

**The Path to Indivisibility:  
Time and the Entrenchment of Territorial Disputes\***

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Abstract

Why do some territorial disputes persist for decades whereas others, often over land more valuable, are resolved within months of initiation? This paper proposes an explanation for territorial dispute entrenchment that draws on changes in dispute perception. I argue that as territorial disputes mature they undergo processes that increase the integrity of the disputed territory, clarify the definition of the territory's boundaries and make it more difficult to find substitutes for the territory. Territorial disputes resolution is both stochastic and exogenous to the entrenchment process and thus impossible to predict. It is possible to forecast ex-ante the degree to which young territorial disputes are likely to resist resolution efforts in the future based on two variables: Perceptions of indivisibility at the outset of the dispute and material constraints on expansion and settlement into the territory.

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## The Path to Indivisibility: Time and the Entrenchment of Territorial Disputes

### 1. Introduction

In 2002, Spain and Britain broke off talks over the future of Gibraltar after several months of intense yet fruitless negotiation. The dispute over the two-and-one-quarter square-miles colony, once a significant strategic asset, now a minor tourist destination of 35,000 inhabitants, dates to the conquest of the peninsula by Britain in 1704.<sup>1</sup> Although the contenders have not exchanged fire over Gibraltar since the early 19<sup>th</sup> century, the dispute has since led to decades of border closures, violent quarrels over fishing rights and mutual displays of force. It has soured relations between Britain and Spain at multiple international fora including NATO, the European Union and the United Nations.<sup>2</sup>

In 1998, war broke out between Ethiopia and Eritrea over 250 square miles in the Badme region. The area is of no strategic importance and holds no significant resources. Its population resides in a few hundred huts near a dirt track, growing sorghum and raising goats. Yet the dispute over Badme, now in its sixth year, has led to nearly 200,000 casualties so far, with no peaceful resolution in sight.<sup>3</sup> "That area, I think, is desert," commented one Ethiopian interviewed by the *New York Times*, but hastened to add: "it's territory, you know... we'll die for our country."<sup>4</sup> In June 2003, Ethiopia rejected the results of an arbitration by a Hague border commission that awarded the disputed region to Eritrea, raising the prospects of continued fighting. In October 2003, the commission announced the indefinite postponement of the border demarcation. The arrival in the region of a special commissioner, sent by UN Secretary General Kofi Annan in January to mediate the dispute, has yet to yield tangible results.<sup>5</sup>

These cases exemplify two curious characteristics of territorial disputes. Many of these disputes last longer than the material benefits attached to the territory seem to merit. Gibraltar has long since ceased to serve the strategic interests of the Spanish and British navies in the Mediterranean. The region along the Ethiopian-Eritrean border is "a rocky piece of land... barely populated and [of] no special significance."<sup>6</sup> Second, parties to these disputes seem increasingly reluctant to compromise, or even negotiate, over disputed territories as these disputes mature. Often, the material interests that prompted a dispute are complemented or even superseded by claims about the territory's historical, nationalist, religious or ethnic meaning. Eritreans play ballads about Badme on state television, while Ethiopians have rewritten the history of their ancient civilization to incorporate accounts of the region. On the ramparts of Gibraltar, with 18<sup>th</sup> century cannons still aimed at the Spanish mainland, the British garrison routinely reenacts the "Ceremony of the Keys", commemorating the locking of Gibraltar's gates against the Spanish invaders.<sup>7</sup>

Why do some territorial disputes persist for decades whereas others, often over land more valuable, are resolved within months or years of initiation? How can we explain the apparent intractability of prolonged territorial disputes? Why do territorial disputes that emerged as conflicts over

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<sup>1</sup> Paul Delaney, "283 Years Later, Dispute Over Gibraltar Persists", *New York Times*, July 30, 1987; Warren Hoge, "A Thorny Rock", *New York Times*, February 5, 2002.

<sup>2</sup> In 1998, for example, a Spanish helicopter threatened and damaged a Royal Gibraltar police vessel. Spain has closed the border with Gibraltar, and even cut off communication links, in the 1940s, between 1969 and 1985 and again in 1999. Dominique Searle, "British Protest over Gibraltar Fish Clash", *The Times*, March 16, 1998; Sir William G. F. Jackson, *The Rock of the Gibraltarians: A History of Gibraltar* (Cranbury, NJ: Associated University Presses, 1987), pp.317-327.

<sup>3</sup> "The Horn in peril: Ethiopia must accept arbitration verdict, however painful", *Financial Times*, June 17, 2003; Deaglen de Bredun, "Cowen Looks for Path to Peace in Boundary War," *Irish Times*, April 7, 2004; Chris Bunting, "Lines Not Mapped Are Drawn in Blood," *Times Higher Education Supplement* (no. 1651), July 30, 2004, p.16.

<sup>4</sup> Marc Lacey, "Badme Journal: Torn Town Changes Countries, but Not Conviction", *New York Times*, April 16, 2002.

<sup>5</sup> Sophie Mongalvy, "Setback for Peace as Ethio-Eritrea Border Demarcation Delayed Again," *Agence France-Presse*, 30 October 2003; Marc Carnegie, "UN Taps Canadian as Envoy in African Border Row," *Agence France Presse*, January 31, 2004.

<sup>6</sup> Ian Fisher, "Behind Eritrea-Ethiopia War, a 'Knack for Stubbornness'", *New York Times*, February 14, 1999.

<sup>7</sup> Philip Dennis, *Gibraltar and Its People* (Newton Abbot, UK: David & Charles, 1990), pp.127-137; Philip Dennis, *Gibraltar* (Newton Abbot, UK: David & Charles, 1977), p.131.

material resources often evolve into conflicting claims about identity? No clear answer to these questions emerges from available data on territorial disputes. Given the presumed impact on dispute duration of variables such as power parity, the value of disputed territory or the disputants' regime type, it is not immediately obvious why, for example, the 1955 boundary dispute between the Netherlands and Germany was resolved within five years whereas the boundary dispute between Canada and the USA persists thirty years into the dispute. Why did a dispute between Jordan and Saudi Arabia over barren desert land last forty-three years whereas Kuwait and Saudi Arabia managed to peacefully resolve their dispute over oil-rich territories along their common border within four years?

These questions are of critical importance given the by now well established link between territorial disputes and international conflict. John Vasquez and Marie Henehan found that territorial disputes were more war prone than disputes over other types of issues. Brecher, Wilkenfeld and Moser showed that nearly half of the international crises after the Second World War involved territorial disputes as a major component of the conflict. Paul Huth has argued that territorial disputes were the primary cause in fourteen out of twenty-one inter-state wars in the same period and has counted more than sixty ongoing territorial disputes in 1995. Paul Hensel documented the increased likelihood with which these particular disputes escalated and resulted in larger number of fatalities and Barbara Walter has showed that the most intractable civil wars by far were those that involved territorial disputes. Hassner and Hironaka noticed a pattern in this intractability: Inter-state territorial disputes were marked by significant negative duration dependence, suggesting that these disputes became more difficult to resolve as they matured. Of the 160 disputes in their dataset, nearly 50% were resolved within twenty years of onset but only another 6% were resolved in the twenty years after that and only another 5% ended within 75 years of initiation.<sup>8</sup>

This paper proposes an explanation for territorial dispute entrenchment that draws on changes in dispute perception. Territorial disputes are formal disagreements between states regarding sovereignty over territory or the location of boundaries.<sup>9</sup> I define entrenchment as the process by which disputes become increasingly resistant to resolution over time, marked by an enhanced reluctance to offer, accept or implement compromises or even negotiate over territory. This entrenchment is often accompanied by an escalation of hostile rhetoric regarding the territory and even armed clashes. I demonstrate that the entrenchment of territorial disputes over time can be traced to changes in the perception of dispute indivisibility that are beyond the immediate control of elites. Specifically, I argue that three changes that occur over time inexorably drive the entrenchment of territorial disputes: As territorial disputes mature they undergo processes that increase the integrity of the disputed territory, clarify the definition of the territory's boundaries and make it more difficult to find substitutes for the territory. These three processes can be traced to time-driven mechanisms that are readily observable in territorial disputes.

I begin this paper by examining existing explanations for dispute entrenchment over time and

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<sup>8</sup> John Vasquez, *The War Puzzle* (Cambridge, 1993); John Vasquez and Marie T. Henehan, "Territorial Disputes and the Probability of War, 1816-1992," *Journal of Peace Research* vol.38, no.2, pp.123-138; Michael Brecher, Jonathan Wilkenfeld and Sheila Moser, *Crises in the Twentieth Century*, vol.I (New York: Pergamon Press, 1988) cited in Paul Huth, *Standing Your Ground* (Ann Arbor, MI: University of Michigan Press, 1996), pp.4-5; Paul Hensel, "Charting a Course to Conflict: Territorial Issues and Interstate Conflict, 1816-1992," in Paul F. Diehl, ed., *A Road Map to War: Territorial Dimensions of International Conflict* (Nashville, TN: Vanderbilt University Press, 1999), pp.115-146; Barbara F. Walter, "Explaining the Intractability of Territorial Conflict," *International Studies Review*, vol. 5, no.4, pp.137-153; Ron E. Hassner and Ann Hironaka, "Can Time Heal All Wounds?", paper presented at the International Studies Association Annual Conference, 24-27 March 2002, New Orleans, LA, p.19.

<sup>9</sup> This definition includes land-based and maritime disputes, border disputes, disputes in which the claimed territory is entirely occupied by one party and disputes in which two or more parties hold parts of the disputed territory, as well as disputes that fall short of the use of force. This definition formally excludes disputes involving non-state actors, as in the Israeli-Palestinian or Northern Ireland disputes or conflicts involving self-determination in which one party wishes to subsume the other entirely, such as the Taiwan and Cyprus disputes. It is compatible with definitions adopted in mainstream work on territorial disputes, permits the utilization of existing databases, ensures sampling impartiality and allows for comparisons with previous findings. See Huth, *ibid.*, pp.195-197.

offer an alternative approach based on perceptions of issue indivisibility. I examine the implications of this definition for territorial disputes and specify three interrelated entrenchment processes that make up the entrenchment path of a territorial dispute. I then detail the observable mechanisms that drive each of these processes over time, illustrated with examples from 20<sup>th</sup> century territorial disputes. The following section examines and qualifies the roles of elites in purposefully contributing to the entrenchment of disputes. I demonstrate the limits of elite agency and trace the processes and mechanisms of entrenchment by means of a detailed case study of the Israeli-Syrian dispute over the Golan Heights.

Though the process of dispute entrenchment is inevitable, the pace of that entrenchment is affected by two factors: Perceptions of indivisibility at the outset of the dispute and material constraints on expansion and settlement into the territory. I analyze three cases -- Early Israeli settlement policy in the West Bank, the multilateral dispute over the Spratley Islands in the South China Sea and the Indo-Pakistani dispute over Kashmir -- in which different combinations of these two factors led to rapid, slow and restricted entrenchment over time respectively. I conclude with some implications of my argument for territorial dispute resolution.

## 2. Contending Approaches

How can we explain the empirical pattern of territorial dispute entrenchment over time? Scholars have offered no arguments tailored particularly to territorial dispute entrenchment but have suggested expected utility arguments, organizational arguments and socio-psychological arguments to explain the decreased odds of resolution over time in other types of disputes.<sup>10</sup>

Scholars focusing on expected utility explanations have argued that variables that either increase the utility or probability of winning or decrease the costs of fighting during the course of the dispute will increase the expected utility of continuing the dispute.<sup>11</sup> Thus, long disputes are caused by those factors that increase stakes, decrease expenses and increase the parties' ability to deal with costs, such as the aggregation of resources before the onset of conflict.<sup>12</sup> The level of acceptable outcomes or the demands made may shift in the course of the dispute, offering an explanation of negative duration dependence that is entirely in accord with expected utility calculations.<sup>13</sup> For example, if resources have been set aside before the conflict, such as weapon stockpiles in preparation for war, then the costs of continuing would be small and the relative utility of continuing the conflict would tend to be constant, provided that reserves last. The public and the leadership might experience differentiated levels of tolerance with respect to the costs and casualties of the dispute.<sup>14</sup> James Fearon has further argued that parties with strong domestic audience costs are less likely to back down in international crises, even

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<sup>10</sup> For arguments explaining increased odds of dispute settlement over time see for example Donald Witman, "How a War Ends: A Rational Model Approach", *Journal of Conflict Resolution* 23, 1979, pp.743-763; Bruce Bueno de Mesquita, "An Expected Utility Theory of International Conflict", *American Political Science Review* 74, 1980, pp.917-931; Samuel Vuchinich and Jay Teachman, "Influences on the Duration of Wars, Strikes, Riots, and Family Arguments", *Journal of Conflict Resolution* 37, 1993, pp.544-568; William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York, N.Y.: Oxford University Press, 1985); Richard N. Haass, *Conflicts Unending: The United States and Regional Disputes* (New Haven, CN: Yale University Press, 1990); Michael Stohl, "War and Domestic Political Violence: The Case of the United States 1890-1970", *Journal of Conflict Resolution* 19, 1975, pp.379-416; Bruce Russett, *Controlling the Sword: The Democratic Governance of National Security* (Cambridge, MA: Harvard University Press, 1996), p.46; Scott S. Gartner and Gary M. Segura, "War, Casualties, and Public Opinion", *Journal of Conflict Resolution* 42, 1998, pp.278-300; Zeev Maoz, "Resolve, Capabilities, and the Outcomes of Interstate Disputes, 1816-1976", *Journal of Conflict Resolution* 27, 1983, pp.195-229.

