

**Territorial Integrity Treaties, *Uti Possidetis*, and
Armed Conflict over Territory**

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Abstract: A recent article suggests that a norm of territorial integrity spread rapidly across the globe during the twentieth century. While the successful acquisition of territory by force has become much less frequent, though, there have been numerous attempts to acquire territory by force during this time, and there appear to be several different types of obligations in territorial integrity treaties. Drawing from the content of treaties with territorial integrity provisions, we reconceptualize the norm to distinguish between treaties guaranteeing territorial integrity in a general sense and those that only proscribe the acquisition of territory by force, and we examine an important precursor in the nineteenth-century Latin American norm of *uti possidetis juris*. We find that both norms seem to have been associated with generally increased low-level conflict over territory but (at least for general territorial integrity obligations and for the Latin American states that developed *uti possidetis*) less of the more intense forms of conflict.

In a recent article, Zacher (2001) discusses a territorial integrity norm that spread across the globe in the twentieth century. He describes this norm, encapsulated first in the League of Nations Covenant and more recently in the United Nations Charter and numerous regional treaties, as rejecting attempts to change the territorial status quo through the threat or use of force. Zacher's evidence suggests that once the norm became widespread, there were relatively few cases of successful territorial aggrandizement in the first three decades since World War II, and none since the mid-1970s.

Although Zacher's evidence initially seems persuasive, this norm appears to involve more than just the avoidance of *successful* challenges to the territorial status quo; any attempt to acquire territory forcibly -- whether ultimately successful or not -- would seem to violate the norm. While there have been relatively few cases of successful territorial aggrandizement since World War II, Zacher notes forty such attempts during this peaceful period. Furthermore, many of the international treaties that include territorial integrity provisions offer blanket guarantees of signatories' territorial integrity, not just condemnation of the forcible acquisition of territory. We thus reconceptualize the territorial integrity norm to distinguish between general guarantees of territorial integrity and the rejection of force for acquiring territory, each of which appears in numerous multilateral treaties.

Another important consideration in the study of territorial integrity norms is the early development of this norm before the twentieth-century period that Zacher emphasizes. After Spain's former Latin American colonies achieved their independence in the early nineteenth century, they adopted the legal doctrine of *uti possidetis de jure* or *uti possidetis juris*, under which the region's colonial-era administrative borders would be elevated to international borders separating the newly independent states. This doctrine was an important precursor to the territorial integrity norm that Zacher describes as taking root worldwide a century later. Some scholars credit *uti possidetis* with the reduction of territorial conflict in Latin America, although others argue that it either failed to

prevent territorial conflict or made it worse.

In this paper, we examine the global territorial integrity norm (in its general and violent manifestations) and the earlier *uti possidetis* norm for post-colonial Latin America over two centuries of history. We trace the historical development of each norm in narrative form, and discuss how to measure each empirically through treaty commitments. We then examine the impact of each norm on several forms of territorial conflict. Our results suggest that each norm has had at best a mixed impact, with general territorial integrity obligations reducing territorial conflict but violent obligations actually associated with increased low-level conflict over territory. The Latin American *uti possidetis* norm also seems to have been associated with increased low-level conflict over territory when compared to similar territorial claims elsewhere in the world, although the most intense conflicts were less likely in Latin America; we have found little evidence that this norm's effects strengthened over time. We conclude by discussing possible directions for future research in this area, focusing on other dimensions of *uti possidetis* in Latin America as well as on applications to other parts of the world.

Studying Territorial Integrity Norms

Our conceptualization of international norms follows Krasner's (1982: 186) definition as "standards of behavior defined in terms of rights and obligations." Like Florini (1996: 364-365), we emphasize "the sense of 'ought'" and the notion of legitimate behavior, which distinguish norms from observable behavioral regularities. We also recognize the importance of identity in norms, following Finnemore and Sikkink's (1998: 891) definition of a norm "as a standard of appropriate behavior for actors with a given identity;" norms do not necessarily apply to all states in the international system. A systematic analysis of a given norm must thus indicate which general class of behavior is addressed by the norm, which specific behaviors within this general class are considered legitimate, and which actors are governed by this standard or in which situations.

It is also important to be able to measure the strength of the norm over time, in order to examine its impact on national behavior. Finnemore and Sikkink (1998: 895-905) describe the strength of norms as evolving through a "life cycle" of three stages. In the norm emergence stage, norm entrepreneurs (typically private citizens, often with organizational platforms to help spread their message) attempt to convince state leaders to follow their desired norm. In the norm cascade stage, the "norm leaders" -- states that have accepted the norm -- attempt to socialize other states to accept the norm and become "norm followers." Some budding norms may fail in either the emergence or cascade stages, if the entrepreneurs or norm leaders are unable to convince enough states to follow them. Norms that pass through the first two stages reach the norm internalization stage, by the end of which "norms acquire a taken-for-granted quality and are no longer a matter of broad public debate." (Finnemore and Sikkink 1998: 895) This notion of a life cycle encourages

scholars to think in terms of the evolving strength of a norm over time, allowing systematic analysis of the impact of the norm on international behavior.

Working from insights such as these, a great deal of normative scholarship has emerged in the past two decades, offering systematic examination of norms pertaining to decolonization (Goertz and Diehl 1992), alliance commitments (Kegley and Raymond 1982), and pacific dispute settlement between democracies (e.g., Dixon 1993; Mitchell 2001). In a recent article, Zacher (2001) extends this list by suggesting that the past two centuries have seen the development of an important international norm against territorial changes. We now examine Zacher's characterization of this norm, before offering our own refinement of what the twentieth-century territorial integrity norm includes and then extending this basic norm back to the concept of *uti possidetis* in nineteenth-century Latin America.

Zacher's Territorial Integrity Norm

According to Zacher (2001: 215), the territorial integrity norm refers to "the growing respect for the proscription that force should not be used to alter interstate boundaries." Zacher (2001: 216-221) describes this norm as developing out of the rise of nationalism in the nineteenth century. Before that time, territories frequently changed hands with the expansion or contraction of states and empires, as rulers sought to acquire more land for the purposes of increasing their own security and/or wealth; the inhabitants of the territories were not considered during the process. As nationalism developed, though, a norm began to take shape that opposed transferring one state's people to rule by another state.¹ He later describes the spread of the norm as being driven by Western democracies and reflecting such factors as the association of territorial revisionism with major wars (most notably in the two world wars), liberalism's emphasis on national self-determination, and for nondemocratic states the changing costs and benefits of territorial aggrandizement (2001: 238-244).

Zacher (2001: 236) writes that the emergence phase of the territorial integrity norm began with the end of World War I, and lasted through the end of World War II. The norm began to take concrete form with the debate over the post-World War I peace settlement, and it was featured in one of Woodrow Wilson's famous Fourteen Points: "specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small

¹ Ironically, this norm may have sown the seeds for turmoil in certain situations. While the norm argues against transferring control of one's own kinsmen to a foreign power, it could also be manipulated to justify a territorial claim to territory populated by one's kinsmen under a foreign ruler. Zacher (2001: 219, 229, 239) recognizes this, noting (p. 244) that states' concerns for protecting their nationals abroad "cannot be squelched, but it is much more difficult now for states to embark on attempts to protect and absorb fellow nationals in foreign states when their civil rights are respected."

states alike." The norm was first encapsulated in Article 10 of the League of Nations Covenant: "The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League." After World War I, Zacher (2001: 220-221) notes, the norm was applied unevenly; there were numerous transfers of territory from the defeated Central Powers, and the norm's supporters did little to oppose German, Italian, and Japanese conquests before the 1939 German invasion of Poland. By the end of World War II, though, the major democratic powers -- Britain, France, and the United States -- followed the norm much more closely, generally rejecting territorial gains at the expense of the defeated Axis; only Russia of the main Allied powers took large pieces of Axis territory.

Zacher (2001: 236-237) describes the acceptance stage of the norm (or the cascade stage in Finnemore and Sikkink's terminology) as beginning with the adoption of the United Nations Charter and lasting until the mid-1970s: "It was not until the 1960s and early 1970s that broad and strong backing for the norm became palpable." Article 2(4) of the United Nations Charter explicitly proscribed the threat or use of force against the territorial integrity of any state, and similar principles soon began to be included in the charters of regional organizations such as the OAS and OAU as well as in other multilateral agreements such as the CSCE's Helsinki Final Act (Zacher 2001: 221-223, 237). Finally, Zacher (2001: 237) describes the institutionalization or strengthening stage of the norm (Finnemore and Sikkink's internalization stage) as running from 1976 to the present, when third parties have become involved in territorial conflicts to ensure that force does not lead to the successful acquisition of territory.

In order to determine the impact of the norm, Zacher (2001: 223-224) examines a list of major military conflicts that occurred between 1648-2000. This list includes 93 wars between 1648-1945 that involved territorial issues, and 40 more between 1946-2000. Of these territorial wars, approximately 80 percent before 1945 led to the redistribution of territory, as compared to only 30 percent between 1946-2000. The number of territorial redistributions per year has also dropped substantially over time, particularly when controlling for the number of states in the international system; the rate of redistribution since World War II is less than half as in the nineteenth century, and one-fifth as much as in the first half of the twentieth century.² Importantly, Zacher (2001: 237) also reports that during the institutionalization stage of the norm's development (1975-2000) there has not been a single major case of successful territorial aggrandizement.

Zacher's evidence appears persuasive initially, even if he notes (2001: 224) that "the criteria for the inclusion of wars differs for the pre- and post-1945 years, and there is no claim of statistical significance." Yet we have several concerns with Zacher's analysis of a territorial integrity norm.

² Zacher (2001: 224) notes, however, that "the criteria for the inclusion of wars differs for the pre- and post-1945 years, and there is no claim of statistical significance." He does suggest, though, that

We are concerned with the identification of a single norm, when analysis of the relevant treaties and documents suggests two distinct norms related territorial integrity -- one preserving the territorial integrity of all states, and one rejecting the threat or use of force against territorial integrity but permitting peaceful territorial change. We also suggest that closer attention needs to be paid to the behavior that is studied to evaluate the impact of the norm(s) in question. While successful territorial aggrandizement should indeed count as evidence against a territorial integrity norm, we believe that the outbreak of armed conflict over territory (even if unsuccessful) should count against a norm proscribing violent territorial change.³

Reconceptualizing Territorial Integrity Norms

We believe that instead of a single territorial integrity norm as described by Zacher, several different territorial integrity norms have been featured in multilateral treaties and institutions. Some treaties have specifically proscribed the acquisition of territory through the threat or use of military force; this was the primary focus of Zacher (2001), as discussed above. Others encapsulate the notion of territorial integrity more generally, without any explicit limitation to the rejection of forcible changes in territory. Because these latter treaties do not explicitly limit the territorial integrity obligation to rejection of violent transfers of territory, they appear to be a broader and more comprehensive norm against territorial change, and they may be expected to have different consequences for international behavior.

