

Local Residents and the Settlement of Territorial Claims

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Many states involved in territorial claims use the presence of their countrymen in the territory to justify their demand for sovereignty. While this can be a strong argument, the presence of these kin can also complicate settlement of the claim, as the countrymen try to rally opposition to any agreement that might transfer part or all of the territory. We examine the impact of local residents in a claimed territory on the management and settlement of the claim. We suggest that claimant states will go to greater lengths to gain/keep sovereignty over a territory that includes their countrymen, leading to a greater likelihood of armed conflict and a smaller chance of peaceful diplomatic settlement than in other claims. We find empirical support for most of these hypotheses using the ICOW territorial claims data set.

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Local Residents and the Settlement of Territorial Claims

Argentina has maintained a claim to sovereignty over the Falkland (or Malvinas) islands since the British occupation of the islands and expulsion of their previous Argentine residents in 1833. While this claim has persisted for nearly two centuries and led to a brief war in 1829, the issue was almost resolved peacefully in the 1960s. A series of secret talks beginning in London in 1966 assumed an eventual transfer of sovereignty over the islands, with a British emphasis on protecting the islanders' rights and way of life afterward. After nearly two years of talks, word of the negotiations leaked out, leading to a massive outcry by the islanders and their supporters. A number of islanders wrote a public letter protesting that they "did not want to become Argentines," lobbyists publicized their concern and opposition politicians rallied to their cause, government officials visiting the islands encountered hecklers with signs proclaiming "No sellout" and "The Falklands are British," and British Foreign Secretary Michael Stewart ultimately announced in December 1968 that no transfer of sovereignty would be made against the wishes of the islanders. Noting the disappointment the Argentines had experienced after coming close to their goal of recovering the islands, British diplomat Lord Chalfont warned the foreign ministry that the issue might become a *casus belli* for Argentina, foreshadowing the armed invasion of the islands fourteen years later. (Hastings and Jenkins 1983: 17-21; BBC 1999)

The Falkland case is not unique in this respect. Spain has long claimed sovereignty over the former Spanish territory of Gibraltar, which has been ruled by the British since the 1713 Treaty of Utrecht. Following Anglo-Spanish negotiations, the local government in Gibraltar called a referendum in 2002, which found 98.9% of local voters opposed to a possible agreement by which the UK and Spain would share sovereignty over Gibraltar. (Daly 2002) The Camp David peace settlement between Israel and Egypt was complicated by the presence of Israeli settlers in the territory being returned to Egypt, who vocally opposed the transfer of the territory (NYT 1978, Gwertzman 1978) and resisted their forcible removal by the Israeli military through mostly nonviolent resistance, although violence had been threatened and the settlers were armed (NYT 1979, Kamm 1982). Israeli settlement in other disputed territories such as the Golan Heights, West Bank, and Gaza Strip has

proceeded on a much larger scale than it ever did in the Sinai, suggesting that any future Israeli government seeking to return any of those lands in a possible peace settlement will encounter great difficulty; one rally opposed to transferring the Golan Heights attracted 100,000 demonstrators (Sontag 2000), and Prime Minister Yitzhak Rabin was assassinated in 1995 by a militant opposed to peace with the Arabs (Schmemmann 1995).

We seek to investigate the impact of local residents on the management and settlement of territorial claims. Drawing from research on veto players, spoilers, and audience costs, we argue that leaders will find it more difficult to settle their claims peacefully when their people have a presence in the claimed territory. We develop and test specific hypotheses suggesting that in such claims armed conflict is more likely to be used, and that such claims are less likely to end through peaceful agreement and more likely to end through military conquest. Empirical analysis using the Issue Correlates of War (ICOW) Territorial Claims data set offers support for many of these hypotheses. When one or especially both claimant states have ties to the population of the claimed territory, militarized conflict is much more likely than in claims where such ties are lacking. Furthermore, claims where the target state has ties with the local residents in the territory are much less likely to end through peaceful settlement, and much more likely to end through military conflict or being dropped by the challenger state.

Literature Review

A variety of academic research has shown that territorial issues are among the most dangerous contentious issues in world politics. More interstate conflicts are fought over territory than over any other type of issue, and conflicts that involve territorial issues are more likely to escalate than non-territorial conflicts (e.g. Hensel, 1996, 2010; Vasquez, 1993, 2001; Senese & Vasquez, 2003). This is especially true for territorial claims that involve more salient, or valuable, territories, which are much more likely to see armed conflict (e.g. Hensel 2001, Hensel et al. 2008).

Avoiding the costs and risks associated with militarized conflict is one good reason that states may wish to settle their territorial claims. There is also strong evidence that settling territorial claims has other positive benefits for the claimants, ranging from increases

in trade (Simmons, 2005) to a reduction in conflict and an increase in domestic freedom (Gibler 2014).

So why are the claimants in a territorial claim unable to resolve their issues peacefully? Fearon (1995) suggests a number of reasons related to rationality, but another possible explanation is domestic politics. State leaders often see local residents in the claimed territory as an important part of their case for sovereignty, whether this is the challenger state demanding sovereignty because its countrymen live there or the target state using the presence of its countrymen there as justification for continued rule over the land. This likely helps account for the Israeli government's decision to authorize (and subsidize) Israeli settlements in territories from the Golan Heights to the West Bank where Israeli sovereignty is contested by other actors, seeking to guarantee an Israeli presence there and head off any efforts to transfer the territories to Syria, Jordan, or a potential Palestinian state. In such cases, the interests of the local residents in the disputed territories coincide with those of the government.

