

# The Path to Intractability

Ron E. Hassner

## Time and the Entrenchment of Territorial Disputes

In 2002 Britain and Spain broke off talks over the future of Gibraltar after several months of intense negotiation. The dispute over the 2.25-square-mile colony, once a significant strategic asset but 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 two parties have not exchanged fire over Gibraltar since the early nineteenth century, the dispute has 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 forums including the North Atlantic Treaty Organization, the European Union, and the United Nations.<sup>2</sup>

In 1998 war erupted between Ethiopia and Eritrea over 250 square miles in the Badme region. The area is of no strategic importance and has 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 produced nearly 200,000 casualties between 1998 and 2004, and there is no peaceful resolution in sight.<sup>3</sup> "That area, I think, is desert," commented one Ethiopian, but hastened to add: "It's territory, you know. . . . we'll die for our country."<sup>4</sup>

These cases exemplify two curious characteristics of territorial disputes.

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1. Paul Delaney, "283 Years Later, Dispute over Gibraltar Persists," *New York Times*, July 30, 1987; and "In Brief: Britain, Spain Discuss Future of Gibraltar," *Houston Chronicle*, February 5, 2002.

2. In 1998, for example, a Spanish helicopter threatened and damaged a Royal Gibraltar police vessel. Spain 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," *Times* (London), March 16, 1998; and Sir William G.F. Jackson, *The Rock of the Gibraltarians: A History of Gibraltar* (Cranbury, N.J.: Associated University Presses, 1987), pp. 317–327.

3. "The Horn in Peril: Ethiopia Must Accept Arbitration Verdict, However Painful," *Financial Times* (London), June 17, 2003; Deaglen de Bredun, "Cowen Looks for Path to Peace in Boundary War," *Irish Times* (Dublin), April 7, 2004; and Chris Bunting, "Lines Not Mapped Are Drawn in Blood," *Times Higher Education Supplement*, July 30, 2004, p. 16.

4. Quoted in Marc Lacey, "Badme Journal: Torn Town Changes Countries, but Not Conviction," *New York Times*, April 16, 2002.

First, 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 British and Spanish 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>5</sup> Second, parties to these disputes seem increasingly reluctant to compromise, or even negotiate, over disputed territories as these disputes mature. The material interests that prompt some of these disputes are often 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 eighteenth-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>6</sup>

What explains the apparent intractability of prolonged territorial disputes? No clear answer to this question emerges from the available data. 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, Jordan and Saudi Arabia required forty-three years to resolve their dispute over barren desert land along their common border or why an International Court of Justice ruling was required to put to rest the sixty-seven-year-long Anglo-French dispute over the islands of Minquiers and Ecréhous, mostly uninhabitable rocks that are submerged under high tide.<sup>7</sup> The intractability of prolonged territorial disputes is particularly jarring given the ease with which many young territorial disputes are resolved, even when the territory at stake is of significant value to both parties. France and Germany, for example, managed to resolve their post-World War II dispute over the Saar, a region particularly rich in coal and iron, in just two years. Saudi Arabia and Kuwait needed only four years to resolve their territorial

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5. Ian Fisher, “Behind Eritrea-Ethiopia War, a ‘Knack for Stubbornness,’” *New York Times*, February 14, 1999.

6. Philip Dennis, *Gibraltar and Its People* (Newton Abbot, U.K.: David and Charles, 1990), pp. 127–137; and Philip Dennis, *Gibraltar* (Newton Abbot, U.K.: David and Charles, 1977), p. 131.

7. For the Jordanian-Saudi dispute over the location of their common boundary (1922–65), see Paul K. Huth, *Standing Your Ground: Territorial Disputes and International Conflict* (Ann Arbor: University of Michigan Press, 1996), p. 212; and Nadav Safran, *Saudi Arabia: The Ceaseless Quest for Security* (Cambridge, Mass.: Belknap, 1985). The dispute over Minquiers and Ecréhous that lasted from 1886 to 1953 (but had thirteenth-century roots) did not affect English or French sovereign rights or fishing rights in the Channel. Huth, *Standing Your Ground*, p. 205; and Warwick Rodwell, *Les Ecréhous, Jersey: History and Archaeology of a Channel Island Archipelago* (Jersey, U.K.: Société Jersaise, 1996).

dispute, even though the 2,500 square miles at stake were abundant with oil fields.<sup>8</sup>