The first treaty with a territorial integrity obligation, the League of Nations Covenant, proscribed the violent acquisition of territory in Article 10: "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League." Most other early efforts to encapsulate territorial integrity provisions in multilateral treaties followed similar approaches; details of each treaty are provided in Appendix I.⁴ Such treaties include the Saavedra Lamas Pact and Montevideo

these figures point to an important change in patterns of territorial conflict.

³ For example, Zacher notes that force has been much less successful at acquiring territory since 1945, and that there have been no successful cases of territorial aggrandizement since 1976. Yet his data set indicates that forty territorial conflicts began between 1945-2000, and Table 2 in his paper indicates that thirteen of these conflicts began between 1976-2000. The fact that force is used over territory so frequently would appear to constitute evidence *against* a norm against the acquisition of territory by force, even if these attempts have generally failed. Furthermore, during this same time, Huth (1996) identifies 129 distinct territorial disputes between states, although not all of these became militarized during this time. The fact that so many states seek territorial revisions (albeit not always by force) seems to cast doubt on the effectiveness of a global norm of territorial integrity.

⁴ This list is based on the Multilateral Treaties of Pacific Settlement data set, which is limited to treaties and institutions that contain at least five member states. Zacher (2001) lists several other treaties or documents as examples of territorial integrity norms that we do not include, because we do not believe that they qualify. For example, the Kellogg-Briand Pact and Pact of the League of

Convention on Rights and Duties of States in 1930s Latin America, the United Nations Charter and the OAS Charter after World War II, and the ECOWAS Protocol on Non-Aggression and SADC Protocol on Politics, Defense, and Security Cooperation in contemporary Africa. In each case, the emphasis was on preventing war over territory, while still allowing peaceful transfers of territory by mutual agreement; as will be seen, this approach is consistent with the Latin American application of *uti possidetis*.

More recently, though, there has been a trend toward more general respect for territorial integrity provisions, with no explicit limitation to the proscription of violent acquisition of territory. The first such effort was the Locarno Pact (Pact of Mutual Guarantee) in interwar Europe, which sought to prevent Germany from challenging its western borders with France and Belgium. In Article 1 of this pact, the signatory states guaranteed "the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919." German demands for territory through the threat or use of force were clearly banned by this document, but so were peaceful demands for territorial revision; the pact was intended to prevent any challenge to the Versailles settlement in Western Europe.⁵

The Locarno Pact was the only such general territorial integrity obligation for more than three decades, until the decolonization of Africa in the 1960s. The borders between European colonies in Africa were often unnatural, cutting across traditional ethnic or linguistic groups and producing ill-fitting multiethnic colonial entities. As a result, leaders in the region chose to avoid uncertainty and conflict by preserving their existing colonial boundaries; it was feared that allowing challenges to any African borders on the grounds of illegitimacy could lead to the emergence of challenges against virtually every African border for the same reason. (Malanczuk 1997: 162; Ratner 1996: 595-596; Zacher 2001: 221-223) The OAU Charter thus contained explicit support for territorial integrity in this general sense, rather than simply preventing the violent transfer of

Arab States both renounce war and call for the peaceful settlement of disputes, but neither document specifically mentions territorial integrity -- and the Arab League document explicitly rejects applying the League's obligatory peaceful settlement mechanism to territorial questions between members. Zacher (2001: 221) also describes decolonization as an example of this norm, listing 1960 and 1970 UN documents on decolonization because they called for the independence of entire colonies rather than the self-determination of each individual ethnic or tribal group. Yet this is not fully consistent with the territorial integrity norm that he describes throughout his paper, which concerns the rejection of territorial acquisition of new territory by force.

⁵ Bell (1997: 36-37) notes that the Locarno Pact had great symbolic value in "confirming the territorial settlement in western Europe on a freely negotiated basis," and Gilbert (1984: 221-222) noting that in the eyes of the participants "the frontiers between Germany, France, and Belgium -- and the permanent demilitarization of the Rhineland -- were now recognized as final." In proposing and signing this pact, Germany refused to accept its post-Versailles eastern borders with Poland and Czechoslovakia, but even those borders could not be challenged militarily.

territory. Article 2 listed one of the purposes of the organization as "To defend [the African states'] sovereignty, their territorial integrity, and independence," while Article 3 elaborated by declaring adherence to the principle of "Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independence existence." Similar provisions subsequently appeared in the Organization of the Islamic Conference's Charter, CSCE's Helsinki Final Act, and ASEAN's Treaty of Amity and Cooperation in Southeast Asia during the 1970s; SAARC Charter and Andean Community's Declaration of Galápagos in the 1980s; the charters of the CIS and the CICA in the 1990s; and charters or treaties associated with the GUAM, SEECF, SCO, CSTO, and ECCAS in the 2000s.

This distinction between violent and general territorial integrity obligations appears to be important. Most early efforts, such as those embodied in the League of Nations and United Nations as well as in several Latin American treaties, accepted the possibility of peaceful territorial change while opposing the acquisition of territory through violent or coercive means. In cases such as Locarno and the OAU, though, even peaceful change was seen as a serious threat, and the existing borders (whether created through Versailles or through colonization) were not to be challenged through either peaceful or military means. If the explicit content of a norm is to be taken as a guide to the norm's intended effects, it appears reasonable to offer the following hypotheses:

Hypothesis 1: Militarized challenges to territory should be less likely when there is a stronger territorial integrity norm, including both violent and general territorial integrity provisions.

Hypothesis 2: Violent transfers of territory should be less likely when there is a stronger territorial integrity norm, including both violent and general territorial integrity provisions.

Hypothesis 2a: Transfers of territory through peaceful methods should be less likely when there is a stronger territorial integrity norm, as reflected in general territorial integrity provisions; violent territorial integrity provisions should have little impact.

The Latin American *Uti Possidetis* Norm

Although Zacher dates the emergence stage of the modern territorial integrity norm as beginning with the signing of the League of Nations Covenant, it had an important predecessor in the Western Hemisphere.⁶ The legal doctrine of *uti possidetis juris* or *uti possidetis de jure* is

⁶ Zacher recognizes *uti possidetis* as a precursor of the global territorial integrity norm, and notes (2001: 229) that "While the principle was not respected by all countries in the region throughout the nineteenth century, it had some impact in promoting greater order in the region." He omits this doctrine from his main analysis, though, because "the Latin American states were marginal to the system in the nineteenth century." While this doctrine may have been an important precedent behind the twentieth-century rise of the territorial integrity in Europe and then elsewhere, then, it had little contemporary influence on the behavior of states outside of Latin America.

defined by *Black's Law Dictionary* as "The doctrine that old administrative boundaries will become international boundaries when a political subdivision achieves independence" (Garner 1999: 1544; see also Prescott 1987: 105-106, Ratner 1996). The basic principle dates to Roman times and takes its name from the Latin phrase "*uti possidetis, ita possideatis*," or "as you possess, so may you possess" (e.g., Lalonde 2002: Chapter 1; Shaw 1996: 98).

The modern *uti possidetis* doctrine emerged after the decolonization of Latin America in the early 19th century. This doctrine was summarized in the 1922 arbitral award by the Swiss Federal Council that settled the territorial claim between Colombia and Venezuela, which described *uti possidetis* as "the basis of South American public law":

When the Spanish colonies of Central and South America proclaimed their independence in the second decade of the nineteenth century, they adopted a principle of constitutional and international law to which they gave the name of *uti possidetis juris* of 1810. The principle laid down the rule that the boundaries of the newly established republics would be the frontiers of the Spanish provinces which they were succeeding. This general principle offered the advantage of establishing the general rule that in law no territory of old Spanish America was without an owner. (...) The principle also had the advantage, it was hoped, of doing away with boundary disputes between the new states. (Scott 1922: 428-429)

Under this doctrine, each state in the region was to be recognized as possessing all territories that were presumed to be possessed by its colonial predecessor as of 1810 (for South America) or 1821 (for Central America), reflecting the last periods of unchallenged Spanish rule (and thus the last times that borders could be considered to have been under Spanish authority). Much like the Monroe Doctrine proclaimed by the United States, this doctrine was intended to prevent new claims to Latin American territory by extra-regional states, because the entire continent was already considered to be under the sovereignty of independent states. Furthermore, there should be little or no territorial conflict among the Latin American states themselves because of the clear identification of each border's location based on colonial-era administrative lines -- although the doctrine was generally treated as a starting point for determining borders, allowing two parties to depart from the colonial-era administrative boundaries through mutual agreement if desired (Brownlie 1998: 133; Castellino 2000: 63ff, 142-143; Ireland 1938: 327-329; Lalonde 2002: 28 ff; Ratner 1996: 593-595, 598-601; Sharma 1997: 119-129; Shaw 1996: 141-150; Shaw 1997: 216).⁷

⁷ There is some disagreement about the relative importance of the intraregional and extraregional elements in the development of *uti possidetis* in Latin America. Shaw (1996: 98) argues that "the real thrust of the doctrine as developed in Latin America was external rather than internal. It was intended to prevent any renewal of European colonization on the basis that parts of the continent constituted *terrae nullius* and thus were open to acquisition of sovereignty by effective occupation by any State." He goes on to argue that the primary application of the doctrine would later evolve to be concerned primarily with the prevention of settlement of boundary disputes between Latin American states (Shaw 1996: 99-100). Castellino and Allen (2003: 63) suggest, though, that the

While numerous scholars recognize the Latin American application of *uti possidetis* and describe it in similar terms, though, it is very difficult to pinpoint when the norm first emerged, or to measure its changing strength over time. This principle was not embodied in any Spanish treaties or documents, but evolved over the nineteenth century at the initiative of the new Latin American leaders, who sought to maintain their independence and consolidate their rule. These leaders held a number of multilateral conferences that considered similar proposals related to *uti possidetis*, often centering around a regional confederation or alliance against extraregional threats as well as seeking to manage or avoid intraregional territorial problems. While many of these conferences produced treaties, none received the needed ratifications to take legal effect. Nonetheless, the content of these various treaties offers insight into the evolving understanding of *uti possidetis* in Latin America.

Norm Emergence

The norm emergence stage for *uti possidetis* – when norm entrepreneurs attempt to convince state leaders to follow the desired norm -- can be described as beginning around the time of independence from Spain, when some norm entrepreneurs began to proclaim the norm but it was not widely accepted. For example, Chilean statesmen laid out the basic principle in 1810 in a proposal for a confederation of sovereign states, with the goal of uniting to defend against external threats as well as to prevent wars among themselves. Nothing came of this proposal, though (Alvarez 1909: 276; Castellino and Allen 2003: 67-68).

