52 (56.17)	38 (33.83)	90
\neg Administrative	36 (31.83)	15 (19.17)	51
Column Sum	88	53	141

(Observed values in bold, expected values in parentheses.)

⁸²Huth 1996; Huth and Allee 2002.

⁸³Huth 1996 and Huth and Allee 2002 are interested in challenges to the territorial status quo. Thus, their variable is coded in reference to a challenger state. We modify their coding so that a border minority can exist in reference to either state in our data (i.e., the gaining or losing state). Additionally, in cases where a territorial dispute emerges, the border minority variable is coded in reference to the disputed piece of territory rather than the 50 mile criteria.

We utilize the Chi square test of independence to assess whether the choice of administrative borders and the existence of a border minority are related. While the raw data in table 1 do show a very slight trend in favor of the alternative explanation, the trend is not even close to conventional levels of statistical significance. With one degree of freedom, $\chi^2 = 2.28$, which is not statistically significant at either the 0.05 or 0.10 level. Thus, the data indicate that we cannot reject the null hypothesis that these two factors are independent of one another. Thus, the notion that administrative borders simply reflect the distribution of ethnic groups is highly suspect. Although we know that borders cannot perfectly separate ethnic groups, if this competing claim were correct we would at least expect to find a pattern in the data consistent with it. In a 1992 memorandum concerning the breakup of the former Yugoslavia, former European Community (EC) president Hans Van der Broek noted both the difficulty of drawing a border that separates ethnic groups and the inadequacy of the existing administrative borders relative to the distribution of ethnic groups. He noted that "...it is impossible to draw Yugoslavia's internal borders in such a way that no national minorities would remain" while also lamenting the fact that "...if the aim is to reduce the number of national minorities in every republic, better borders than the present ones could be devised."⁸⁴ Our finding that it is not possible to reject the independence of these two factors lends general support to Van der Broek's observation that the existing borders in Yugoslavia did not do a very good job in separating ethnic groups.

We assess the objection that administrative borders are drawn in a way that is consistent with military factors using a variable that assesses the strategic military value of territory near the border collected by Huth and Huth and Allee.⁸⁵ If administrative frontiers are drawn with reference to strategic military factors then we should expect these borders to be positively associated with the presence of strategically valuable territory.

We again run a Chi square test of independence to assess whether the process of drawing administrative borders is independent of military considerations. Thus, the null hypothesis

⁸⁴Quoted in Owen 1995, 32.

⁸⁵Huth 1996; Huth and Allee 2002. Territory is coded as strategic if at least one of the following is true: "(a) it is in close proximity to major shipping lanes or choke points of narrow straits; (b) it is located in close proximity to military bases of the challenger; (c) it would provide an outlet to the sea for an otherwise landlocked country; (d) it was being used as a military base site for the target; (e) it could be used to establish a second military front against the target; and (f) control of disputed territory blocked the principal route through which a challenger could attack a target." Huth 1996, 256.

Table 2: Independence of Administrative Frontiers and Strategic Location

	Strategic Location	\neg Strategic Location	Row Sum
Administrative	39 (37.43)	52 (47.11)	91
\neg Administrative	19 (20.57)	31 (25.89)	50
Column Sum	58	73	141

(Observed values in bold, expected values in parentheses.)

is that administrative borders are drawn independently of the potential strategic and military value of the territory. With one degree of freedom, $\chi^2 = 1.70$, which is not even close to statistical significance at the 0.05 or 0.10 level. This more general finding is consistent with Peter Sahlin’s discussion of the military utility of natural frontiers along the boundary between France and Spain in the Pyrenees as negotiated in 1659–1660. Sahlin notes that “Natural frontiers, far from disguising strategic and military concerns, in the end determined such interests” and goes on to point out that “the French had won for themselves a military position that was to prove, in the next six decades, completely devoid of utility.”⁸⁶

5 Do Old Borders Make More Stable “New” Borders?

In section 3.1 we argue that new borders with a precedent will be relatively more stable over time. We provide a simple test of this hypothesis here via empirical analysis of the relationship between how borders are drawn and the emergence (or reemergence) of disputes over territory. To provide a difficult test, we only include transfers of territory via conflict and exclude secessions that are peaceful. Many of the secessions constitute peaceful transfers of territory (e.g., Norway-Sweden 1905) and thus have a much smaller chance of future conflict.⁸⁷ We also include cases in which the drawing of a new border

⁸⁶Sahlin 1991, 60.

⁸⁷As shown in Tir 2003, Tir 2005*a* and Tir 2005*b*.

affects neighboring countries. For instance, in 1913 a transfer of territory from Turkey to Montenegro created a new international boundary between Montenegro and Serbia although Serbia does not technically gain or lose territory.