Given the tremendous human and financial costs that territorial disputes exact from participating states, it is vital to understand the factors underlying the intractability of prolonged disputes. Often at the core of interstate rivalries, intractable disputes thwart attempts at peaceful resolution and frequently escalate into armed conflicts. John Vasquez and Marie Henehan found that territorial disputes were more war prone than disputes over other types of issues. Paul Huth has argued that territorial disputes were the primary cause in fourteen out of twenty-one interstate wars after World War II; he counted more than sixty ongoing territorial disputes in 1995. Paul Hensel documented the increased likelihood with which these particular disputes escalated and resulted in a larger number of fatalities. And Barbara Walter has shown that the most intractable civil wars by far were those that involved territorial disputes.<sup>9</sup>

Ann Hironaka and I noticed a pattern in this intractability: by statistically analyzing the effects of time on the likelihood of dispute resolution, we showed that interstate territorial disputes underwent entrenchment. Entrenchment is 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. Of the 160 disputes in our data set, nearly 50 percent were resolved within twenty years of onset, but only another 6 percent were resolved in the twenty years after that, and only another 5 percent ended within seventy-five years of initiation.<sup>10</sup>

The dispute resolution literature offers no obvious explanations for the entrenchment of territorial disputes over time.<sup>11</sup> Indeed, much of this literature

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8. The dispute over the Saar region began in 1955, when Germany demanded its reincorporation into Germany, and ended in 1957 when France agreed to German demands. See Huth, *Standing Your Ground*, p. 208. For the Saudi-Kuwaiti dispute over the neutral zone (1961–65), see *ibid.*, p. 215; and John B. Allcock, *Border and Territorial Disputes* (Harlow, U.K.: Longman, 1992), p. 79.

9. John A. Vasquez, *The War Puzzle* (Cambridge: Cambridge University Press, 1993); John A. Vasquez and Marie T. Henehan, "Territorial Disputes and the Probability of War, 1816–1992," *Journal of Peace Research*, Vol. 38, No. 2 (March 2001), pp. 123–138; Huth, *Standing Your Ground*, pp. 4–5; Paul R. 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: Vanderbilt University Press, 1999), pp. 115–146; and Barbara F. Walter, "Explaining the Intractability of Territorial Conflict," *International Studies Review*, Vol. 5, No. 4 (December 2003), pp. 137–153.

10. Ron E. Hassner and Ann Hironaka, "Can Time Heal All Wounds?" paper presented at the annual convention of the International Studies Association, New Orleans, Louisiana, March 24–27, 2002.

11. A credible commitment approach cannot explain why parties that are not in possession of the

suggests that disputes should become easier rather than more difficult to resolve over time.<sup>12</sup> This article proposes an explanation for territorial dispute entrenchment that draws on changes in dispute perception. Specifically, I argue that three processes that occur over time inexorably drive the entrenchment of territorial disputes: as these conflicts mature, the perceived cohesion of the disputed territory rises; its boundaries are perceived as becoming more clearly defined; and the availability of substitutes for the territory appear to decline. This threefold shift in perceptions does not always thwart the resolution of prolonged territorial disputes, but it does generate ever-growing obstacles that must be overcome by those seeking to resolve such conflicts. Rather than explain when or why states seek to resolve their territorial disputes, this hypothesis seeks to account for the increased difficulties that leaders face when they seek resolution to these disputes later rather than sooner.

By highlighting the effects of social perceptions on the resolution of disputes, this article seeks to contribute to the burgeoning scholarship on social constructivism and international security. Constructivists have exposed the ideational foundations of conflict by analyzing the social construction of state identities, alliances, military doctrines, and even particular weapons.<sup>13</sup> Here I demonstrate that the issue of contention between parties to an international dispute—in this case, a disputed territory—can also be socially constructed.<sup>14</sup>

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disputed territory often continue to stake their claims to the territory even as the benefits of occupation for their opponents rise. Expected utility arguments predict that disputes will become entrenched if states act to increase stakes over the course of the dispute, but these arguments run the danger of circularity if they fail to explain states' motives for doing so. Hostility, pride, and revenge arguments are not likely to hold across dispute types or even across cases. Territorial disputes 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 nondemocratic states enjoying low audience costs.