The next effort was the 1826 Panama Congress, convened by Simón Bolívar, the leader of Gran Colombia who had been instrumental in defeating the Spanish. Bolívar sought to create a confederation of independent states, which would be able to defeat any Spanish return to the region as well as resolving conflicts among the member states. This Congress produced a Treaty of Union, League, and Perpetual Confederation between Mexico, Central America, Gran Colombia, and Peru. This pact emphasized common defense against Spain, and included guarantees of the members' sovereignty and territorial integrity against foreign powers' attempts to colonize or establish settlements. It also renounced the use of force among the confederated states, and provided for the peaceful settlement of disputes between members of the confederation. Finally, once the members had reached mutually agreeable borders, the confederation was to guarantee intraregional territorial integrity, although this is distinguished from the traditional *uti possidetis*

intraregional element was also quite important in the early development of the doctrine, because the fledgling states recognized that boundary disputes between the new states were likely because of the manner in which they had been administered by the Spanish: "Internally it was important for the Creoles to come to some agreement amongst themselves with regard to the extent of their territorial limits so as to prevent infighting and forceful renegotiation of boundaries between themselves. Accordingly it was necessary to build the geographical parameters of the new state into its constitution to forestall territorial disputes that might arise between states."

doctrine by the lack of discussion of colonial borders and the postponement of the guarantee until the borders had been settled by the parties themselves (Alvarez 1909: 277-279; Bächler 1975: 289-290; Bächler 1976: 233-234; Castellino and Allen 2003: 68-69; Inman 1965: 8-11; Kunz 1953: 660-666). After the 1826 treaty failed to attract the needed ratifications, numerous other efforts were made to convene a new conference, including seven unsuccessful Mexican efforts between 1831-1842 and several Chilean efforts in the 1840s (Inman 1965: 20-21; Marcus 1952: 187-189; Nuermberger 1940: 32).

While *uti possidetis* may not have been formalized in the first years after independence, Ireland (1938: 327) argues that the first post-Spanish juntas in Latin America "seemed to recognize the general frontiers of their jurisdiction at the boundaries of the former governments in whose capitals they were functioning, and tacitly to recognize the mutual advantages of such limitations." Over the coming years, the constitutions of some Latin American states declared their borders as following the lines of the states' respective Spanish colonial predecessors (Alvarez 1909: 290; Bächler 1975: 314-324; Lalonde 2002: 29-30). For example, Colombia's 1819 constitution (when the new Colombian state included both New Granada and Venezuela) declared that its territories "shall be those comprehended in the former Captain-generalship of Venezuela and the Vice-royalty of the New Kingdom of Granada... whereof the exact boundaries shall be fixed at a more reasonable opportunity"; similar provisions can be found in the early constitutions of Mexico, Peru, Bolivia, Venezuela, the Republic of Central America, Honduras, and El Salvador. References to colonial borders were also written into numerous border treaties between former Spanish colonies; Bächler (1975: 295-314) notes eighteen such treaties in the nineteenth century alone, as well as others during the twentieth century or with such partners as Brazil or Spain.⁸

Norm Cascade

The norm cascade stage in the development of *uti possidetis* – when states that have accepted the norm attempt to socialize other states to accept it as well -- began with the 1847-1848 Congress of Lima, which was the first multilateral effort that we are aware of that explicitly addresses the intraregional dimension of territorial integrity. This congress produced a Treaty of Confederation between New Granada, Ecuador, Peru, Bolivia, and Chile. Article 7 sought to prevent

⁸ While numerous constitutions and treaties referred to colonial referents while defining national territories or determining international borders, Lalonde (2002: 33-34) notes that only four Costa Rican constitutions among the more than eighty nineteenth-century Latin American constitutions explicitly mentioned the phrase *uti possidetis*, as did only five of 127 border treaties that she consulted. Even the 1848 Treaty of Confederation -- widely regarded as proclaiming the *uti possidetis* principle -- does not mention this principle by name. Lalonde uses this absence of this specific phrase to argue against the common conclusion that *uti possidetis* had much influence on Latin American leaders, although we (like most others) are satisfied that the frequent reference to

hemispheric solidarity from being disrupted by border issues between the Latin American states, leading to a declaration that (in the absence of special arrangements by the interested parties themselves) borders should be those that the respective countries had possessed at the time of their independence from Spain. Other provisions called for mediation by other signatories in the event of serious problems that may arise, particularly over territorial questions, and for arbitration of issues that could not otherwise be resolved peacefully. Most controversially, Article 8 demanded that before territories could be united, separated, or acquired by confederation members, the involved parties would have to declare that the change was not prejudicial to the confederation's interests and security, and the action would be subject to the confederation's veto (Alvarez 1909: 280-283; Bächler 1975: 290-293; Bächler 1976: 234-235; Castellino and Allen 2003: 69; Ireland 1938: 327; Kunz 1953: 667-669; Marcus 1952: 189-192).

Other scholars agree that this congress and the treaty that resulted from it represented an important milestone in the development of *uti possidetis*. Alvarez (1909: 290), for example, notes that the *uti possidetis* of 1810 "was, moreover, recognized in fact by all the states, and proclaimed in the Congress of Lima in 1848." Similarly, Ireland (1938: 327) writes that the doctrine "came gradually to be accepted as a general guiding principle, in South America known as the doctrine of the *Uti Possidetis* of 1810, and proclaimed in the Congress of Lima in 1848." Bächler (1976: 261) argues that at the start of independence from Spanish rule, border problems between the new states were practically nonexistent; it was only later, when national consolidation and the discovery of new resources necessitated the precise demarcation of border lines, that *uti possidetis* was applied in earnest. Edwards (1925: 290) similarly suggests that the intraregional dimension of *uti possidetis* was recognized as important during the Congress of Lima: "Already frontier questions were beginning to appear and, in order to prevent the conflicts to which they might give rise, it was decided that, in the absence of special stipulations, the boundaries of the various States should be those existing at the time of their emancipation from the Spanish rule."

After the 1848 treaty, a number of other multilateral efforts attempted to formalize elements of *uti possidetis*. The next effort began with the Continental Treaty or Tripartite Treaty that was signed in Santiago by Chile, Ecuador, and Peru on 15 September 1856, with the goal of producing a confederation of Latin American states (for the first time allowing the inclusion of Brazil). Article 13 contained a pledge not to cede national territory to any foreign power or to recognize any such cession, although it allowed the cession of territory between signatory states for the purpose of regulating or establishing their borders for mutual benefit; other articles included provisions for mediation of serious issues arising among member states. The signatories attempted to broaden the pact to include other states, and a two-day conference of Latin American diplomats at the Peruvian

colonial borders qualifies (even if these references are not accompanied by the Latin phrase itself).

legation in Washington led to a "plan of alliance" signed by seven states on 9 November 1856. While a number of states eventually signed the treaty, though, it never came into effect, and was shelved by the three original signatories in September 1857 (Alvarez 1909: 283-285; Bächler 1975: 294; Castellino and Allen 2003: 70-71; Marcus 1952: 193-194; Nuernberger 1940: 43-54).

An 1864-1865 congress in Lima (including Peru, Chile, El Salvador, Venezuela, Colombia, Ecuador, and Bolivia,) produced the Pact of Union and Defensive Alliance, which called for joint action to defend signatories' independence and territorial integrity against any foreign aggression, whether from other signatories or from extraregional powers. Each state agreed to refuse to grant any protectorate or cede any territory, although the pact allowed the peaceful renegotiation of boundaries and exchanges of contiguous territory between the parties via mutual agreement. This congress also produced the Pact of Preservation of Peace, which provided that only peaceful mechanisms could be used to settle differences (specifically including territorial problems) and required the use of other members' good offices or arbitration when the parties could not settle their problems bilaterally (Alvarez 1909: 285-287; Castellino and Allen 2003: 71-73; Frazer 1949: 339-340; Inman 1965: 26-29; Kunz 1953: 670-672; Marcus 1952: 194-200).

As Alvarez (1990: 300 ff) describes it, the idea of Latin American confederation was largely abandoned later in the nineteenth century, "principally owing to the fact that the fear of European conquest no longer existed." By this time, efforts turned from solidarity against external threats to the management of internal threats to order and stability. As the century drew to a close, the Latin American states and the United States began efforts to integrate the hemisphere more closely, leading to the 1889-1890 Pan American Conference or Washington Conference (Alvarez 1909: 326-329). This conference produced a treaty calling for obligatory arbitration of differences as a general principle of inter-American relations, which was signed by most of the states at the conference but was never ratified by even one. The conference also produced a declaration rejecting conquest and declaring that the cession of territory under threat of force would be invalid, although this was not included in the final arbitration treaty that was signed at the end of the conference.

Norm Internalization

The internalization stage of the *uti possidetis* norm – when the norm becomes widely accepted and is no longer a matter of broad public debate -- is a bit more difficult to date than the earlier stages. The various international congresses that had been held during the nineteenth century always failed to produce a signed and ratified document embodying the principles of *uti possidetis* and intraregional respect for territorial integrity. Yet agreement on these principles appears to have increased during this time, culminating in the Swiss Federal Council's 1922 arbitral award in the Colombia-Venezuela territorial claim. As noted earlier, this award described *uti possidetis* as a standard principle of Latin American international law, indicating that an outside

party with little direct involvement in the region believed that this doctrine was widely accepted in the region.⁹ We consider this to be the first evidence that *uti possidetis* had reached the norm internalization stage, although this may have happened earlier.¹⁰

Over the next few decades after the Swiss award indicated that the states in the region generally accepted *uti possidetis*, multilateral treaties incorporating the principles associated with this norm finally began to come into effect. For example, states in the region signed the Anti-War Treaty of Non-Aggression and Conciliation (or Saavedra Lamas Pact) in reaction to the ongoing Chaco War between Bolivia and Paraguay in 1933. Article 2 of this pact declared that “territorial questions [between the High Contracting Parties] must not be settled by violence, and that they will not recognize any territorial arrangement which is not obtained by pacific means, nor the validity of the occupation or acquisition of territories that may be brought about by force of arms.” This was followed the next year by the Montevideo Convention on Rights and Duties of States, which included the following obligations in Article 11: “The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.” Each former Spanish colony in Central and South America signed one or both pacts, except for Bolivia (which was then involved in the Chaco War); Paraguay waited until after the war was ended and the Chaco issue with Bolivia was settled before signing.

There also seems to have been a point where the norm was clearly internalized in nearly every state in the region. Zacher (2001) sees the year 1975 as a watershed year when the general territorial integrity norm was significantly strengthened by the signing of new documents such as the Helsinki Final Act, and he finds no more cases of successful territorial aggrandizement after this time. For Latin America, 1948 appears to have been a similar watershed. Before this time, the treaties that had been signed included relatively few states, primarily in South America. During these years, though, the charter of the Organization of American States was signed on 30 April 1948 (it entered into force in December 1951 following enough ratifications), including the following provisions in Article 21: “The territory of a State is inviolable; it may not be the object,

⁹ Bächler (1975: 217-233) also notes that references to colonial borders were common in arbitral awards concerning Latin American borders, although the term *uti possidetis* was not explicitly mentioned in many of these awards.