On the other hand, these local residents may have an unintended consequence, by limiting the diplomatic options available to the government and creating obstacles to settlement. If the government ultimately decides that it would be advantageous to end the claim by giving up the territory (or dropping up their claim to it) -- as with the examples of the UK in the Falkland/Malvinas Islands or Israel in the Sinai Peninsula, as discussed earlier -- the local residents can try to inflame opinion among the public, selectorate, and/or ratification bodies to prevent the process of territorial surrender. Thus, despite the government's conclusion that it is no longer in the "national interest" to retain (or to continue pursuing) the territory, the residents can become an obstacle to the government achieving its goals. Emphasizing their own more focused, parochial interests, the local residents could essentially block the government's view of the national interest, preventing a peaceful settlement and prolonging the costly territorial claim.

One way to think of the local residents' effect on the government involves what have been termed "veto players" (Tsebelis, 1995). These are governmental or nongovernmental actors, who, because of their weight and impact on the political life in the country, can paralyze policy initiatives such as peace negotiations. As the number of veto players in a

government increases, the potential for policy change decreases, whether in democratic and nondemocratic states. The civil war literature has noted that the greater the number of veto players, the greater the duration of the civil war (Cunningham, 2006). In the light of this concept, local residents of negotiated territories could be viewed as veto players, who have the potential to disrupt negotiations for the transfer of their territory, even after their government has concluded that it is more beneficial to give up the territory.

Another relevant phenomenon is that of peace “spoilers”. These are interest groups that emerge in negotiations that can affect the political process, out of fear that a peace agreement will threaten their power or interests. Seeking to protect their power and interests, spoilers can undermine the government’s attempt to achieve its goals (Stedman, 1997; Kydd & Walter, 2002). Spoilers have multiple means to influence negotiations, some of which are violent attacks -- many descriptions of spoilers focus on groups that commit violence to disrupt a peace process -- while others are non-violent, which is more consistent with the typical role of local residents in a claimed territory. For one relevant example, the use of terrorism can derail peace agreements by prolonging civil wars’ duration and thus affecting their outcome (Findley & Young, 2015).

Finally, according to domestic audience cost theory, state leaders depend on the people who helped elect them into office – their “selectorate,” which varies in nature according to the regime type of states. During interstate negotiations, leaders have incentives to escalate or stay firm on their demands, because backing down would lead them to suffer domestic audience costs from their selectorate (Fearon, 1994). While leaders may seek to pursue the national interest as they see it, their negotiation options remain limited by the preferences of their selectorate. To the extent that the local residents in the claimed territory either represent or influence the selectorate, they may be able to threaten enough political costs that leaders are unable or unwilling to agree to a peaceful settlement. This is not unlike the literature on protectionism in international economics, where small but organized and motivated groups can have an outsized impact on national economic policy and protectionism.

Hypotheses

Drawing from this literature, our theoretical approach can best be illustrated with a simple conceptual model of two states involved in a territorial claim, where the challenger state claims sovereignty over a territory that the target state currently administers. There are numerous ways that the challenger can pursue its claim to this territory. It may attempt bilateral negotiations with the target state, as long as the target is willing to talk. If the two sides are unwilling or unable to settle the issue bilaterally, they may meet with the assistance of a third party, whether this means non-binding assistance such as good offices or mediation (where the third party seeks to help them reach an agreement but does not impose any particular settlement on them) or legally binding arbitration or adjudication (where the two claimant states present their respective cases to a court or other third party and agree in advance to accept whatever decision the third party reaches). The challenger may also employ the threat or use of military force to compel the target state to acquiesce to its demands, or to seize the territory regardless of the target's reaction.

We are interested in how this simple conceptual model is affected by any local residents in the claimed territory who are associated with the challenger and/or target state. The presence of a population that a government considers its own people can be a powerful motivation for efforts to pursue the claim, and a powerful deterrent to an agreement that would hand these people over to foreign rule. For the challenger state, an agreement that does not include sovereignty over the entire territory would mean abandoning the state's goal of ruling over its people. Even worse, for the target state, an agreement that does not include sovereignty over the entire territory would mean not just abandoning the goal of ruling over its people, but actually transferring some of the state's people from its own rule to rule by a foreign state. For instance, the Kosovo sovereignty from Serbia involved the precedent-setting transfer of some Serbs under the rule of a foreign entity – the newly created, independent republic of Kosovo, carved from sovereign Serbian territory.

This basic theoretical premise leads to several interesting implications that we will test in this paper, as well as others that we will discuss at the end of the paper as potentially fruitful directions for future research. First, we consider the possibility of armed conflict

over a territorial claim. We know from past research (e.g. Frederick et al. 2017) that about 42% of all territorial claims engage in militarized conflict at least once, and about 28% of all claims see at least one battle-related fatality. Armed conflict can be both costly (in terms of lives, equipment, and finances) and risky (in terms of outcomes), so it is worth considering when states would be more likely to choose such a strategy over their territorial claim.