12. See, for example, Donald Wittman, "How a War Ends: A Rational Model Approach," *Journal of Conflict Resolution*, Vol. 23, No. 4 (December 1979), pp. 743–763; Bruce Bueno de Mesquita, "An Expected Utility Theory of International Conflict," *American Political Science Review*, Vol. 74, No. 4 (December 1980), pp. 917–931; Samuel Vuchinich and Jay Teachman, "Influences on the Duration of Wars, Strikes, Riots, and Family Arguments," *Journal of Conflict Resolution*, Vol. 37, No. 3 (September 1993), pp. 544–568; I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford University Press, 1985); and Scott S. Gartner and Gary M. Segura, "War, Casualties, and Public Opinion," *Journal of Conflict Resolution*, Vol. 42, No. 3 (June 1998), pp. 278–300.

13. See, for example, Jeffrey W. Legro, "Military Culture and Inadvertent Escalation in World War II," *International Security*, Vol. 18, No. 4 (Spring 1994), pp. 108–142; Richard M. Price, *The Chemical Weapons Taboo* (Ithaca, N.Y.: Cornell University Press, 1997); Michael C. Desch, "Culture Clash: Assessing the Importance of Ideas in Security Studies," *International Security*, Vol. 23, No. 1 (Summer 1998), pp. 141–170; and Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996).

14. Compare Paul F. Diehl, "What Are They Fighting For? The Importance of Issues in International Conflict Research," *Journal of Peace Research*, Vol. 29, No. 3 (August 1992), pp. 333–344; Richard W. Mansbach and John A. Vasquez, "The Effect of Actor and Issue Classifications on the

I begin by examining the three interrelated entrenchment processes that make up a territorial dispute's path to intractability. Each of these processes can, in turn, be traced to time-driven mechanisms that are readily observable in territorial disputes. These include the extension of infrastructure into a disputed territory, efforts at mapping its boundaries, the erection of military memorials, and more. I detail these mechanisms in the second section of this article. In the third section, I examine and qualify the role that elites play in the entrenchment of territorial disputes. Some of the processes that lead to dispute entrenchment can be controlled by elites, whereas others cannot. Although leaders can often accelerate or prohibit the colonization of a disputed region with relative ease, for example, they cannot always control the emotional attachments that colonizers form with the land.

Changes in perceptions of territory over time are not amenable to quantitative analysis. The viability of the entrenchment hypothesis is best demonstrated by means of diachronic case studies in which changes in perceptions over time are detected through process tracing. I offer one example for such an analysis in the fourth section of this article, in the form of a detailed case study of the Israeli-Syrian dispute over the Golan Heights. This analysis traces the impact of the entrenchment mechanisms on perceptions of the Golan's cohesion, boundaries, and value and demonstrates the limits of elite agency in controlling these mechanisms. I use briefer case studies throughout the article to illustrate specific processes, mechanisms, and dispute categories.

In the fifth section, I discuss factors that affect the pace at which territorial disputes move down the path to intractability. Although the process of dispute entrenchment is relentless, the rate of entrenchment is affected by perceptions of the territory's integrity, boundaries, and value at the outset of the dispute, as well as by physical constraints on expansion and settlement into the territory. Different combinations of these ideational and material factors lead to variations in the rate of entrenchment.

I conclude with some implications of my argument for territorial dispute resolution. If the path to intractability hypothesis is correct, one should expect changes in perceptions of territorial integrity, boundaries, or value to precede the resolution of prolonged disputes. Such changes can occur when systemic shock, technological shock, or regime change alters the power parity, the value of territory, or the identity of the parties to the dispute. On rare occasions, influential leaders can bring about the resolution of intractable territorial dis-

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Analysis of Global Conflict-Cooperation," *Journal of Politics*, Vol. 43, No. 3 (August 1981), pp. 861–874; and John A. Vasquez, "The Tangibility of Issues and Global Conflict: A Test of Rosenau's Issue Area Typology," *Journal of Peace Research*, Vol. 20, No. 2 (June 1983), pp. 179–192.

putes by reconfiguring perceptions of the disputed territory held by their constituencies.

### *Time and the Entrenchment of Territorial Disputes*

Why do territorial disputes become more difficult to resolve over time? Time, of course, is not an independent causal factor. Rather it represents entrenchment processes that unfold as territorial disputes mature and impede the implementation of common solutions to these disputes.

States have resolved their territorial disputes by means of negotiation, arbitration, or use of force. In all cases the outcomes have involved some combination of territorial partition, redefinition, and compensation.<sup>15</sup> Some disputes, such as the Saudi-Iraqi dispute (1922–81) or the German-Danish dispute (1848–1920), have ended in a division of the contested territory and mutual adjustments of boundaries, with no further need for an exchange of side payments. In other cases, such as the dispute between Argentina and Paraguay (1856–1945) or that between Finland and the Soviet Union (1917–20), minor boundary adjustments coupled with offers of financial or symbolic compensation have produced lasting resolutions. In yet other cases, the disputed territory remains in the hands of a single state, but compensation is offered to satisfy other parties in the dispute. Such was the case in the disputes between Brazil and Bolivia (1899–1926) and Madagascar and France (1960–90).<sup>16</sup> In other words, the resolution of a territorial dispute requires that parties agree to partition the disputed territory, show flexibility regarding the boundaries of the territory, or be willing to offer or accept side payments in exchange for the territory.