¹⁰ Many of the Latin American states also signed and ratified the Covenant of the League of Nations, which (as noted above) contained an explicit guarantee of territorial integrity against external aggression, although this was not a specific effort by the Latin American states to enshrine their regional principles in writing.

even temporarily, or military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.” Around this same time, most of the Latin American states also signed the Inter-American Treaty of Reciprocal Assistance in September 1947 (entered into force in December 1948) and Treaty on Pacific Settlement or Pact of Bogotá in April 1948 (entered into force in May 1949), which reinforced the obligations to renounce the use of force and settle conflicts peacefully -- although without a specific territorial obligation. After this time, all of the former Spanish colonies in Latin America were bound by explicit obligations to respect all borders and to reject any coercive or forceful acquisition of territory in the region.

Impact of Uti Possidetis

With the timing of the norm described in as much detail as possible, we must now consider its specific content, in order to determine how effective this norm has been. With respect to the two types of territorial integrity obligations discussed earlier, the Latin American *uti possidetis* norm constituted a proscription against the violent acquisition of territory, rather than a general obligation to respect all states’ territorial integrity and reject peaceful change. Alvarez (1909: 344) notes that there was some effort "to proclaim as a principle of 'American' International Law the territorial integrity of the states of the New World exactly as they were when they freed themselves from Spanish dominion -- nullifying, in consequence, territorial accessions and annexations. But this has been no more than a noble ideal, and has not been given any practical application in the diplomatic history of America." Most discussions and applications of *uti possidetis* left open the possibility of peaceful territorial change by mutual agreement, only opposing the threat or use of force for the acquisition of territory.¹¹

The Latin American application of *uti possidetis* was also limited in effect to the territories of former Spanish colonies, with no impact on borders with (contemporary or former) colonies of other foreign powers. Castellino and Allen (2003: 65) note, for example, that the Creole leaders of the former Spanish colonies "did not feel the need to include other groups within the continent in the process." While some have suggested that Brazil -- which achieved independence around the same time as the Spanish colonies in South America -- was also covered by *uti possidetis*, Brazil generally rejected the application of *uti possidetis de jure* (legal possession) in favor of *uti possidetis de facto* (effective possession), an alternative doctrine that determines ownership of

¹¹ Kacowicz (2005: 77) notes a clear linkage in the Latin American application of the norms of *uti possidetis*, territorial integrity, respect for sovereignty, and the principle of avoiding the use of force; he cites several Latin American treaties that incorporate elements of each.

territory based on physical occupation rather than colonial title.¹² Brazil used this alternative doctrine to argue for the expansion of its territory well beyond the supposed 1810 legal borders with former Spanish colonies; not surprisingly, the former Spanish colonies generally opposed this, fearing the loss of territory to both Brazilian and European expansion (Ireland 1938: 327; Bächler 1976: 251-258; Ganzert 1934: 430 ff; Tambs 1966: 255 ff; Shaw 1996: 100; Lalonde 2002: 31-32; Parodi 2002: 6-8).

Many scholars have argued that this doctrine of *uti possidetis* generally reduced territorial conflict in the Americas. Castellino and Allen (2003: 74-75) argue that despite the failure of multilateral efforts to codify the *uti possidetis* principle, "there is little doubt that the doctrine of *uti possidetis* remained central to the conduct of governance and territorial demarcations in Latin America." Zacher (2001: 229) argues that *uti possidetis* "had some impact in promoting greater order" in Latin America, although it was not always respected by every country in the region. Kacowicz (2005: 60) suggests that "The norm of *uti possidetis* has fulfilled a crucial role in the peaceful settlement and management of territorial disputes and conflicts" in Latin America. He elaborates that "Without ruling out competing explanations of *Realpolitik* and self-interest, it is clear that the norms of peaceful settlement, *convivencia*, *concertación*, and *uti possidetis* help to explain the maintenance of regional peace since 1883," and that such norms and institutions "have kept the rigidity of the international borders" in the region and "have maintained international disputes without escalating to war." Domínguez et al. (2003: 21) also argue that "Given immense geographic spaces, seemingly insurmountable barriers such as the Andean mountains or the extensive dense tropical forests that filled much of Central and South America, state leaders with limited resources found it cost-effective to honor and rely on *uti possidetis* to address most border issues," and conclude that "*Uti possidetis juris* held successfully over time, with six exceptions, the last of which occurred in 1941." Ireland's (1938, 1941) territorial history of the Western Hemisphere is full of examples where two Latin American states agreed to make *uti possidetis* a key consideration in foreign arbitration over their border, and where borders that were eventually determined by independent states were very close to the previous Spanish colonial borders.

Despite the good intentions behind the application of *uti possidetis* in Latin America, many scholars note that the doctrine's application in this region was plagued by a number of problems (e.g., Brownlie 1998: 132-133; Prescott 1987: 105-106, 199 ff; Ratner 1996: 594, 607-608; Kacowicz 2005: 76-77). One issue was that the Spanish had employed a wide variety of

¹² Castellino and Allen (2003: 65) note that both Brazil and the former Spanish colonies in South America agreed that the lines at independence should be sacrosanct. The main difference, though, was that Brazil (which had expanded its de facto control well beyond the de jure borders established in various Spanish-Portuguese treaties) emphasized the de facto lines well its neighbors emphasized the de jure lines.

administrative units, with different borders often delimiting military, political, and religious entities; several different newly independent states could thus claim possession of the same territory based on inheritance from different Spanish entities. The Spanish often changed the borders of their administrative units over time through seemingly arbitrary royal decrees or *cédulas* from Madrid, raising questions about which state's colonial predecessor actually possessed a given territory under Spanish rule. For example, a Spanish royal order in 1803 transferred the islands of San Andrés and part of the Mosquito Coast from the Captaincy-General of Guatemala (today's Central America) to the Viceroyalty of Santa Fé (today's Colombia); both Costa Rica and Nicaragua claimed after independence that this transfer had only referred to military jurisdiction and had not changed political sovereignty (Ireland 1941: 164-165). Other borders were never clearly marked due to ignorance of local geography, as the entire continent was never completely explored or settled under Spanish rule. For example, the Bolivia-Chile and Bolivia-Paraguay borders were defined only vaguely and incompletely in Spanish documents and maps, allowing each side in these respective territorial claims to argue that its colonial predecessors had explored and administered territory beyond the presumptive border lines that were inherited at independence (Fifer 1972). As Boggs (1940: 80) notes, inconsistencies and ambiguities had not posed problems under a single colonial sovereign but were much more troublesome for relations between independent states.

Hill (1945: 155) suggests that these problems actually caused numerous problems with respect to Latin American borders, rather than solving them: "It was expected that the doctrine of *uti possidetis* would do away with boundary disputes between the new states of Latin America, but such was not the case. No one can tell whether there have been fewer disputes, but it is certain that the doctrine itself has been the cause of many." Prescott (1987: 105) similarly argues the *uti possidetis* principle "in fact caused some conflict because of confusion over its interpretation." Lalonde (2002: 230-231) summarizes her study of nineteenth century Latin America on a similarly negative note: "we were unable to conclude that the *uti possidetis* principle had played either a significant or a successful role in settling boundary issues between the new republics... a number of obstacles prevented the *uti possidetis* principle from having much of an impact in Latin America: different interpretations of the principle, inconsistent state practice, and a lack of precise information regarding the location of the former Spanish administrative lines."

These widely varying views on the impact of *uti possidetis* indicate that systematic empirical analysis is needed. This doctrine appears to have been an important precursor to the global territorial integrity norm, which was used to promote territorial stability both between Latin American states and to prevent outside actors from making new claims. While some scholars conclude that it successfully reduced militarized conflict over territory between the former Spanish colonies, others argue that the difficulties in its application may have increased or worsened such challenges. We examine the impact of *uti possidetis* with the following hypotheses:

Hypothesis 3: Militarized challenges to territory should be less likely, *ceteris paribus*, when there is a stronger *uti possidetis* norm.

Hypothesis 3a: Territorial claims between former Spanish colonies in Latin America should be less likely to lead to militarized conflict than comparable claims elsewhere in the world.

Hypothesis 3b: Territorial claims between former Spanish colonies in Latin America should be less likely to lead to militarized conflict when there is a stronger regional recognition of the *uti possidetis* doctrine with respect to intraregional borders.

It should be noted that we are focusing here on the intraregional rather than extraregional dimension of *uti possidetis*. There are several issues that would complicate a systematic analysis of the extraregional dimension. First, even if the doctrine were to be accepted as an international norm by the Latin American states (the main focus of this paper's analysis), the success of this norm at preventing foreign intervention or expansion would require that the foreign states accept the norm, and we are not aware of systematic scholarship claiming that the major European powers accepted the legal arguments behind this norm. Second, if such an analysis were attempted, it would be nearly impossible to disentangle the effects of the Latin American states' emphasis on *uti possidetis* from the effects of the United States' Monroe Doctrine, which began around the same time and similarly sought to oppose any extraregional intervention in the Western Hemisphere (these similarities are discussed extensively by Alvarez 1909). Few extraregional claims began after the region achieved independence, with the notable exceptions of the 1860s Spanish claim to the Chincha Islands and numerous U.S. efforts to expand and acquire territory throughout the region. While this relative lack of extraregional involvement is certainly consistent with this norm, though, we are unwilling to attribute this to the functioning of an effective Latin American norm that spread to affect the behavior of major European powers.

Research Design

These hypotheses will be tested using two approaches. First, we will undertake an analysis of global patterns of territorial conflict since 1816. This approach, similar to Zacher's (2001) preliminary evaluation of the territorial integrity norm, will allow us to determine how much impact both violent and general territorial integrity obligations appear to have had on armed conflict over territory. We will supplement this with a more detailed analysis of territorial claim management using data on specific territorial claims, which will allow us to examine the impact of *uti possidetis* and territorial integrity norms while controlling for other factors such as the salience of the territory that is at stake in each situation.

Global Analysis of Territorial Integrity Norms

Our global analyses involve an analysis of territorial conflict over the modern era, covering global history since 1816 (the time span covered by the necessary data sets). The purpose of these analyses is to determine whether the increasing strength of the territorial integrity norm(s) over time has been associated with a reduction in territorial conflict. This approach is similar to that used by Zacher (2001: 223-224), who examined various historical periods to compare the number of territorial conflicts that occurred and the proportion of these conflicts that led to the redistribution of territory. Zacher found that this proportion had declined substantially over time, and that the number of redistributions per year had dropped dramatically from the first half to the second half of the twentieth century. Zacher concluded that the territorial integrity norm had made an important difference in territorial conflict behavior.