When the claimed territory contains their countrymen, we believe that both states will be less likely to consider a possibly compromise that would risk losing the territory -- and more likely to choose militarized threats or actions over the claim -- than when the territory is uninhabited or only contains residents who do not have a direct connection with the state in question. There are many other reasons that a territory may be considered valuable, such as a militarily strategic location or the presence of natural resources like oil. Yet we suggest that claimant states will go to greater lengths to gain or keep sovereignty over a territory that they consider to include their countrymen, even after controlling for the impact of such economic, strategic, and other benefits of the territory. This suggests the following hypothesis:

Hypothesis 1: *Armed conflict will be more likely when one or, especially, both claimants have countrymen living in the claimed territory.*

Another implication of ties with local residents in a claimed territory involves the ways that territorial claims are most likely to be settled. The presence of residents who are considered to be the state's countrymen should complicate things, for it would increase the salience of the territory to the country claiming ownership of the people. This increased salience would suggest that states should be less willing to compromise over territory that includes their countrymen. For instance, the territorial claim over Gibraltar involves population that is strictly of British ancestry, so the Spanish claim over its lost territory and the subjects that currently inhabit it does not have the same salience as the British claim over its "own" residents.

Negotiations regarding sovereignty over a territory with one's countrymen could be costly for both the challenger and target state, but for different reasons. The challenger state

would have to abandon the claim to its people, while the target state would have the even more difficult task of abandoning countrymen who are currently part of its population. This line of reasoning follows the endowment effect theory (Kahneman et al, 1990), stating that people would value an object not always because of its inherent qualities, but sometimes simply because they possess it.

This leads us to expect that ties between the local residents and the challenger and target states may have different implications for the ending of territorial claims. The challenger state may have to abandon the people that it considers its own, but who are not currently part of its state. We suggest that this situation should make the challenger less likely to back down and drop its claim unilaterally than if it did not recognize its countrymen in the territory. Yet with the endowment effect, we suggest that the impact of ties between the local residents and the target state should be even stronger. A target state with such ties would not only have to abandon people whom it considers its own, but it would have to do so by giving up people who are already being ruled as part of its state. We suggest that challenger states are likely to recognize this strong attachment of the target to its countrymen in the claimed territory, and to be more likely to consider dropping their claim if the target has proven to be unwilling to compromise because of this attachment. Similarly, we expect that the general tendency to be less likely to reach peaceful settlement should be stronger when the target state has ties with the local residents than when only the challenger state does. This leads to the following two hypotheses:

Hypothesis 2: *When the challenger or, especially, the target state have countrymen living in the claimed territory, the claim will be less likely than otherwise to end through peaceful settlements and more likely to end through military conquest.*

Hypothesis 3: *When the challenger state has countrymen living in the claimed territory, it will be less likely to drop its claim unilaterally. When the target state has countrymen living there, the challenger will be more likely to drop its claim.*

Research Design

We test these hypotheses using version 1.20 of the Issue Correlates of War (ICOW) Territorial Claims data set. This data set includes every territorial claim between two or more nation-states from 1816-2001, defined as cases of explicit disagreements between official government representatives of two or more states over territorial sovereignty (Hensel 2001). In such claims, the challenger is the state that seeks to gain sovereignty over territory that is currently owned or administered by the target state.

Independent Variable

Our central independent variable in this study is the connection (if any) between each of the claimant states and the residents of the claimed territory. We measure this using the ICOW Territorial Claims data set's variables for identity connections between the two claimants and the territory, which is measured by whether or not the territory includes significant populations of ethnic, religious, linguistic, or other identity groups linked to each state. To return to the example of the Falkland/Malvinas Islands claim mentioned in the opening paragraph of this paper, Argentina does not have such an identity connection with the islands because there have been no Argentine residents since the British took over the islands, but the UK does have such a connection because the islanders are considered British citizens.

[Table 1 about here]

Table 1 shows the breakdown of territorial claims based on the residents' identity connections to each claimant state. Of the 843 dyadic territorial claims in the data set, 225 include residents linked to both of the claimant states, such as Alsace-Lorraine -- a territory lying between France and Prussia/Germany that included residents connected to Germany because of their German ethnicity, as well as residents connected to France because of their national identity as Frenchmen. 67 claims feature a challenger with no identity connection to the population but a target that has such a connection, as in the Falkland/Malvinas example. 86 feature a target with no identity connection but a challenger with such a connection, typically for cases where a state seeks sovereignty over a nearby territory that contains its kin but is currently administered by a colonial or other foreign power with little connection to the inhabitants. Finally, over half (465 of 843) cases do not feature identity connections between

the local residents and either claimant states, typically because they are islands or deserts with no permanent residents or colonial territories sought by two distant powers.¹

Dependent Variables

Our first set of analyses examines the likelihood that two states engaged in a territorial claim will engage in militarized conflict during a given year. This information is taken from the Correlates of War (COW) project's Militarized Interstate Dispute (MID) data set (Palmer et al. 2015), which identifies explicit cases of the threat, display, or use of military force between two or more nation-states. The ICOW Territorial Claims data set has identified which MIDs are associated with which specific territorial claims, based on whether a given MID was an effort by one or both claimant states to alter the territorial status quo with respect to that claim; this information is included with the publicly available Territorial Claims data. In order to make sure that our results are not driven by including a large number of non-violent threats to use force that are never carried out, we run separate models for any MID and for only fatal MIDs that produce at least one dispute-related battle death among the claimants' military forces.