<sup>11</sup> Wittman, *ibid.*

<sup>12</sup> Scott D. Bennett and Allan C. Stam III, "The Duration of Interstate Wars, 1816-1985," *American Political Science Review* 90, 1996, pp.239-57.

<sup>13</sup> James D. Morrow, "A Continuous-Outcome Expected Utility Theory of War," *Journal of Conflict Resolution* 29, 1985, pp.473-502.

<sup>14</sup> Donna J. Nincic and Miroslav Nincic, "Commitment to Military Intervention: The Democratic Government as Economic Investor," *Journal of Peace Research* 32, 1995, pp.413-426.

when costs are accumulating over the duration of the dispute.<sup>15</sup>

Organizational theories recognize that often, the very actors who benefit most from continued conflict are in the best position to lock a state into combat through direct control over the means of conducting violence. Decision makers may be unable to agree on the expected utility of continuing the dispute. Parties with parochial interests, such as political hawks, certain members of a bureaucracy, the opposition, the military or the military-industrial complex, may be able to sustain the conflict in spite of decreasing utility for the rest of society. At times of conflict there is also a dramatic increase in perceived vulnerability to internal dissent. Actors will avoid concessions in order to signal resolve and may experience a reluctance to capitulate for fear of reputation costs and concerns about appearing fainthearted or disloyal.<sup>16</sup>

Finally, and contrary to fatigue theories of dispute unraveling, socio-psychological theories propose that the level of animosity in disputes rises over time. Actors may oppose concessions to the enemy or develop skepticism about peace because of feelings of antagonism towards the enemy. If the demonization of the enemy and the desire to avenge casualties dominate a dispute, it may assume the form of a blood feud, with spirals of hostility and violence feeding into one another.<sup>17</sup> Embittered about lost investments in blood and treasure, parties may consider sunk costs in their calculations, particularly if they feel that only victory in the dispute can justify the sacrifices made so far. An endowment effect, or status quo bias, may lead parties to place a higher value on territories and display enhanced reluctance to give up land, once it has been acquired.<sup>18</sup>

The preceding arguments can be difficult to generalize across cases and are of questionable utility to the analysis of territorial disputes. The expected utility argument predicts that disputes will become entrenched if states act to increase stakes over the course of the dispute, but this argument runs the danger of circularity if it fails to explain states' motives for doing so. Assumptions about organizational behavior, parochial interest or hostility, pride and revenge arguments are not likely to hold across dispute types or even across cases. Disputes in general, and territorial disputes in particular, have become more difficult to resolve even when parties did not accumulate resources before the conflict, when the costs of conflict were substantial, and when disputing parties were non-democratic states enjoying low audience costs. While prospect theory can explain the initial reluctance to compromise over acquired territory, it lacks the micro-foundations to explain how territory moves from the domain of gains to the domain of losses or why a pattern of constant decrease in the odds of territorial dispute resolution over time, even long after the initial acquisition, emerges from the empirical record.

The path to indivisibility argument presented in the following sections offers a generalizable explanation for territorial dispute entrenchment that complements and elucidates elements from several of the traditional dispute entrenchment arguments presented here while dispensing with the more idiosyncratic facets of these arguments. It does so by identifying entrenchment processes common to all territorial disputes and by tracing these processes to mechanisms that are readily identifiable and easy to observe and evaluate.

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<sup>15</sup> James D. Fearon, "Domestic Political Audiences and the Escalation of International Disputes," *The American Political Science Review*, volume 88, no.3 (September 1994), pp. 577-592.

<sup>16</sup> Fred Ikle, *How Nations Negotiate* (New York, N.Y.: Harper and Row, 1964); Robert Jervis, *The Logic of Images in International Relations* (Princeton, N.J.: Princeton University Press, 1970); Christopher R. Mitchell, "Ending Conflicts and Wars: Judgment, Rationality and Entrapment", *International Conflict Research* 127, 1991, pp.35-57; Christopher R. Mitchell and Michael Nicholson, "Rational Models and the Ending of Wars", *Journal of Conflict Resolution* 27, 1983, pp.495-520.

<sup>17</sup> David J. Finlay, Ole R. Holsti and Richard R. Fagen, *Enemies in Politics* (Chicago, I.L.: Rand McNally, 1967).

<sup>18</sup> D. Kahneman and A. Tversky, "Prospect Theory: An Analysis of Decision Under Risk", *Econometrica*, vol.47, no.2 (1979), pp.263-291; R. Thaler, "Towards a Positive Theory of Consumer Choice", *Journal of Economic Behavior and Organization*, vol. 1 (1980), pp. 39-60.

### 3. The Indivisibility Conundrum

First Kings, chapter 3, tells the story of Solomon's judgment. The episode has come to symbolize innovative conflict resolution approaches and exemplifies how identity can be revealed through expressed preferences.<sup>19</sup> Solomon's judgment also has implications for understanding a specific type of disputes, namely disputes over indivisible goods. As the biblical story demonstrates, a true mother cannot fathom the idea of dividing her child, even if this means giving up ownership entirely. Mothers perceive children to be indivisible, but what exactly does this mean? The simplest definition as found in the dictionary, "incapable of being divided", seems to miss the point entirely.<sup>20</sup> Of concern here is not the viability of the task but the preferences of parties to the undertaking. Economists and game-theorists take us a step closer to actor preferences by defining indivisible goods as "goods whose value is destroyed if they are divided."<sup>21</sup> Whereas half a cake is worth half as much as a whole cake, half a child is worth nothing to its parent.

In politics, the question of indivisible goods is more complicated. Unlike cakes or children, disputed political goods are not always fungible or discrete. Many disputes between states concern not goods but issues, a broader category that can contain material goods as well as symbolic matters. Furthermore, political issues can be non-fungible as well as overlapping or hazy in demarcation. A definition of indivisibility that seeks to shed light on political disputes needs to make these two assumptions, namely issue boundaries and non-fungibility, explicit.

This results in an intuitive three part definition of dispute indivisibility.<sup>22</sup> First, as per the economic definition, cohesion: The parties must hold that the issue is perfectly integrated, that it cannot be parceled out or subdivided without significantly diminishing its subjective value. Second, boundaries: The parties must mean the same thing when they refer to the issue they are bargaining over. If there is no overlap between the issue boundaries as they perceive them then the issue is, at least in part, divisible. Finally, non-fungibility: The parties must be unwilling to concede ownership or sovereignty over the issue, arguing that the issue cannot be substituted for or exchanged. If the parties are willing to accept compensation for an issue, even if it is perfectly integrated and rigidly defined, then the indivisibility of that issue is moot.<sup>23</sup>

This definition focuses on inter-subjective perceptions of an issue, not on its objective qualities. Each of its three conditions is necessary, but not by itself sufficient, for defining an indivisible dispute. Combined, they offer the necessary and sufficient conditions for an indivisible dispute to take place. These conditions can also be thought of as representing three types or facets of indivisibility: *functional* indivisibility represents the difficulty of dividing the issue, *material* indivisibility represents the clarity in the definition of the issue and *symbolic* indivisibility represents those layers of meanings and symbols

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<sup>19</sup> Steven J. Brams, and Alan D. Taylor, *From Cake Cutting to Dispute Resolution* (Cambridge, UK: Cambridge University Press, 2002).

<sup>20</sup> *Compact Edition of the Oxford English Dictionary* (Oxford, UK: 1980), p.1420 (226).

<sup>21</sup> Brams and Taylor, *ibid.*, p.51. See *ibid.*, n.1 for a list of references within the game theory literature.

<sup>22</sup> For alternative definitions and applications of indivisibility in political science see James D. Fearon, "Rationalist Explanations to War", *International Organization*, 1995, 3:379-414; Monica Duffy Toft "Indivisible Territory, Geographic Concentration, and Ethnic War," *Security Studies* 12, no. 2 (winter 2002/3): 81-118.; Monica Duffy Toft, *The Geography of Ethnic Conflict: Identity, Interests, and the Indivisibility of Territory* (Princeton: Princeton University Press, 2003); Barbara Walter, "The Critical Barrier to Civil War Settlement", *International Organization* 51, 1997, pp. 335-64; Stacie Goddard, "A Hard Bargain: The Dynamics of Indivisible Issues". Unpublished paper presented at the Olin Institute for Strategic Studies, Harvard University, 2001.

<sup>23</sup> The dispute over Barry Bonds' 73<sup>rd</sup> home-run baseball, for example, was not a dispute over an indivisible good, even though the ball was clearly defined and would have lost all value if sliced in half, because the ball was fungible. This particular good was divided by a San Francisco judge who ordered that the ball be sold or auctioned and the proceeds be split between the two claimants. See Dean E. Murphy, "Solomonic Decree in Dispute over Bonds Ball," *New York Times*, December 19, 2002.

that render the territory irreplaceable.<sup>24</sup> Whereas the first two elements of the definition, the functional and the material, are sufficient for defining an indivisible *issue*, symbolic indivisibility is necessary for defining an indivisible *dispute*. Indivisibility is only problematic when it coincides with multiple claims to ownership: It is the need of more than one party to possess, or hold sovereignty over, an indivisible good that creates an indivisibility dispute. Thus, in effect, indivisible disputes are indivisible in two distinct ways. First, parties in these disputes view the issue as indivisible in and of itself, meaning that it cannot be taken apart, and second, they consider the issue indivisible from themselves, signifying that they will not tolerate parting with it.

There is a tension between the twin meanings of the term. Parties to an indivisibility dispute, torn between their wish to preserve the unity of the issue or good and their desire to possess it, wish to have their proverbial cake whole and eat it too. Solomon's Judgment builds on this tension: The child's true mother is torn between the desire to possess her child, on one hand, and the desire to maintain the integrity of her child, its body and life, on the other. Curiously, any act taken by a party to enhance indivisibility in one sense necessarily diminishes indivisibility in the other sense. This is the *indivisibility conundrum*: The more each side acts to take possession of its part of the disputed good, the more divided the good becomes. The stronger the claims made by the parties regarding the indivisibility of the good, the clearer it becomes to each party that it does not possess the good in its entirety.

There are only two possible solutions to an indivisible dispute. In one outcome preferences are reordered and both parties forgo cohesion for ownership. This is the outcome supported by the false mother during the trial: "It shall be neither yours nor mine; cut it in two." The other possibility is suggested by the true mother: "Please, my lord, give her the live child; only don't kill it." (1 Kgs. 3:26) In this solution both parties insist on maintaining the cohesion of the good but the preferences of one party are reordered and it agrees to forgo ownership.

#### 4. The Path to Indivisibility

Territories are never indivisible. Indeed, it is difficult to think of a 20<sup>th</sup> century territorial dispute that fulfills even one of the three necessary conditions for indivisibility. It is rare to find territory that is evenly populated, developed in its entirety, rich in resources throughout or consistently valued for religious, historical or nationalist reasons. It is unusual for the boundaries of a disputed territory to be so clearly and precisely defined as to preclude any ambiguity about the size and location of the disputed region. Parties can be compensated for their willingness to engage in compromises resulting in loss of property, real estate, natural resources or access to trade routes. Even the strategic value of territory can be offset by means of third party presence, confidence building measures or the compensatory transfer of weapons technology or military intelligence. It is much harder to compensate a state for the loss of territory that has religious, historical or nationalist meaning but only rarely is there a perfect overlap between those regions a state considers symbolically significant and those regions it is involved in disputes over.