Territorial disputes become harder to resolve over time because partition, redefinition, and compensation become more difficult to implement as disputes mature. Over the course of a dispute, the perceived cohesion of the dis-

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15. Contrast Steven J. Brams and Alan D. Taylor, *Fair Division: From Cake Cutting to Dispute Resolution* (Cambridge: Cambridge University Press, 2002).

16. The dispute between Saudi Arabia and Iraq over territory along their ill-defined boundary began as a British dispute with the kingdom of Najd. Denmark and Germany's quarrel over Schleswig ended with Denmark receiving northern Schleswig while Germany received central Schleswig. Argentina and Paraguay fought over the Chaco Boreal and the Pilcomayo river before border adjustments concluded the dispute. Finland and the Soviet Union resolved their dispute over East Karelia and Petsamo in similar manner. The dispute between Brazil and Bolivia over Puerto Acre left the territory in Brazilian hands, but Bolivia received monetary compensation and access rights to the sea. Similarly, the dispute between Madagascar and France over the islands of Glorioso, Juan de Nova, Bassas da India, and Europa left them entirely in Madagascar's hands once Madagascar expressed willingness to compensate French companies for their losses. See Huth, *Standing Your Ground*, pp. 214–215, 219–220; and Alan J. Day, ed., *Border and Territorial Disputes of the World* (Harlow, U.K.: Longman, 1987), pp. 29, 119–122, 338–339.

puted territory rises; its boundaries are perceived as becoming more clearly defined; and the availability of substitutes for the territory are perceived to decline. This move toward intractability occurs as a result of material, functional, and symbolic entrenchment, respectively.<sup>17</sup>

Material entrenchment increases the difficulty of dividing the disputed area or separating it from the homeland.<sup>18</sup> It occurs as the disputed territory becomes increasingly cohesive and is gradually integrated into the territory of the conquering party or parties. Through functional entrenchment, the boundaries that define the disputed area become less flexible and more precise. This process consolidates the issue at the heart of the dispute and reduces the range of possible compromises. Symbolic entrenchment adds ideational layers to the dispute that make it more difficult for leaders to find substitutes for the disputed territory. Potential side payments fall away as the territory is invested with nationalist, religious, ethnic, and otherwise emotional value. Even disputes that began as disputes over strategically or materially valuable territory evolve into disputes over history, identity, honor, and values.

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, whereas others are the function of government policies enacted over time. In both cases, however, 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 the territory's boundaries appear on maps, the more important it becomes to demarcate those boundaries on the ground and to guard the territory against infringement. Visible borders, however, further enhance the perceived 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 entrenchment path that territorial disputes follow constitutes a process of institutionalization in which disputes take on a life and a causal power of their 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

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17. I thank an anonymous reviewer for suggesting this dichotomy.

18. 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, "Bounded Communities: Territoriality, Territorial Attachment, and Conflict," in Miles Kahler and Barbara F. Walter, eds., *Territoriality and Conflict in an Era of Globalization* (New York: Cambridge University Press, 2006), pp. 25–61.

the territory with nationalist value. This is a self-enforcing process, not a case of backward causation: the empirical evidence on twentieth-century territorial disputes rules out the possibility that the *ex ante* challenges of resolving territorial disputes explain their duration.<sup>19</sup>

### *Mechanisms Driving Dispute Entrenchment*

Each of the three entrenchment processes detailed above is propelled by a series of distinct and observable mechanisms.

#### MATERIAL ENTRENCHMENT

Over time, the construction of transportation, communication, energy, and other networks links population hubs across the disputed territory and ties these centers to the host state. Every train track, airport, and electric or phone line constructed to improve the living standard of the population already present in the territory creates further incentives for 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 the state and the 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 influence the odds of resolving a territorial dispute at any given time, it is because they affect intersubjective perceptions of the territory's cohesion, leading constituents to conceive of the disputed territory as increasingly indivisible from their homeland.