The remaining analyses examine the way that territorial claims are terminated. The ICOW data set includes 14 categories of claim termination, but these are not all relevant to our project. For example, 107 of the claims remain ongoing as of the end of the data set in 2001, and another 117 ended in ways that are essentially beyond the control of the claimants' negotiating strategies -- typically a claimed colonial territory becoming independent (in which case the claim against the colonizer ends and is usually replaced by a new claim by the same challenger against the newly independent state), a claimant state losing its independence through foreign occupation (as happened relatively frequently in Central America and the Caribbean in the early 20th Century as well as for the defeated powers after

¹ The ICOW data set includes another variable that might be used to study the local residents in a territory, which is the degree to which the territory is populated rather than uninhabited. This takes on three values: no permanent population, towns or villages, and at least one city of 100,000 or more residents. We chose not to use this measure because it does not identify which claimant state(s), if any, has ties with the inhabitants; not surprisingly, if this measure is used instead of the identity-based variables, its results are much weaker.

the two world wars), or the territory being transferred to another state's control (as when the claimed territory along the Brazil-Ecuador border was transferred from Ecuador to Peru, ending the Brazil/Ecuador claim because there was no longer a border to claim).

This leaves five categories of claim termination that are relevant to our study. A claim could end through bilateral agreement, following direct negotiations between the claimants themselves. It could end through non-binding third party assistance, where the third party offers good offices or mediation to help the claimants reach a settlement, but does not impose a specific settlement on them. It could end through binding third party arbitration or adjudication, where the third party (whether a state, IGO, or court) hands down a decision that both states had previously agreed to accept. It could end through military action, where one of the claimants is defeated militarily and ends its opposition to the claim. Or it could simply end by being dropped or renounced by one of the claimants, without any bilateral agreement or third party activity to produce this outcome.

Control Variables

In order to gain reasonable confidence that the observed militarized conflict or claim termination is being driven by the two claimants' ties (if any) to the residents of the claimed territory, we control for a number of other factors that might be considered likely to affect the same behavior. For the militarization analyses these control variables are measured during the year being observed, to determine whether they affect the likelihood that the claimants will fight that year. For the claim termination analyses, these control variables are measured in the last year of the claim, to determine whether they affected the way the claim ended (even if this was a very different setting than earlier in the claim, e.g. if the two claimants had recently democratized or if one of them had recently become much more powerful than it had been earlier).

The first control variable -- used for the claim militarization and termination analyses -- measures the salience of value of the claimed territory. The ICOW data set measures salience with a 0-12 index, with six points of the index reflecting the value of the territory for each of the two claimant states (Hensel et al., 2008). The identity measure that we use for our independent variable is one of the six points used to measure this value for each claimant,

though, so we modify the salience measure by removing the two points that could possibly have come from identity ties to the territory, resulting in a 0-10 index of territorial salience. Consistent with past research, we expect that greater territorial salience to increase the likelihood of militarization, and to increase the likelihood that the claim will be settled militarily while decreasing the likelihood that it will be settled through bilateral agreement or binding third party activity.

The second control -- used for only the militarization analyses -- measures the amount of recent militarized conflict over the claim. This is measured using the same form of conflict being studied, so the amount of recent conflict of any type for the analysis of any MID, and the amount of recent fatal conflict for the analysis of fatal conflict. Consistent with past research (Hensel et al. 2008), this is the weighted average of all conflicts in the last ten years, with more recent events weighted more heavily. We expect claim militarization to be more likely when there is a greater history of recent conflict over the same claim.

The remaining three control variables reflect characteristics of the claimants themselves. One is the relative capabilities of the challenger state, measured as the fraction of the total capabilities of the two held by the challenger, using the COW project's Composite Index of National Capabilities (CINC) score. The second indicates whether or not both states are democratic, measured by the Polity data set as whether or not both have a Polity score of 7 or greater on a 10 point scale (subtracting autocratic from democratic characteristics). The third indicates whether or not the two claimant states share a military alliance, measured using the COW project's Military Alliance data set. We expect armed conflict to be more likely when the challenger is stronger relative to the target, and less likely when both claimants are democratic and when the two share a formal military alliance.

Empirical Analyses

Our first hypothesis suggested that states involved in a territorial claim should be more likely to engage in militarized conflict over the claim when one or, especially, both of them have identity ties to people living in the territory. The descriptive analyses in Table 2 are consistent with this expectation, as the likelihood of armed conflict over the claim in any given year rises from 4.2% when neither state has an identity tie with the residents of the

claimed territory to 6.1% when only the challenger has such a tie, 7.4% when only the target does, and 11.0% when both do. Similarly, the likelihood of fatal conflict over the claim in any given year rises from 1.1% when neither claimant has an identity tie to 2.0% when only the target does, 3.2% when only the challenger does, and 5.5% when both do.

[Table 2 about here]

Table 3 investigates these patterns more rigorously using logistic regression (logit) analysis, allowing the introduction of control variables while measuring the same relationships. After controlling for the impact of five other variables that might be expected to influence claim militarization, we find the expected results. When the challenger state has an identity tie to the residents of the claimed territory, the claim is more likely to see both any militarized conflict ($p < .02$) and fatal conflict ($p < .001$). Similarly, when the target state has an identity tie to the residents, the claim is more likely to see both any militarized conflict ($p < .01$) and fatal conflict ($p < .03$).