If none of the territorial disputes in the 20<sup>th</sup> century are characterized by indivisibility, how is the concept useful in answering the questions guiding this research? The answer lies in the transformation that disputes undergo over time. Time, of course, is not an independent causal factor. It represents three interrelated processes that unfold over time and match the three components of my indivisibility definition: (1) the increased cohesion of the disputed area and its integration to the home territory of the conquering party or parties; (2) the clarification and hardening of the boundaries defining the disputed area; and (3) the falling-away of potential side-payments as the territory is invested with nationalist, religious, ethnic and otherwise emotional value.

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<sup>24</sup> I thank one of the anonymous reviewers for suggesting this dichotomy. A different typology is adapted by Cecilia Albin, who differentiates between goods that are indivisible because they represent core needs and values, those that are physically indivisible and those that are linked to core concerns. Cecilia Albin, "Negotiating Indivisible Goods: The Case of Jerusalem," *Jerusalem Journal of International Relations*, vol.13, no.1 (1991), pp.45-76.

The first process moves disputes towards *functional* indivisibility by making it harder to divide the disputed area or separate it from the homeland.<sup>25</sup> The process that leads to *material* indivisibility consolidates the issue at the heart of the dispute, thus reducing the flexibility available for compromise. The final process drives disputes towards *symbolic* indivisibility by adding ideational layers to the dispute that make it more difficult for leaders to find substitutes for the disputed territory or accept some other valued good in exchange for the territory. As the dispute shifts from the material to the intangible, pragmatic solutions become more difficult to find. Even disputes that began as disputes over strategically or materially valuable territory, evolve into disputes over history, identity, honor and values.<sup>26</sup> While these processes impede the resolution of territorial disputes, they need not prevent the resolution of a territorial dispute. In 20<sup>th</sup> century territorial disputes examined here, indivisibility can only be approximated.

The most important characteristic of these processes is their recursivity. Changes in the territory, whether natural, accidental or the products of deliberate policy, affect perceptions in a manner conducive to additional entrenchment policies. Some of these changes occur inevitably over time while others are the function of government policies enacted over time, but in both cases the change is monotonic. The more integrated the territory seems, the more important it becomes to the contenders and the more important it will become to maintain and promote its integrity. The clearer its boundaries appear on maps, the more important it becomes to demarcate those boundaries on the ground and guard the territory against infringement, yet visible borders further enhance the rigidity of boundaries. When territory is perceived as irreplaceable, contenders will invest in its unity and defense, leading to greater sacrifices that, in turn, further increase the perceived value of the territory.

The driving force behind the entrenchment of territorial disputes is the indivisibility conundrum, the tension between perceptions of indivisibility and the reality of shared control. At the outset of the dispute the territory is either divided between the two disputants or in the hands of one party, the victor. In the former case, as in the Indo-Pakistani dispute over Kashmir, every move made by one party to increase perceptions of ownership over the territory, by integrating it with the homeland for example, entail recognition that the territory is, de facto, divided. On the other hand, any attempt to establish the indivisibility of the disputed territory, by drawing maximalist boundaries on a map for example, entails admission that not all the territory thus defined is under its control. If the territory is entirely in the hands of one state at the outset of the dispute, as in the Israeli-Syrian dispute over the Golan Heights, then the victor, satisfied with its ability to control the sum total of the territory, will seek to maintain the status quo. The vanquished party cannot increase its direct control over the territory but it can affect perceptions of cohesion, boundary and fungibility by means of the symbolic mechanisms discussed below. Yet any move this party makes to enhance perceptions of the territory's indivisibility also intensifies its frustration because the territory is, in its entirety, out of its control.

The path to indivisibility is thus a process of institutionalization in which a dispute takes on a life and a causal power of its own. Increases in any one sphere, such as the cohesion of the disputed area, create incentives for increases in the other two spheres, such as investing the territory with nationalist value. Whereas the process described here is self-enforcing, the argument that describes that process avoids the pitfalls of endogeneity. When dispute duration is said to explain increased difficulty in dispute resolution, endogeneity arises if dispute duration can, in turn, be explained in terms of the initial

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<sup>25</sup> The term "homeland" is used here informally to differentiate the core state from disputed territories. For a systematic analysis of the term, see H. E. Goemans, "Territoriality, Territorial Attachment and Conflict," Typescript, University of Rochester, 2004.

<sup>26</sup> Compare Richard W. Mansbach and John A. Vasquez, "The Effect of Actor and Issue Classifications on the Analysis of Global Conflict-Cooperation," *Journal of Politics* 43, 1981, pp.861-874; John A. Vasquez, "The Tangibility of Issues and Global Conflict: A Test of Rosenau's Issue Area Typology," *Journal of Peace Research* 20, 1983, pp.179-192; John A. Vasquez and Richard W. Mansbach, "The Issue Cycle: Conceptualizing Long-Term Global Political Change," *International Organization* 37, 1983, pp.257-279.



difficulty of resolving these disputes. The empirical evidence on 20<sup>th</sup> century territorial disputes rules out this possibility.<sup>27</sup> Quantitative analyses of these disputes have convincingly demonstrated that the ex-ante challenges of resolving territorial disputes cannot explain their duration. Variables such as the relative power of the contenders, the size, terrain, location or value of a disputed territory that are critical in explaining the onset or escalation of disputes are statistically insignificant in explaining their duration or resolution.<sup>28</sup>

Other variables that affect the odds of territorial dispute resolution have received a great deal of attention from students of international relations and comparative politics. These include the the intervention of other powers in the dispute, the relationship between the contenders and great powers or regional actors, changes in weapons' technology, the personality of leaders and the availability of innovative conflict resolution proposals. The *path to indivisibility* approach focuses on understudied variables that have consistent and predictable effect on the odds of dispute resolution. This argument does not seek to identify the most significant impediments to the resolution of any one dispute but rather to define the constant trend common to all territorial disputes against which other specific variables play themselves out.

## 5. Observable Mechanisms

Each of the three entrenchment processes detailed above is propelled by a series of distinct mechanisms:

### *I. Functional Indivisibility*

Over time, the construction of transportation, communication, energy and other networks links population hubs across the disputed territory, as well as tying these centers to the host state. Every train track, airport, electric or phone line constructed to improve the living standard of population already present in the territory also incentivizes outsiders contemplating settlement. In addition, the state may extend legal and administrative frameworks to the disputed territory. This may entail bureaucratic mechanisms such as the function of official taxation, communication or transportation bureaus, the establishment of military, policing or judicial spheres of control in the disputed territory or the extension of the state's laws and constitution, in whole or in part, to the disputed territory. As barriers between the state and the territory, such as restrictions on the movements of goods and people or distinctive currency and language, are removed the perception of continuity between state and disputed territory is enhanced, creating further incentives for colonization.

As a result, disputed territory is likely to become more developed and cohesive over time, increasing territorial integrity as remote parts are brought into contact with the host state's heartland. These administrative and legal maneuvers, as well as the material changes brought about by investments in infrastructure and settlement, are entirely reversible. If they affect the odds of resolving a territorial dispute at any given time it is because they affect inter-subjective perceptions of the territory's cohesion, leading constituents to conceive of the disputed territory as increasingly indivisible from their homeland.

The U.S.-Mexican dispute over the Chamizal Tract demonstrates the force of population growth and infrastructure expansion in the absence of government initiative. In 1864 the Rio Grande abruptly changed its course and the Chamizal Tract, a single-square mile of desert previously on the Mexican side of the river, came to rest on the American side of the river next to the city of El Paso. No longer separated from the tract by a river, the city rapidly expanded into the uninhabited tract. At the resolution of the dispute in 1962, 4,500 residents of El Paso now residing in the tract area had to be moved and

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<sup>27</sup> Huth, *ibid.*, pp.69-180; Hensel, *ibid.* pp.20-27; Hassner and Hironaka, *ibid.*, pp.21-22.

<sup>28</sup> Discussions of statistical significance in duration models can be found in Scott D. Bennet, "Parametric Models, Duration Dependence, and Time-Varying Data Revisited," *American Journal of Political Science* vol. 43, no.1 (Jan. 1999), pp.256-270 and in Janet M. Box-Steffensmeier and Christopher J. W. Zorn, "Duration Models and Proportional Hazards in Political Science," *American Journal of Political Science* vol. 45, no.4 ( Oct. 2001), pp.972-988.

compensated for their loss of property, bridges and railroad tracks had to be relocated, two schools and one sewage plant had to be shut down, at a total cost to the U.S. of over \$40 million.<sup>29</sup>

## II. Material Indivisibility

Dispute boundaries, often vague or entirely undefined at the outset of a dispute, will necessarily achieve an increasing degree of clarity as the disputants publicly stake claim to land. The clearer the boundaries, the less maneuverability is available to negotiators seeking to resolve the dispute through creative ambiguity. The clarification of boundaries also increases the likelihood of conflict through border friction: With states aware of one another's perceptions of boundary locations it becomes more difficult for them to ignore engagements in previously undemarcated areas. What could once be excused as an opponent's error or a sly attempt to encroach on one's territory must now be regarded as a provocative boundary transgression.

The Sino-Indian dispute over the Aksai Chin region demonstrates the inevitable effects of time on the clarification of boundaries. Ruling over an ill-defined amalgam of territories before 1947, the rulers of Kashmir had neither the forces to effectively occupy and govern Aksai Chin nor the manpower to map the inhospitable and uninhabited north-eastern frontier.<sup>30</sup> In Survey of India maps as late as 1934 the Aksai China region was either left blank, peppered with caveats of "area unexplored" and "undemarcated boundary" or contained findings that contradicted earlier and later maps. One by one these blank spaces on maps were filled in, in response to exploration, the study of foreign maps or creative guesswork.<sup>31</sup> In June and July 1960, Indian and Chinese officials met in Delhi to "examine, check and study all historical documents, records, accounts, maps and other materials relevant to the boundary question, on which each side relied in support of its stand, and draw up a report for submission to the two Governments."<sup>32</sup> Although the parties could not reach an agreement, the exchange of opinions resolved any doubts that may have existed in the minds of Indian and Chinese leaders as to where their counterparts placed the boundary. Consequently, when India stumbled upon Chinese forces in the Aksai Chin two years later, it was left with little choice but to engage the encroachers militarily.

## III. Symbolic Indivisibility

A final set of mechanisms makes it increasingly difficult for disputants to arrange side-payments or find substitutes for the territory at stake. These mechanisms are a byproduct of the influx of visitors, soldiers and settlers into the disputed territory. They include the construction of religious or nationalist shrines and memorials on the disputed land, the production of evidence that supports historical, religious and ethnic links between the territory and the homeland or the systematic destruction of evidence linking the territory to the opponent's heritage. These acts encourage a discourse that portrays the territory as unique to the homeland's identity and therefore without substitute.

Those who have made their homes in the disputed area will foster personal ties to the land, a connection that will only intensify over time as new generations call the territory their home. Their material and emotional investment grants the land they live on a unique significance. In territorial

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<sup>29</sup> "Compliance with Convention on the Chamizal", *Hearing before the Committee on Foreign Relations, United States Senate, Eighty-Eighth Congress, Second Session, on S.2394, January 21, 1964*, pp.5-9; "US and Mexico Agree on Border", *New York Times*, July 19, 1963; Sheldon B. Liss, *A Century of Disagreement: the Chamizal Conflict, 1864-1964* (Washington, University Press of Washington, D. C., 1965), pp. 92-3.

<sup>30</sup> Alastair Lamb, *The Kashmir Problem: A Historical Survey* (New York, N.Y.: Frederick A. Praeger, 1968), p.22 and p.146; Victoria Schofield, *Kashmir in the Crossfire* (London, U.K.: I.B..Tauris, 1996), pp. 59 and 79

<sup>31</sup> On the official Survey of India map of 1969, for example, the location of the Yangi Dawan pass in the Aksai Chin is accompanied by a question mark, an unusual feature in mapmaking. The survey's insecurity about the precise location of the pass (or, alternatively, about the precise name of a pass at that location) is remarkable, given the importance of the site as marking the northernmost point of the disputed Indian-Chinese boundary in the Aksai Chin. Twenty years later, in the 1990 Survey of India, the extraordinary question mark has disappeared: The site is marked simply as "Yangi Dawan".

<sup>32</sup> J. N. Dixit, *Anatomy of a Flawed Inheritance: Indo-Pak Relations, 1970-94* (Delhi, India: Konark Publishers, 1995), p.91.

disputes that fall along religious, ethnic and nationalist divides, such as the Greek-Albanian dispute over Northern Epirus, the dispute between Armenia and Azerbaijan over Nagorno Karabakh or the Kashmir dispute, parties have invested significant efforts in constructing and embellishing shrines while at the same time accusing their opponents of marginalizing, desecrating or even destroying nationalist or religious sites on the other side of the border.<sup>33</sup>

Armed conflict over disputed territory will contribute a nationalist dimension to disputes as soldiers who have fallen in the defense of territory further hallow the land with their blood. States often count the sites of seminal battles, from the Alamo, Pearl Harbor or Normandy to Flanders Field, among their most valued territorial possessions and visibly mark the heroic deaths of soldiers on the landscape by means of memorials and commemoration ceremonies.<sup>34</sup> Given the linkage between territorial disputes and armed conflict, it is not uncommon to find disputed territories drawing significance from battlefields in their midst.

