

**The Colonial Legacy and Border Stability:
Uti Possidetis and Territorial Claims in the Americas**

Paul R. Hensel

Michael E. Allison

Department of Political Science

Florida State University

Tallahassee, FL 32306-2230

phensel@icow.org

and

Ahmed Khanani

Department of Political Science

Indiana University

Abstract: The majority of nation-states experienced colonial rule at some point during the last two centuries, with well-studied economic, political, and social consequences after decolonization. This study examines a different form of the colonial legacy, involving the stability of the territorial status quo after independence. We present and test three competing expectations about the colonial legacy, focused around the legitimacy of the international norm of *uti possidetis juris*, postcolonial solidarity, and dependency. We find the most support for the dependency-based argument that colonial legacies have worsened the prospects for former colonies after independence, as territorial claims between former colonies appear to be longer and more militarized than claims that lack such a colonial history, although such claims are no more likely to produce changes in the territorial status quo. We conclude by discussing how these findings contribute to our understanding of territorial claims and of colonial legacies, as well as by discussing promising directions for future research.

Earlier versions of this paper were presented at the 37th Annual Meeting of the Peace Science Society (International), Ann Arbor, November 2003, and the 45th Annual Meeting of the International Studies Association, Montreal, March 2004. The authors wish to thank Ashley Leeds, Bumba Mukherjee, Chris Reenock, and Jeff Staton for their valuable comments and suggestions, while taking full blame for all errors and interpretations herein.

**The Colonial Legacy and Border Stability:
Uti Possidetis and Territorial Claims in the Americas**

Several strands of research on international conflict have examined the impact of history on militarized conflict between nation-states. Research on recurrent conflict (e.g., Leng 1983; Maoz 1984; Hensel 1994) has emphasized the impact of past crises or wars on future conflict between the same adversaries, while research on interstate rivalry (e.g., Hensel 1999; Diehl and Goertz 2001; Maoz and Mor 2002) has focused on the origins and consequences of long-term conflictual relationships. Work in these areas has produced a number of useful findings, but we argue that it does not go far enough, and that a complete understanding of the impact of history on international conflict must include the effects of colonialism. Most states in today's world were ruled as dependencies of a foreign power at some point during their history. We consider it likely that actions and decisions by the colonial ruler during this time will create a substantial historical legacy that can affect the former dependencies long after independence.

Numerous scholars have examined political, social, and economic consequences of colonial rule. For example, many in the dependency (*dependencia*) tradition claim that today's unequal economic development can be traced back to the economics of the colonial era, when colonies were used primarily as sources of raw materials for their colonial rulers (e.g., Valenzuela and Valenzuela 1978). Athow and Blanton (2002) find that trade patterns established in Africa during the colonial period have tended to persist well after independence. Blanton, Mason and Athow (2001) find a legacy of British rule to be associated with greater ethnic conflict after independence than a French colonial legacy. Several studies find a positive association between a British colonial legacy and stable democracy (e.g., Blondel 1972; Bollen 1979; Bollen and Jackman 1985; Bernhard et al. 2004), while the impact of French, Spanish, Portuguese, or Belgian rule appears to be negative (e.g., Huntington 1984; Lipset, Seong and Torres 1993)

The present study broadens this postcolonial research agenda to the consequences of colonial rule for the stability of the territorial status quo after independence, focusing on the Western Hemisphere. Newly independent states come into existence with borders that date back to colonial rule. Not only did the colonial ruler have an opportunity to shape the political, economic, and social development of its dependencies, but it also had an opportunity to settle

their borders -- or to leave them unsettled. We thus examine the impact of the colonial legacy on several different dimensions of border stability, focusing on the legal doctrine of *uti possidetis*. We find that borders with a colonial legacy -- where one or both sides of the border were once ruled as foreign dependencies -- are much less stable than borders with no colonial legacy, including the colonial era itself. We conclude by discussing the implications of this study for research on international conflict and by suggesting avenues for future research.

Theoretical Development

Little theoretical work has addressed colonial legacies and international borders directly, but several different approaches can offer important insights. We begin by discussing the legal doctrine of *uti possidetis*, which directly concerns the role of colonial legacies and which forms the centerpiece of our analyses. We then present three theoretical arguments about the impact of this doctrine on borders, including suggestions that the doctrine should promote stable borders after decolonization as well as suggestions that other factors may hinder its application.

The *Uti Possidetis* Doctrine

The legal doctrine of *uti possidetis juris* or *uti possidetis de jure* is 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 Brownlie 1998: 133, Malanczuk 1997: 162-163, Prescott 1987: 105-106, Ratner 1996; Shaw 1997: 216). The principle behind this doctrine dates to Roman times and takes its name from the Latin phrase "*uti possidetis, ita possideatis*," or "as you possess, so may you possess."

Uti possidetis first emerged in the modern sense with the decolonization of Latin America in the early 19th century, as the former Spanish colonies agreed to apply the principle both in their frontier disputes with each other and in those with Brazil (Brownlie 1998: 132; Ireland 1938: 321-328; Ratner 1996: 593-595; Shaw 1997: 356 ff).¹ Each state 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

¹ Brazil generally rejected the application of *uti possidetis de jure* in favor of *uti possidetis de facto*, an alternative doctrine that determines ownership of territory based on physical occupation rather than colonial title. Brazil used this alternative doctrine to argue for the expansion of its territory beyond the 1810 borders with former Spanish colonies such as Bolivia and Peru (see Ganzert 1934: 430 ff and Tambs 1966: 255 ff).

periods of unchallenged Spanish rule (and thus the last times that borders could be considered to have been under Spanish authority). Under this principle, there would be no possibility of new claims based on *terra nullius* (territory belonging to no state) or of claims by extraregional states. In addition, there should be little or no conflict among the bordering states themselves because of the clear identification of each border's location based on colonial-era administrative lines.²

Despite the Latin American origins of the modern *uti possidetis* principle, the International Court of Justice (ICJ) has argued for its relevance across the world. This principle was stated most directly in the ICJ's 1986 decision in the *Frontier Dispute (Burkina Faso/Republic of Mali)* case. The ICJ had been asked to settle the location of a disputed segment of the border between Mali and Burkina Faso, both of which had been part of French West Africa before independence. In its judgment over the merits of this *Frontier Dispute* case, the ICJ emphasized the legal principle of *uti possidetis juris*:

the principle is not a special rule which pertains solely to one specific system of international law, It is a general principle, which is logically connected with the phenomenon of the obtaining of independence wherever it occurs. Its obvious purpose is to prevent the independence and stability of new States being endangered by fratricidal struggles provoked by the challenging of frontiers following the withdrawal of the administering power. (ICJ 1986: ¶ 20)³

The ICJ judgment in the Mali-Burkina Faso *Frontier Dispute* case also argued that the principle of *uti possidetis* should apply in any decolonization situation, regardless of the legal or political status of the entities on each side of the border:

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)

² As typically applied, this doctrine only offered a general guideline for determining borders, and allowed two parties to depart from the colonial-era administrative boundaries through mutual agreement if desired (Brownlie 1998: 133; Ratner 1996: 593, 598-601; Shaw 1997: 216).

³ See also Malanczuk (1997: 162-163), as well as the full ICJ judgment at <http://www.icj-cij.org/icjwww/Icases/iHVM/ihvm_ijudgment/ihvm_ijudgment_19861222.pdf>.

The judgment went on to argue explicitly that this principle is so general as to apply regardless of geographic region or temporal era, rejecting the possibility that *uti possidetis* should not apply in Africa because the continent followed different legal principles than those followed in other regions or because this specific doctrine had not been proclaimed for Africa as of these two states' independence in 1960. This judgment suggests that -- at least by the 1980s -- the legitimacy of colonial borders was widely recognized as a standard legal principle.

Colonial Legacies and Borders: A Positive View

Although the 1986 *Frontier Dispute* judgment suggests a positive contribution of the *uti possidetis* doctrine, there are both positive and negative perspectives on the impact of this doctrine. The first perspective is reflected in the ICJ judgment discussed above, with its optimistic portrayal of the doctrine as a stabilizing force and a general principle of international law. This perspective suggests a positive impact and posits the existence of an international norm promoting the stability of postcolonial borders.

Several scholars have argued that *uti possidetis* and similar doctrines were responsible for the avoidance of territorial conflict in the Americas. Zacher (2001: 229) argues that the principle of *uti possidetis* "had some impact in promoting greater order" in Latin America, although it was not always respected by every country in the region, and Malanczuk (1997: 162-163) notes that most newly independent states have accepted this general principle of the inheritance of colonial borders. Similarly, Domínguez et al. (2003: 21) 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." Kacowicz (1995: 270; see also Kacowicz 1994: 227-228) suggests that -- while there have been a few wars or near-wars in the region -- "the vast majority of border disputes in South America have been resolved peacefully, leading to some cession or exchange of territories. The basis for a peaceful settlement of those disputes was established through the principle of *uti possidetis*, according to which the Latin American countries recognized the colonial borders as their post-independence international frontiers." Similarly, Domínguez et al. (2003: 21) argue that while interstate war frequently occurred in postcolonial Central and South America, "*Uti possidetis juris* held successfully over time, with six exceptions, the last of which occurred in 1941."