[Table 3 about here]

The control variables also generally performed as expected from past research. Both types of conflict are significantly more likely when the claimed territory is more salient ($p < .001$) and when there has been more recent conflict of the same type ($p < .001$). Both types of conflict are more likely when the challenger state is more powerful relative to the target ($p < .01$). Both types of conflict are less likely when the two claimants are both democratic ($p < .01$). Finally, and perhaps the only surprising result, both types of conflict are somewhere more likely when the two states are allied, although this does not reach conventional levels of statistical significance for this direction of the relationship ($p > .12$).

[Table 4 about here]

Table 4 helps us interpret the results from Table 3 by presenting the predicted probability of armed conflict for each possible combination of the claimants' identity ties to the claimed territory. For both models in Table 3, the lowest predicted probability of conflict comes when neither claimant state has identity ties to the population, with any form of armed conflict predicted to occur in 3.9% of possible years and fatal conflict predicted to occur in 1.0% of years. When only one of the claimants has such ties, any conflict is predicted in 4.8-5.2% of years, and fatal conflict is predicted in 1.5-2.1% of years. When both claimants

have ties to the local residents, any conflict is predicted in 6.4% of years (a 65% increase over the baseline where neither had such ties) and fatal conflict in 3.0% (a 188.6% increase over the baseline). We can safely conclude that one or both claimants' identity ties to the local residents of the claimed territory increase the likelihood of armed conflict over the claim, as hypothesized.

[Table 5 about here]

Table 5 examines the ways that territorial claims have ended, in order to evaluate our remaining hypotheses. As noted earlier, this table excludes 107 claims that remain ongoing at the end of the data set (because we do not know how they will end) and 117 that ended for reasons largely unrelated to bargaining between the claimants. In addition to the five types of claim termination that were mentioned earlier, this table includes one more type that will not receive further analysis but that is interesting theoretically: 68 claims (11.0% of the claims in this table) were ended through regional or global postwar peace conferences such as the Paris Peace Conferences that followed the two world wars. We do not investigate these in the remaining tables because they are beyond the control of the claimants -- they are only relevant when there has been a world war or similar conflict that can then generate a peace conference -- but the frequency with which such conferences have ended claims suggests that (in the rare cases when the opportunity arises) peace conferences can be a useful way to resolve outstanding issues in the region.

As Table 5 reveals, the most common form of termination in almost every situation is bilateral agreement, which accounts for 51.7% of cases where neither claimant has identity ties to the residents of the territory, 45.1% where only the challenger does, 23.3% where only the target does, and 27.0% where both do. This reduction when one or both claimants have ties to the residents also applies to binding third party settlements, which decline from 10.9% of claims with no identity ties to 3.9% where only the challenger has such ties, no claims where only the target does, and 3.5% where both do. Both non-binding third party activities and postwar peace conferences are actually more likely when one or both have identity ties, as are military conquest and claims being dropped.

[Tables 6 and 7 about here]

Table 6 investigates these patterns more rigorously, and Table 7 presents the predicted probabilities of each type of claim termination. It should be noted that there is a relatively small number of cases (570 in most of these models), making statistical significance more difficult to obtain. With that caveat in mind, the challenger state's identity ties to the claimed territory have little systematic impact on claim termination after considering the other variables in the model, only approaching statistical significance when reducing the likelihood that a claim will be dropped by the challenger ($p < .09$).

As hypothesized, the target state's ties to the residents of the claimed territory play a much stronger role in claim termination, reducing peaceful settlement and increasing military outcomes and challenger drops. When the target state has identity ties to the residents, the claim is significantly less likely to end through bilateral agreement ($p < .001$) and binding third party decision ($p < .04$), although not systematically affecting non-binding third party activities ($p < .24$). When the target state has identity ties, military outcomes are significantly more likely ($p < .01$), as are claims being dropped by the challenger ($p < .001$). These are highly consistent with our hypotheses.

Turning to the control variables, when the claimed territory is more salient, the claim is significantly less likely to end via bilateral negotiations or binding third party decisions, and more likely to end via non-binding third party activity, military action, or challenger drop. When the challenger is stronger than the target, there is a significantly greater likelihood of claims ending via bilateral negotiations or military resolution. Joint democracy significantly increases the likelihood of settling via binding third party decision and decreases the likelihood of military resolution (in fact, joint democracy is a perfect predictor, with no claim ending militarily when both claimants are democratic). Military alliance increases the likelihood of bilateral or binding settlement, while decreasing the likelihood of ending by being dropped by the challenger.

Discussion

In this paper we have considered the impact that local residents in disputed territories can have on the management or settlement of territorial claims. News headlines frequently suggest that local residents can be important, but this topic has not received systematic

scholarly attention. We have treated the residents as potential "spoilers" who can block peace deals that otherwise would have settled a territorial claim. When one or both states involved in a territorial claim have identity ties with residents in the claimed territory, we expect that ending the claim peacefully will be more difficult, and that armed conflict over the claim will be more likely.

Empirical tests of these hypotheses suggest that our hypotheses are largely supported. Armed conflict over the claim -- whether measured as any form of militarized conflict or only fatal conflict -- is significantly more likely when either state has identity ties to the residents of the claimed territory, and even more likely when both do. The challenger state's ties to the residents have little systematic impact on how claims end, but the target's ties have the expected effect. Peaceful settlement of a territorial claim is significantly less likely when the target state's people live there, particularly for bilateral agreements and binding third party decisions. When the target has such ties, claims are also far more likely to end through military action or by the challenger recognizing the difficulty of its situation and dropping the claim entirely.