For example, resolution of the Ecuador-Peru dispute, initiated in 1884, nearly failed in 1998 when the media leaked reports about possible Ecuadorian concessions over Tiwintza, the site of a decisive battle in which Ecuador had prevailed against superior Peruvian forces.<sup>35</sup> Although the broader dispute involved 100,000 square miles of contested territory, for both parties it was these 250 acres, lost in the inaccessible mountain ranges and hidden under a triple-canopy jungle, that came to represent the entire territorial dispute as well as their long-standing rivalry.<sup>36</sup>

## 6. Entrenchment and Agency

The hypothesized effects of time on the entrenchment of territorial disputes raise critical questions regarding the role of agency in manipulating perceptions of territory. To what extent does political interest drive the processes that increase the integrity of disputed territories, constrict their boundaries and reduce their fungibility? What roles can leaders and elites play in controlling the nature and pace of territorial expansion and annexation?

The role of leadership in the shaping a connection between a people and their territory has been the topic of considerable research, most notably in the writings of Kedourie, Anderson, Hobsbawm, Lustick and Gellner.<sup>37</sup> The nationalism literature has exposed the motivations that drive elites towards constructing a national consciousness that links group identity to a particular territory. The “Imagined Communities” school, in particular, has been instrumental in exploring the tools used by political actors to achieving these goals. The argument presented here proposes to contribute to that

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<sup>33</sup> Nicholas J. Cassavetes, *Epirus and Albania* (London, UK: G.S. Vellonis, 1919); Edward Capps, *Greece, Albania and Northern Epirus* (Chicago, I.L.: Argonaut, 1963); Louis Sigalos, *The Greek Claims to Northern Epirus* (Chicago, I.L.: Argonaut, 1963); Stephen Brook, “The Forgotten War,” *The Times*, June 5, 1993; Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York, NY: New York University Press, 2003); Serge Schmemmann, “In the Caucasus, Ancient Blood Feuds Threaten to Engulf 2 New Republics,” *New York Times*, July 8, 1992, section A, p.3, column 1; Victoria Schofield, *Kashmir in the Crossfire* (London, U.K.: I.B.Tauris, 1996); Alastair Lamb, *The Kashmir Problem: A Historical Survey* (New York, N.Y.: Frederick A. Praeger, 1968); Sumit Ganguly, *Conflict Unending: India-Pakistan Tensions Since 1947* (New York: Columbia University Press, 2001).

<sup>34</sup> For the role of memorials, cemeteries and the cult of the fallen soldier in modern nationalism see Rudy Koshar, *From Monuments to Traces: Artifacts of German Memory, 1870-1990* (Berkeley, CA: University of California Press, 2000); George L. Mosse, *Fallen Soldiers: Reshaping the Memory of the World Wars* (New York: Oxford University Press, 1990); Reinhart Koselleck and Michael Jeisman (eds.), *Der Politische Totenkult: Kriegerdenkmaeler in der Moderne* (Munich, Germany: Fink, 1994); George W. White, *Nationalism and Territory* (Lanham, MD: Rowman & Littlefield, 2000).

<sup>35</sup> Carlos Espinosa, “Exorcising the Demons of War: Memory, Identity and Honor in the Ecuador-Peru Peace Negotiations,” Working Paper 98/99-2 (David Rockefeller Center for Latin American Studies, Harvard University, 1999) pp.28-9.

<sup>36</sup> Gabriel Marcella and Richard Downes, *Security Cooperation in the Western Hemisphere: Resolving the Ecuador-Peru Conflict* (Miami: North-South Center Press, 1999), pp.233 and 244-8.

<sup>37</sup> Elie Kedourie, *Nationalism* (London, UK: Hutchinson University Library, 1960); Benedict Anderson, *Imagined Communities* (London, UK: Verso, 1983); Eric J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge, UK: Cambridge University Press, 1992); Ian Lustick, *Unsettled States, Disputed Lands* (Ithaca: Cornell University Press, 1993); Ernest Gellner, *Nationalism* (N.Y., N.Y.: New York University Press, 1997);

body of literature by examining processes of attachment to territory, specifically disputed territory, that are beyond the direct control of elites. Elites may contribute to some of the mechanisms mentioned here and thus accelerate the processes of entrenchment. Other processes will occur irrespective of elite intervention while yet others may occur even if it is in the direct interest of elites to prevent them from driving disputes toward indivisibility. The Golan Heights and West Bank cases examined below demonstrate that changes in territorial perception take place in the absence of government initiative, even under dovish governments willing to use force to prevent settlement and expansion.

The three processes display considerable differences as regards the ability of political actors to influence particular mechanisms of entrenchment. Investments in infrastructure that increase the integrity of the territory and the extension of legal and administrative frameworks into the disputed territory are usually driven by deliberate government policy. But increased integrity can also occur as a byproduct of increased settlement in the disputed area or the natural growth rate of the local population. Such settlement might be the result of conscious policy but it might also be an artifact of the territory's appeal to settlers. Even if only extremists or individuals acting on their own accord wish to inhabit and annex the disputed territory, their settlement in occupied areas carries with it processes of colonization that will narrow the gap between the state and the disputed land and make additional settlement easier. These processes of natural expansion can only be inhibited if governments pursue deliberate policies to prevent settlement and prohibit development. Even regime's that take such unusual measures are unlikely to succeed in preventing the creeping progress of integration. Irrespective of the degree of government initiative, disputed territory is likely to become more, rather than less, developed and cohesive over time as increasingly remote parts are brought into contact with the host state's heartland.

The second set of mechanisms, those responsible for increased boundary rigidity over time, are almost always the product of elite action, yet this production is often unintended and usually undesired. Leaders should prefer to bargain over ambiguously defined boundaries.<sup>38</sup> They will nevertheless find themselves incapable of actively pursuing a territorial dispute without issuing statements, producing maps or conducting negotiations about the disputed territory, actions that have the inadvertent consequence of committing elites to ever-clearer issue boundaries. Moreover, the increased rigidity in territorial boundaries that results from mapping efforts, exploration and improvements in surveillance technology is often entirely beyond the control of governments involved in these disputes.

Finally, elites can accelerate processes that decrease territorial fungibility but there is little they can do to inhibit these processes. Leaders have increased the perceived value of territory and hampered the availability of substitutes by aiming education or propaganda at their own population, by uncovering or fabricating evidence that supports historical, religious and ethnic links between the territory and the homeland or by systematically destroyed evidence linking the territory to the opponent's heritage. Other mechanisms that decrease territory fungibility are, however, beyond the direct control of elites. As the cases below demonstrate, the construction of military, nationalist and religious monuments and the emotional ties that settlers develop towards the territories on which they reside occur irrespective of government intentions. Regimes may calculate the costs of defending a disputed territory by means of armed force, but they are unlikely to take into account the decrease in territorial fungibility that will follow in the wake of war, as comrades, families and locals erect military and nationalist monuments on the battlefield. Elites who strategically place settlers in disputed territories may find these policies difficult to reverse once a second or third generation of settlers has made their home on these lands. The

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<sup>38</sup> On the advantages of ambiguity, see for example Kenneth Shepsle, "The Strategy of Ambiguity – Uncertainty and Electoral Competition," *American Political Science Review*, vol.66, no.2 (June 1972), pp. 555-568; Benjamin I. Page, "The Theory of Ambiguity," *American Political Science Review*, vol.70, no.3 (Sep. 1976), pp.742-752; Charles Lipson, "Why are Some International Agreements Informal?" *International Organization*, vol. 45, no. 4. (Autumn, 1991), pp. 495-538; Amihai Glazer, "The Strategy of Candidate Ambiguity," *American Political Science Review*, vol. 84, no. 1. (March 1990), pp. 237-241.

often unintended consequences of elite-driven action in respect to disputed territory and the limits of political agency in controlling the divisibility of disputed territory can be observed in a brief study of the Israeli-Syrian dispute over the Golan Heights.

### 7. Case Study: The Israeli-Syrian Dispute over the Golan Heights

If the resolution of territorial disputes is indeed encumbered by subjective perceptions of territory over time such perceptions are not likely to prove amenable to quantitative analysis. Hard data regarding perceptions of cohesion, boundaries or fungibility is difficult to obtain and even more difficult to operationalize. Gathering this data would necessitate content analyses of speeches, newspaper articles or public opinion polls for each and every year of each and every dispute in order to measure changes in perceptions of indivisibility over time. Clearly, this is a task best left to case studies of intractable territorial disputes.

The Israeli-Syrian dispute over the Golan Heights offers one opportunity for tracing the mechanisms and processes of entrenchment over the course of a territorial dispute. Because the dispute takes place within the context of the long-standing rivalry between Israel and Syria, students of the dispute have focused on variables such as the balance of power between the claimants, the intervention of the great powers in the region or changes in weapons technology to explain the intractability of this dispute.<sup>39</sup> These factors cannot, however, explain the persistence of this territorial dispute into the 21<sup>st</sup> century. The balance of power now overwhelmingly favors Israel. Syria has lost the Soviet Union as key strategic ally in the region but has acquired long-range missiles that nullify the value of the Golan as a security buffer. The failure of Israel and Syria to resolve this dispute is even more puzzling given Israel's preliminary disinterest in the Golan and the apparent willingness of Israel's leaders to cede much of the Golan to Syria on several occasions in the early history of the dispute. In the course of initially fruitful Israeli-Syrian negotiations in 1995 and 2000, Israeli leaders who were willing to make significant territorial concessions on the Golan Heights reversed their decisions and backed out of negotiations for fear of domestic backlashes.

The Golan Heights case highlights the difficulties in using bargaining theory to explain state behavior in intractable territorial disputes.<sup>40</sup> Credible commitment theorists would ascribe the entrenchment of territorial disputes to the active policies of states wishing to create irrevocable obligations in order to both tie their hands in future negotiations and constrain potentially dovish successor administrations. Yet rational choice theorists would also expect the party that does not possess the territory to eventually capitulate as occupation benefits to the opponent rise while occupation costs decline. Syria, however, shows no intention of relinquishing its claim to the Golan. Indeed, its growing attachment to the Golan is typical of states clinging to dispossessed territories in spite of an unfavorable power balance and overwhelming evidence of the opponent's increasing hold on the disputed land. A bargaining approach can explain neither Israel's behavior at the outset of the dispute nor Syria's behavior today.

The path to indivisibility argument suggests that the persistence of the Golan Heights dispute can be explained as a function of changes in subjective perceptions of the Golan by Israelis. Among certain sectors of Israeli society, this perception has shifted monotonically over the fifty years of this dispute in a manner that impedes its resolution. In the past thirty-five years since its conquest, the internal

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<sup>39</sup> See for example Aryeh Shalev, *Israel and Syria: Peace and Security on the Golan* (Jerusalem: Jaffee Center for Strategic Studies, 1994); Itamar Rabinovich, *The Brink of Peace: The Israeli-Syrian Negotiations 1992-1996* (Tel Aviv: Yedi'ot Aharonot, 1998); Moshe Maoz (ed.), *The Golan: Between War and Peace* (Or Yehuda, Israel: Hed Arzi Publishing House, 1999). For a critical summary of contrasting accounts, drawing on Israeli "new history", see Jerome Slater, "Lost Opportunities for Peace in the Arab-Israeli Conflict: Israel and Syria, 1948-2001", *International Security* 27, no.1 (2002), pp. 79-106.

<sup>40</sup> Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University, 1980), pp.22-28; Thomas C. Schelling, "An Essay on Bargaining," *American Economic Review* 46 (June 1956), pp.281-307; John Elster, *Ulysses and the Sirens* (Cambridge, UK: Cambridge University Press, 1979).

cohesion of the region has increased, its boundaries have come to be perceived as increasingly rigid and its value has come to be seen as increasingly difficult to replace or compensate for. These shifts were not the most important impediment to the resolution of this territorial dispute, nor were they a necessary or sufficient cause of discord. Rather, in moving down the path towards indivisibility, the resolution of this dispute was encumbered, an effect that grew over the passage of time. Although the Golan Heights will never become completely indivisible, these factors make the resolution of the Golan dispute more difficult with each passing year.