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19. Quantitative analyses have convincingly demonstrated that initial difficulty of resolving these disputes cannot explain their duration. Variables such as the relative power of the contenders and the size, terrain, location, or value of a disputed territory, which are critical in accounting for the onset or escalation of disputes, are statistically insignificant in explaining the disputes' duration or resolution. See Huth, *Standing Your Ground*, pp. 69–180; Hensel, "Charting a Course to Conflict"; and Hassner and Hironaka, "Can Time Heal All Wounds?" pp. 21–22.

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 course, and the Chamizal tract, a single-square mile of desert previously on the Mexican side of the river, came to lie on the U.S. side, next to the city of El Paso. No longer separated from the tract by a river, the city rapidly expanded into the uninhabited tract. As part of the resolution of the dispute in 1962, 4,500 inhabitants of El Paso residing in the tract area had to be moved and compensated for their loss of property; bridges and railroad tracks had to be relocated; and two schools and one sewage plant had to be shut down, at a cost of more than \$40 million.<sup>20</sup>

#### FUNCTIONAL ENTRENCHMENT

Disputed 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 the land.<sup>21</sup> The definition of a contested boundary poses the threefold challenge of identification, delimitation, and demarcation.<sup>22</sup> The parties to a dispute must agree on the location of the boundary; they must match that definition to the landscape; and they must physically mark the boundary on the ground. Advances in mapping, navigation, survey, and transportation technology have mitigated the second and third of these challenges. But other issues—such as accessibility, ambiguities in maps and historical documents pertaining to the boundary, difficulties in the identification of landmarks, disagreements about place names, and so forth—continue to pose problems for states attempting to resolve territorial disputes. Globally, tens of thousands of miles of borders remain undemarcated because new territorial disputes that require the identification, delimitation, and demarcation of novel boundaries continue to arise.<sup>23</sup> In any dispute, however, these problems

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20. "Compliance with Convention on the Chamizal," hearing before the Senate Committee on Foreign Relations, 88th Cong., 2d sess., on S. 2394, January 21, 1964, pp. 5–9; "U.S. and Mexico Agree on Border," *New York Times*, July 19, 1963; and Sheldon B. Liss, *A Century of Disagreement: The Chamizal Conflict, 1864–1964* (Washington, D.C.: University Press of Washington, D.C., 1965), pp. 92–93.

21. Stacie E. Goddard has investigated in detail the manner in which the legitimation of claims to territory during negotiations can produce incompatible positions. See Goddard, "Uncommon Ground: Indivisible Territory and the Politics of Legitimacy," *International Organization*, Vol. 60, No. 1 (January 2006), pp. 35–68.

22. J.R.V. Prescott, *Political Frontiers and Boundaries* (London: Allen and Unwin, 1987).

23. As of late 2006, some of the more salient international boundaries that remain undemarcated, in the presence or absence of an ongoing dispute, include those of Belarus, Kazakhstan, and Cameroon; Macedonia, Serbia, and Montenegro; Russia and the Ukraine; China and Vietnam; China and Tajikistan; Laos and Thailand; El Salvador and Honduras; Ethiopia and Eritrea; and Syria and Jordan. See the listing of disputes in Central Intelligence Agency, *World Factbook, 2006*, <https://www.cia.gov/cia/publications/factbook/fields/2070.html>.

are gradually resolved as accurate information is gathered and ambiguities are dispelled.

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. Although ostensibly in control of 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 northeastern frontier.<sup>24</sup> In Survey of India maps as late as 1934, the Aksai Chin region either was left blank, marked 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—whether in response to exploration, the study of foreign maps, or creative guesswork.<sup>25</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 [to] draw up a report for submission to the two Governments."<sup>26</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 region two years later, it was left with little choice but to engage the encroachers militarily.

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24. Alastair Lamb, *The Kashmir Problem: A Historical Survey* (New York: Frederick A. Praeger, 1968), pp. 22, 146; and Victoria Schofield, *Kashmir in the Crossfire* (London: I.B. Tauris, 1996), pp. 59, 79.

25. 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 uncertainty 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-one years later, in the 1990 Survey of India, the extraordinary question mark has disappeared: the site is marked simply as "Yangi Dawan."