We seek to improve on Zacher's analyses in several ways. First, we offer multiple measures of the changing strength of territorial integrity norms over time, which we believe will allow a more accurate measure of the norms' impact. We also examine this impact using multiple measures of territorial conflict, ranging from low-level armed conflict over territory to the violent transfer of territory between nation-states. Finally, whereas Zacher (2001: 224) explicitly noted that he was making no claim about the statistical significance of his results, we seek to use statistical techniques to get the most accurate picture of the actual impact of these norms.¹³

Measuring Territorial Integrity Norms

Zacher measured the strength of the global territorial integrity norm by reference to international treaties and documents that seemed to embody this norm, which he used to delimit which historical eras corresponded to Finnemore and Sikkink's stages of norm development. We believe that a more accurate measurement can be made with reference to the actual treaties themselves. That is, rather than using the signing of major treaties or documents to indicate which years seem to fit various stages of norm development, we measure the average number of territorial integrity obligations that each state has accepted in a given year. This approach gives a much more detailed indication of the strength of the norm at any point in time, and captures variation in the norm's strength within each of the various stages of norm development.

[Table 1 about here]

We have already described the differences between violent and general territorial integrity obligations, and presented a list of multilateral treaties encapsulating each type of obligation in Appendix I. Table 1 presents the average number of territorial integrity obligations for each state in

¹³ As discussed earlier, Zacher (2001: 224) also noted that the criteria for inclusion of wars were different for the years before and after 1945, which is the time when he found the greatest apparent

the international system, both overall and for each historical era in the territorial integrity norm as described by Zacher. There were no qualifying territorial integrity treaties of either type before 1919. During what Zacher describes as the norm's emergence stage (1919-1945), each state has an average of 1.0 violent territorial integrity obligations per year, reflecting membership in the League of Nations as well as signature of several South American treaties; there is also an average of 0.03 general territorial integrity obligations, reflecting the few states in the Locarno Pact. In the norm cascade stage (1946-1975), these figures rise to 1.46 violent obligations and 0.37 general obligations, and the total commitments rises from 1.03 to 1.83 per year. Finally, in the norm internalization stage (1976-2001), violent obligations increase slightly to 1.49 and general obligations increase substantially to 1.52, for a total of 3.0 territorial integrity obligations per year. These obligations are thus consistent with Zacher's characterization of the various phases of the norm, with the added benefit of capturing variation in the strength of the norm within each phase in the norm's development as new states join existing treaties or new treaties are signed.

We use these treaty obligations to measure the strength of the territorial integrity norm. Our analyses begin by comparing Zacher's historical periods (1816-1918, 1919-1945, 1946-1975, and 1976-2001), for the fairest comparison with his preliminary analyses. We then supplement this with analyses using the average number of territorial integrity obligations of each type -- violent, general, and total -- in the interstate system in a given year. When the average state in the system has more such obligations, then we believe that the territorial integrity norm is stronger, in the sense that more states in the system have accepted territorial integrity provisions in the treaties that they have signed. We believe that this will give a more accurate measure of the strength of this norm than is possible with a simple distinction between different historical periods where the norm was said to be stronger, particularly by allowing variation of the strength of the norm within each historical stage in the development of the norm.

Dependent Variables

In testing the impact of the *uti possidetis* and territorial integrity norms, it is important to specify exactly which types of behavior would be considered to violate the norms. Zacher focused on successful territorial aggrandizement by force, which he measured by major territorial aggressions that led to the redistribution of territory. We focus on multiple forms of conflict over territory, recognizing that different treaties specify different behaviors that are proscribed.

First, we are interested in the outbreak of armed conflict over territory. Unlike Zacher, we consider the threat or use of military force to be in opposition to the territorial integrity norm, because it represents the type of behavior that the norm seeks to prevent; we believe that a

impact of the norm.

successful norm will prevent attempts to conquer or otherwise acquire territory by force, as well as preventing the success of such attempts when they are made. We measure this using version 3.02 of the Correlates of War (COW) militarized interstate dispute data set (Ghosn et al. 2004), using the status quo revision variables to determine whether at least one of the participants in a given dispute was attempting to modify the territorial status quo; we exclude all disputes where no disputant was attempting to do so. One potential objection to using this data set is that many militarized disputes only include isolated threats or border buildups that never escalate to more dangerous levels, and would thus not qualify as what Zacher (2001) called "territorial wars" or "major military conflicts." We thus supplement the overall analyses by using the subset of militarized disputes that produced more than one hundred battlefield fatalities.

As with Zacher, though, we recognize that the success of efforts to acquire territory is also important. We thus include additional analyses examining the transfer of territory, as measured by the COW territorial change data set (Goertz and Diehl 1992). We limit the analysis to those cases where territory is exchanged between two members of the interstate system, because the data set includes many cases where a state acquires territory from a non-state actor or loses territory to such an actor; we are only concerned with interaction between states. We also distinguish between territorial changes that occur through peaceful means and those that occur through organized violence; both violent and general territorial integrity obligations seek to prevent the violent transfer of territory, but violent obligations appear to allow the peaceful transfer of territory, making this an important distinction for analysis.

Analysis of *Uti Possidetis* in Latin America

The global analyses discussed so far have several important limitations. First, they are unable to determine whether the states that have accepted territorial integrity obligations at any given point in time are the ones that engage in any observed territorial conflict at that time. Second, they are unable to determine how many states are engaged in territorial claims at any given point in time, and thus how many states might be willing to consider threatening or using force over territory. Finally, to the extent that territorial claims do exist at any point in time, they are unable to determine the salience or value of the claimed territory, which seems likely to be an important influence on states' decisions about whether or not to use force. We supplement the global analyses with a more detailed analysis of territorial claims that can help to overcome these limitations, and that is particularly useful for studying the *uti possidetis* norm in Latin America.

These analyses use data on territorial claims from the Issue Correlates of War (ICOW) project, which includes all cases where official government representatives of at least two nation-states make explicit, competing claims to sovereignty over specific territories (Hensel 2001). Unfortunately, this data set is currently only complete for claims to territory in the Western

Hemisphere (North, Central, and South America and the Caribbean) and Western Europe from 1816-2001; the best alternative data set, Huth and Allee's territorial disputes data, covers the whole world but only goes back to 1919 and is thus of little help in assessing how the post-World War I era (when the territorial integrity norm is said to have developed) differs from earlier times. The ICOW data is actually quite reasonable for this project, though, because it is already complete for the two regions where most states have been independent for most of the past two centuries. Additional regions such as Africa or the Middle East would not offer as useful a comparison to the interactions of the Latin American states in the nineteenth century, because most states in those regions were not independent in the era before the *uti possidetis* and territorial integrity norms began to develop.

Measuring the Uti Possidetis Norm

Unfortunately for measuring the *uti possidetis* norm in Latin America, there is no easy way to measure the changing strength of this norm over time. As discussed above, there are no multilateral treaties or documents that specifically embody this norm in the nineteenth century when the norm was said to be developing and strengthening; the various attempts to produce such treaties failed to attract either enough signatures or enough ratifications to take legal effect. The best that we can do is to distinguish between the years when we believe the norm was in each stage of development, as discussed earlier: the emergence phase, beginning with the 1848 congress; the cascade phase, beginning with the 1922 Swiss arbitral award; and the internalization phase, beginning with the entry into force of the OAS charter in 1951.

Another important way to evaluate this norm is to distinguish between states whose relations were said to be governed by the norm, and states that should have been unaffected. As discussed above, it seems clear that the intraregional provisions of *uti possidetis* were only intended to apply to relations between the former Spanish colonies of Central and South America. Each multilateral conference that attempted to encapsulate the norm in treaty form involved former Spanish colonies; Brazil generally rejected *uti possidetis de jure* in favor of the alternative *uti possidetis de facto*; and there appears to have been little effort to spread the norm to Central or South American colonies of other powers (notably Belize, Guyana, and Suriname).

Dependent Variables

Our analysis of territorial claims examines the militarization of claims, or the outbreak of militarized interstate disputes over territory. As with the global analyses, we run separate analyses examining the outbreak of any militarized dispute and the outbreak of disputes that produce more than one hundred battlefield fatalities. We add a new wrinkle here, though, in order to make sure that the militarized dispute is only counted for the territorial claim(s) that it sought to resolve; two

states may be involved in numerous territorial claims at the same time. Identification of militarized disputes begins with version 3.02 of the militarized dispute data set, as discussed earlier, but involves additional work to determine for each dispute whether it involved attempts to change the status quo with respect to a specific territorial claim in the ICOW data set.¹⁴

Control Variables

In order to avoid exaggerating the impact of the international norm, these analyses will control for the impact of other factors that might make armed conflict more or less likely. We begin with the salience of the claimed territory, or its value to the participants. Earlier research (e.g., Huth 1996; Hensel 2001; Huth and Allee 2002) suggests that claims involving more salient territories are more difficult to resolve and more likely to lead to militarized conflict. We use the ICOW salience index (Hensel et al. 2006), which measures the presence or absence of six different indicators for each of the two claimants, each of which is thought to make the territory more valuable: a strategic location, valuable economic resources, ethnic or other identity ties to the territory, a permanent population rather than uninhabited territory, historical ties to the territory (as measured by exercising sovereignty over it within the previous two centuries), and homeland rather than colonial territory. Because each indicator may be present or absent for each of the two claimants, the salience measure ranges from zero to twelve in any given year.

We also control for the adversaries' recent conflict behavior over the same territorial claim, with the expectation that the accumulation of more recent conflict will make subsequent conflict more likely. We measure each of these variables using a weighted score to indicate both the number of events and how recently they occurred. Events in the most recent year before the observation contribute a value of 1.0 to the weighted score. Earlier events' weights decline by ten percent each year, so an event five years earlier contributes a value of 0.5 and an event ten years earlier contributes only 0.1 to the weighted score; the weighted values for all events in the past decade are added together (see also Hensel et al. 2006).

Finally, we control for joint democracy and the adversaries' and relative capabilities. A variety of research suggests that armed conflict is less likely between two political democracies; joint democracy is measured with the Polity 4 data set, and indicates whether or not both claimants were coded with values of six or greater on the Polity index of institutionalized democracy. If one state is substantially stronger than its opponent, then we might expect militarized conflict to be

¹⁴ The official MID data set is available at <<http://cow2.la.psu.edu/>>; the modified version used in this paper is available as part of the ICOW data downloads at <<http://data.icow.org>>. This measure codes some cases differently from the MID data itself, as we require that a given MID explicitly involve an attempt to revise the territorial status quo with respect to a specific ICOW territorial claim. Some cases that COW coded as involving territorial issues do not fit with a qualifying

much less likely than would be the case between two relatively even adversaries, drawing from a variety of research indicating that relative parity is much more conflictual than preponderance by one side. Relative capabilities are measured using the Composite Index of National Capabilities (CINC) score from version 3.01 of the COW National Material Capabilities data set (Singer 1988), taking the challenger's CINC score as a percentage of the dyadic total.

Empirical Analyses

[Tables 2 and 3 about here]

Global Analysis of Territorial Integrity Norms

Our first analyses address the global impact of territorial integrity norms. Table 2 presents the descriptive statistics of the variables used in this analysis. There is wide variation in both the dependent variables measuring territorial conflict and the independent variables measuring territorial integrity norms. For example, the number of militarized disputes over territorial issues ranges from zero to sixteen per year, and the number with more than 100 fatalities ranges from zero to four. The number of territorial changes also ranges from zero to 23, from zero to thirteen of which occurred through violent processes.