The first entrenchment process, perceptions of increased cohesion, has been driven by, and has in turn driven, changes in the Golan environment. The settlement effort and population growth on the Golan have been accompanied by the creation of a dense network of communication, transportation and infrastructure networks, tying together disparate parts of the region and tying the entire region to Israel proper. Before its conquest by Israel, the Heights were relatively under-populated and underdeveloped. Today, parts of the Golan are linked via bus routes, phone lines, water supply, produce delivery and tourist exchange with other parts of the Golan and with Israel itself. Over thirty-five years, the number of Israeli settlers and settlements has gone from zero to 18,000 in thirty-two settlements and one city.

This process was driven, in part, by Israeli government policy to settle the region, often with full knowledge of the adverse effect this might have on future negotiations. It is here that politics and material interest provide the strongest explanation for the increased entrenchment of this dispute over time. Yet successive Israeli governments have often been at odds over settlement on the Golan. Indeed, the initial reaction of Israel's leadership to occupying the Golan or even engaging Syria in the war of 1967, not to mention the idea of actually settling the area, was one of reluctance. At war with Egypt in the South and Jordan in the East, the Israeli cabinet had been at odds over confronting an enemy on a third front because the Golan was not seen as a target of obvious primary strategic or nationalist-historic significance. Even after victory on the Golan, occupation was only one of several options considered.<sup>41</sup> Indeed, eight days after the conclusion of the war of 1967, the Israeli government passed a declaration in which it resolved to return the Golan and the Sinai and withdraw to the international boundary, based on the belief that victory was sufficient to bring about a dramatic turning point in Arab-Israeli relations.<sup>42</sup> Unlike its attitude towards East Jerusalem and the West Bank, Israel never formally challenged Syria's sovereignty on the Golan, even as its settlement activity increased.<sup>43</sup> Even Israel's most nationalist parties, such as Menahem Begin's Herut party, joined in on early votes to return the Golan to Syria upon peace and excluded it from the religious settlement fervor applied to the West Bank. Nevertheless, across administrations, mutually reinforcing time-driven processes worked relentlessly to ensure a gradual expansion of Israeli infrastructure into the Golan.

Israeli settlement activity on the Golan was at first tentative, given initial expectations that the Golan would be returned to Syria in peace negotiations immediately after the war. Early governmental settlement proposals were minimalist, "a first cautious and pragmatic appraisal of opportunities," permitting rather than encouraging agricultural settlement on the Golan while prohibiting permanent settlements.<sup>44</sup> The first group to settle the Golan, for example, had arrived there to round-up stray cattle but soon established a temporary settlement that housed thirty-five residents. By early 1968 only three makeshift Israeli farms had appeared on the Golan. Seven more appeared that year. Between 1967 and 1971 the number of Israelis on the Golan had risen to about 1,000, residing in thirteen small provisional

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<sup>41</sup> Matityahu Mayzel, "The Israeli-Syrian Border on the Golan Heights", in Maoz, *ibid.* (1999), p.604; Maoz (1995), *ibid.*, p.102; Moshe Maoz and Avner Yaniv, *Syria under Assad: Domestic Constraints and Regional Risks* (London: Croom Helm, 1986), p.169. Contrast Slater, *ibid.*, pp.84-92.

<sup>42</sup> Aryeh Naor, *Greater Israel: Theology and Policy* (Haifa, Israel: University of Haifa Press and Zmora-Bitan, 2001), p.36.

<sup>43</sup> Rabinovich, *ibid.*, p.591.

<sup>44</sup> William Wilson Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980* (Chichester: Research Studies Press, 1980), p.60.

agricultural settlements.<sup>45</sup>

Settlement on the Golan was limited by the absence of infrastructure and resources, such as land suitable for agriculture, roads and water as well as the proximity to the Syrian border.<sup>46</sup> To support the handful of settlers and improve the mobility of its own military forces, the government initiated an extension of Israel's road and water infrastructure into the Golan. Israel's bus-lines started serving Golan residents in 1968.<sup>47</sup> In 1971, the first government-approved permanent settlement was founded and a regional council for the Golan Heights was established. Local entrepreneurs constructed a ski village on the slopes of the Hermon, necessitating additional roads for enthusiastic Israeli visitors. By 1974, the number of settlements on the Golan had reached eighteen and there were about 2,000 settlers on the plateau. With more roads linking the region to Israel and providing access to more fertile lands the number of settlers increased steadily.<sup>48</sup>

Once it became clear that the Golan would not be able to support more than 2,500 farmers, the settlers shifted their focus to industry and tourism. This shift had the mutually reinforcing effect of increasing the population flow from Israel to the Golan while at the same time enabling new industrial settlements to arise where conditions for agricultural development were absent. Gradually the Golan population took on a more cosmopolitan and urban character drawing families, city dwellers and immigrants. By 1981 there were nearly 4,000 residents on the Heights, residing in twenty settlements and one city.<sup>49</sup>

Only thirty-four years into the dispute and fourteen years after the occupation of the heights by Israel was the region formally integrated into Israel proper. The "Golan Heights Law" extended Israel's law over the Golan, in effect annexing the territory to Israel. The Golan was placed under the administration of the Northern District of Israel and two local law courts were opened, placed under the jurisdiction of the Nazareth District Court in Israel's Northern Galilee.<sup>50</sup> Today the settlements on the Heights are linked to Northern Israel, due West, by an expansive web of roads, electricity and communication networks and an elaborate water system. This gradual expansion of Israel's population and infrastructure onto the Heights has had a double effect: It has created a series of networks linking disparate parts of the territory to one another and it has linked the territory to Israel's heartland. Neither of these outcomes preclude the division of the Golan or its partition from Israel. After all, settlements can be dismantled, settlers can be relocated, energy and irrigation networks can be dug up and industrial plants demolished. These "facts on the ground" do, however, significantly complicate the search for compromise solutions because they are animated by, and in turn give rise to, beliefs, preferences and sentiments that raise the value of the territory.

In the second entrenchment process, the claims issued by both parties to the dispute in the form of negotiation positions, public statements or maps have introduced clarity into the definition of the disputed issue. At the outset of the dispute, the Golan Heights had no natural or traditional administrative boundaries. Their most important boundary, the Western boundary that would define the extent of a "full" Israeli withdrawal, was never clearly defined. Options included a French proposal of March 1920 (placing the entire Golan under British jurisdiction), a December 1920 Anglo-French agreement (granting both powers a share of the Golan), the international boundary based on the Anglo-French agreement of 1923, the Israeli-Syrian armistice line of 1948, a line demarcating the status-quo before the outbreak of the 1967 war (known as "the line of June 4, 1967") and cease-fire lines from the

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<sup>45</sup> Harris, *ibid.*, pp 43-83.

<sup>46</sup> Shalev, *ibid.*, p.70.

<sup>47</sup> Yehiel Admoni, *Decade of Discretion: Settlement Policy in the Territories, 1967-1977* (Yad Tevenkin, Israel: Galili Institute/Kibbutz Hameuhad Press, 1992), p.32.

<sup>48</sup> *Ibid.*, p.85.

<sup>49</sup> *Ibid.*, p.98.

<sup>50</sup> Uri David, *The Golan Heights Under Israeli Occupation, 1967-1981* (Durham, UK: Centre for Middle Eastern and Islamic Studies, University of Durham, 1983), p.46.

1967 and 1973 wars.<sup>51</sup>

This boundary ambiguity, though potentially useful for negotiating compromises, was difficult to sustain throughout the course of the dispute. Starting in the late 1980s Syria converged on one of these lines, the de facto line of control on June 4, 1967, as its preferred definition of the Golan's Western frontier. It is now clear what, exactly, Syria means when it demands that Israel withdraw from "the entire Golan Heights." In the last ten years there have been over forty references to "the line of June 4, 1967" in United Nations General Assembly and Security Council Resolutions, press briefings or statements.<sup>52</sup>

Maps are both a product and a facilitating mechanism of this process. An anecdotal survey of Israeli and Syrian maps of the Golan shows how the solidification of boundaries manifested itself in the visual record in a manner that in turn affected future perceptions of the issue at stake.<sup>53</sup> Not surprisingly, neither Syrian nor Israeli maps post-1967 show boundaries separating their respective territories from the Golan: The Golan blends into Syria in the former case and into Israel in the latter. But whereas Syrian maps produced in the 1970s offer contradictory claims regarding the Western boundary of the Golan, maps published by Syria after the 1980s show only the "Line of June 4, 1967."

Material and parochial interests provide the weakest explanations when it comes to the third entrenchment process, the fall in issue fungibility as layers of nationalist, religious and emotional value are added to the dispute. Before its conquest by Israel in 1967, the Golan held no religious, nationalist or sentimental value to Israel.<sup>54</sup> It was never explicitly mentioned in the Bible, had no significant history of Jewish settlement, appeared on no Zionist maps or demands for inclusion in a Jewish homeland and was of course, until 1967, vacant of Israeli settlers or settlements.

The war of 1973 had a significant effect on public sentiments towards the Golan Heights. The painful evacuation of the settlements and the casualties of fierce fighting on the Heights among both settlers and soldiers elevated the sentimental value of the Golan in the hearts and minds of the Israeli public. After the war, Israeli politicians made public appearances in Golan settlements and promised that they would never again be evacuated at times of war. The change in the perception of the Golan was felt across the Israeli political landscape and reflected in national polls after the war. Likud-led administrations further played up the unique role the Golan in Jewish history and Israeli national consciousness.<sup>55</sup> Sensing the tightening of emotive ties between Israelis and the Golan, labor leaders Yitzhak Rabin and Ehud Barak, both outspoken proponents of concessions towards Syria on the Golan, suspended their negotiations with Syria during their respective tenures as prime ministers and opted for the Palestinian track because they feared that a referendum would fail to approve withdrawal from the Golan and would bring about the collapse of their governments.<sup>56</sup>

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<sup>51</sup> Adam Garfinkle, *War, Water and Negotiations in the Middle East: The Case of the Palestine-Syria Border, 1916-1923* (Tel-Aviv, Israel: Moshe Dayan Center for Middle Eastern and African Studies, 1994), pp. 143-4; Frederic C. Hof, "The Line of June 4, 1967", *Middle East Insight*, 14:5, 1999, pp.1-9; Admoni, *ibid.*, p.74; Moshe Maoz, *Syria and Israel: From War to Peacemaking* (Oxford: Clarendon Press, 1995), p.113; Avi Degani and Moshe Inbar (eds.), *Land of the Golan and Hermon* (Jerusalem: Ministry of Defense, 1993), p.612; Harris, *ibid.*, p.196.

<sup>52</sup> Data based on a search of UN documents at the United Nations website, [www.un.org/search/](http://www.un.org/search/)

<sup>53</sup> *Map of the Cease-Fire Lines: Israel*, scale 1:1,000,000 (Survey of Israel, Tel Aviv, 1973); *The October War*, scale 1:1,700,000 and 1:2,750,000 (Karta, Jerusalem, 1974); *Israel Touring Map*, scale 1:250,000 (Survey of Israel, Tel-Aviv, 1977); *Israel Touring Map*, scale 1:250,000 (Survey of Israel, Tel-Aviv, 1976, partly revised 1995); *Syria and Lebanon*, scale 1:750,000 (Department of Military Surveying, Damascus, Syria, 1971); *Syria and Lebanon*, scale 1:750,000 (Department of Military Surveying, Damascus, Syria, 1977); *Syria: Carte Routiere et Touristique*, scale 1:1,000,000 (Unknown, Syria, 1986); *Syria: Carte Routiere et Touristique*, scale 1:1,000,000 (Unknown, Syria, 1990); *Syria and Lebanon*, scale 1:750,000 (Department of Military Surveying, Damascus, Syria, 1990).

<sup>54</sup> Gideon Biger, "The Political Delimitation of the Golan Heights During the Mandate Period, 1918-1948" in Degani and Inbar, *ibid.*, p.583; Naor, *ibid.*, pp.80 and 227.

<sup>55</sup> Harris, *ibid.*, pp. 81 and 123; Naor, *ibid.*, pp. 161 and 239; Maoz (1995), *ibid.*, p.212; Maoz (1999), *ibid.*, pp.213-4.

<sup>56</sup> Maoz (1995), *ibid.*, pp. 212 and 251; Rabinovich, *ibid.*; Slater, *ibid.*, pp.95-103, citing Helena Cobban, *The Israeli Syrian Peace Talks: 1991-96 and Beyond* (Washington, D.C.: United States Institute of Peace, 1999).