Our first theoretical expectation draws from these scholars as well as the *Frontier Dispute* judgment to suggest that there is a widely accepted international norm regarding the acceptance of colonial-era boundaries as the boundaries of newly independent states. Because of this norm, the colonial legacy exerts a positive influence on the relations between former colonies after independence, by providing a territorial status quo that is based on historical and legal precedent. Any border that emerges from colonial rule should thus be more stable than any border that lacks such a colonial legacy. This discussion suggests the following hypothesis about the impact of the colonial legacy on the stability of international borders:

Hypothesis 1 (Normative): *Borders between former dependencies will be more stable after independence, and their territorial claims less dangerous, than borders with no colonial legacy.*

A related expectation is that there should be no difference in the impact of the colonial legacy with respect to the political or legal status of the entities on each side of the border; the ICJ judgment discussed earlier explicitly declared that the *uti possidetis* principle should apply to borders between a single state's dependencies, between several states' dependencies, or between a dependency and an independent state. It follows that we should find no systematic difference in the management of territory between such neighbors as El Salvador and Honduras (both former dependencies of Spain), Brazil and Colombia (former dependencies of Portugal and Spain), or Guatemala and Belize (former dependencies of Spain and Great Britain). This suggests the following extension of Hypothesis 1:

Hypothesis 1a (Normative): *There will be no systematic difference in the stability of borders or the intensity of their territorial claims based on the specific type of colonial legacy. Borders between former dependencies of the same colonial power, borders between former dependencies of different colonial powers, and borders between a former dependency and a state that was never colonized should be equally stable after independence.*

A variant of the normative view expressed by the ICJ suggests that the impact of *uti possidetis* is generally positive for border stability after independence, but only for certain cases. This variant is best termed the postcolonial solidarity argument, and suggests that *uti possidetis*

will be an effective stabilizing influence for relations within a single colonizer's former possessions. From this postcolonial solidarity perspective, though, former colonies' relations with other states -- whether former dependencies of other colonizers or states that managed to avoid colonialism altogether -- should not be characterized by the same type of stability.

The history of anti-colonial struggle would appear to be a force favoring friendly relations with other former dependencies, each of which underwent similar struggles against colonial rule. To the extent that each colony achieved its freedom from the struggle against the same colonizer (and around the same time), there should be a greater sense of community among them, based on the shared identity of those who have fought against a common enemy. This sense of community should be strengthened by the shared language, religion, and other cultural details that are typically spread throughout a colonizer's possessions following decades of rule by the colonial power.

As Domínguez et al. (2003: 22) argue, "Most Spanish American elites accepted the norm that they were part of a larger cultural and possible political entity." Rather than disrupt the relations among the members of this fraternity of new states, there would appear to be an incentive to avoid inflammatory issues such as territorial demands on neighbors, and to resolve outstanding issues as quickly and peacefully as possible. Domínguez et al. (2003: 22-23) suggest that "The consequence of the spreading ideology of Latin American solidarity, fostering peacemaking, was the evolution of the expectation and practice that countries from all the Americas should engage in conflict containment and conflict settlement wherever conflict emerged." It is not clear, though, that this solidarity among former colonies should extend to former dependencies of other colonial powers, which were colonized by a different foreign power and did not necessarily share the same language, religion, or culture. This suggests the following alternative to Hypotheses 1 and 1a:

***Hypothesis 2 (Solidarity):** Borders between former dependencies of the same colonizer will be more stable, and their territorial claims less dangerous, than borders between former dependencies of different colonial powers or borders with no colonial legacy on one or both sides.*

Colonial Legacies and Borders: The Undermining of *Uti Possidetis*

Many would disagree with any suggestion that colonialism has had a positive impact on the former dependencies after their independence. For example, a voluminous literature – best exemplified by the dependency approach in international economics – has argued that many of the developing world’s problems can be traced to the history of colonial rule. From this perspective, borders developed during the colonial era may be less stable than those lacking such a colonial legacy.

Colonial powers are generally considered to have pursued their own military, strategic, economic and political interests during the colonial era, doing little to further the interests of the colonies themselves. For example, colonial powers typically oriented their colonies’ economies around the export of raw materials and agricultural products needed by the colonial powers, rather than the development of their internal colonial markets. In colonial Spanish America, the individual colonies were restricted from trading with each other; few ports were created; and incentives for short-term Spanish economic gain were generally greater than the incentives of long-range local economic development (North et al. 1999: 32-35). Politically, many colonies were ruled from abroad with little opportunity for self-rule. At independence, then, most former colonies lacked local leaders with real political experience, and their political institutions were often introduced hurriedly as the colonizers abandoned their colonies. In colonial Latin America, “autonomous institutions of self government existed only at the most local level, and possessed heavily circumscribed authorities” (North et al. 1999: 37).

A similar argument can be made regarding former colonies’ borders. Colonial powers typically defined borders for their colonies with the colonizers’ interests in mind rather than those of the colonies themselves, consistent with their political, social and economic management of the colonies. This point is most noticeable in Africa, where colonial borders were typically drawn artificially at times like the 1884-1885 Berlin Conference, and reflected the colonial powers’ interests rather than local ethnic, tribal, economic, or other considerations. This lack of concern for the colonies’ welfare in the definition of borders would lead one to expect that borders defined during the colonial period should be contested frequently after independence because they did not reflect the interests of the local populations; once the entities on both sides of a colonial border obtain independence, they would seem likely to pursue revised borders that reflect their own respective interests rather than those of the former colonizer.

Another problem concerns the incentives for a complete and accurate demarcation between dependencies of the same colonizer. The colonizer may not have had an interest in expending great time and effort to establish clear and well-marked borders with neighboring colonies; clearly demarcated borders would only seem to be a concern in the event that the neighboring colony was beginning to threaten the resource extraction that attracted the colonizer in the first place. This lack of incentives for clear demarcation would seem to be especially true for borders between two colonies ruled by the same foreign power. For example, the Spanish likely faced less pressure to settle borders between their former colonies in South America than to settle borders between their possessions and those of Portugal or Great Britain. To the extent that borders within a single colonizer's possessions were defined during the colonial era, there would seem to be a greater risk of incomplete or contradictory border delimitation because of the lack of urgency for defining and demarcating clear borders within the same empire.

Colonial powers also had incentives to disrupt any previously existing borders that might have been more "natural." The preservation of traditional political entities could lead to challenges against the colonizer's interests, which could be minimized by disrupting traditional forms of organization. In Africa, for example, the Berlin Conference and similar efforts were designed to delimit administrative boundaries in light of "how they could best break down traditional social and economic networks for more efficient social control and resource extraction" (Athow and Blanton 2002: 220).

In the previous section, we considered legalistic and normative arguments that *uti possidetis* should reduce the volatility of borders following independence. The current discussion suggests instead that newly independent states may have competing visions of what constituted the exact border during colonial times, and may view the colonial border as unsatisfactory. Either problem would undermine the applicability of *uti possidetis*, potentially leading to territorial claims over borders that did not reflect local interests or that were poorly defined or incomplete at the end of the colonial period. This suggests the following hypotheses:

Hypothesis 3 (Dependency): *Borders between former dependencies will be less stable after independence, and their territorial claims more dangerous, than borders with no colonial legacy.*

Hypothesis 3a (Dependency): *Borders between former dependencies of the same colonizer will be less stable, and their territorial claims more dangerous, than borders between former dependencies of different colonial powers.*

Summary

The three approaches that have been discussed suggest important differences in border stability after independence based on the colonial legacy. The normative perspective suggests that either same-colonizer or different-colonizer colonial legacies should produce relatively stable borders, in comparison with borders that lacked such a colonial history, but with no systematic difference between these two colonial legacies. The postcolonial solidarity perspective agrees about the generally stabilizing influence of *uti possidetis*, but suggests that this stability is limited to borders between possessions of the same colonizer. Finally, the dependency perspective makes the opposite case, arguing that borders between former dependencies -- particularly those between former dependencies of the same colonizer -- should be less stable than other borders.