Table 3 presents the results of a number of OLS regression analyses. using a variety of measures of territorial integrity norms to predict a variety of measures of armed conflict over territory. Each model controls for the number of states in the interstate system, which seems likely to increase the amount of conflict as the system has grown. Not surprisingly, this control variable has a positive effect (increasing conflict) in almost every model, and it is statistically significant in about half.

The first measure of these norms uses dummy variables to capture Zacher's stages of the development of the territorial integrity norm, and produces somewhat surprising results. As the territorial norm is first developing and strengthening (1919-1945 and 1946-1975), militarized conflict over territory is significantly more likely than in earlier years before the norm first appeared, and there is no significant impact of the most recent phase when the norm was strongest (1976-2001). None of these stages in the norm's development has had a significant impact on any other measure of territorial conflict, though, whether severe militarized disputes over territory or either violent or peaceful territorial changes.

Measuring the strength of the norm with these simple temporal eras thus suggests that the norm has had little of the intended effect of reducing territorial conflict, even in the most recent era when it was supposedly strongest, and that the early development of the norm may even be associated with increased conflict (although not the most severe forms of conflict). The rest of this

ICOW claim, and some that COW did not code as territorial do indeed involve an ICOW claim.

table investigates whether stronger results are obtained by measuring the average number of territorial integrity obligations that each state has accepted. Separate analyses are run for violent and general territorial integrity obligations, as discussed earlier, as well as for all obligations of either type.

Violent territorial integrity obligations have a mixed effect, significantly increasing the number of militarized disputes over territory (which is consistent with the results using temporal eras described above) as well as the number of territorial changes per year, while not having any systematic impact on severe militarized disputes or violent territorial changes. General territorial integrity obligations have a much stronger and more consistent effect, though, significantly decreasing all four dependent variables. When both violent and general obligations are combined into a single measure of territorial integrity obligations, there is no significant impact, which is probably not surprising given the different effects of the two types of obligation.

Together, these results suggest that the territorial integrity norm has had relatively little impact on territorial conflict, at least until the norm began to be phrased in more general terms rather than specifically proscribing only the violent acquisition of territory. Hypothesis 1, which suggested that militarized challenges should be less likely when the norm is stronger, received mixed support; violent territorial integrity obligations are associated with more challenges overall but not more severe challenges, general territorial integrity obligations are associated with less challenges of each type, and combining these two categories of obligations has no systematic effect. Hypothesis 2, which suggested that violent territorial changes should be less likely when the norm is stronger, also received mixed support; violent and total obligations have no systematic impact, while general territorial integrity obligations are associated with less violent changes. Finally, there is mixed support for Hypothesis 2a, which suggested that even peaceful territorial changes should be less likely under general territorial integrity obligations but that violent obligations should have little impact; general obligations are indeed associated with significantly less peaceful changes, but violent obligations are actually associated with more peaceful changes.

This is not to say, of course, that the development of a territorial integrity norm has ever *caused* territorial conflict. The apparent effect where several stages in the norm's development saw increased numbers of territorial militarized disputes, or where a greater prevalence of violent territorial integrity obligations is associated with more such disputes, may reflect the difficult international context that led to the signing of the treaties embodying the norm. For example, two of the earliest treaties embodying violent territorial integrity obligations -- the Saavedra Lamas Pact and the Montevideo Convention -- came about while South America was experiencing several major armed conflicts over territory (the Chaco War between Bolivia and Paraguay and the Leticia dispute between Colombia and Peru) and numerous other territorial claims. The occurrence of further conflict in the region -- and the significant, positive coefficients in Table 3 -- should be taken more

as evidence that these treaties were unable to control the already-existing problems that led to their creation, rather than that the treaties caused the problems to escalate.

These analyses also have some important limitations, as noted earlier. We have improved on Zacher's preliminary analyses by distinguishing between two different forms taken by the norm, examining four different indicators of territorial conflict, and controlling for the number of states in the system. Yet these analyses only examine the average number of territorial integrity obligations for each state in the system, and can not tell us whether the states with the most obligations are more or less likely to be involved in the observed conflict.¹⁵ They also can not tell us how many states are involved in territorial claims that might be managed through military conflict. It would be difficult to credit an international norm for the avoidance of territorial conflict when there were few or no situations where states disagreed over territory and could thus have considered starting territorial conflict.¹⁶ The remaining analyses attempt to address such concerns.

Analysis of *Uti Possidetis* in Latin America

Table 4 examines the impact of the *uti possidetis* norm -- measured three different ways -- on the outbreak of militarized conflict over territorial claims between former Spanish colonies in Central or South America. This is the area where this norm was intended to apply, as described above, so these cases offer the most appropriate way to test the impact of the norm as it changed in strength over time. Table 5 then compares these cases to all other territorial claims in the Western Hemisphere and Western Europe over the same time period, in order to determine whether these Latin American cases as a whole differed from other cases because of the norm,

[Tables 4 and 5 about here]

The top half of each table uses logit analysis to investigate the outbreak of any militarized dispute over a particular territorial claim, while the bottom half is limited to those disputes that produced more than 100 fatalities. In no case -- whether in Latin America or in the larger set of cases, and whether examining all conflict or only the most severe cases -- is there a systematic difference in the likelihood of conflict based on the era. Dummy variables indicating the periods that we consider to represent the emergence, cascade, and internalization stages of the norm are all

¹⁵ To Zacher, this is not a source of concern. At several points in his paper, he suggests that the occurrence of territorial conflict does not necessarily weaken the norm, as long as other states that accept the norm take action to ensure that the challenge is not successful. For example, the Iraqi invasion of Kuwait is considered to demonstrate the success of the norm, because other states responded to ensure that Iraqi forces were expelled from Kuwait.

¹⁶ This suggests another possible contextual effect, related to the interpretation of the apparent positive association between violent obligations and conflict. If treaties or institutions reflecting general territorial integrity obligations are only likely to be created once most existing problems have been resolved, the apparent negative association between general obligations and conflict may reflect the international environment's lack of possible challenges over territory.

insignificant. The number of territorial integrity obligations -- violent, general, or total -- shared by the adversaries is associated with more militarized disputes overall, although there is no systematic impact on the most severe disputes.

The results in Table 5 indicate that territorial claims between former Spanish colonies were more likely to experience armed conflict overall than are other claims in these regions, at least in Model I ($p < .03$); the result is slightly less significant in Models II and III ($p < .14$ in both cases).¹⁷ These same claims are less likely to experience serious armed conflict, though, with significant negative effects on conflicts of more than 100 fatalities ($p < .02$ or better in each model). For those cases where *uti possidetis* was intended to apply, then, its effects were mixed -- more armed conflict was experienced overall, but the resulting conflicts were much less likely to escalate to serious levels.

Most of the other variables in these models have significant effects as well. Consistent with past research, the salience of the claimed territory and the accumulation of recent militarized disputes both increase the probability of armed conflict in most models of Tables 4 and 5, whether measured by any militarized disputes or by those of more than 100 fatalities (for which salience did not have a systematic impact in Table 4). A greater imbalance in relative capabilities also makes conflict significantly less likely, both for any militarized disputes (where it was not significant in Table 4) and for those of more than 100 fatalities. Joint democracy has little systematic impact.

These results offer mixed support for the hypotheses. Hypothesis 3a suggested that territorial claims between former Spanish colonies in Latin America should be less likely to lead to militarized conflict than comparable claims elsewhere in the world. This does not seem to be supported when considering all militarized disputes, which includes threats to use force and border buildups as well as more violent confrontations, but it does appear to be true for more severe confrontations. Hypothesis 3b also suggested that within these cases, militarized conflict should be less likely when there is stronger regional recognition of the intraregional *uti possidetis* doctrine. There seems to be little support for this, whether the strength of the norm is measured by temporal periods for stages of norm development or by shared territorial integrity obligations.

Discussion

Taken together, this study's analyses suggest a clear picture of the impact of the territorial integrity norm and its *uti possidetis* predecessor. First, there have been two distinct territorial integrity norms in recent history, one that proscribes the acquisition of territory by the threat or use of force and one that seeks to preserve territorial integrity more generally. Both norms are

¹⁷ If general territorial integrity obligations are used instead of violent or total, the variable indicating claims between former Spanish colonies is statistically significant ($p < .04$).

becoming increasingly widespread, but their effects on territorial conflict appear to be mixed. They were also preceded by the *uti possidetis* norm in Latin America, which corresponded closely to the more recent violent territorial integrity norm, and which had similarly mixed results.

The Latin American states where the *uti possidetis* doctrine was applied may have been somewhat more likely than comparable states in other regions to engage in armed conflict over their territorial claims, but they were significantly less likely to engage in the most severe forms of conflict. None of the alternative measures of the strength of this norm had a stabilizing impact among these states, though, with greater numbers of territorial integrity obligations being associated with more armed conflict overall and having no systematic impact on more severe conflicts. Outside of Latin America, violent territorial integrity obligations -- which have been far more common than general obligations, at least until the last few decades of the twentieth century -- have had little systematic impact, although general territorial integrity obligations have been associated with a significant decrease in numerous measures of territorial conflict.

One important contribution of this study is the systematic evaluation of an important legal doctrine and international norm. This study's analyses reveal that neither *uti possidetis* nor the more global territorial integrity norms that followed it have been nearly as effective at avoiding challenges to the territorial status quo or reducing armed conflict as some have argued. Beyond evaluating this specific legal doctrine, the study has helped increase our understanding of the management of territorial claims. Our analyses indicate that neither the global territorial integrity norm described by Zacher (in either its general or violent manifestations) nor the earlier Latin American *uti possidetis* norm has been very successful in reducing armed conflict over territory.

This is not the final word on the impact of these norms, though. More work could be done to measure the norms more accurately than has been possible here. For example, the *uti possidetis* norm has been measured here with reference to the negotiation, signing, and ratification of multilateral treaties, but until the 1930s none of these treaties went into effect. This means that for over a century of relations among independent Latin American states, we are unable to measure the evolving strength of this norm. More creative measurement certainly seems possible, though, perhaps drawing from the example of Goertz and Diehl (1992). Goertz and Diehl measured the strength of the decolonization norm by the cumulative number of former colonies that had become independent by a given point in time, as well as by the proportion of these independences that occurred peacefully rather than through violence. Similar options for territorial integrity and *uti possidetis* might involve the cumulative number of constitutions, treaties, arbitral awards, or other observable phenomena that reflect the norm by referencing colonial borders; the proportion of states in the region that have adopted such constitutions or accepted such treaties; or the cumulative proportion of borders in the region that have been settled consistently with the norm, either reflecting the colonial border or being changed peacefully through mutual agreement. We are not

convinced that these alternative measures will produce results that are more consistent with the stabilizing goal of these norms, because a substantial amount of armed conflict has occurred when each of these measures seems likely to indicate a relatively strong norm, but adopting such measures will leave us with greater insight into the robustness of the present paper's results.