This emotive connection towards the Golan was in part a product of processes detailed above. But the processes through which the distinctiveness of the Golan emerged included other, more subtle mechanisms. Twenty-five synagogues have been dug up on the Golan since 1967, many dating back to the 3<sup>rd</sup> and 4<sup>th</sup> century of the common era. In most cases, the driving force behind this archeological enterprise is neither the government nor the ministries of religion or antiquities, but local settlers eager to establish a link between their Jewish identity and the land. Israelis visiting the Golan will walk amongst the ruins, recognize ancient Hebrew inscriptions left there by their great-ancestors and even "renew" the sites by performing group prayers and rituals in them. Another symptom of the rise in the subjective value of territory is the proliferation of war memorials. The longer the dispute on the Golan lasted, the greater the number of Israeli and Syrian soldiers whose blood has "hallowed" the landscapes of the Golan. If monuments to fallen soldiers are one indirect way of measuring the sentimental value of a disputed piece of land, the figures on the Golan Heights are staggering. Although the Golan equals only 5% of Israel's territory in size, one third of Israel's war memorials are located on the heights, averaging one monument per nine square miles. The vast majority of monuments were funded and are maintained by family members or comrades at arms and not the State of Israel or its military.<sup>57</sup>

Given Israel's de facto control over the entirety of the disputed territory, Syria has had to bear the brunt of the indivisibility conundrum in the Golan Heights dispute. Although Syria was barred from consolidating and integrating the territory by means of settlement, it played as important a part as Israel in coagulating the boundaries of the disputed region, passing symbolic integrative legislation and raising the value of the territory through emblematic mechanisms. Syrians have based their emotive connection to the territory around two arguments: The claims of 150,000 Syrian citizens who were expelled from the Golan in 1967 and the sacrifice of Syria's fallen soldiers on the Golan. In the first instance, Syrians magnify the impact of the loss over time by holding a running tally of Golan refugee descendants.<sup>58</sup> In a rare interview with Time magazine, former Syrian president Hafez al Asad exhorted:

There are half a million displaced people from the Golan, how can we convince them that we have to give a part of the Golan to Israel?... No one in Syria can relinquish an inch of land; he who relinquishes a part of his land or sells out any part of his homeland is a betrayer of the people. This is an axiom believed by each Syrian citizen...<sup>59</sup>

Syria's losses on the Golan in the two wars were both a product of and evidence for its commitment to controlling the plateau. Syria lost 86 tanks and 600 men in the war 1967; The war of 1973 was ten times as costly, with losses of 800 tanks, nearly 6,000 soldiers and estimated war damages of \$3.5 billion.<sup>60</sup> "It is rare to find a household in Syria that has not lost someone on the battlefield [with Israel]," stated Syrian ambassador to the United States Walid Al-Moualem in a 1997 interview:

We are not speaking about California here – we are speaking about our territory. These things matter to us, because it is a question of our sovereignty... Nothing can compensate the Syrian people for losing one inch in the Golan. Not even the moon. The Golan is our territory. It is a sacred cause for the Syrian people, and we will continue to struggle until we recover this territory to the lines of 4 June 1967.<sup>61</sup>

The stronger the visible link that Israel established with the Golan, the stronger the Syrian yearning for the very same plot of land. According to one Syria expert, at times up to 95% of the editorials in Syrian

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<sup>57</sup> Ilana Shamir, *Commemoration and Remembrance: Israel's Way of Molding its Collective Memory Patterns* (Tel Aviv: Am Oved Publishers, 1996).

<sup>58</sup> Rabinovich, *ibid.*, p.40; Cobban, *ibid.*, p.33.

<sup>59</sup> Syrian National Information Center Website, at [www.golan-syria.org](http://www.golan-syria.org), citing Time Magazine, November 13, 1992.

<sup>60</sup> Seale, *ibid.*, p.211.

<sup>61</sup> Walid al-Moualem, *ibid.*, pp.86-7 and 90.

papers are dedicated to the Golan Heights dispute.<sup>62</sup> As time passes and this dispute moves further down the path to indivisibility, the dissonance between de facto control of the disputed area and perceptions of near-indivisibility will only grow more extreme. In Asad's words:

The Arabs, headed by Syria, will never abandon the territory, no matter how many years, decades or generations it will take. Because the territory is the most precious thing - it is the honor, the fatherland.<sup>63</sup>

## 8. Assessing Entrenchment Rates

Disputes display variation in the pace at which they move down the path to indivisibility, marked by an enhanced reluctance to offer, accept or implement compromises or even negotiate over territory and the speed at which these disputes are likely to escalate to hostile rhetoric or even armed clashes. We can assess, ex-ante, the entrenchment rate of territorial disputes based on two exogenous factors: Material constraints and initial perceptions of indivisibility. These factors do not explain the conditions under which states decide to engage in territorial disputes, conquest or annex territories. The motives that drive states to initiate disputes have received much attention in the territorial dispute literature and are beyond the stated scope of this paper. Material constraints and initial perceptions can, however, account for the pace of dispute entrenchment once states have become involved in territorial disputes.<sup>64</sup>

First, a regime's ability to enact integrative policies once involved in a dispute is constrained by the resources available to that state but also by geographical barriers to settlement, construction and defense posed by the specific territory in dispute. States will face impediments in extending their infrastructure into disputed territories when these territories are distant, extensive or separated from the homeland by topographical barriers. The weaker the state, the more time it will need to overcome these obstacles. This does not mean that states expand when they can. Material constraints determine the rate of expansion, not a state's initial decision to do so. Once states have chosen to expand, for one reason or another, geography and capabilities will determine the pace of that expansion.

States also differ in their decisions to invest their capabilities towards expansion and integration. Their choices are constrained or animated by a variety of economic, diplomatic or military considerations. They are also driven by initial perceptions of the territory's importance.<sup>65</sup> States will face incentives to exert swift control over territories that are perceived, at dispute onset, as highly integrated with the homeland, falling within the same boundaries as the homeland or containing irreplaceable ideological resources. These may include territories that share perceived physical, historical, religious or nationalist ties with the homeland, regions populated by diasporas or sites that contain shrines or monuments.

Given combinations of these two factors, material constraint and initial perceptions of

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<sup>62</sup> Zisser, *ibid.*

<sup>63</sup> Speech to the Syrian Federation of Professional Workers, December 13, 1992, as quoted in Rabinovich, *ibid.*, p.108, my translation.

<sup>64</sup> See *supra* note 7 for discussions concerning the initiation of territorial disputes.

<sup>65</sup> The initial differences in perceptions of indivisibility across disputes are in part a coding artifact: Political scientists define the onset of territorial disputes narrowly, usually on the basis of some formal declarations by the states involved. In reality, parties to territorial disputes invest territory with material and psychological resources long before the official start of the dispute. Arguably, perceptions of territorial value in the Arab-Israeli or Indo-Pakistani disputes preceded the founding of the participating states, not to mention the start date of the disputes, by decades if not centuries. An alternative way of coding disputes that would be more in line with the path to indivisibility argument would determine territorial dispute onset as the moment at which one group expressed a slight interest in a territory already claimed by another group. This approach would create obvious difficulties whereas the adoption of the prevalent definition of territorial dispute onset, narrow as it may be, carries obvious advantages. The effect of adopting the prevalent definition, however, is that disputes do not commence down the path to indivisibility from the same starting point at the moment at which they are formally coded as beginning. Instead, at time  $t=0$ , they are already dispersed along this path to various degrees.

indivisibility at the outset of territorial disputes, we can differentiate, *ex ante*, between three broad dispute types. Once initiated, we should expect disputes characterized by low material barriers and high initial perceptions of indivisibility to experience rapid entrenchment. Disputes characterized by high material barriers and low initial perceptions of indivisibility are likely to undergo gradual entrenchment. Between these two ideal-types lies the range of disputes characterized by matching combinations of barriers and perceptions of indivisibility that are likely to undergo constrained entrenchment.

### *I. Rapid entrenchment*

Territories characterized both by high accessibility and high initial significance can be expected to undergo rapid entrenchment. The parties to these disputes will exhibit, early on, significant progress in incorporating the disputed territory into their homeland, make claims to accurately specified boundaries and demonstrate a low willingness to negotiate over the territory. Often these disputes will be accompanied by shows of force and even militarized clashes at early stages in the dispute, as in the Franco-German dispute over Alsace-Lorraine, the Iran-Iraq dispute over the Shatt al-'Arab or the dispute between Bolivia, Chile and Peru over the coastal provinces of Tacna and Arica. Rapid entrenchment is common in self-determination struggles that involve control over territory, such as the disputes over Taiwan, Korea, Cyprus, Ireland, Nagorno-Karabakh or the West Bank.<sup>66</sup>

Previous analyses of Israel's expansion into the West Bank have focused on policy-driven development and settlement efforts, such as the establishment of military outposts, road and tunnel construction and the direct and indirect encouragement of settlement activities.<sup>67</sup> Yet the path to indivisibility argument suggests that processes of entrenchment take place even in the absence of concerted government policy, especially when there are few topographical barriers to expansion and when the disputed territory is loaded with religious, nationalist and historical meaning. Indeed, Jewish settlers, motivated by the nationalist-religious value of the biblical heartland, initiated aggressive settlement policies in the immediate aftermath of the 1967 war in spite of efforts by Israel's Labor government to prohibit settlement activity in Palestinian population centers.

After initial deliberations, the Labor-led coalition in government between 1967 and 1977 chose to adopt a limited settlement plan in which sparsely populated areas, especially along the boundary with Jordan, were targeted for gradual settlement based on considerations of defensible borders, strategic depth and early-warning space.<sup>68</sup> In the first decade after the 1967 war, Israel's leader were adamant about prohibiting settlement in or near large Palestinian towns. Popular opposition to this settlement strategy, however, was instantaneous, wide-spread and effective. Immediately after the war, intellectuals, artists, politicians and generals from across the Israeli political spectrum joined in creating the Land of Israel Movement, an interest group that demanded the annexation of the West Bank and Gaza. It became the largest of several movements to offer both ideological and financial support for illicit settlement efforts and exerted constant pressure on the government.<sup>69</sup>

Illicit settlement efforts were spearheaded by Gush Emunim, a fundamentalist settler movement that followed the teachings of Rabbi Zvi Yehuda Kook. Kook ruled that settling in the West Bank was a religious duty, especially in Palestinian population centers distinguished by a biblical heritage.<sup>70</sup> The Gush Emunim movement was a loose association clustered around a handful of permanent activists that involved no formal membership, no written constitution or elected leaders. It sought to increase Jewish

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<sup>66</sup> As discussed in note 3, above, these disputes are usually not coded as formal territorial disputes in existing datasets. I examine the Israeli-Palestinian dispute over the West Bank here because it constitutes one of the most important and costly disputes in the post-World War II era and because it lends itself to fruitful comparison with the Golan Heights dispute.

<sup>67</sup> Examples include Harris, *ibid.*; Lustick (1993), *ibid.*; or Meron Benvenisti's reports on the West Bank.

<sup>68</sup> Efraim Ben-Zadok, "The Limits of the Politics of Planning", in *The Impact of Gush Emunim*, David Newman (ed.), (London: Croom and Helm, 1985), p.142-5; Harris, *ibid.*, pp. 34-5 and 52; Sprinzak, *ibid.*, p.61.

<sup>69</sup> Shafir, *ibid.*, p.156; Sprinzak, *ibid.*, p.142. Ian Lustick, *For the Land and the Lord: Jewish Fundamentalism in Israel* (New York: Council on Foreign Relations, 1988), p.43.