We utilize two related sets of data to assess the future stability of borders. First, we examine whether a new border subsequently becomes a formally disputed border. Data collected by Huth and Allee is nicely suited for this task, as they record the population of territorial disputes, violent and non-violent, from 1919–1995.⁸⁸ Second, we push one step further by assessing whether these territorial disputes become militarized disputes. Since Huth and Allee also record whether disputes escalate militarily, we rely on their data to assess whether territorial disputes escalate to militarized disputes.

To assess the effect that states' choice of borders has on the outbreak of future disputes over the same border, we start by conducting a relatively simple test and move to more sophisticated assessments. First, we assess whether the process of choosing administrative borders or not is independent from the process by which subsequent disputes over territory emerge with a Chi Square test of independence. Table 3 shows the distribution of the data across the four observable possibilities. The raw numbers suggest that administrative borders are more stable as 42 out of 98 cases (i.e., $\approx 42\%$) in which administrative borders are chosen become disputed borders, while 34 out of the 49 cases (i.e., $\approx 69\%$) in which administrative borders are not chosen are disputed. The Chi Square test provides statistical support for the observed trend, as we find that with one degree of freedom, $\chi^2 = 9.23$, which is statistically significant at well below the 0.005 level.⁸⁹

Although we have established that these two factors are not independent of one another and can establish the direction of the trend from examination of table 3, a regression model provides specific information about the magnitude of the effect and allows us to assume the relationship is conditional on a host of other important factors. The literature on territorial conflict demonstrates that several key factors play an important role in emergence of territorial disputes. Specifically, whether border territory has strategic value, ethnic brethren, or economic value has been shown to have important effects on dispute emergence. When possible we use data collected by Huth or Huth and Allee for these

⁸⁸Huth and Allee 2002.

⁸⁹The degrees of freedom are calculated as $(R - 1)(C - 1)$ where R is the number of rows and C is the number of columns.

Table 3: 2×2 Contingency Table

	Dispute	\neg Dispute	Row Sum
Administrative	42 (50.67)	56 (47.33)	98
\neg Administrative	34 (25.33)	15 (23.33)	49
Column Sum	76	71	147

(Observed values in bold, expected values in parentheses.)

variables and code the remainder ourselves.⁹⁰

The first two columns of table 4 report the results of a logit regression model in which the presence of a subsequent dispute is the dependent variable and the independent variable is whether the newly drawn international border is a previously existing administrative border. The negative coefficient on the administrative border variable indicates that when a newly drawn border has a precedent, this depresses the probability that a dispute will emerge (or reemerge).

Columns three and four of table 4 show that the negative and significant effect of the administrative border variable is robust to the inclusion of strategic location, economic value and the presence of a border minority.⁹¹ Out of the three territorial characteristics only border minority has a statistically significant effect. Thus, the presence of a minority population near the border with ties to the majority in the other relevant state is positively associated with the emergence of disputes. This result suggests that new borders that leave ethnic minorities in the “wrong” state are subsequently more problematic. While this result is both enlightening and concerning, it is not of much help in practice. As

⁹⁰Huth 1996 and Huth and Allee 2002 code all cases in which there is a dispute and a subset of non-disputatious cases. Thus, we only had to code a subset of the non-dispute cases in our data. The sources used are generally the same as were used to classify the cases in sections 4.3 and 4.4. There were some cases in which we could not find good evidence about the existence of ethnic brethren or economically important resources, which results in some missing data. For the subset of cases in which we coded the three variables we follow the coding procedures that are detailed in Huth 1996, 256–263. We code the variables in reference to both states; thus, if the new border left a pocket of state A’s ethnic brethren near the border in state B, or vice versa, the new boundary created a border minority.

⁹¹Missing values are responsible for the smaller number of observations.

we point out in section 2.1, it is impossible in most cases to draw borders that perfectly separate ethnic groups. However, the choice of prior administrative borders is generally available to leaders and can decrease the propensity for disputes to emerge or reemerge even in the tough cases when a minority will be left on the “wrong” side of the border.

We include four additional variables in our specification that are statistically insignificant. When both countries are democracies, or have a Polity score of at least seven when the transfer takes place, this has a positive but insignificant effect on the propensity for a dispute to emerge (or reemerge). Similarly, when territorial transfers include colonial holdings (e.g., the transfer of Goa from Portugal to India in 1961) this is not significantly related to whether there is a subsequent dispute. Additionally, the process by which boundaries are drawn can vary across cases, as sometimes negotiations are purely bilateral and at other times great powers are directly involved (e.g., the division of Korea in 1949). To account for this variation we include a variable that indicates whether a great power is directly involved in the negotiations. The involvement of a great power has no influence on whether a dispute, violent or non-violent, reemerges. Finally, the length of the newly drawn border (in 1000s of kilometers) is also unimportant.