26. J.N. Dixit, *Anatomy of a Flawed Inheritance: Indo-Pak Relations, 1970–94* (Delhi: Konark, 1995), p. 91.

SYMBOLIC ENTRENCHMENT

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 by-product 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; and the systematic destruction of evidence tying 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.<sup>27</sup> Their material and emotional investment grants the land they live on a unique significance. In territorial disputes that fall along religious, ethnic, or nationalist divides—such as the Greek-Albanian dispute over Northern Epirus, the dispute between Armenia and Azerbaijan over Nagorno Karabakh, and the Kashmir dispute—parties have invested significant efforts in constructing and embellishing shrines while accusing their opponents of marginalizing, desecrating, or even destroying nationalist or religious sites on the other side of the border.<sup>28</sup>

Armed conflict over disputed territory contributes 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 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>29</sup> Given the linkage between territorial disputes and armed

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27. Isaiah Bowman, "The Strategy of Territorial Decisions," *Foreign Affairs*, Vol. 24, No. 2 (January 1946), pp. 177–194; Evan Luard, *The International Regulation of Frontier Disputes* (New York: Praeger, 1970); Vasquez, *The War Puzzle*; and Hensel, "Charting a Course to Conflict."

28. Nicholas J. Cassavetes, *Epirus and Albania* (London: G.S. Vellonis, 1919); Edward Capps, *Greece, Albania, and Northern Epirus* (Chicago: Argonaut, 1963); Louis Sigalos, *The Greek Claims on Northern Epirus* (Chicago: Argonaut, 1963); Stephen Brook, "The Forgotten War: Nagorno Karabakh," *Times* (London), June 5, 1993; Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York: 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; Schofield, *Kashmir in the Crossfire*; Lamb, *The Kashmir Problem*; and Sumit Ganguly, *Conflict Unending: India-Pakistan Tensions since 1947* (New York: Columbia University Press, 2001).

29. 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: 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: Kriegerdenkmäler in der Moderne* [The political cult of the dead: War

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>30</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>31</sup>

### *Entrenchment and Agency*

The hypothesized effects of time on the entrenchment of territorial disputes raise 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 increase their symbolic value? 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 of a connection between a people and their territory has been the topic of considerable research, most notably in the writings of Elie Kedourie, Benedict Anderson, Eric Hobsbawm, Ian Lustick, and Ernest Gellner.<sup>32</sup> The literature on nationalism has exposed the motivations that drive elites toward 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 that political actors use to achieve these goals. The argument presented here proposes to contribute to that body of literature by examining processes of attachment to territory, spe-

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memorials in the modern era] (Munich: Fink, 1994); and George W. White, *Nationalism and Territory* (Lanham, Md.: Rowman and Littlefield, 2000).

30. Carlos Espinosa, "Exorcising the Demons of War: Memory, Identity, and Honor in the Ecuador-Peru Peace Negotiations," Working Paper, No. 98/99-2 (Cambridge, Mass.: David Rockefeller Center for Latin American Studies, Harvard University, 1999), pp. 28–29.

31. Gabriel Marcella and Richard Downes, *Security Cooperation in the Western Hemisphere: Resolving the Ecuador-Peru Conflict* (Miami, Fla.: North-South Center Press, 1999), pp. 233, 244–248.

32. Elie Kedourie, *Nationalism* (London: Hutchinson University Library, 1960); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983); Eric J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1992); Ian S. Lustick, *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank–Gaza* (Ithaca, N.Y.: Cornell University Press, 1993); Ernest Gellner, *Nationalism* (New York: New York University Press, 1997); Jean Gottman, *The Significance of Territory* (Charlottesville: University Press of Virginia, 1973); and Robert David Sack, *Human Territoriality: Its Theory and History* (Cambridge: Cambridge University Press, 1986).

cifically 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 entrenchment.<sup>33</sup>

#### MATERIAL ENTRENCHMENT AND AGENCY

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 integration can also occur as a by-product of increased settlement in the disputed area or of 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 narrow the gap between the state and the disputed land and make additional settlement easier. These processes of natural expansion can be inhibited only if governments pursue deliberate policies to prevent settlement and prohibit development. Even regimes that take such unusual measures, however, 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.

#### FUNCTIONAL ENTRENCHMENT AND AGENCY

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>34</sup> They will nevertheless find themselves incapable of pursuing a territorial dispute without issuing

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33. For an analysis of territorial expansion driven by developments in the periphery that are beyond the direct control of the great powers involved, see Paul K. MacDonald, "Peripheral Pulls: Great Power Expansion and Lessons for the 'American Empire,'" paper presented at the annual convention of the International Studies Association, Montreal, Canada, March 17–20, 2004.

34. On the advantages of ambiguity, see, for example, Kenneth A. 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 Political Ambiguity," *American Political Science Review*, Vol. 70, No. 3 (September 1976), pp. 742–752; and Charles Lipson, "Why Are Some International Agreements Informal?" *International Organization*, Vol. 45, No. 4 (Autumn 1991), pp. 495–538.