<sup>70</sup> Sprinzak, *ibid.*, pp. 46 and 113.

presence in the West Bank, irrespective of the legality of these actions or the absence of a security rationale, by creating nuclei for future expansion and complicating the possibilities for quick or large-scale withdrawal.<sup>71</sup> Its strategy involved the surprise establishment of a temporary settlement followed by a highly publicized refusal to leave but coupled with a willingness to negotiate with the government in order to alleviate “unnecessary tensions” with the army. The standoff would end with an agreement to leave a small number of settlers at the site, to be expanded later into a permanent settlement. The government acted adamantly to prevent these partisan settlement attempts, foiling, in one case, eight separate attempts by Gush Emunim members to settle in Nablus, the largest Palestinian town in the West Bank. Evacuations of settlers by the Israeli military often involved violent altercations, enhancing the government’s growing fears over civil conflict.<sup>72</sup> Gush Emunim was able to combine fait accompli tactics with connections in the media, parliament and the Land of Israel Movement to determine the timing and nature of settlement efforts, set precedents and create a momentum for systematic colonization. By 1977, when Likud replaced Labor in government, nearly 4,000 settlers resided in West Bank areas outside those designated for settlement by Labor.<sup>73</sup>

## II. *Slow entrenchment*

When territory is both inaccessible and initially perceived as highly divisible, we should expect slow entrenchment, leaving the door open for resolution longer into the dispute. Extreme examples include the multilateral dispute over Antarctica or the dispute between Morocco, Mauritania and Spain over Western Sahara. The most obvious barriers to occupation, settlement and development are posed by islands, particularly when disputed islands offer little material or symbolic incentive at the outset of the dispute. Because these disputes undergo measured entrenchment they are often resolved without much effort even at late stages in the dispute, as exemplified by disputes between Madagascar and France (1960-1990), Honduras and the U.S. (1921-1971) or France and the U.K. (1886-1953), all resolved with relative ease in spite of their advanced age at the moment of resolution. Nevertheless, even these “late bloomers” among territorial disputes eventually begin to display symptoms of advanced entrenchment. Thus the dispute between Spain and Morocco over the island of Perejil-Leila escalated into shows of force in 2002, forty-six years into the dispute, whereas Britain and Argentina clashed over the Falklands-Malvinas in 1982, one-hundred and fifty years into the dispute.

Such was also the case in the multi-party dispute over the Spratly Islands, a configuration of 230 tiny islands and reefs, mostly submerged, located three hundred miles off the Asian mainland.<sup>74</sup> Although Vietnam, Japan and China issued formal claims to the Spratlys starting in the 1930s, the claimants could do little to establish a presence on the islands in the absence of long-range naval capabilities. Only in the 1980s, in response to the discovery of oil deposits in the region, improvements in naval capabilities and spiraling concerns over the potential presence of rivals in the disputed area, did

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<sup>71</sup> Segal, *ibid.*, p.30; David Weisburd and Elin Waring, “Settlement Motivations in the Gush Emunim Movement: Comparing Bonds of Altruism and Self Interest”, p.186, in Newman, *ibid.*; Gershon Shafir, “Institutional and Spontaneous Settlement Drives: Did Gush Emunim Make a Difference?”, p.153, in Newman, *ibid.*; Nisan, *ibid.*, pp.153-4; Raanan, *ibid.*, pp.142-3.

<sup>72</sup> Mordechai Nisan, *Israel and the Territories: A Study in Control, 1967-1977* (Ramat-Gan, Israel: Turtledove Publishing, 1978), p.151.

<sup>73</sup> These included, most famously, Gush Etzion and the settlements in Hebron, Nablus and Ofra. This figure is particularly impressive given the paucity of settlers seeking housing in this period of Israel’s history, more so given the attractive settlement alternatives offered by the Golan and the Sinai, where government restrictions were absent. See Shafir, *ibid.*, p.155; Haggai Segal, *Dear Brothers: The West Bank Jewish Underground* (New York, NY: Beit-Shamai Publications, 1988); David J. Schnall, *Beyond the Green Line: Israeli Settlements West of the Jordan* (New York: Praeger, 1984); Harris, *ibid.*, throughout; Sprinzak, pp.47, 89-90 and 145; Raanan, *ibid.*, pp.143-4; Lustick (1988), *ibid.*, pp. 45-6.

<sup>74</sup> See Allcock, *ibid.*, pp.542-5; M. Taylor Fravel, *The Long March to Peace: Explaining China’s Settlement of Territorial Disputes*, dissertation submitted to the Department of Political Science, Stanford University, November 2003; Fravel’s account relies on a variety of primary Chinese documents as well as on Melvin Samuels, *Contest for the South China Sea* (New York: Methuen, 1982); and Lu Ning, *Flashpoint Spratlys!* (Singapore: Dolphin Press, 1995).

the disputants commence exploration, settlement and development on the islands, leading to increased friction and eventual conflict between the contenders. Taiwan occupied an island in 1956, followed by the Philippines (1970), South Vietnam (1973) and Malaysia (1980). When China occupied several submerged reefs in 1988, Vietnam responded by occupying islands around the Chinese positions. Following two near-violent confrontations, tension came to a head in March 1988 when Chinese and Vietnamese naval forces clashed on the Johnson Reef, a minor and mostly submerged feature of the Spratlys. The exchange ended in the sinking of three Vietnamese ships by Chinese guided missile escorts, with the loss of seventy-four Vietnamese lives. China has since occupied an additional reef and constructed observation stations and a naval base in the Spratlys.

Today the Spratlys are claimed in their entirety by China, Taiwan, and Vietnam, with additional claims to specific segments by Malaysia and the Philippines. Over 2,000 soldiers are now permanently positioned on the Spratlys, yet the islands continue to pose such challenges as far as accessibility, development or defense are concerned that it remains unclear how many islands are actually occupied effectively by each of the claimants.<sup>75</sup>

### *III. Restrained entrenchment*

Dispute entrenchment will proceed at a similar pace in territorial disputes in which either the initial perceived value is low and material constraints are minimal, as exemplified by the Israeli-Syrian dispute over the Golan Heights, or the initial value is perceived as high but material constraints are significant, as evidence in the Indo-Pakistani dispute over Kashmir. Despite vast differences in scale, region and setting, the latter dispute makes for interesting comparison with the Golan Heights dispute because the same entrenchment processes and mechanisms can be observed in action. Both India and Pakistan viewed Kashmir as indispensable to their respective national identities at the outset of the dispute yet were barred from gradual expansion into the territory by significant material constraints. This led to an entrenchment process that was, in large part, purposive and policy driven. At the same time, these investments by India and Pakistan in Kashmir had unintended feedback effects, creating entrenchment cycles that soon spiraled out of the parties' control and later constrained their attempts at resolving the dispute through negotiation and compromise.

Unlike the Golan Heights, the symbolic importance of Kashmir to the nationalist programs of India and Pakistan was evident to the leaders of the nascent states upon partition in 1947. Because it was the only state in India with a Muslim majority, both India and Pakistan wished to rule Jammu and Kashmir in order to buttress their *raison d'etre*. India believed that its rule over Kashmir would demonstrate how minorities can thrive under the aegis of a plural and secular policy whereas separatist tendencies in Kashmir might lead to the fragmentation of other Indian states on the basis of religion, ethnicity, language or sub-national identity.<sup>76</sup> Pakistan's claims to Kashmir drew their strength from the converse of the very same argument: If Muslims failed to found a state of their own in Kashmir or Pakistan, they would be ruled as a minority by the Hindu majority of India. The struggle over Kashmir was thus much more than a struggle over territory, resources or strategy; rather, it reflected to begin with the emotional tenacity with which India and Pakistan clung to their founding ideals.<sup>77</sup>

The Kashmir dispute thus started its entrenchment further down the road to indivisibility than the Golan dispute. This "head start" supplied India and Pakistan with the incentives required to overcome tremendous material obstacles that did not exist in the Golan case. The Himalayan kingdom was surrounded by daunting mountains and rivers, hampering access to the population centers of the state

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<sup>75</sup> Allcock, *ibid.*, p.545.

<sup>76</sup> Lamb (1997), *ibid.*; p.348; Ganguly (2001), *ibid.*, p.5; J. N. Dixit, *Anatomy of a Flawed Inheritance: Indo-Pak Relations, 1970-94* (Delhi, India: Konark Publishers, 1995), p.201; Raju G. C. Thomas, "Reflections on the Kashmir Problem", in Raju G. C. Thomas (ed.), *Perspectives on Kashmir: The Roots of Conflict in South Asia* (Boulder, C.O.: Westview Press, 1992), pp.11-12.

<sup>77</sup> Korbelt, *ibid.*, p.30.

from the South, East or North. The partition of India severed all existing communication and transportation links between the population centers of the kingdom and both India and Pakistan. The central cities in the kingdom, Jammu in the South, Srinagar in the center and Leh in the East, were isolated from one another by extensive stretches of Himalayan mountain ranges. The governments of India and Pakistan responded to the topographical challenges posed by Kashmir by investing vast funds into improving the road, rail and airway infrastructure. In the process, Pakistan constructed a 1,000 mile-long highway across the wastelands of Northern Kashmir whereas India excavated the longest tunnel in Asia and paved the highest road in the world.<sup>78</sup> These projects fulfilled limited economic or strategic purposes: Their main impact was to "remove the sense of isolation which the high mountain range produces..."<sup>79</sup> by increasing both the internal cohesion of the parts of Kashmir under the control of India and Pakistan as well as cementing the ties between these parts and India and Pakistan proper over time.<sup>80</sup> These efforts were accompanied by vast investments in railway, airway and road links funded by successive Five Year Plans, starting in 1951.

Parallel to changes in infrastructure designed to increase the cohesion between India and the State of Jammu and Kashmir and between Pakistan and the parts of Kashmir under its control (Azad Kashmir and the Northern Territories), both host states also engaged in a series of financial, legal and administrative moves in order to gradually reduce the autonomy of these regions. Piecemeal extensions of constitutional provisions, the expansion of central bureaucracy and armed services into the region, the removal of restrictions on the movements of goods, intervention in elections, the incremental use of emergency powers, the signing of restrictive bilateral agreements as well as symbolic maneuvers, contributed to the cumulative, and eventually ultimate, erosion of self-rule in the two halves of Kashmir.<sup>81</sup>

Since February 1992, in response to the insurgency in Kashmir, India has assumed full control over the internal affairs of the state by extending presidential rule to Jammu and Kashmir, dispensing with any obligation to revert to the elected government.<sup>82</sup> Between 1990 and 1995, the number of Indian soldiers, paramilitary border forces and crack counter-insurgency forces in the valley rose sharply from 150,000 to, according to some estimates, 600,000 men.<sup>83</sup> Pakistan, in turn, has played a critical

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<sup>78</sup> The Karakoram Highway, a 1,000 mile-long two-lane road that crosses two of the highest mountain ranges in the world, was constructed by China and Pakistan at the cost of one casualty per mile constructed. See Crane, *ibid.*, p.122; Mayfield, *ibid.*, p.187; Korbelt, *ibid.*, p.202; King, *ibid.*, p.17. The Banihal tunnel was constructed at 2,200 meters above sea level. See Crane, *ibid.*, p.113-4 and 121; Hewitt, *ibid.*, p.20; "Our News Letter", *Kashmir* (Government of India, Ministry of Information and Broadcasting, Publications Division), October 1954, vol. 4, no.9. The "Beacon Highway", at 5,600 meters above sea level, reduced travel time from Srinagar to Leh from twelve days on horseback to two days by bus. See Hewitt, *ibid.*, p.20; Bradnock (1993), *ibid.*, p.488; Rizvi, *ibid.*, p.63.

<sup>79</sup> "The Conquest of Banihal", *Kashmir* (Government of India, Ministry of Information and Broadcasting, Publications Division), November 1954, vol.4, no.10, p.208.

<sup>80</sup> The Karakoram Highway, for example, was too fragile to fulfill a military function and trade across the frontier, most often in the form of barter, never exceeded \$5 million a year. King, *ibid.*, pp.16-18 and 200; Bradnock (1993), *ibid.*, pp.1166 and 1173. The Banihal tunnel reduced travel from Srinagar to Jammu by a mere eighteen miles, but led within years to a fourfold increase in the flow of traffic into Kashmir. See "The Conquest of Banihal", *Kashmir* (Government of India, Ministry of Information and Broadcasting, Publications Division), November 1954, vol.4, no.10, p.208.

<sup>81</sup> For Indian-held Kashmir see Sharma and Sharma, *ibid.*, pp.306-319 and 397-8; Crane, *ibid.*, p.260; Brecher, *ibid.*, pp.123-4; Yasin and Yasin, *ibid.*, p.251; Ganguly (1997), *ibid.*, p.67; Korbelt, *ibid.*, p.66; Schofield, *ibid.*, p.186; Crane, *ibid.*, p.256. For accounts of parallel processes in Pakistani-held Kashmir see Crane, *ibid.*, pp. 282, 284-5; Schofield, *ibid.*; Lamb (1968), *ibid.*, p.67; Rose, *ibid.*, pp.241-8; Mayfield, *ibid.*, p.196; Hewitt, *ibid.*, p.116.

<sup>82</sup> Schofield, *ibid.*, p.265.