Taken together, these results suggest that the local residents of the claimed territory can have a very important influence on the management and settlement of the claim. States might be able to benefit from demonstrating that the residents of the claimed territory are their countrymen, which might strengthen their argument that they should be the state that ends up with sovereignty over the territory because it would be wrong to subject their people to foreign rule. Although useful in bolstering their case for sovereignty, the presence of their countrymen in the claimed territory might also be a major impediment to any sort of negotiated solution that falls short of full sovereignty. Returning to the examples from the beginning of this paper, the fact that the Falkland/Malvinas Islands contain British but not Argentine residents led to domestic opposition that essentially prevented the government from completing a negotiated settlement to the claim in the 1960s that it felt was in the national interest; similar political interests made the Sinai Peninsula settlement under the Camp David Accords more difficult than anticipated, and might make a negotiated settlement of the Gibraltar or Golan Heights claims politically costly or even impossible. Our empirical analyses have shown that peaceful settlements are much less likely and militarized conflict is

much more likely in this situation, suggesting that these examples are typical of a much broader pattern.

This paper has made some progress in evaluating the impact of local residents, but this is far from the final word on this topic, and numerous avenues remain for further research. One shortcoming in the present analyses is the lack of information on how many of each side's countrymen live in the claimed territory. While no data set currently collects this information, this could be worth investigating in the future, as a state may be more likely to act in the interest of its countrymen when they make up a larger fraction of the state's population, or perhaps a larger fraction of the population of the claimed territory.

We have also not examined individual attempts to settle territorial claims peacefully, outside of militarized conflict during ongoing claims and the way that the claims were ultimately settled. The ICOW Territorial Claims data set also includes details of each bilateral or third party settlement attempt over each claim, although this information is still being collected for claims in the Middle East, Africa, and Asia. Once more of the needed data has been collected, it would be useful to study whether each type of settlement attempt is more or less likely to produce agreement over settling the claim when one or both states have identity ties to the population of the territory, as well as whether such agreements are more or less likely to be ratified and carried out than agreements where neither side has such a tie to the territory. The content of such agreements could also be studied systematically, as the ICOW data set includes information about how each agreement divided up the disputed stakes. One might expect that when only one claimant state has an identity tie to the population of the claimed territory (particularly when this is the target state), that state should be more likely to achieve a favorable outcome, consistent with this study's finding that the challenger state is more likely to drop its claim when the target has a connection with the population of the claimed territory.

Finally, future research could benefit from closer investigation of the cases where agreement was successfully reached to end claims peacefully even with the target state's countrymen living in the claimed territory. In the Egypt/Israel example, Israel ultimately removed its settlers from the territory before Egypt was to take possession. In the Chinese claim to Hong Kong, the UK ultimately got Chinese agreement to maintain the capitalist

economic system in Hong Kong for fifty years, and facilitated British citizenship for residents seeking to flee the territory before China took possession. Future research could benefit from examination of whether (and how) target states were able to reach and implement agreements that gave away sovereignty over part or all of the territory that their countrymen inhabited, and from consideration of whether these same considerations are likely to apply in other situations.

References

- BBC News (1999). "1968, A Secret History: UK Planned to Give Islands to Argentina." BBC News Jan. 8, 1999. <http://news.bbc.co.uk/2/hi/special_report/1999/01/99/1968_secret_history/244319.stm> Accessed May 27, 2016.
- Daly, Emma (2002). "Gibraltar Rejects Power-Sharing between Britain and Spain." *New York Times* Nov. 8, 2002: A11.
- Fearon, James. 1994. "Domestic Political Audiences and the Escalation of International Disputes." *American Political Science Review* 88(3): 577-592.
- Findley, Michael, and Joseph Young. 2015. "Terrorism, Spoiling, and the Resolution of Civil Wars." *Journal of Politics* 77(4): 1115–1128.
- Frederick, Bryan A., Paul R. Hensel, and Christopher Macaulay (2017). "The Issue Correlates of War Territorial Claims Data, 1816-2001: Procedures and Description." *Journal of Peace Research*, forthcoming.
- Gent, Stephen, and Megan Shannon. 2014. "Bargaining Power and the Arbitration and Adjudication of Territorial Claims." *Conflict Management and Peace Science* 31(3): 303-322.
- Gibler, Douglas (2014). *The Territorial Peace: Borders, State Development, and International Conflict*. Cambridge: Cambridge University Press.
- Goertz, Gary, and Paul Diehl. 1992. "Toward a Theory of International Norms: Some Conceptual and Measurement Issues." *Journal of Conflict Resolution* 36(4): 634-664.
- Gwertzman, Bernard (1978). "Israel's Settlements in Sinai, Once Disregarded, Now Are a Major Obstacle to Talks." *New York Times* Jan. 25, 1978: A3.
- Hastings, Max, and Simon Jenkins (1983). *The Battle for the Falklands*. New York: W. W. Norton and Company.
- Hensel, Paul. 1996. "Charting a Course to Conflict: Territorial Issues and Interstate Conflict, 1816-1992." *Conflict Management and Peace Science* 15(1): 43-73.
- Hensel, Paul. 1999. "An Evolutionary Approach to the Study of Interstate Rivalry." *Conflict Management and Peace Science* 17(2): 175-206.
- Hensel, Paul. 2001. "Contentious Issues and World Politics: The Management of Territorial Claims in the Americas, 1816-1992." *International Studies Quarterly* 45, 81-109.