It is important to note that we do not see the colonial legacy as deterministic, with certain legacies almost invariably producing long and bloody disagreements and others almost certainly avoiding trouble altogether. We also do not argue that all colonies were managed in quite the same way, whether in terms of political, social, or economic management or in terms of the attention devoted to establishing clear borders. Rather, the general legacy of colonial rule is best seen as establishing a more (or less) conflictual baseline for states' interactions over their borders after independence, by creating borders that are seen as more legitimate (if the normative argument is correct) or more flawed (if the dependency argument is correct). Whatever this baseline value, though, the states' leaders will make and implement decisions over borders for reasons that are in their own domestic and/or international interests. For example, drawing from past work on the management of territorial claims (e.g., Huth 1996; Hensel 2001; Huth and Allee 2002), we expect that the salience (value) of a given piece of territory will affect states' interactions over that territory; claims over highly salient territory should typically last longer and be more likely to generate militarized conflict than claims over relatively valueless territory.

Research Design

These hypotheses will be tested using the set of all territorial claims in the Western Hemisphere (North, Central, and South America and the Caribbean) from 1816-2001, using data from the Issue Correlates of War (ICOW) project. This data set includes all cases where official government representatives of at least two nation-states make explicit, competing claims to sovereignty over specific territories (Hensel 2001). This definition identifies claims to 82 distinct territories, amounting to a total of 128 dyadic claims (e.g., the claim between over the Guyana-Suriname border includes three separate dyadic claims: the initial claim between Great Britain and the Netherlands, a claim between Guyana and the Netherlands upon the independence of British Guiana, and finally a claim between Guyana and Suriname upon the independence of the latter). These cases are listed in Table 1.⁴

[Table 1 about here]

Measuring the Colonial Legacy

Our main independent variable is the colonial legacy with respect to a given border or territorial claim. “The colonial legacy” is a very broad concept, but for our purposes, this legacy refers to actions that were (or were not) taken to settle the border when at least one side of the border was ruled as a dependency of a foreign power. It is important to distinguish the post-independence colonial legacy from the colonial period itself, which we consider as including the time when there was colonial rule on one or both sides of the border. Such cases can not rightly be considered to have a colonial “legacy” for our purposes, because the colonial period is still underway and its ultimate legacy undetermined. Another important category to distinguish involves borders that that have no colonial legacy because they never experienced colonial rule on either side; there was never a time when the border was open to resolution by one or more colonial powers. There are no territorial claims in the Americas that can be coded as having no colonial legacy in this sense, though, as the entire region was colonized by foreign powers for at least some time since the fifteenth century; every territorial claim in the region is thus considered to have either a same-colonizer or different-colonizer legacy, or to be occurring during the colonial era itself.

⁴ There have been some changes in this data set since the original version (Hensel 2001). Several new cases have been identified on the basis of new sources that were consulted, and other cases have been modified or dropped based on information that was not available when the original data set was collected.

Once colonial rule ends on both sides of a given border, that border can be coded as possessing a colonial legacy.⁵ The specific legacy is coded based on the identity of the colonial power that ruled each side of the border during the colonial era. A same-colonizer legacy is coded for borders between two entities that had previously been ruled by the same colonizer, such as those between Colombia and Venezuela or Bolivia and Paraguay. The alternative, a different-colonizer legacy, is coded for borders between two entities that had been ruled by different foreign powers; examples include the borders between Venezuela (Spain) and Guyana (Great Britain) or between Argentina (Spain) and Brazil (Portugal).

It should be noted that we do not consider military occupation to represent colonial rule. In the Americas, then, the occupation of Paraguay after the War of the Triple Alliance or Peru after the War of the Pacific does not produce a new colonial legacy for either state. Other types of dependent foreign rule are considered equivalent for our purposes, though, including traditional colonies, protectorates, and other similar entities. In each case, the ruling power has the authority to make foreign policy and to determine the state's borders, so its actions can reasonably be considered to constitute the relevant colonial legacy.

Studying Border Stability

The hypotheses to be evaluated are all phrased generally in terms of borders being more or less stable and territorial claims more or less dangerous. We will evaluate these expectations by examining several different dimensions of stability. Although no single dimension will be sufficient to allow us to accept or reject a theoretical explanation, together they will give us a robust understanding of the impact of colonial legacies.

The most obvious way to study the stability of borders is to compare how often borders with each type of legacy have been challenged through explicit territorial claims, as described above. The unit of analysis for this first test is the individual border, with the goal of determining whether borders that once divided dependencies of one colonial ruler are systematically more likely to experience territorial claims than are those that once divided dependencies of two colonial rulers or those that never experienced simultaneous colonial rule on both sides of the border. Borders and colonial legacies are identified using the Correlates of

⁵ The same coding rules apply to territorial claims over both land borders and islands. Just as a colonial ruler had the opportunity to settle its former colonies' land borders, it also had the opportunity to settle ownership of islands

War (COW) Project's Direct Contiguity and Colonial Contiguity data sets, and the ICOW Colonial History data set.⁶

Our second set of analyses takes the emergence of territorial claims as a given, and attempts to compare those claims that have occurred. These analyses will allow us to determine whether claims that emerge despite (or because of) a colonial legacy are more dangerous than those that emerge without any colonial history. We compare the characteristics of territorial claims along three dimensions: duration, militarization, and alteration of the status quo. The unit of analysis for these tests is the territorial claim (whether this claim concerns a land border or an island), with the goal of determining whether territorial claims reflecting each type of colonial legacy differ systematically.

The duration of each territorial claim is measured as the number of years between the onset and termination of the claim. Militarization of claims refers to the presence of at least one militarized interstate dispute over the specific territory in question. Coding of militarized disputes begins with version 3.02 of the COW militarized interstate dispute data set (Ghosn et al. 2004), but involves additional work to determine for each dispute whether it involved attempts to change the status quo with respect to a territorial claim in the ICOW data set.⁷ Alteration of the status quo is similarly coded by reference to the presence of at least one COW territorial change (Goertz and Diehl 1992), again involving additional work to determine for each territorial change whether it involved territory that was the subject of a territorial claim in the ICOW data set.⁸ The additional research on each militarized dispute and territorial change was based on news sources such as the *New York Times* and *Facts on File*, as well as diplomatic and military histories of the states and regions in question.

In order to avoid exaggerating the impact of colonialism, these analyses will control for the impact of other factors that might produce or intensify territorial claims. For the duration of

that are located offshore and that might have been visited or settled by the colony's citizens.

⁶ The COW Contiguity data sets are available at <<http://cow2.la.psu.edu>>, and the ICOW Colonial History data set is available at <<http://www.icow.org>>.

⁷ 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 ICOW claim, and some that COW did not code as territorial do indeed involve an ICOW claim.

⁸ Version 3.0 of this data set is available at <<http://cow2.la.psu.edu/>>.

claims, there is a good chance that claims begun early in the period of study will last longer than those begun near the end simply because of the number of eligible years, so we control for the year in which the claim began. A second control variable that is used in all three analyses is the relative capabilities of the challenger state in the claim, or the state that seeks to acquire sovereignty over territory that it does not currently control. If the challenger state is substantially stronger than the target of the claim, then we might expect its claim to end relatively quickly through military and/or diplomatic pressure (compared to claims with a substantially weaker challenger) and to be more likely to feature some alteration of the territorial status quo. 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.⁹ For these claim-level analyses, we take the average of the challenger's capabilities over the entire duration of the claim; in later analyses we analyze this on a yearly basis to examine the impact of changes from one year to the next.

The final control variable that is used is 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 salience index presented by Hensel (2001), 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, mainland rather than offshore territory, and homeland rather than colonial territory. Because the sixth of these indicators overlaps closely with the colonial legacy variable, though, we exclude it from calculation of the salience index, producing a possible index range from zero to ten.

Studying the Management of Territorial Claims

A final analysis supplements the overall comparison of borders and of territorial claims by examining the impact of the colonial legacy on the year-to-year management of territorial claims. This will allow a better understanding both of the impact of the colonial legacy on a

⁹ This data set is available at <<http://cow2.la.psu.edu/>>.

much shorter-term basis than is possible with claim-level comparisons, and of the impact of the colonial legacy relative to other factors that change on a yearly basis. This will also allow us to begin evaluating our earlier argument that the colonial legacy creates the context in which states manage their borders, essentially setting a baseline around which states' interactions can vary based on other domestic and/or international influences. We expect that the colonial legacy will continue to play a significant role in the year-to-year management of territorial claims, but that other factors with greater year-to-year variation will also play an important role by creating or modifying states' incentives to act within the context set by colonialism.

Given this study's focus on the potential dangers posed by colonial-era borders, we focus on the probability of militarized conflict emerging over territory in a given year during an ongoing territorial claim, which is essentially a replication of a published analysis of territorial claim management by Paul Hensel. We begin by replicating Hensel's original model, using updated versions of several data sets that have subsequently become available.¹⁰ This model includes the claim salience index, the challenger's relative capabilities, four measures of recent interactions over the claim, a measure of shared institutions that call for the peaceful settlement of disputes, and joint democracy; the theoretical expectation behind each of these variables was already described in Hensel's original article. After that replication, we add the colonial legacy variables to the model, using dummy variables for colonial-era dyads, different-colonizer colonial legacies, and same-colonizer colonial legacies; cases with no colonial legacy are left out as the referent category.