<sup>83</sup> If this figure is correct, it would include more than half of India's 33 regular army division and would constitute the highest troops to civilian population ratio worldwide. Other sources place the number of Indian soldiers, paramilitary border forces and crack counter-insurgency forces at between 250,000 and 400,000, but precise figures are not available. Schofield, *ibid.*, pp.251, citing Kaleem Omar, 'Special Report on Kashmir', *The News on Friday*, 28 July 1995; Schofield, *ibid.*, pp.262-3, citing Rahul Bedi, 'On the Kashmir Beat', *Jane's Defense Weekly*, 21 May 1994, p.19; Michael Krepon, "A Ray of Hope", *The Washington Quarterly* 24:2, 2001, p.176; Evans, *ibid.*, p.184; Ganguly (1997), *ibid.*, p.1.

role in fomenting the insurgency by smuggling arms into the Valley, supporting militant pan-Islamic organizations, running training camps and inducting a large number of experienced Muslim mercenaries.<sup>84</sup> The deaths of Indian and Pakistani soldiers fighting in the defense of Kashmir or insurgents fighting in pursuit of Kashmir's independence have added an additional emotional layer to the dispute.<sup>85</sup> Pakistan refers to the soldiers it lost in Kashmir as "martyrs to the cause of freedom." India has constructed several monuments and memorial halls in Srinagar and Jammu to "those heroes who laid down their lives to defend their country."<sup>86</sup> As in the Golan Heights dispute, the deaths of soldiers and militants serve to further sanctify the disputed soil and inhibit the search for viable substitutes and side-payments.

Today, Kashmir's major cities are separated from Delhi and Islamabad by mere hours of flight. Roads crisscross Kashmir and lead into the Pakistani and Indian heartlands. The areas controlled by Pakistan and India respectively have been incorporated fully into the administrative and constitutional frameworks of the host states. Any special status initially granted to these disputed territories has been all but annulled. Indian and Pakistani maps are now consistent in their depictions of Kashmir's boundaries and both states have officially delineated and demarcated its borders.<sup>87</sup> They now control the foreign affairs, defense, financial affairs and much of the internal affairs, trade, communication and energy sources of these regions.

The Kashmir case illuminates the paradox that lies at the heart of the indivisibility conundrum: Moves by Pakistan and India to cement the link between themselves and Kashmir have, in turn, increasingly divided the territory. The more indivisible Azad Kashmir became from Pakistan and Jammu and Kashmir from India, the more divisible Kashmir became as a whole. Could this de facto division of Kashmir serve as a first step towards resolution? The contrary seems to be the case. There is no evidence of parties having "grown accustomed" to divisibility in this, or any other, prolonged territorial dispute. The record of Indo-Pakistani negotiations shows an initial willingness to negotiate over Kashmir that became increasingly constrained and sporadic over time.<sup>88</sup> By 1958, with India commencing its second Five-Year Plan of massive investments in Kashmir, the region "had come to be regarded in popular perception as an integral part of India and [Nehru] no longer had the personal authority to negotiate away what was regarded as India's 'sovereignty' over Kashmir."<sup>89</sup> By 1962, with major transportation and communications projects completed and a third Five-Year Plan underway, "India's ability to maneuver in Kashmir... was constrained more than before... it was inconceivable that

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<sup>84</sup> Ganguly (1997), *ibid.*, pp. 15 and sources cited *ibid.*, p.77, note 47.

<sup>85</sup> Although no reliable estimates are available, the number of fatalities in the Kashmir insurrection since 1989 appears to be in the tens of thousands, perhaps as high as 60,000. Compare Dhar, *ibid.*, p.216; Hewitt, *ibid.*, p.2 and p.168; Schofield, *ibid.*, p.277; Krepon, *ibid.*, p.176; Surinder Oberoi, "Fear and Loathing in Kashmir", *Washington Quarterly* 24:2, 2001, p.196; Ganguly (1997), *ibid.*, p.2.

<sup>86</sup> Schofield, *ibid.*, p.206; "War Memorial Hall at Jammu", *Kashmir* (Government of India, Ministry of Information and Broadcasting, Publications Division), May 1954, vol.4, no.5; *Kashmir* (Government of India, Ministry of Information and Broadcasting, Publications Division), December 1952, volume 2, no.25, p.511.

<sup>87</sup> This demarcation process was most critical along the ill-defined Line of Control between India and Pakistan. In 1972, both sides met nine times to meticulously delineate the line but this clarity contributed to conflict soon after: In 1984, India accused Pakistan of "cartographic aggression" and countered its incursions in Siachen. Ganguly (2001), *ibid.*, p.84; Ataov, *ibid.*, pp.68 and 162 note 10.

<sup>88</sup> These negotiations included offers, in 1949 and 1956, to divide Kashmir along the cease fire line, proposals to exchange Kashmir for Junagadh and Hyderabad in 1948, discussions of a plebiscite in 1953, Pakistani proposals to demilitarize Kashmir in 1957, serious negotiations over the partition of Kashmir in 1962 and 1963 and a secret agreement, never implemented, for the de facto partitioning of Kashmir along the Line of Control in 1972. See Ganguly (2001), *ibid.*, pp.18-19, 25, 33 and 71; Korbelt, *ibid.*, p.89; Cheema, *ibid.*, pp. 102 and 114; Chaudhary Mohammed Ali, *The Emergence of Pakistan* (New York, N.Y.: Columbia University Press, 1967), p. 299; Schofield, *ibid.*, p.212; Ganguly (1997), *ibid.*, pp.45-48; Thomas, *ibid.*, p.21; Rizvi, *ibid.*, pp. 58-63; A. G. Noorani, "Disservice to Truth", *Frontline*, on line at <http://www.frontlineonnet.com/fl1924/stories/20021206001107400.htm>; Lamb (1968), *ibid.*, p.102; Sharma and Sharma, *ibid.*, p.139; Kadian, *ibid.*, p.158.

<sup>89</sup> Rizvi, *ibid.*, p.63.

Indian public opinion would tolerate the voluntary surrender of territory in Kashmir."<sup>90</sup> Sumit Ganguli summarized the prevailing odds of a territorial compromise over Kashmir in 1997:

No government in New Delhi, at least not in the foreseeable future, will be able to muster the political support necessary to pursue this option. Despite the enormous human and material costs that New Delhi has incurred in Kashmir, conceding the valley to its principal adversary is politically indefensible. Any government that seriously entertained this proposal would be writing its own death warrant. In effect, this option fails the important test of political feasibility.<sup>91</sup>

## 9. Resolving Intractable Territorial Disputes

The path to indivisibility argument offers an explanation for a puzzling trend in the empirical record of 20<sup>th</sup> century territorial disputes: The increased resistance of territorial disputes to dispute resolution efforts. The entrenchment of territorial disputes can be traced to changes in perceptions of territory that, in turn, derive from changes occurring in territories over time. These changes can be detected and measured, rendering the argument falsifiable. Although this argument cannot provide tools for forecasting the resolution of territorial disputes, it permits some measure of prediction regarding the rate at which specific disputes will grow resistant to exogenous resolution efforts. This suggests variations in the urgency of resolving particular disputes.

The entrenchment of territorial disputes also raises crucial questions regarding the odds of resolving prolonged, and thus entrenched, territorial disputes. If time only serves to entrench territorial disputes, should territorial disputes not last forever? Empirical evidence clearly points in the opposite direction: There are no infinite territorial disputes. Most 20<sup>th</sup> century territorial disputes ended within less than thirty years of initiation. Indeed, the preceding argument, like similar arguments about the entrenchment of institutions over time, makes no predictions about the average duration of disputes or institutions. Entrenchment arguments merely assert that factors contributing to dispute resolution must run counter to the institutionalizing tendencies of these disputes and that, in the absence of such factors, disputes have no natural "half life". Entrenchment arguments imply, however, that resolution strategies espousing rapid conflict termination are more likely to succeed than gradualist attempts at resolution that must contend with the reinforcing effects of time. This suggests a punctuated approach to the resolution of intractable territorial disputes that resonates with similar arguments about radical change in international relations.<sup>92</sup>

The role of perceptions in the entrenchment of territorial disputes suggests that dispute resolution will require both parties to forgo notions of indivisibility in favor of dividing the territory or one party to relinquish its claims to the territory entirely. This change in perceptions and preferences can occur by fiat or by volition. In the first case, perceptions of the dispute shift in response to changes in the dispute environment. This will occur when systemic shock, technological shock or regime change alter the power parity, the value of territory or the identity of the parties to the dispute. Although this is the most common scenario for territorial dispute cessation, it is highly unpredictable and entirely uncontrollable. In the second scenario, the resolution of intractable territorial disputes comes about when influential

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<sup>90</sup> Ibid., p.65.

<sup>91</sup> Ganguly (1997), *ibid.*, p.140.

<sup>92</sup> The most obvious comparison is with the literature on the punctuated resolution of enduring rivalries. Paul Diehl and Gary Goertz, *War and Peace in International Rivalry* (Ann Arbor: University of Michigan Press, 2000), p.132; Claudio Cioffi-Revilla, "The Political Uncertainty of Interstate Rivalries: A Punctuated Equilibrium Approach", in Paul F. Diehl, ed., *The Dynamics of Enduring Rivalries* (Urbana: University of Chicago Press, 1998). See also Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981), pp.44-45; Jeffrey W. Legro, "Whence American Internationalism", *International Organization*, vol.54, no.2, Spring 2000.



leaders succeed in reconfiguring perceptions of the disputed territory's indivisibility to their constituencies.

We find the necessary conditions for ideational reconfiguration in Ian Lustick's study of shifts in hegemonic conceptions of territory, a text that has significantly inspired the arguments presented here.<sup>93</sup> Unlike the time-driven argument I present above, Lustick's study of state expansion and contraction is actor-driven and relatively unconcerned with inter-state territorial disputes, duration or indivisibility. Our explanations converge, however, in their emphasis on the role of persuasion in state disengagement from territory. Drawing on Gramsci, Lustick has argued that the integration of territories into states depends on the ability of regimes to sustain hegemonic conceptions and presumptions about the value and identity of these territories, conceptions that parallel the three components of my indivisibility definition. In Gramsci and Lustick, however, these beliefs do not shift monotonically towards their extreme values. Instead, hegemonic beliefs are stable, if distorted, representations of reality that do not shift when reality or marginal interests change. Dramatic shifts in hegemonic conceptions of reality occur only in response to "wars of position", competitions over leading ideas and values.

If these arguments are valid, three conditions must hold for shifts in idea to take place. The tension between existing ideas and perceived reality must create a need for new ideas, leaders must be willing to take the political risks involved in challenging prevailing beliefs, and the new ideas they offer must successfully fulfill the existing need. If we apply this logic to the path to indivisibility argument, we should expect shifts in ideas to resolve the tensions inherent in the indivisibility conundrum if they succeed in redefining either the *functional*, the *material* or the *symbolic* characteristics of the disputed territory in a manner that permits partition or resignation.

The idea entrepreneur might suggest, for example, that some symbols of integration are more significant than others or that the territory does, in fact, lend itself to subdivision quite naturally in one way or another. She might succeed in contracting, expanding or otherwise shifting the perceived boundaries of the territory. Finally, he could contest the non-fungibility of the territory, either by suggesting that some other good or issue has a value higher than previously believed or by suggesting that some or all of the territory has a value lower than previously believed. The idea entrepreneur could propose, for example, that value can be derived from the territory even in the absence of full sovereignty, that valuable aspects of the territory can be removed or substituted for or that utility previously attributed to the entire disputed space can be derived from a small part of the territory. These and other strategies were adopted by Anwar el-Sadat and Menahem Begin in successfully resolving the Israeli-Egyptian dispute over the Sinai Peninsula in 1978, by John F. Kennedy in resolving the U.S.-Mexican dispute over the Chamizal Tract in 1963 and by presidents Alberto Fujimori and Jamil Mahuad in resolving the Peru-Ecuador dispute over the Oriente region in 1998. These three disputes were resolved after thirty, sixty-nine and one-hundred and sixty nine years, respectively.

I have argued that in all territorial disputes there is an inherent strain between perceptions of indivisibility and the reality of contested possession. This tension is necessary, but not sufficient, for resolving a dispute. It fulfills only the first of Lustick's three conditions and requires charismatic leadership and persuasive ideas to unravel a dispute. Because these cannot be forecast, this second resolution scenario, in which leaders resolve territorial disputes by persuasion, is as unpredictable as the first scenario, in which environmental shocks unravel the dispute.

Both scenarios exemplify punctuated dispute resolution: A drastic and unexpected conclusion to a cumulative process of entrenchment and institutionalization. Where time entrenches disputes, gradualist dispute resolution approaches, such as those espousing trust and confidence building or increasing reciprocal compromises as well as strategies that advocate confronting marginal issues before attempting the resolution of core differences, must contend with the detrimental effects of time. Time is not on the peacemaker's side.

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<sup>93</sup> Lustick, *ibid.*