Hensel, Paul R., Sara McLaughlin Mitchell, Thomas E. Sowers II, and Clayton L. Thyne (2008). "Bones of Contention: Comparing Territorial, Maritime, and River Issues." *Journal of Conflict Resolution* 52 (1): 117-43.

James, Patrick, Johann Park, and Seung-Whan Choi. 2006. "Democracy and Conflict Management: Territorial Claims in the Western Hemisphere Revisited." *International Studies Quarterly* 50(4): 803-818.

Kamm, Henry (1982). "In Chaos, Israel's Soldiers Pry Resisters Out of Sinai." *New York Times* April 22, 1982: A1.

Keohane, Robert. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. New Jersey: Princeton University Press.

Kydd, Andrew, and Barbara Walter. 2002. "Sabotaging the Peace: The Politics of Extremist Violence." *International Organization* 56(2): 263-296.

Lee Hoon, and Sarah Mitchell. 2012. "Foreign Direct Investment and Territorial Disputes." *Journal of Conflict Resolution* 56(4): 675-703.

Lektzian, David, Brandon Prins, and Mark Souva. 2014. "Territory, River, and Maritime Claims in the Western Hemisphere: Regime Type, Rivalry, and MIDs from 1901 to 2000." *International Studies Quarterly* 54(4): 1073-1098.

Melin, Molly, and Alexandru Grigorescu. 2014. "Connecting the Dots: Dispute Resolution and Escalation in a World of Entangled Territorial Claims." *Journal of Conflict Resolution* 58(6): 1085-1109.

Morgenthau, Hans. 1985. *Politics Among Nations: The Struggle for Power and Peace*. New York: Knopf.

New York Times (1978). "Dayan, Sharon Face Angry Sinai Settlers." *New York Times* Jan. 2, 1978: 3.

New York Times (1979). "Israeli Settlers Battle Army Over Land Loss To Egypt, Then Leave." *New York Times* May 25, 1979: A3.

Nilsson, Desiree, and Mimmi Kovacs. 2011. "Revisiting an Elusive Concept: Review of the Debate on Spoilers in Peace Processes." *International Studies Review* 13: 606-626.

Palmer, Glenn, Vito D'Orazio, Michael Kenwick, and Matthew Lane. 2015. "The MID4 Data Set: Procedures, Coding Rules, and Description." *Conflict Management and Peace Science* 32 (April): 222-242.

Rosecrance, Richard. 1986. *The Rise of the Trading State: Commerce and Conquest in the Modern World*. Arizona: Basic Books.

Schmemmann, Serge (1995). "Police Say Rabin Killer Led Sect That Laid Plans to Attack Arabs." *New York Times* Nov. 11, 1995: 1.

Schultz, Kenneth. 2014. "What's in a Claim? De Jure Versus De Facto Borders in Interstate Territorial Disputes." *Journal of Conflict Resolution* 58(6): 1059-1084.

Senese, Paul, and John Vasquez. 2003. "A Unified Explanation of Territorial Conflict: Testing the Impact of Sampling Bias, 1919-1992." *International Studies Quarterly* 47: 275-298.

Simmons, Beth. 2005. "Rules Over Real Estate: Trade, Territorial Conflict, and International Borders as Institution." *The Journal of Conflict Resolution* 49(6): 823-848.

Sontag, Deborah (2000). "Opponents of a Golan Heights Deal Rally in Tel Aviv." *New York Times* Jan. 11, 2000: A1.

Tsebelis, George. 1995. "Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism, and Multipartyism." *British Journal of Political Science* 25: 289-325.

Vasquez, John. 1993. *The War Puzzle*. Cambridge: Cambridge University Press.

Vasquez, John, and Marie Henehan. 2001. "Territorial Disputes and the Probability of War, 1816-1992." *Journal of Peace Research* 38(2): 123-138.

Wiegand, Krista. 2011. "Militarized Territorial Disputes: States' Attempts to Transfer Reputation to Resolve." *Journal of Peace Research* 48(1): 101-113.

Wright, Thorin. 2014. "Territorial Revision and the State Repression." *Journal of Peace Research* 51(3): 375-387.

Zellman, Ariel. 2015. "Framing Consensus: Evaluating the Narrative Specificity of Territorial Indivisibility." *Journal of Peace Research* 52(4): 492-507.

Table 1: Identity Connections to Claimed Territories

Does target have identity connection to territory?	Does challenger have identity connection to territory?		
	No	Yes	Total
No	465	86	551
Yes	67	225	292
Total	532	311	843

Table 2: Territorial Claim Militarization*Any Militarized Conflict:*

Armed Conflict during Year?	State(s) with Identity Connections to Territory:				Total
	Neither	Challenger	Target	Both	
Yes (5.8%)	386 (4.2%)	56 (6.1%)	82 (7.4%)	273 (11.0%)	797
No	8759	862	1030	2218	12,869
Total	9145	918	1112	2491	13,666

Fatal Militarized Conflict:

Armed Conflict during Year?	State(s) with Identity Connections to Territory:				Total
	Neither	Challenger	Target	Both	
Yes (2.1%)	98 (1.1%)	29 (3.2%)	22 (2.0%)	137 (5.5%)	286
No	9047	889	1090	2354	13,380
Total	9145	918	1112	2491	13,666