Regarding the measurement of the additional variables in this replication analysis, the territorial claim salience index and the challenger's relative capabilities are described above, although in this analysis they are measured annually rather than by taking the average over the course of a claim. Recent interactions are coded as the number of qualifying events in the five years previous to the year being examined, and include four types of interaction: successful settlement attempts, in which the claimants reached and carried out an agreement related to the

¹⁰ Strictly speaking, this is not an exact replication, as each of the four data sets used for the analysis has been updated since the 2001 article was written. That article's analysis was limited to the 1816-1992 period, but this period can now be extended through the end of 2001 by the use of the MID 3.02 data set for militarized conflict, the National Material Capabilities 3.01 data set for national capabilities, the Polity 4 data set (2003 version) for political democracy, and the updated ICOW territorial claims data set. Furthermore, for consistency with other ongoing work, the time frame for recent interactions is reduced from fifteen years to five. Despite these changes, though, we expect the results to be substantively identical to the original model.

claim (whether over the functional use of the claimed territory, procedural terms for future negotiations, or agreements over part or all of the claim itself); unsuccessful settlement attempts, which include both attempts that failed to reach agreement and agreements that were reached but were not carried out; militarized interstate disputes over the territory in question; and full-scale interstate wars over the territory in question. The shared institutions measure indicates how many multilateral treaties or institutions the two claimants have both signed that call for their signatories to settle their disputes peacefully, and is measured using data from the ICOW Multilateral Treaties of Pacific Settlement (MTOPS) data as described by Hensel (2001). Finally, joint democracy is based on 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.¹¹

Empirical Analyses

The first thing to consider in evaluating the stability of borders is the likelihood that a given border will be challenged explicitly. A brief examination of the territorial claims listed in Table 1 reveals that territorial claims have been quite common, regardless of the colonial legacy. Using the COW Direct Contiguity and Colonial Contiguity data sets, twenty current or historical borders can be identified in the Western Hemisphere that once separated two dependencies of the same colonial power. Of these, nineteen (95%) have experienced at least one territorial claim since both states became independent. Similarly, seventeen borders can be identified between former dependencies of different colonial powers, and thirteen of these (76.5%) have experienced at least one territorial claim since independence.¹² This difference in claim propensity is not statistically significant ($p < .16$, Fisher's exact test), indicating that there is no systematic difference between the legacies in the likelihood that borders will be challenged.

¹¹ Our coding of joint democracy codes all transitional polities (as identified by Polity 4) as non-democratic. While it is not necessarily clear how to classify these transitional polities in a positive sense, it is quite clear in a negative sense that they do not qualify as political democracies.

¹² The only same-colonizer legacy border that is not coded as experiencing a territorial claim since independence is the border between Nicaragua and Costa Rica (which did experience a territorial claim, although this ended before Costa Rica qualified for membership in the COW interstate system). The different-colonizer legacy borders are the Alaska-Canada, Mexico-Belize, Brazil-Guyana, and Brazil-Suriname borders; all four experienced territorial claims during the colonial era itself but have remained unchallenged since independence. If both the colonial and independent eras are considered, only the Dutch-French colonial border between Sint Maarten (of the Netherlands Antilles) and Saint Martin (of Guadeloupe) has not been challenged since 1816

It seems clear, then, that neither type of colonial legacy has been very effective at avoiding explicit territorial challenges after independence. It remains to be seen, though, whether the territorial claims that do occur with each type of colonial legacy are more dangerous than other claims. It could be that the end of colonial rule leads to brief challenges to the colonial-era border, which end quickly and with little bloodshed. The next set of analyses investigates this possibility, by comparing all territorial claims that have been identified in the region. These analyses include one observation for each territorial claim, which is a different unit of analysis than one observation per border. While there are only 41 international borders in the region, there are 128 distinct dyadic territorial claims, including multiple claims to different sections of certain borders as well as some claims over island possessions rather than land borders.

Comparison of Territorial Claims

Table 2A begins the comparison of territorial claims by examining the duration of territorial claims, using a oneway analysis of variance. This analysis reveals that territorial claims during the colonial era -- that is, when at least one of the claimants is seeking to acquire or retain dependent territory -- have an average duration of 35.6 years. Claims between two former dependencies of the same colonial power tend to last somewhat longer (43.2 years), as do claims between former dependencies of different colonial powers (44.6 years). This apparent difference is not statistically significant, though ($F = 0.85$, 2 d.f., $p < .43$).¹³

[Table 2 about here]

Table 2B extends these results with a Cox regression analysis of territorial claim duration. Cox regression is a form of survival analysis that allows the study of censored data, such as the 19 of 128 dyadic claims that are still ongoing at the end of the period of study, and the inclusion of covariates that can measure the colonial legacy and other plausible explanations for claim duration. Both of the colonial legacy variables produce significant decreases in the hazard of claim termination ($p < .03$ for different colonizer legacies, $p < .05$ for same colonizer legacies), indicating that claims with either type of legacy typically last much longer than claims lacking these legacies. While the simple comparison of duration presented above did not reveal

¹³ Similar results are obtained if the analysis is limited to uncensored cases, in order to exclude the influence of cases that have not yet ended ($p < .17$).

a significant impact of colonial legacies, this more sophisticated duration analysis clearly indicates that either type of colonial legacy significantly lengthens the typical territorial claim. Neither claim salience nor the claim's start date has a systematic impact on claim duration, although greater challenger capabilities significantly increase the hazard of claim termination ($p < .01$), indicating that claims with a substantially stronger challenger tend to end much sooner than claims with a stronger target state or claims with roughly equal claimants.¹⁴

[Table 3 about here]

Table 3 addresses the militarization of territorial claims. A long duration could reflect a very intense claim with frequent armed conflict and numerous failed negotiations, or it could simply mean a claim that lingers in obscurity for a century or more with little action being taken. As Table 3A shows, about one-fourth of all claims in the colonial era (24.6 percent) produce at least one militarized dispute. In contrast, half of all claims with a legacy of rule by different colonizers produce militarized conflict, as do almost two-thirds (63.3 percent) of claims with a legacy of rule by the same colonizer. This result is statistically significant ($X^2 = 17.01$, 2 d.f., $p < .001$). Also, the militarization of territorial claims with colonial legacies is not the result of either isolated events (such as one or two militarized disputes per claim) or low-intensity events (such as threats to use force that are never carried out). Further analysis reveals an average of 0.44 militarized disputes over territorial claims during the colonial era, 1.33 disputes over claims with a different-colonizer legacy, and 2.59 disputes over claims with a same-colonizer legacy, a difference that is statistically significant ($p < .001$).

Table 3B supplements this basic comparison with a logistic regression analysis of the likelihood of militarized disputes, controlling for the impact of several other potentially relevant factors. Both a same-colonizer legacy ($p < .001$) and a different-colonizer legacy ($p < .05$) have a significant and positive effect on the likelihood of militarized disputes that challenge the territorial status quo, indicating that armed conflict over such claims is much more likely. Claim salience also has a significant and positive effect ($p < .01$), indicating that more valuable territories are more likely to lead to militarized conflict than less valuable territories; this is consistent with past research on territorial claims (e.g., Huth 1996; Hensel 2001; Huth and Allee

¹⁴ We also tested for the suitability of a Weibull survival model, which can account for positive or negative duration dependence that the Cox model can not. The Weibull shape parameter is not significantly different from 1 ($p < .29$), suggesting that this model is not necessary statistically. Furthermore, neither the Weibull model nor several

2002). The challenger's relative capabilities do not play a systematic role in claim militarization, though, at least in the aggregated comparison of claims across their entire histories.

One potential objection to these findings is that many of the militarized disputes between former colonies may be isolated threats or border buildups that never escalate to more dangerous levels. Largely similar results are found when limiting the analysis to militarized disputes that involved battlefield fatalities, where both the general comparison from Table 3A and the impact of a same-colonizer legacy from Table 3B remain highly significant ($p < .01$). The different-colonizer legacy variable loses its significance ($p < .53$) when analysis is restricted to fatal militarized disputes, though, because only two different-colonizer-legacy disputes -- one each between Brazil and Peru and between Brazil and Paraguay -- produced fatalities. At higher fatality thresholds, this general pattern remains; although claims with a different colonizer legacy have no systematic impact ($p < .87$ or worse), claims with a same-colonizer legacy are more likely to engage in deadly militarized disputes that produce at least 100 or 250 fatalities ($p < .06$ and $p < .09$ respectively). Finally, at the highest fatality thresholds, same-colonizer-legacy claims are three times as likely as either different-colonizer-legacy claims or colonial-era claims to engage in disputes that produce at least 500 or 1000 fatalities, although the small number of cases -- there are only twelve such disputes across all three categories -- limits the statistical significance of this result ($p < .14$ and $p < .20$ respectively).