To account for the possibility that *uti possidetis* drives our results, columns five and six contain a third model that accounts for whether territorial transfers create a new state. The results are largely unchanged, although the administrative frontiers variable becomes significant at the 0.10 level rather than at the 0.05 level. Interestingly, the new states variable is not significant, although the sign is negative. Thus, while our finding for administrative borders weakens slightly, the principle of *uti possidetis* does not appear to significantly depress the propensity for future disputes to emerge.⁹²

Since it has been established in the conflict literature that territorial disputes are especially violent,⁹³ the findings in table 4 should have serious implications for how newly drawn borders affect the likelihood of militarized conflict. Thus, we explore the connection between how borders are drawn and the outbreak of militarized disputes over territory with an additional empirical model. We build upon the empirical model shown in table 4 with a model that also accounts for the outbreak of militarized disputes over territory. To do

⁹²Furthermore, a likelihood ratio test indicates that the inclusion of the new state variable is unnecessary. We leave it in the specification to demonstrate a theoretical point.

⁹³Hensel 2000; Holsti 1991; Vasquez 1993, 2000.

Table 4: Logit Model of the Emergence of Disputed Borders

	Univariate Model		Multivariate Model I		Multivariate Model II	
Variable	Coefficient	p-value	Coefficient	p-value	Coefficient	p-value
Constant	-0.875 (0.308)	0.005	-0.411 (0.642)	0.522	-0.282 (0.661)	0.670
Administrative	-1.107 (0.365)	0.003	-0.852 (0.430)	0.048	-0.745 (0.437)	0.089
Strategic Location			0.199 (0.417)	0.633	0.054 (0.473)	0.909
Border Minority			1.358 (0.468)	0.004	1.373 (0.478)	0.004
Economic Value			0.534 (0.450)	0.236	0.573 (0.459)	0.212
Joint Democracy			0.261 (0.549)	0.635	0.265 (0.543)	0.625
Colony			-0.221 (0.483)	0.648	-0.071 (0.531)	0.894
Length/1000 (km)			-0.009 (0.241)	0.970	-0.010 (0.233)	0.964
Great Power Involvement			0.051 (0.437)	0.908	0.063 (0.439)	0.886
New State					-0.453 (0.501)	0.366
Dependent Variable =	Territorial Dispute		Territorial Dispute		Territorial Dispute	
Log-Likelihood =	-102.289		-69.338		-68.908	
N =	155		119		119	
Robust Standard Errors in Parentheses						

so we create an ordinal dependent variable that accounts for whether a dispute exists and whether it escalates to armed conflict. The ordinal dependent variable we analyze equals 0 if there is no territorial dispute, 1 if there is a dispute but it is not militarized, and 2 if there is a dispute and it is militarized. This ordinal variable allows us to straightforwardly extend the analysis in table 4.⁹⁴

The results in table 5 indicate that administrative borders depress both the emergence and military escalation of territorial disputes. Given that a large literature demonstrates how conflict over disputed territory is especially violent and protracted, this new finding is quite significant. Furthermore, the only other factor that matters is again whether there is a border minority, which still has a positive effect. Thus, the choice of administrative borders not only depresses the likelihood of future disputes over territory, but depresses the likelihood of *violent* disputes over territory. Borders that leave an ethnic minority on the “wrong” side of the border lead to an increased likelihood of both the emergence or reemergence of a dispute and the outbreak of violence. Again, we point out that in practice it is nearly impossible to avoid boundaries that leave some people on the “wrong” side of the border. However, it is possible to choose administrative borders, which significantly reduces the probability that a violent dispute emerges.

Model II accounts for whether a new state emerges as a result of the territorial transfer. Similarly to the emergence of subsequent disputes (i.e., table 4) we include this variable to ensure that the principle of *uti possidetis* does not drive the results. The new state variable is again negative but insignificant and the findings of Model I are unaffected. Thus, the logic of *uti possidetis* does not appear to have much to do with the emergence of violent disputes following territorial transfers.

Although the findings in tables 4 and 5 indicate that administrative borders significantly decrease the probability disputes emerge and become violent, a demonstration that our findings are also substantively significant is still necessary. Table 6 shows the substantive effects these two variables have on the onset of territorial disputes and the outbreak of violent conflict in the disputes.⁹⁵ The most violent combination is when the border does not have a precedent as an administrative line and creates a bordering minority. In

⁹⁴If we run a separate model that only predicts the emergence of MIDs, the results are substantively identical.

⁹⁵All other variables are held at their median or mean values.