Future research should also investigate other aspects of *uti possidetis* besides militarized conflict. While the doctrine is primarily thought of as a way to prevent territorial problems from arising or from leading to armed conflict, most discussions of the doctrine also include an emphasis on the peaceful settlement of territorial questions. While the territorial integrity and *uti possidetis* norms as measured here have had little systematic impact on the avoidance of armed conflict, besides perhaps preventing conflicts that did occur from escalating to the most severe levels, these norms may have had a more positive impact on peaceful conflict settlement. Future research would do well to investigate the extent to which third parties became involved in efforts to manage or settle territorial questions as the norms strengthened, and perhaps to use survival analysis to examine the impact of these norms on the termination of territorial claims.

Finally, it would be desirable for future work to examine the impact of the *uti possidetis* and territorial integrity norms in additional regions. Although the legal principle of *uti possidetis* is typically associated with the Latin American experience, it has also been applied elsewhere, and in 1986 it was described by the International Court of Justice as a general principle with application across time and space.¹⁸ This principle has been mentioned by governments and tribunals with respect to former colonial borders in Africa and Asia, as well as borders resulting from the 1990s breakups of the Soviet Union, Yugoslavia, and Czechoslovakia, and even the potential secession of Quebec from Canada (e.g., Ratner 1996; Shaw 1996; Castellino 2000; Lalonde 2002; Castellino and Allen 2003).¹⁹ Most notably, the principle is enshrined in the OAU's 1963 charter and 1964 Cairo Declaration, in which the African leaders pledged "to respect the frontiers existing on their achievement of independence."

Once the ICOW project completes data collection for Africa, future work should compare the post-independence management of African borders with the Latin American experience studied here. A great deal of time passed between decolonization in Latin America and in Africa, and the

¹⁸ The ICJ's 1986 judgment in the Mali-Burkina Faso *Frontier Dispute* case describes the global applicability of *uti possidetis* as follows: "The territorial boundaries which have to be respected may also derive from international frontiers which previously divided a colony of one State from a colony of another, or indeed a colonial territory from the territory of an independent State, or one which was under protectorate, but had retained its international personality. There is no doubt that the obligation to respect pre-existing international frontiers in the event of State succession derives from a general rule of international law, whether or not the rule is expressed in the formula of *uti possidetis*." (ICJ 1986: ¶ 24)

¹⁹ Ratner (1996) argues, though, that the original doctrine of *uti possidetis* is most relevant for cases of decolonization and should not be applied unquestioningly to the breakup of an established state.

colonial powers (or the newly independent states in Africa) may have learned from the Latin American experience in ways that avoided many of the problems that arose in the Americas. As with *uti possidetis* in Latin America, there is some divergence in scholarly opinion on the OAU and the avoidance of territorial conflict in Africa. Kacowicz (1995: 271) and Zacher (2001: 229) conclude that African borders -- particularly in West Africa -- have generally been respected, in line with *uti possidetis*; Castellino (2000: 143) similarly concludes that "The doctrine of *uti possidetis* clearly played a vital role in the transition period when the fledgling states emerging out of decolonisation were most vulnerable to these forces of separatism and fragmentation." Taking a middle line, Touval (1966: 651-654) suggests that Africa had important advantages over Latin America in that the transition to independence was more orderly, most borders were already set by international treaties, and most borders were not as ill-defined or based on contradictory documents -- although numerous grounds for potential problems remain, such as the potential for irredentist conflicts over colonial-era borders that divide members of a single ethnic group or tribe. More skeptically, Prescott (1987: 105) notes that the 1964 OAU declaration was meant to prevent the emergence of territorial disputes in Africa, but concludes that "Unfortunately, it has not succeeded in that intention." Further research can help to determine which of these varied characterizations of the African situation is most accurate, and to what extent the African experience since independence has differed from that of Latin America.

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Appendix 1: Territorial Integrity Provisions in Multilateral Treaties

Violent Territorial Integrity Obligations (*Rejection of Violent Territorial Challenges*)

League of Nations (1920-1946)

- Article 10 of League Covenant: "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League."

Saavedra Lamas Pact / Anti-War Treaty of Non-Aggression and Conciliation (1933-present; *partially replaced by 1948 Pact of Bogotá*)

- Article 2: "They declare that as between the High Contracting Parties, territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement which is not obtained by pacific means, nor the validity of the occupation or acquisition of territories that may be brought about by force of arms."

Montevideo Convention on Rights and Duties of States (1934-present)

- Article 11: "The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily."

United Nations (1945-present)

- Article 2 (4) of UN Charter: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Organization of American States (1951-present)

- Article 21 of OAS Charter: "The territory of a State is inviolable; it may not be the object, even temporarily, or military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized."

ECOWAS Protocol on Non-Aggression (1978-present, *although this will eventually be superseded by the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security when that comes into effect*)

- Article 1 of 1978 protocol: "Member States shall, in their relations with one another, refrain from the threat or use of force or aggression or from employing any other means inconsistent with the Charters of the United Nations and the Organization of African Unity against the territorial integrity or political independence of other Member States."
- Article 2 of 1978 protocol: "Each Member State shall refrain from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or political independence of the other Member States."
- Article 2 of the 1999 protocol: "Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organization (UNO) and the Organization of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People's Rights, particularly the following fundamental principles... territorial integrity and political independence of Member States."

SADC Protocol on Politics, Defense, and Security Cooperation (2004-present)

- Article 11: " a) In accordance with the Charter of the United Nations, State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state,

other than for the legitimate purpose of individual or collective self-defense against an armed attack."

General Territorial Integrity Obligations (*Rejection of All Territorial Challenges*)

Locarno Pact / Treaty of Mutual Guarantee (1925-1936)

- Article 1: "The High Contracting Parties collectively and severally guarantee, in the manner provided in the following Articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919."

Non-Aligned Movement (1961-present)

- 1955 Principles of Bandung: "2. Respect for the sovereignty and territorial integrity of all nations."

Organization of African Unity / African Union (1963-present)

- Article 2 of OAU Charter: "1. The Organization shall have the following purposes... (c) To defend [the African States'] sovereignty, their territorial integrity, and independence"
- Article 3 of OAU Charter: "The Member States, in pursuit of the purposes stated in Article 2, solemnly affirm and declare their adherence to the following principles... 3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence."
- Article 3 of AU Constitutive Act: "The objectives of the Union shall be to... (b) defend the sovereignty, territorial integrity and independence of its Member States"
- Article 4 of AU Constitutive Act: "The Union shall function in accordance with the following principles: (b) respect of borders existing on achievement of independence"

Organization of the Islamic Conference (1973-present)

- Charter of the Islamic Conference, Article II: "The member States decide and undertake that, in order to realize the objectives mentioned in the previous paragraph, they shall be inspired and guided by the following principles:
3. Respect of the sovereignty, independence, and territorial integrity of each member State"

Helsinki Final Act (1975-present)

- Point III - Inviolability of frontiers: "The participating states regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State."
- Point IV - Territorial integrity of states: "The participating States will respect the territorial integrity of each of the participating States. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force. The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal."

Treaty of Amity and Cooperation in Southeast Asia (1976-present)

- Article 2: "In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles... a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations"
- Article 10: "Each High Contracting Party shall not in any manner or form participate in any

activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party."

South Asian Association of Regional Cooperation (1985-present)

- Article II: "1. Cooperation within the framework of the Association shall be based on respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in the internal affairs of other States and mutual benefit."

Andean Community (1989-present)

- Article 12 of Declaration of Galápagos: "The Presidents of Bolivia, Colombia, Ecuador, Peru, and Venezuela... Agree in the following declaration to...
2. Reaffirm their commitment to secure peace and cooperation in the Subregion and observe in their relations the principles on the prohibition of the use or threat of force, on the pacific settlement of conflicts, respect for national sovereignty, and compliance with the obligations arising from international legal instruments, as well as to abstain from actions against the territorial integrity, political independence, or unity of any of the states."

Commonwealth of Independent States (1991-present)

- Article 3 of CIS Charter: "For the achievement of the Commonwealth's objectives, the Member States shall, proceeding from the universally recognized norms of international law and the Helsinki Final Act, organize their relationships in accordance with the following interconnected principles of equal value: (...)
--inviolability of state borders, recognition of existing borders, and rejection of unlawful territorial acquisitions;
--territorial integrity of states and rejection of any actions aimed at dismembering another state's territory"

Conference on Interaction and Confidence Building Measures in Asia (1999-present)

- Article III of Declaration of the Principles Guiding Relations among the CICA Member States: "The Member States shall respect the territorial integrity of each other. They recognize the inviolability of state boundaries and therefore they shall refrain at present and in the future from any attempt to violate these boundaries. The Member States shall likewise refrain from making each other's territory the subject of military occupation or other direct or indirect use of force in contravention of international law, or an object of acquisition by means of such measures or the threat of their implementation. No such occupation or acquisition will be recognized as legitimate."

GUUAM/GUAM Organization for Democracy and Economic Development (2001-present)

- "Principles of GUUAM Cooperation" in Yalta GUUAM Charter: "Cooperation within the GUUAM is based on the universally recognized principles and norms of international law, in particular, on the respect for sovereignty, independence, territorial integrity and non-interference in domestic affairs of the Member States."

South-East European Cooperation Process (2000-present)

- "Scope and Principles of the Regional Cooperation" in Bucharest Charter: " The cooperation among our countries shall be founded on the UN Charter, on the principle of full observance of the territorial integrity and sovereignty of all the states in our region, on the principles of the OSCE and the relevant documents of the Council of Europe..."
• "Objectives and Mechanisms of Cooperation" in Bucharest Charter: " Our political and security cooperation serving this purpose shall be focused on:
--Creating peaceful and good-neighborly relations in the region through reconciliation, recognition of the inviolability of the existing international borders and the peaceful resolution of disputes, on the basis of international law..."

Shanghai Cooperation Organization (2001-present)

- Article 5 of the Declaration on the Establishment of the SCO: “The States members of the Shanghai Cooperation Organization firmly adhere to the purposes and principles of the Charter of the United Nations, the principles of mutual respect for independence, sovereignty and territorial integrity, equal rights and mutual advantage, resolution of all issues through joint consultations, non-interference in internal affairs, non-use or threat of use of military force, and renunciation of unilateral military advantage in contiguous areas.”

Collective Security Treaty Organization (2003-present)

- Preamble of CSTO Charter: "Seeking to establish favorable and stable conditions for the full development of the States Parties to the Treaty and to ensure their security, sovereignty and territorial integrity..."
- Article 3 of CSTO Charter: "The purposes of the Organization are to strengthen peace and international and regional security and stability and to ensure the collective defense of the independence, territorial integrity and sovereignty of the member States..."