[Table 4 about here]

From Table 3, then, it appears that either legacy of colonial rule greatly increases the risk of militarized conflict over territorial claims, although only a same-colonizer legacy increases the risk of fatal conflict. Table 4 examines the probability of territorial changes occurring as the result of territorial claims. While claims with a colonial legacy may endure for long periods of time, and may generate frequent armed confrontations, there is still some question about how they end. If a claim ends without any change to the territorial status quo, then the previous border can be seen as relatively stable, at least in a long-term sense; the colonial border would have held up despite a challenge. Table 4A indicates that territorial changes occur in roughly one-fourth to one-third of all claims regardless of the colonial or historical context; this difference comes nowhere near statistical significance ($X^2 = 0.79$, 2 d.f., $p < .86$).

alternative survival models produced substantively different results, as both colonial legacy variables remained statistically significant in every model ($p < .06$ or better).

Table 4B produces the same result after considering the impact of several control variables in a logistic regression analysis. Neither of the colonial legacy variables produces statistically significant effects ($p < .99$ for different-colonizer legacies and $p < .85$ for same-colonizer legacies), although the salience of the claimed territory significantly increases the likelihood that territory will change hands ($p < .01$). These results from Table 4 suggest that colonial borders may ultimately be stable in one sense, because these borders are no more or less likely to be changed than are other borders. Yet in combination with the earlier analyses, this is hardly good news, since these colonial borders appear to be confirmed only after what tend to be long and violent territorial claims.

Management of Territorial Claims

The final set of analyses involves an investigation of the impact of the colonial legacy on year-to-year decisions, rather than a focus on general claim-level patterns. Table 5 presents two models: one that uses updated data to replicate a table from Hensel (2001), and another that adds the colonial legacy variables to the original model. Because of the purpose of this paper, we focus on the second model, emphasizing the role of the colonial legacy variables after controlling for the impact of the variables in the original model.

[Table 5 about here]

A likelihood ratio test for nested models indicates that Model II, incorporating the colonial legacy, significantly improves the model fit beyond the original model ($X^2 = 12.50$, 2 d.f., $p < .01$). Both the different-colonizer and same-colonizer colonial legacy variables significantly increase the likelihood that a militarized dispute will occur in a given year ($p < .04$ and $p < .001$, respectively), even after considering the impact of the other factors in the model. This is important because it shows a more immediate impact of the colonial legacy than could be seen with the more general claim-level patterns examined earlier. The substantive effect is relatively large, as well, with the odds ratios in Table 5 indicating that the mathematical odds of militarized conflict are approximately twice as high for adversaries with either type of colonial legacy.

Most of the other factors in Table 5 have the same general effect that was found by Hensel (2001). For example, militarized conflict is significantly more likely when the claimed territory is more salient and when there is a greater history of recent failed settlement attempts or

recent militarized conflict, and significantly less likely when there has been a recent war over territorial issues. Furthermore, there is no change in the direction of the results and little change in the significance of the other factors in the model when the colonial legacy is added in.

Discussion

Taken together, this study's analyses suggest a clear picture of the impact of colonial legacies on Western Hemisphere border stability. To begin, a colonial legacy -- whether the border divided possessions of the same or different colonizers -- has not prevented the emergence of challenges to the borders that emerged at independence. Almost every border in the region has been challenged since the end of the colonial era, suggesting that if there indeed is an international norm regarding the stability of inherited colonial borders, it did not work at the outset of Latin American decolonization. Furthermore, the territorial claims that emerged over these inherited colonial borders have generally been longer and more dangerous than those that did not come out of a colonial legacy. The one bright spot for claims based on a colonial legacy is that such claims are no more likely to end in territorial changes than are claims with no such legacy, so that the lengthy and often bloody contention over former colonial borders typically ends with the eventual acceptance of the border that the colonizers left behind.

These results are most consistent with the dependency-based hypotheses. As Hypothesis 3 suggested, borders between former dependencies in the Americas have been less stable than borders that lack a colonial legacy (including borders during the colonial era itself, when the ultimate legacy has not yet been determined). Hypothesis 3a -- which predicted that borders between former dependencies of the same colonizer will be even less stable than those between dependencies of different colonizers -- is not well supported, though. There appears to be no systematic difference in the duration of claims or the probability of territorial changes, and militarized conflict is as likely overall; the main difference is that different-colonizer-legacy claims are less likely to produce fatal conflict. The results are clearly inconsistent with the normative arguments of Hypotheses 1 and 1a, as well as the solidarity arguments of Hypothesis 2, as these approaches suggested that borders established during the colonial era would be more stable after independence. It appears that -- at least with respect to the Americas, where the *uti possidetis* doctrine originated in its modern form, and where it is commonly argued to have been

most effective -- the legacy of colonial rule has not been very effective at minimizing conflict over territory.

One important contribution of this study, then, is the systematic evaluation of an important legal doctrine, which has been regarded favorably both by the World Court and by academics such as Kacowicz and Zacher. This study's analyses show quite consistently that *uti possidetis* has not been nearly as effective at avoiding challenges to the territorial status quo, reducing armed conflict, or settling territorial claims quickly as some have argued. While we can not rule out its success at avoiding or minimizing conflict in individual cases, the aggregate results suggest that borders established during the colonial era have been fraught with danger.

This evidence is generally consistent with the skeptical observations of several historians and legal scholars. Despite the good intentions behind the application of *uti possidetis* in Latin America, the doctrine's application appears to have been plagued by several serious problems (Brownlie 1998: 132-133; Hill 1945: 155; Prescott 1987: 105-106, 199 ff; Ratner 1996: 594, 607-608). One issue was that the Spanish had employed a wide variety of 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).

Beyond evaluating this specific legal doctrine, the study has helped increase our understanding of the origins and management of territorial claims. Our analyses indicate that the colonial legacy behind a given border has a great influence on the course of territorial claims over that border. The final set of analyses indicated that the impact of the colonial legacy remains strong when specific details of claim management are examined on an annual basis, and that this remains true even after considering the impact of other factors that have been found to be important in previous work.

This study has also helped contribute to research on the impact of colonialism. As noted earlier, scholars have studied a variety of economic, social, and political factors that are thought to be influenced by the history of colonial rule. This study reveals that colonialism has also had an important impact on international relations, with respect to an important source of interstate conflict. And given the large number of states in today's world that underwent colonial rule by one or more foreign powers, this territorial legacy of colonialism likely has wide applicability well beyond the current study's focus on the Western Hemisphere.

Overall, this study's emphasis on the Western Hemisphere is both a strength and a weakness. This has allowed us to examine the impact of colonialism in the region where the modern *uti possidetis* doctrine first developed, and where it has reputedly had the strongest pacifying effect on post-independence stability. This has also allowed us to focus on a single geographic region, without raising questions about the overall comparability of cases across multiple regions. Yet it has also left us without any observations that truly had no colonial legacy, because neither claimant had ever been ruled by a foreign power. Because of this limitation, we also ran the same analyses with the addition of the ICOW data on territorial claims in Western and Northern Europe, which include some colonial cases such as Gibraltar as well as a number of cases where neither claimant had ever been colonized. The addition of these cases allows a true comparison of the various types of colonial legacies against a set of cases that lacked such legacies, and in general the results were even stronger. For example, the preliminary analysis of territorial claim duration presented here in Table 2A turned out to be statistically significant ($p < .001$), because the cases with no colonial history tended to produce substantially shorter claims than either the European or Western Hemisphere cases with such a history. The results on militarized conflict, whether including all conflict or only fatal conflict, remained as strong once the European cases were added. The results on territorial changes were not altered

by the inclusion of the European cases, while the only notable changes in the annual analysis from Table 5 were a weakening of the impact of different-colonizer legacies ($p < .23$ rather than $p < .04$) and a strengthening of the impact of a recent war ($p < .01$ rather than $p < .06$). In short, most of our findings on the colonial legacy do not appear to be driven by the absence of Western Hemisphere cases that lack a true colonial legacy, because including data from another region that includes many such cases does not change the results substantially.

Future Research Agenda

The contributions that have been made suggest important paths for future research to follow up on this study. First, while establishing that borders established during the colonial era appear to have been more dangerous than other borders, this study has not done much to account for the reasons that some borders have been more dangerous than others within each of these categories. The salience of claimed territories and the relative capabilities of the claimants have been considered, but much remains to be done to account for the rapid and peaceful settlement of some borders versus the protracted and bloody history of contention over others.