Table 5: Ordered Probit Analysis

	Model I		Model II	
Variable	Coefficient	p-value	Coefficient	p-value
Administrative	-0.585 (0.228)	0.010	-0.536 (0.233)	0.022
Strategic Location	0.147 (0.222)	0.507	0.092 (0.249)	0.712
Border Minority	0.893 (0.251)	0.000	0.894 (0.252)	0.000
Economic Value	0.275 (0.250)	0.272	0.293 (0.255)	0.250
Joint Democracy	-0.324 (0.226)	0.153	-0.321 (0.223)	0.151
Colony	-0.032 (0.267)	0.904	0.027 (0.284)	0.925
Length/1000 (km)	0.013 (0.119)	0.911	0.015 (0.118)	0.901
Great Power Involvement	0.017 (0.224)	0.939	0.024 (0.224)	0.916
New State			-0.187 (0.264)	0.479
Cut Point 1	0.190 (0.341)		0.142 (0.344)	
Cut Point 2	1.013 (0.353)		0.968 (0.355)	
Dependent Variable =	Dispute Level		Dispute Level	
Log-Likelihood =	-113.356		-113.087	
N =	119		119	
Robust Standard Errors in Parentheses				

Table 6: The Emergence of Non-Violent and Violent Disputes

Administrative Border	Border Minority	Probability No Dispute	Probability Dispute & No MID	Probability Dispute & MID
0	0	0.617	0.252	0.130
1	0	0.798	0.153	0.048
0	1	0.274	0.315	0.411
1	1	0.477	0.302	0.221

this worst case scenario the probability of a violent dispute is 0.411. If the new border has a precedent, this probability decreases by about 46% to 0.221, while the probability of not observing a dispute at all increases from 0.274 to 0.477. Thus, when new borders are previous administrative borders the probability that no dispute emerges is significantly greater. Furthermore, if a dispute does emerge, it is much less likely to escalate militarily.

The other findings in table 6 further reinforce this observed trend. If the new border does not create a bordering minority in either state and is not a prior administrative border the probability of seeing a violent conflict is 0.130, which is not a negligible probability. If the border has a precedent, the probability of seeing a violent dispute decreases to 0.048, while the probability of seeing no dispute at all increases from 0.617 to 0.798. Thus, the choice of a prior administrative border decreases the probability a dispute over the border arises and makes any such dispute significantly less likely to become violent. Table 6 demonstrates that this holds regardless of whether the new boundary places a minority population on the “wrong” side of the border.

6 Conclusion

How new borders are drawn is one of the most overlooked aspects of international relations today but underlies the *territorial* order of the international system.⁹⁶ How new borders are drawn, we show, fundamentally affects the probability of the emergence or re-emergence

⁹⁶Spruyt 1996; Wagner 2007.

of territorial disputes between neighbors. To come to this conclusion, we make both theoretical and empirical contributions. First, conceptualizing borders as institutions we argue that prior administrative borders are likely to form the basis of new international borders. Not least, we argue, because prior administrative boundaries are likely to be much more stable and effective in reducing the probability of future conflict. To assess our claims, we collected new data on how borders were drawn following secessions and conflictual transfers of territory in the 20th century. We find that in the great majority of cases, new international borders were drawn along previous administrative boundaries. We combine our new data with existing data on territorial disputes to demonstrate that the way in which borders are drawn has a significant effect on the probability that future disputes and militarized conflicts arise over the border. In short, when boundaries follow prior administrative frontiers, both non-violent and violent territorial disputes are less likely to arise.

This paper opens up many avenues for fruitful future research. We discuss two related projects here. First, our theoretical framework has important implications for the study of trade flows. Simmons finds that clearly established borders have significant influence on states' economic well-being via trade.⁹⁷ We plan to build on the analysis of Simmons to show that the *manner* in which new borders are drawn has implications for states' economic interactions as well. Preliminary findings suggest that while new borders between states disrupt the volume of bilateral trade, new borders that follow prior administrative frontiers do so to a much lesser extent. Thus, the way a border is drawn has significant influence on the economic realm as well as the security realm (as demonstrated above).

Second, our framework provides important insight into why states typically demand very specific discrete pieces of territory in international territorial disputes. While authors such as Murphy note that "the justifications now offered in support of territorial claims are almost invariably couched in terms of recovery of territory that historically belonged to the claiming state", no broad empirical evidence has ever been provided on this front.⁹⁸ In a future project we will probe in more detail whether territorial demands are systematically framed in terms of specific administrative *units*. If this is indeed a general phenomenon,

⁹⁷Simmons 2002, 2005.

⁹⁸Murphy 1990, 532. See also Newman 1999, 4.

it has the potential to provide a convincing explanation for why disputes over territory are particularly violent. In short, if territory is indeed a “lumpy” good as our framework implies, the influential bargaining model of war suggests that this can increase the probability of armed conflict.⁹⁹ This is significant as the relative violence of territorial disputes is widely demonstrated empirically but is without a widely accepted explanation.¹⁰⁰

⁹⁹See Fearon 1995 and especially Powell 2006 for details.

¹⁰⁰See Huth 2000 for a nice summary of existing explanations and shortcomings.

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N.d.

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