ECCAS Protocol Relating to the Establishment of a Mutual Security Pact in Central Africa / COPAX Protocol (2000-present)

- Article 3: "The member states reaffirm their attachment to the principles of the UN Charter, OAU Charter, Universal Declaration of Human Rights, and ECCAS Treaty, notably:
(d) respect of the sovereignty, territorial integrity, and national unity of states;
(f) inviolability of the borders inherited from colonization"

Notes

- Dates for each treaty reflect the years when the treaty or institution was in legal effect.
- Source: ICOW Multilateral Treaties of Pacific Settlement (MTOPS) data set documentation, available at <<http://data.icow.org>>.

Table 1: Measuring Territorial Integrity Norms

Average territorial integrity obligations (per state-year):

<u>Historical era</u>	<u>Violent</u>	<u>General</u>	<u>Total</u>
1816-1918	0.00	0.00	0.00
1919-1945	1.00	0.03	1.03
1946-1975	1.46	0.37	1.83
1976-2001	1.49	1.52	3.00
Total	0.59	0.28	0.86

Note:

- This table lists the average annual number of territorial integrity treaty obligations of each type for each state in the COW interstate system. Statistical comparisons include one observation per year.

Table 2: Descriptive Statistics**A. Global Analysis of Conflict over Territory**

Variable	Mean (S.D.)	Range	N
Militarized disputes over territory (1816-2001):			
All	3.66 (3.92)	0 - 16	186
>100 Fatalities	0.35 (0.70)	0 - 4	186
Territorial changes (1816-2000):			
Violent	0.63 (1.61)	0 - 13	185
Total	2.64 (3.51)	0 - 23	185
Average territorial integrity obligations (1816-2001):			
Violent	0.59 (0.68)	0.0 - 1.62	186
General	0.28 (0.54)	0.0 - 1.82	186
Total	0.86 (1.12)	0.0 - 3.28	186

B. Analysis of Territorial Claims in Latin America

Variable	Mean (S.D.)	Range	N
Historical period:			
1848-1921	0.55 (0.50)	0 - 1	1853
1922-1950	0.21 (0.41)	0 - 1	1853
1951-2001	0.23 (0.42)	0 - 1	1853
Shared territorial integrity obligations (1816-2001):			
Violent	0.09 (0.32)	0 - 2	1848
Total	1.07 (1.46)	0 - 6	1848
Territorial salience	7.03 (2.18)	2 - 10	1853
Recent mil. disputes	0.31 (0.71)	0.0 - 5.4	1853
Joint democracy	0.07 (0.25)	0 - 1	1853
Capability imbalance	0.72 (0.12)	0.50 - 0.97	1848

Table 3: Territorial Integrity Norms and Global Conflict Patterns

A. By Temporal Era

Variable	Militarized Disputes:		Territorial Changes:	
	All Disputes	101+ Fatalities	Violent	Peaceful
1919-1945	1.73 (0.90)*	0.33 (0.24)	1.16 (0.72)	1.41 (1.26)
1946-1975	3.92 (1.42)***	0.11 (0.28)	1.08 (0.99)	1.50 (1.40)
1976-2001	0.62 (2.51)	- 0.09 (0.54)	0.72 (1.46)	- 3.27 (2.30)
States in system	0.04 (0.02)**	.004 (.004)	- 0.01 (0.01)	0.03 (0.02)*
Constant	- 0.21 (0.67)	- 0.02 (0.14)	0.71 (0.39)*	0.55 (0.62)
	N=186	N=186	N=185	N=185
	F=46.17***	F=4.88***	F=4.07***	F=8.76***
	R ² =.56	R ² =.11	R ² =.07	R ² =.16

B. By Treaty Obligations (Violent)

Variable	All Disputes	101+ Fatalities	Violent	Peaceful
Average obligations	2.81 (0.71)***	0.17 (0.15)	0.56 (0.44)	1.63 (0.72)**
States in system	0.02 (0.01)**	.002 (.002)	- 0.01 (0.005)	- .005 (0.01)
Constant	0.52 (0.39)	0.10 (0.09)	0.84 (0.20)***	2.01 (0.43)*
	N=186	N=186	N=185	N=185
	F=76.76***	F=7.06***	F=1.68	F=7.03***
	R ² =.53	R ² =.09	R ² =.02	R ² =.07

C. By Treaty Obligations (General)

Variable	All Disputes	101+ Fatalities	Violent	Peaceful
Average obligations	- 8.59 (1.22)***	- 0.58 (0.27)*	- 1.65 (0.61)***	- 7.22 (1.67)***
States in system	0.14 (0.01)***	0.01 (.003)***	0.02 (0.01)**	0.09 (0.02)***
Constant	- 3.97 (0.51)***	- 0.20 (0.11)***	- 0.02 (0.26)	- 1.58 (0.72)**
	N=186	N=186	N=185	N=185
	F=111.28***	F=10.09***	F=4.21**	F=15.12***
	R ² =.62	R ² =.11	R ² =.03	R ² =.18

D. By Treaty Obligations (Total)

Variable	All Disputes	101+ Fatalities	Violent	Peaceful
Average obligations	1.51 (0.97)	0.06 (0.22)	0.33 (0.67)	- 0.11 (0.99)
States in system	0.02 (0.02)	.003 (.01)	- 0.01 (0.01)	0.02 (0.02)
Constant	0.92 (0.80)	0.11 (0.17)	0.94 (0.46)**	1.57 (0.77)**
	N=186	N=186	N=185	N=185
	F=57.83***	F=5.51***	F=0.73***	F=4.15**
	R ² =.47	R ² =.08	R ² =.005	R ² =.04

* p ≤ .10, ** p ≤ .05, *** p ≤ .01

Note:

- The table reports coefficients and robust standard errors for OLS regression.

Table 4: *Uti Possidetis* and Conflict over Territory between Former Spanish Colonies in Latin America

A. Any militarized disputes

	Model I	Model II	Model III
Variable	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)
1848-1921	0.27 (1.04)	---	---
1922-1950	0.10 (1.06)	---	---
1951-2001	0.78 (1.05)	---	---
Shared Obligations-Violent	---	0.19 (0.10)**	---
Shared Obligations-Total	---	---	0.17 (0.08)**
Territorial salience	0.20 (0.06)***	0.21 (0.07)***	0.21 (0.07)***
Recent mil. disputes	0.83 (0.09)***	0.81 (0.09)***	0.81 (0.09)***
Joint democracy	0.06 (0.41)	0.04 (0.42)	- 0.03 (0.45)
Capability imbalance	- 1.18 (0.90)	- 1.01 (0.91)*	- 1.03 (0.91)
Constant	- 4.23 (1.26)***	- 4.26 (0.93)***	- 4.21 (0.91)***
	N: 1848 LL: -369.16 X ² : 120.90 p < .001 (7 df)	N: 1848 LL: -369.64 X ² : 115.62 p < .001 (5 df)	N: 1848 LL: -369.63 X ² : 117.02 p < .001 (5 df)

B. Militarized disputes with more than 100 fatalities

	Model I	Model II	Model III
Variable	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)
1848-1921	--- [†]	---	---
1922-1950	0.89 (0.75)	---	---
1951-2001	0.54 (1.04)	---	---
Shared Obligations-Violent	---	0.16 (0.28)	---
Shared Obligations-Total	---	---	0.18 (0.25)
Territorial salience	0.23 (0.19)	0.24 (0.23)	0.26 (0.24)
Recent mil. disputes	0.44 (0.24)*	0.50 (0.27)*	0.49 (0.28)*
Joint democracy	--- [†]	--- [†]	--- [†]
Capability imbalance	- 7.37 (2.95)**	- 7.17 (2.87)**	- 7.14 (2.87)**
Constant	- 2.86 (2.65)	- 2.90 (3.20)	- 3.10 (3.33)
	N: 1848 LL: -46.61 X ² : 12.00 p < .001 (5 df)	N: 1848 LL: -46.99 X ² : 11.25 p < .001 (4 df)	N: 1848 LL: -46.86 X ² : 11.80 p < .001 (4 df)

* p ≤ .10, ** p ≤ .05, *** p ≤ .01

[†] The model could not be run accurately with these variables; Stata dropped a number of cases whose outcomes were completely determined when these variables were in the model.

Table 5: *Uti Possidetis* and Conflict over Territory between Former Spanish Colonies in Latin America

A. Any militarized disputes

Variable	Model I	Model II	Model III
	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)
Former Spanish colonies	0.42 (0.19)**	0.29 (0.19)	0.29 (0.19)
1848-1921	- 0.24 (0.32)	---	---
1922-1950	- 0.52 (0.38)	---	---
1951-2001	0.33 (0.35)	---	---
Shared Obligations-Violent	---	0.15 (0.07)**	---
Shared Obligations-Total	---	---	0.14 (0.06)**
Territorial salience	0.18 (0.04)***	0.18 (0.04)***	0.18 (0.04)***
Recent mil. disputes	0.87 (0.08)***	0.88 (0.08)***	0.87 (0.08)***
Joint democracy	- 0.43 (0.28)	- 0.38 (0.27)	- 0.43 (0.27)
Capability imbalance	- 1.29 (0.61)**	- 1.33 (0.60)**	- 1.32 (0.60)
Constant	- 3.92 (0.69)***	- 4.05 (0.67)***	- 4.06 (0.67)***
	N: 6021 LL: -730.17 X ² : 274.60 p < .001 (8 df)	N: 6021 LL: -735.01 X ² : 262.96 p < .001 (6 df)	N: 6021 LL: -734.64 X ² : 264.14 p < .001 (6 df)

B. Militarized disputes with more than 100 fatalities

Variable	Model I	Model II	Model III
	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)	Coefficient (Robust S.E.)
Former Spanish colonies	- 1.14 (0.46)**	- 1.12 (0.44)***	- 1.12 (0.43)***
1848-1921	--- [†]	---	---
1922-1950	0.45 (0.50)	---	---
1951-2001	- 0.26 (0.70)	---	---
Shared Obligations-Violent	---	0.08 (0.23)	---
Shared Obligations-Total	---	---	0.09 (0.23)
Territorial salience	0.31 (0.08)***	0.33 (0.09)***	0.33 (0.09)***
Recent mil. disputes	0.51 (0.22)**	0.53 (0.21)**	0.53 (0.21)**
Joint democracy	- 1.58 (1.13)	- 1.57 (1.08)	- 1.60 (1.10)
Capability imbalance	- 2.60 (1.46)*	- 2.53 (1.50)*	- 2.52 (1.48)**
Constant	- 5.31 (1.63)***	- 5.52 (1.71)***	- 5.54 (1.71)***
	N: 6021 LL: -149.05 X ² : 68.97 p < .001 (7 df)	N: 6021 LL: -149.54 X ² : 64.46 p < .001 (6 df)	N: 6021 LL: -149.50 X ² : 62.90 p < .001 (6 df)

* p ≤ .10, ** p ≤ .05, *** p ≤ .01

[†] The model could not be run accurately with these variables; Stata dropped a number of cases whose outcomes were completely determined when these variables were in the model.