Another consideration for future work is the investigation of these borders' histories before 1816. The ICOW territorial claims data set -- like nearly all quantitative data on world politics -- only goes back to 1816. Unfortunately for this study, this temporal limitation prevents us from investigating the complete legacy of contention between the colonial powers, as most of the states in this region had either overthrown colonial rule by 1816 or were within several years of doing so. Future research could profitably attempt to apply the same kinds of coding rules to investigate the history of contention over each border before 1816, in order to get a more complete picture of contention over territory during the colonial era itself.

More details of the specific colonial legacies for each border may also be quite important. For example, the impact of different-colonizer legacies might be quite different for borders that led to militarized conflict or that changed hands during the seventeenth or eighteenth centuries than for those that were settled quickly and peacefully by the colonizers. Similarly, the impact of same-colonizer legacies might be quite different for borders that were challenged by the different administrative units on each side. Even if both units were part of the Spanish colonial government, there may have been important differences between these units that were analogous to territorial claims between different colonizers' possessions, which would likely have an

important impact on the borders after independence from Spanish rule. This would also require additional research on the period before 1816, but there could be great potential payoff.

Finally, future work should address the colonial legacy in additional regions. Because of the current status of the ICOW territorial claims data set, this paper has been limited to an analysis of the colonial legacy in the Americas. Although the legal principle of *uti possidetis* is typically associated with the Latin American experience, it has also been applied elsewhere. This principle has been mentioned by governments and tribunals concerning former colonial borders in Africa and Asia, as well as the 1990s breakups of the Soviet Union, Yugoslavia, and Czechoslovakia, and even the potential secession of Quebec from Canada (Brownlie 1998: 133; Malanczuk 1997: 163; Ratner 1996; Zacher 2001: 222-223, 234-235).¹⁵

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." 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 Middle East and Asia also experienced widespread colonial rule, and even much of Central and Eastern Europe can be considered to have had a history of foreign rule under the Ottoman and Hapsburg Empires. Each region offers numerous examples of ultimately independent borders that were once ruled by the same foreign power, as well as ultimately independent borders that separated two different powers' possessions.

Future work will be able to address each of these additional regions as further ICOW data collection is completed. This will allow scholars to determine whether the other regions experienced the same negative legacy of colonial rule that we have found in the Americas, or whether the colonial powers were able to learn from the Latin American experience and manage their dependencies' borders more effectively.¹⁶ Research on other regions will also be able to

¹⁵ Ratner (1996) argues, though, that the original doctrine of *uti possidetis* is most relevant for cases of decolonization and should not be applied unquestioningly in cases of the breakup of an established state.

¹⁶ We suspect that the results elsewhere will be similar to those for the Americas. Kacowicz (1995: 271) and Zacher (2001: 229) conclude that African borders -- particularly in West Africa -- have generally been respected, in line

examine whether individual colonial powers were able to manage or settle their possessions' borders better than others, much like past research has found substantial differences between former colonies of Britain, France, and other colonizers with regard to political or social stability after independence. Such analyses have not been possible within the Latin American context because of the dominance of Spanish possessions in this region, but regions such as Africa and Asia offer much greater variation in this respect.

References

- Athow, Brian, and Robert G. Blanton. 2002. Colonial Styles and Colonial Legacies: Trade Patterns in British and French Africa. *Journal of Third World Studies* XIX (2):219-241.
- Bernhard, Michael, Christopher Reenock, and Timothy Nordstrom. 2004. The Legacy of Western Colonialism on Democratic Survival. *International Studies Quarterly* 48 (1):225-250.
- Blanton, Robert, T. David Mason, and Brian Athow. 2001. Colonial Style and Post-Colonial Ethnic Conflict in Africa. *Journal of Peace Research* 38 (4):219-243.
- Blondel, Jean. 1972. *Comparing Political Systems*. New York, NY: Praeger.
- Bollen, Kenneth A. 1979. Political Democracy and the Timing of Development. *American Sociological Review*, 44 (4):572-587.
- Bollen, Kenneth A., and Robert W. Jackman. 1985. Political Democracy and the Size Distribution of Income. *American Sociological Review* 50 (4):438-457.
- Brownlie, Ian. 1998. *Principles of Public International Law*, 5th edition. Oxford, UK: Oxford University Press.
- Diehl, Paul F., and Gary Goertz. 2001. *War and Peace in International Rivalry*. Ann Arbor, Mich.: University of Michigan Press.
- Domínguez, Jorge I., with David Mares, Manuel Orozco, David Scott Palmer, Francisco Rojas Aravena, and Andrés Serbin. 2003. *Boundary Disputes in Latin America*. Peaceworks 50. Washington, D.C.: United States Institute of Peace.
- Fifer, J. Valerie. 1972. *Bolivia: Land, Location, and Politics since 1825*. Cambridge, UK: Cambridge University Press.

with *uti possidetis*. Yet these same authors concluded that *uti possidetis* had a positive impact on Latin American borders, which runs counter to the findings of the present study. Furthermore, other scholars are more skeptical; 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.”

Ganzert, Frederic William. 1934. The Boundary Controversy in the Upper Amazon between Brazil, Bolivia, and Peru, 1903-1909. *Hispanic American Historical Review* 14 (4):427-449.

Garner, Bryan A., ed. 1999. *Black's Law Dictionary*, 7th edition. St. Paul, Minn.: West Group.

Ghosn, Faten, Glenn Palmer, and Stuart A. Bremer. 2004. The MID3 Data Set, 1993–2001: Procedures, Coding Rules, and Description. *Conflict Management and Peace Science* 21 (2):133-154.

Goertz, Gary, and Paul F. Diehl. 1992. *Territorial Changes and International Conflict*. London, UK: Routledge.

Hensel, Paul R. 1994. One Thing Leads to Another: Recurrent Militarized Disputes in Latin America, 1816-1986. *Journal of Peace Research* 31 (3):281-298.

Hensel, Paul R. 1999. An Evolutionary Approach to the Study of Interstate Rivalry. *Conflict Management and Peace Science* 17 (2):179-206.

Hensel, Paul R. 2001. Contentious Issues and World Politics: The Management of Territorial Claims in the Americas, 1816-1992. *International Studies Quarterly* 45 (1):81-109

Hill, Norman. 1945. *Claims to Territory in International Law and Relations*. London, UK: Oxford University Press.

Huntington, Samuel. 1984. Will More Countries Become Democratic? *Political Science Quarterly* 99 (2):193-218

Huth, Paul K. 1996. *Standing Your Ground: Territorial Disputes and International Conflict*. Ann Arbor, Mich.: University of Michigan Press.

Huth, Paul K., and Todd Allee. 2002. *The Democratic Peace and Territorial Conflict in the Twentieth Century*. Cambridge, UK: Cambridge University Press.

International Court of Justice. 1986. Judgment, Case Concerning the Frontier Dispute (Burkina Faso v. Mali). Available from (http://www.icj-cij.org/icjwww/icasess/iHVM/ihvm_ijudgment/ihvm_ijudgment_toc.htm). Accessed 8 April 2005.

Ireland, Gordon. 1938. *Boundaries, Possessions and Conflicts in South America*. Cambridge, Mass.: Harvard University Press.

Ireland, Gordon. 1941. *Boundaries, Possessions and Conflicts in Central and North America and the Caribbean*. Cambridge, Mass.: Harvard University Press.

Kacowicz, Arie. 1994. The Problem of Peaceful Territorial Change. *International Studies Quarterly* 38 (2):219-254.