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.

#### SYMBOLIC ENTRENCHMENT AND AGENCY

Finally, elites can accelerate processes that increase the symbolic value of territory, but there is little they can do to inhibit these processes. Leaders have contributed to the symbolic value of territory by means of education or propaganda; uncovering or fabricating evidence that supports historical, religious, and ethnic links between the territory and the homeland; or systematically destroying evidence connecting the territory to the opponent's heritage.

Mechanisms that decrease territory fungibility are, however, beyond the direct control of elites. As the cases below illustrate, the construction of military, nationalist, and religious monuments and the emotional ties that settlers develop toward 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 rise in the symbolic value of the territory that will follow in the wake of war, as comrades, families, and locals erect military and nationalist monuments on the battlefield. These monuments signify, as well as generate, a sense of attachment to territory. 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 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 case study of the Israeli-Syrian dispute over the Golan Heights.

#### *The Israeli-Syrian Dispute over the Golan Heights*

The Golan Heights dispute 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>35</sup> These factors cannot, however, explain the persistence of this territorial dispute into the twenty-first century. The balance of power overwhelmingly favors Israel, since Syria lost the Soviet Union as a strategic ally in the region with the end of the Cold War. Israeli and Syrian acquisition of long-range weapons over the course of the dispute, on the other hand, has obviated the topographic value of the Golan as a crucial strategic asset to either party. 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 a domestic backlash.

The path to intractability 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 and Syrians. Among large sectors in these two societies, this perception has shifted monotonically over the course of this dispute in a manner that impedes its resolution. In the decades since the Golan's conquest in 1967, the internal cohesion of the region has grown; its boundaries have come to be perceived as increasingly rigid; and its value has come to be seen as ever more 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 toward intractability, these shifts encumbered the resolution of the dispute, an effect that grew with the passage of time.

#### MATERIAL ENTRENCHMENT OF THE GOLAN DISPUTE

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

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35. 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: Yediot Aharonot, 1998); and Moshe Maoz, ed., *The Golan: Between War and Peace* (Or Yehuda, Israel: Hed Arzi, 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*, Vol. 27, No. 1 (Summer 2002), pp. 79–106.

entire region to Israel proper. Before its conquest by Israel, the Heights were relatively underpopulated 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. Between 1967 and 2000, the number of Israeli settlers rose from zero to 18,000 residing 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, Israeli leaders were wary of confronting an enemy on a third front. The Golan was not seen as a target of obvious primary strategic or nationalist-historic significance.

Even after Israel's victory on the Golan, occupation was only one of several options considered.<sup>36</sup> 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 Peninsula 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>37</sup> Unlike its attitude toward East Jerusalem and the West Bank, Israel did not challenge Syria's sovereignty on the Golan in the first decade after the war.<sup>38</sup> Even Israel's most nationalist parties, such as Menachem Begin's Herut Party, joined in on early votes to return the Golan to Syria upon the establishment of 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 territory would be returned to Syria in peace negotiations immediately after the war. Early governmental settlement proposals were

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36. Matitiahu Mayzel, "The Israeli-Syrian Border on the Golan Heights," in Maoz, *The Golan*, p. 604; Moshe Maoz, *Syria and Israel: From War to Peacemaking* (Oxford: Clarendon, 1995), p. 102; and Moshe Maoz and Avner Yaniv, *Syria under Assad: Domestic Constraints and Regional Risks* (London: Croom Helm, 1986), p. 169. Contrast Slater, "Lost Opportunities for Peace in the Arab-Israeli Conflict," pp. 84-92.

37. Aryeh Naor, *Greater Israel: Theology and Policy* (Haifa: University of Haifa Press and Zmora-Bitan, 2001), p. 36.

38. Rabinovich, *The Brink of Peace*, p. 591.

minimalist, “a first cautious and pragmatic appraisal of opportunities.”<sup>39</sup> The government permitted rather than encouraged agricultural settlement on the Golan and prohibited permanent settlements, perhaps realizing that such settlements would pose a liability at times of war. 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 agricultural settlements.<sup>40</sup>

Settlement on the Golan was limited by the absence of infrastructure and resources, such as land suitable for agriculture, roads, or access to water, as well as close proximity to the Syrian border.<sup>41</sup> To support the handful of settlers and improve the mobility of its military forces, the Israeli 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>42</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 rose steadily.<sup>43</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 enabling new industrial settlements to arise where conditions for agricultural development were absent. Gradually the Golan took on a more 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>44</sup>

Only in 1981, thirty-four years into the dispute and fourteen years after the occupation of the Heights by Israel, was the region formally integrated into

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39. William Wilson Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan, and Gaza-Sinai, 1967–1980* (Chichester, U.K.: Research Studies Press, 1980), p. 60.