Table 3: Local Residents and Territorial Claim Militarization

Variable	Model 1:	Model 2:
	Any MID	Fatal MID
	Coeff. (SE)	Coeff. (SE)
Challenger identity	0.22 (0.11)**	0.73 (0.17)***
Target identity	0.31 (0.11)***	0.35 (0.17)**
Non-identity salience	0.14 (0.02)***	0.13 (0.04)***
Recent conflict	0.83 (0.04)***	0.97 (0.08)***
Challenger capabilities	0.57 (0.12)***	0.56 (0.20)***
Joint democracy	- 0.70 (0.20)***	- 0.84 (0.35)***
Military alliance	0.13 (0.10)	0.24 (0.16)
Constant	- 4.58 (0.17)***	- 5.72 (0.29)***
N:	13,016	13,016
LL:	-2527.71	-1129.68
X2:	720.35	298.09
	(7df, p<.001)	(7df, p<.001)

***p<.10, **p<.05, ***p<.01 (1-tailed tests)

Table 4: Predicted Probability of Claim Militarization*Any Militarized Conflict:*

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.039
Only challenger:	.048 (+23.7%)
Only target:	.052 (+33.8%)
Both claimants:	.064 (+65.0%)

Fatal Militarized Conflict:

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.010
Only challenger:	.021 (+106.1%)
Only target:	.015 (+40.6%)
Both claimants:	.030 (+188.6%)

Table 5: Territorial Claim Termination

Type of Claim Termination	State(s) with Identity Connections to Territory:				Total		
	Neither	Challenger	Target	Both			
Bilateral Agreement (40.9%)	166 (51.7%)	23 (45.1%)	17 (23.3%)	47 (27.0%)	2	5	3
Third Party:							
Non-Binding	30 (9.4)	9 (17.7)	8 (11.0)	21 (12.1)			68 (11.0)
Binding	35 (10.9)	2 (3.9)	0 (0.0)	6 (3.5)			43 (7.0)
Peace Conference	15 (4.7)	4 (7.8)	11 (15.1)	38 (21.8)			68 (11.0)
Military Conquest	25 (7.8)	3 (5.9)	13 (17.8)	27 (15.5)			68 (11.0)
Dropped	50 (15.6)	10 (19.6)	24 (32.9)	35 (20.1)			119 (19.2)
Total	321	51	73	174			619

Notes:

- Table excludes 107 claims that are ongoing at the current end of the data set, as well as 117 that ended for largely unrelated reasons (such as a claimed colonial territory becoming independent, a claimant state losing its independence through foreign occupation, or the territory being transferred to another state's control).

Table 6: Local Residents and Claim Termination

	Model 1: Bilateral	Model 2: Non-binding	Model 3: Binding
Variable	Coeff. (SE)	Coeff. (SE)	Coeff. (SE)
Challenger identity	- 0.42 (0.24)	0.36 (0.34)	- 0.26 (0.53)
Target identity	- 0.94 (0.24)***	- 0.25 (0.35)	- 1.03 (0.55)**
Non-identity salience	- 0.13 (0.05)***	0.20 (0.08)***	- 0.16 (0.09)**
Challenger capabilities	0.50 (0.27)**	- 0.29 (0.41)	0.17 (0.50)
Joint democracy	0.11 (0.32)	0.02 (0.50)	0.91 (0.44)**
Military alliance	0.74 (0.21)***	- 0.34 (0.34)	0.79 (0.35)**
Constant	0.40 (0.34)	- 3.20 (0.57)***	- 1.68 (0.59)***
N	570	570	570
LL:	-362.40	-195.07	-138.17
X2:	52.37	10.29	23.56
	(6df, p<.001)	(6df, p<.001)	(6df, p<.001)

	Model 4: Military	Model 5: Challenger drop
Variable	Coeff. (SE)	Coeff. (SE)
Challenger identity	- 0.26 (0.32)	- 0.40 (0.29)*
Target identity	0.86 (0.32)***	0.87 (0.28)***
Non-identity salience	0.19 (0.08)***	0.04 (0.06)
Challenger capabilities	0.93 (0.42)**	- 0.24 (0.33)
Joint democracy	[perfect]	- 0.23 (0.43)
Military alliance	- 0.17 (0.33)	- 0.45 (0.29)*
Constant	- 4.14 (0.62)	- 1.72 (0.43)***
N	617	570
LL:	-2527.71	-267.94
X2:	720.35	14.63
	(5df, p<.001)	(6df, p<.001)

***p<.10, **p<.05, ***p<.01 (1-tailed tests)

Table 7: Predicted Probability of Claim Termination

Bilateral Agreement:

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.463
Only challenger:	.452 (- 2.3%)
Only target:	.252 (-45.4%)
Both claimants:	.244 (-47.1%)

Non-Binding Third Party Activity:

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.109
Only challenger:	.150 (+36.7%)
Only target:	.087 (-21.1%)
Both claimants:	.121 (+10.3%)

Binding Third Party Activity:

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.070
Only challenger:	.054 (-22.0%)
Only target:	.026 (-62.6%)
Both claimants:	.020 (-71.1%)

Military Conquest:

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.079
Only challenger:	.062 (-21.2%)
Only target:	.168 (+113.0%)
Both claimants:	.135 (+71.3%)

Challenger Drops Claim:

<u>Identity Ties to Territory</u>	<u>Prob. (change from baseline)</u>
Baseline (neither):	.171
Only challenger:	.121 (-29.0%)
Only target:	.330 (+93.3%)
Both claimants:	.248 (+45.4%)