- Kacowicz, Arie. 1995. Explaining Zones of Peace: Democracies as Satisfied Powers? *Journal of Peace Research* 32 (3):265-276.
- Leng, Russell J. 1983. When Will They Ever Learn? Coercive Bargaining in Recurrent Crises. *Journal of Conflict Resolution* 27 (3):379-419.
- Lipset, Seymour Martin, Kyoung-Ryung Seong, and John Charles Torres. 1993. A Comparative Analysis of the Social Requisites of Democracy. *International Social Science Journal* 45 (2):155-175.
- Malanczuk, Peter. 1997. *Akehurst's Modern Introduction to International Law*, 7th revised edition. New York, NY: Routledge.
- Maoz, Zeev. 1984. Peace by Empire? Conflict Outcomes and International Stability, 1816-1976. *Journal of Peace Research* 21 (3):227-241.
- Maoz, Zeev, and Ben D. Mor. 2002. *Bound by Struggle: The Strategic Evolution of Enduring International Rivalries*. Ann Arbor, Mich.: University of Michigan Press.
- North, Douglass C., William Summerhill, and Barry R. Weingast. 1999. "Order, Disorder and Economic Change: Latin America vs. North America." In *Governing for Prosperity*, edited by Bruce Bueno de Mesquita and Hilton L. Root, 17-58. New Haven, Conn.: Yale University Press.
- Prescott, J. R. V. 1987. *Political Frontiers and Boundaries*. Boston, Mass.: Unwin Hyman.
- Ratner, Steven R. 1996. Drawing a Better Line: Uti Possidetis and the Borders of New States. *American Journal of International Law* 90 (4):590-624.
- Shaw, Malcolm N. 1997. *International Law*, 4th edition. Cambridge, UK: Cambridge University Press.
- Singer, J. David. 1988. Reconstructing the Correlates of War Dataset on Material Capabilities of States, 1816-1985. *International Interactions* 14 (2):115-32.
- Tambs, Lewis A. 1966. Rubber, Rebels, and Rio Branco: The Contest for the Acre. *Hispanic American Historical Review* 46 (3):254-273.
- Valenzuela, Arturo, and J. Samuel Valenzuela. 1978. Modernization and Dependency. *Comparative Politics* 10 (4):535-557.
- Zacher, Mark W. 2001. The Territorial Integrity Norm: International Boundaries and the Use of Force. *International Organization* 55 (2):215-250.

Table 1: Colonial Legacies and Territorial Claims in the Americas, 1816-2001**A. Territorial Claims during the Colonial Era**

| <u>Claimed Territory</u> | <u>Participants</u> | <u>Dates</u> |
|----------------------------------|---------------------|--------------|
| Passamaquoddy Bay | USA - UK | 1816 - 1817 |
| St. Croix - St. John Rivers | USA - UK | 1816 - 1842 |
| 49th Parallel | USA - UK | 1816 - 1818 |
| Oregon Country | USA - UK | 1816 - 1846 |
| & Haro Channel | USA - Spain | 1816 - 1821 |
| | Spain - UK | 1816 - 1821 |
| | USA - UK | 1846 - 1872 |
| Alaska | Russia - UK | 1821 - 1867 |
| | USA - Russia | 1822 - 1867 |
| | UK - USA | 1872 - 1903 |
| Wrangel Island | Canada - USA | 1922 - 1924 |
| Labrador | Canada - UK | 1920 - 1927 |
| Florida | USA - Spain | 1816 - 1821 |
| Texas | USA - Spain | 1816 - 1821 |
| Fort Ross | Spain - Russia | 1816 - 1821 |
| | Mexico - Russia | 1831 - 1841 |
| Ellesmere Island | Canada - USA | 1922 - 1926 |
| Sverdrup Islands | Canada - Norway | 1922 - 1930 |
| Hans Island | Canada - Denmark | 1971 - |
| Eastern Greenland | Norway - Denmark | 1921 - 1933 |
| Cuba | USA - Spain | 1848 - 1898 |
| Isla de Pinos | USA - Cuba | 1909 - 1925 |
| Guantánamo Bay | Cuba - USA | 1960 - |
| Navassa Island | Haiti - USA | 1859 - 1914 |
| | Haiti - USA | 1935 - |
| Môle St. Nicholas | USA - Haiti | 1889 - 1915 |
| Samaná Bay | USA - Dom. Rep. | 1894 - 1904 |
| Virgin Islands | USA - Denmark | 1865 - 1917 |
| Quita Sueño-Roncador-Serrana | Colombia - USA | 1890 - 1972 |
| | Nicaragua - USA | 1900 - 1928 |
| | Honduras - USA | 1899 - 1928 |
| Clipperton Island | France - Mexico | 1897 - 1934 |
| Río Hondo | Mexico - UK | 1831 - 1897 |
| Belize | Guatemala - UK | 1868 - 1981 |
| Ranguana & Sapodilla (Zapotillo) | Guatemala - UK | 1981 - 1981 |
| | Honduras - UK | 1981 - 1981 |
| Mosquito Coast | Colombia - UK | 1831 - 1860 |
| Swan Islands | Honduras - USA | 1921 - 1972 |
| Mangles (Corn) Islands | Nicaragua - USA | 1965 - 1971 |
| Nicaragua Canal | USA - Nicaragua | 1900 - 1916 |
| Canal Zone | USA - Colombia | 1901 - 1903 |
| | Colombia - USA | 1903 - 1922 |

| | | |
|-----------------------------|-------------------------|-------------|
| | Panama - USA | 1923 - 1979 |
| Aves (Bird) Island | Venezuela - Netherlands | 1854 - 1866 |
| Essequibo | Venezuela - UK | 1841 - 1899 |
| | Venezuela - UK | 1951 - 1966 |
| Patos Island | Venezuela - UK | 1859 - 1942 |
| Los Roques | Netherlands - Venezuela | 1850 - 1856 |
| Corentyn/New River Triangle | Netherlands - UK | 1816 - 1966 |
| | Netherlands - Guyana | 1966 - 1975 |
| Pirara | Brazil - UK | 1838 - 1926 |
| Maroni | Netherlands - France | 1849 - 1975 |
| | Suriname - France | 1975 - |
| Tumuc-Humac | Brazil - Netherlands | 1852 - 1906 |
| Amapá | Portugal - France | 1816 - 1822 |
| | France - Brazil | 1826 - 1900 |
| Galápagos Islands | USA - Ecuador | 1854 - 1855 |
| | USA - Ecuador | 1892 - 1906 |
| Chincha Islands | Spain - Peru | 1864 - 1866 |
| Trindade Island | Brazil - UK | 1826 - 1896 |
| Falkland (Malvinas) Islands | Argentina - UK | 1841 - |

B. Post-Independence Claims with a Same-Colonizer Legacy

| <u>Claimed Territory</u> | <u>Participants</u> | <u>Dates</u> |
|----------------------------------|-------------------------|--------------|
| Machias Seal Island | USA - Canada | 1971 - |
| Texas | USA - Mexico | 1831 - 1848 |
| Mesilla Valley | USA - Mexico | 1850 - 1854 |
| Morteritos & Sabinos | Mexico - USA | 1884 - 1884 |
| Río Grande Bancos | Mexico - USA | 1884 - 1972 |
| & El Chamizal | Mexico - USA | 1895 - 1963 |
| California - New Mexico | USA - Mexico | 1835 - 1848 |
| Baja California - Sonora | USA - Mexico | 1847 - 1865 |
| Quita Sueño-Roncador-Serrana | Nicaragua - Colombia | 1900 - 1928 |
| | Nicaragua - Colombia | 1967 - |
| | Honduras - Colombia | 1899 - 1928 |
| Serranilla Bank & Bajo Nuevo | Honduras - Colombia | 1982 - 1986 |
| San Andrés y Providencia | Nicaragua - Colombia | 1900 - 1930 |
| | Nicaragua - Colombia | 1979 - |
| Chiapas | Guatemala - Mexico | 1868 - 1882 |
| Ranguana & Sapodilla (Zapotillo) | Honduras - Guatemala | 1981 - |
| Mosquito Coast | Colombia - Nicaragua | 1900 - 1928 |
| Río Motagua | Honduras - Guatemala | 1899 - 1933 |
| Cordillera Monte Cristo | Guatemala - El Salvador | 1935 - 1938 |
| Bolsones | El Salvador - Honduras | 1899 - 1992 |
| Gulf of Fonseca Islands | Honduras - El Salvador | 1899 - 1992 |
| & Conejo Island | El Salvador - Honduras | 2000 - |
| Teotecacinte | Nicaragua - Honduras | 1900 - 1906 |
| | Nicaragua - Honduras | 1912 - 1961 |

| | | |
|-----------------------------|----------------------|-------------|
| Cayo Sur - Media Luna | Nicaragua - Honduras | 1998 - |
| Mangles (Corn) Islands | Colombia - Nicaragua | 1906 - 1928 |
| Río Sixaola y Río Coto | Costa Rica - Panama | 1920 - 1941 |
| Juradó | Panama - Colombia | 1920 - 1938 |
| Goajirá-Guainía | Venezuela - Colombia | 1841 - 1922 |
| Los Monjes | Colombia - Venezuela | 1951 - |
| Oriente-Aguarico | Ecuador - Colombia | 1854 - 1919 |
| Loreto | Peru - Colombia | 1839 - 1922 |
| & Leticia | Peru - Colombia | 1932 - 1935 |
| Oriente-Mainas | Ecuador - Peru | 1854 - 1945 |
| & Cordillera del Cóndor | Ecuador - Peru | 1947 - 1998 |
| Acre | Peru - Bolivia | 1848 - 1912 |
| Chaco Boreal | Bolivia - Paraguay | 1878 - 1938 |
| Antofagasta | Chile - Bolivia | 1848 - 1884 |
| & Tacna-Arica | Bolivia - Chile | 1884 - |
| | Chile - Peru | 1879 - 1884 |
| | Peru - Chile | 1884 - 1929 |
| | Bolivia - Peru | 1883 - 1936 |
| Puna de Atacama | Argentina - Bolivia | 1841 - 1941 |
| & Los Andes | Chile - Argentina | 1896 - 1904 |
| Chaco Central | Argentina - Paraguay | 1846 - 1878 |
| Patagonia | Chile - Argentina | 1841 - 1903 |
| Beagle Channel | Argentina - Chile | 1904 - 1985 |
| Palena/Continental Glaciers | Chile - Argentina | 1903 - 1998 |
| Río de La Plata | Argentina - Uruguay | 1882 - 1973 |

C. Post-Independence Claims with a Different-Colonizer Legacy

| Claimed Territory | Participants | Dates |
|----------------------------------|--------------------|-------------|
| Wrangel Island | Canada - Russia | 1922 - 1924 |
| Río Massacre | Haiti - Dom. Rep. | 1894 - 1915 |
| | Haiti - Dom. Rep. | 1934 - 1935 |
| Belize | Guatemala - Belize | 1981 - |
| Ranguana & Sapodilla (Zapotillo) | Guatemala - Belize | 1981 - |
| | Honduras - Belize | 1981 - |
| Apaporis | Brazil - Colombia | 1831 - 1928 |
| Essequibo | Venezuela - Guyana | 1966 - |
| Amazonas | Venezuela - Brazil | 1841 - 1928 |
| Corentyn/New River Triangle | Suriname - Guyana | 1975 - |
| Amazonas-Caquetá | Ecuador - Brazil | 1854 - 1904 |
| & Amazonas-Iça | Brazil - Ecuador | 1904 - 1922 |
| Acre | Peru - Brazil | 1839 - 1909 |
| | Brazil - Bolivia | 1848 - 1909 |
| Apa | Paraguay - Brazil | 1846 - 1874 |
| & Río Paraguay Islands | Paraguay - Brazil | 1874 - 1929 |
| Misiones | Argentina - Brazil | 1841 - 1895 |
| Yaguarón | Uruguay - Brazil | 1882 - |

Notes

- Claim dates are constrained by membership in the COW international system. Claims can not begin until actors on both sides qualify for system membership, and claims end with the loss of system membership.
- The colonial era includes all claims for which at least one claimant was a state acting to acquire or retain dependent (non-homeland) territory. Post-independence claims' colonial legacies are coded based on the identity of the colonial power(s) that ruled each side of the claim during the colonial era.
- Claims to a given piece of territory may appear in several different sections of this table. In particular, many claims are listed in the colonial era section for times when at least one side of the border was ruled by a foreign power, and in the same-colonizer or different-colonizer legacy sections for interactions once both sides had become independent.

Table 2: The Colonial Legacy and Post-Independence Territorial Claim Duration

A. Duration of Territorial Claims

| <u>Colonial Legacy</u> | <u>Mean (S.D.)</u> | <u>N</u> |
|--------------------------|--------------------|------------|
| Colonial era | 35.6 (36.9) | 61 |
| Legacy: diff. colonizers | 44.6 (33.2) | 18 |
| Legacy: same colonizer | 43.2 (33.0) | 49 |
| <i>Total</i> | <i>39.8 (34.9)</i> | <i>128</i> |

F = 0.85 (2 df, p < .43)

B. Accounting for Territorial Claim Duration (Cox regression)

| <u>Variable</u> | <u>Coeff. (Robust S.E.)</u> | <u>Hazard Ratio</u> |
|--------------------------|-----------------------------|---------------------|
| Legacy: diff. colonizers | - 0.71 (0.31)** | 0.49 |
| Legacy: same colonizer | - 0.43 (0.22)** | 0.65 |
| Claim salience index | - 0.05 (0.04) | 0.95 |
| Challenger capabilities | 0.68 (0.26)*** | 1.97 |
| Claim beginning year | .001 (0.003) | 1.00 |

N = 128 (109 failures / 19 censored cases)

Log likelihood: -422.39

X² = 14.95 (5 df, p < .02)

* p < .10, ** p < .05, *** p < 01

Table 3: The Colonial Legacy and Militarized Disputes over Territory

A. Probability of Militarized Disputes

| Colonial Legacy | At least one militarized dispute over territory? | | N |
|--------------------------|--|-------------------|------------|
| | No | Yes | |
| Colonial era | 46 | 15 (24.6) | 61 |
| Legacy: diff. colonizers | 9 | 9 (50.0) | 18 |
| Legacy: same colonizer | 18 | 31 (63.3) | 49 |
| <i>Total</i> | <i>73</i> | <i>55 (43.0%)</i> | <i>128</i> |

$X^2 = 17.01$ (2 df, $p < .001$)

B. Accounting for Militarized Disputes

| Variable | Coeff. (Robust S.E.) | Odds Ratio |
|--------------------------|----------------------|------------|
| Constant | - 2.54 (0.63)*** | --- |
| Legacy: diff. colonizers | 1.16 (0.58)** | 3.20 |
| Legacy: same colonizer | 1.69 (0.46)*** | 5.40 |
| Claim salience index | 0.31 (0.10)*** | 1.36 |
| Challenger capabilities | 0.38 (0.58) | 1.46 |

N = 128
 Log likelihood: -72.15
 $X^2 = 18.71$ (4 df, $p < .001$)

* $p < .10$, ** $p < .05$, *** $p < .01$

Table 4: The Colonial Legacy and Territorial Changes

A. Probability of Territorial Change(s)

| <u>Colonial Legacy</u> | One or More Territorial Changes? | | |
|--------------------------|----------------------------------|------------|-----|
| | No | Yes | N |
| Colonial era | 44 | 17 (27.9) | 61 |
| Legacy: diff. colonizers | 13 | 5 (27.8) | 18 |
| Legacy: same colonizer | 33 | 16 (33.7) | 49 |
| <i>Total</i> | 90 | 38 (29.7%) | 128 |

$X^2 = 0.33$ (2 df, $p < .85$)

B. Accounting for Territorial Change(s)

| <u>Variable</u> | <u>Coeff. (Robust S.E.)</u> | <u>Odds Ratio</u> |
|--------------------------|-----------------------------|-------------------|
| Constant | - 2.37 (0.59)*** | --- |
| Legacy: diff. colonizers | - 0.01 (0.65) | 0.99 |
| Legacy: same colonizer | 0.09 (0.44) | 1.09 |
| Claim salience index | 0.33 (0.09)*** | 1.40 |
| Challenger capabilities | 0.11 (0.59) | 1.12 |

N = 128

Log likelihood: -70.47

$X^2 = 13.04$ (4 df, $p < .02$)

* $p < .10$, ** $p < .05$, *** $p < .01$

Table 5: Colonial Legacies and Militarized Conflict during Territorial Claims

| <u>Variable</u> | Model I: Original Model | | Model II: Colonial Legacy | |
|---|--|-------------------|---|-------------------|
| | <u>Coefficient</u> (Robust S.E.) | <u>Odds Ratio</u> | <u>Coefficient</u> (Robust S.E.) | <u>Odds Ratio</u> |
| Constant | - 5.67 (0.35)*** | --- | - 5.93 (0.39)*** | --- |
| <i>Colonial Legacy:</i> | | | | |
| Legacy: diff. colonizers | --- | --- | 0.66 (0.32)** | 1.94 |
| Legacy: same colonizer | --- | --- | 0.83 (0.23)*** | 2.30 |
| <i>Replication:</i> | | | | |
| Salience Index | 0.24 (0.05)*** | 1.27 | 0.21 (0.05)*** | 1.23 |
| Recent Unsuccessful Settlement Attempts | 0.27 (0.07)*** | 1.31 | 0.29 (0.07)*** | 1.34 |
| Recent Successful Settlement Attempts | - 0.02 (0.13) | 0.98 | - 0.01 (0.13) | 0.99 |
| Recent MIDs | 0.87 (0.112)*** | 2.38 | 0.82 (0.11)*** | 2.26 |
| Recent War | - 1.04 (0.57)* | 0.35 | - 1.06 (0.54)* | 0.35 |
| Shared Institutions | 0.11 (0.03)*** | 1.11 | 0.07 (0.03)** | 1.08 |
| Challenger Capabilities | 1.09 (0.25)*** | 2.97 | 0.82 (0.28)*** | 2.26 |
| Joint Democracy | - 0.12 (0.28) | 0.88 | 0.09 (0.30) | 1.09 |
| | N = 5063 | | N = 5063 | |
| | Log likelihood: -615.57 | | Log likelihood: -609.32 | |
| | X ² = 223.60 (8 df, p < .001) | | X ² = 233.19 (10 df, p < .001) | |

* p < .10, ** p < .05, *** p < 01