40. *Ibid.*, pp. 43–83.

41. Shalev, *Israel and Syria*, p. 70.

42. Yehiel Admoni, *Decade of Discretion: Settlement Policy in the Territories, 1967–1977* (Yad Tevenkin, Israel: Galili Institute/Kibbutz Hameuhad, 1992), p. 32.

43. *Ibid.*, p. 85.

44. *Ibid.*, p. 98.

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>45</sup>

Today the settlements on the Heights are linked to northern Israel, due west, by an extensive 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 precludes 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 can be 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.

#### FUNCTIONAL ENTRENCHMENT OF THE GOLAN DISPUTE

In the second entrenchment process, the claims issued by Israel and Syria in the form of negotiation positions, public statements, and 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 1967 and 1973 wars.<sup>46</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

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45. Uri Davis, "The Golan Heights under Israeli Occupation, 1967-1981," Occasional Paper, No. 18 (Durham, U.K.: Centre for Middle Eastern and Islamic Studies, University of Durham, 1983), p. 46.

46. Adam Garfinkle, *War, Water, and Negotiations in the Middle East: The Case of the Palestine-Syria Border, 1916-1923* (Tel Aviv: Moshe Dayan Center for Middle Eastern and African Studies, 1994), pp. 143-144; Frederic C. Hof, "The Line of June 4, 1967," *Middle East Insight*, Vol. 14, No. 5 (September/October 1999), pp. 1-9; Admoni, *Decade of Discretion*, p. 74; Maoz, *Syria and Israel*, p. 113; Avi Degani and Moshe Inbar, eds., *Land of the Golan and Hermon* (Jerusalem: Ministry of Defense, 1993), p. 612; and Harris, *Taking Root*, p. 196.

of 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." Between 1990 and 2000, there were more than forty references to "the line of June 4, 1967" in United Nations General Assembly and Security Council resolutions, press briefings, and statements.<sup>47</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>48</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."

#### SYMBOLIC ENTRENCHMENT OF THE GOLAN DISPUTE

Material and parochial interests provide the weakest explanations for 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 Heights held no religious, nationalist, or sentimental value to the Israelis.<sup>49</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 Israeli public sentiments toward 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

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47. Data are based on a search of UN documents at the United Nations website, <http://www.un.org/search/>.

48. *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, 1971); *Syria and Lebanon*, scale 1:750,000 (Department of Military Surveying, Damascus, 1977); *Syria: Carte Routière et Touristique*, scale 1:1,000,000 (unknown, Syria, 1986); *Syria: Carte Routière et Touristique*, scale 1:1,000,000 (unknown, Syria, 1990); and *Syria and Lebanon*, scale 1:750,000 (Department of Military Surveying, Damascus, 1990).

49. Gideon Biger, "The Political Delimitation of the Golan Heights during the Mandate Period, 1918-1948," in Degani and Inbar, *Land of the Golan and Hermon*, p. 583; and Naor, *Greater Israel*, pp. 80, 227.

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 of the Golan in Jewish history and Israeli national consciousness.<sup>50</sup> Sensing the tightening of emotive ties between Israelis and the Golan, Labor Party leaders Yitzhak Rabin and Ehud Barak—both outspoken proponents of concessions to Syria on the Golan—suspended their negotiations with Damascus during their respective tenures as prime ministers because they feared that a referendum over the future of the Golan would fail to approve withdrawal and would bring about the collapse of their governments.<sup>51</sup>

This emotive connection toward the Golan was in part a product of the processes detailed above. But the processes through which the distinctiveness of the Golan emerged included more subtle mechanisms. Twenty-five synagogues have been dug up on the Golan since 1967, many dating back to the third and fourth centuries of the common era. In most cases, the driving force behind this archaeological 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 among 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.

As discussed earlier, another symptom of the rise in the subjective value of territory is the proliferation of war memorials: the longer the dispute on the Golan, the greater the number of Israeli and Syrian soldiers whose blood has hallowed the landscapes of the Heights. 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 one-twentieth of Israel’s territory in size, one-third of Israel’s war memorials are located on the Heights, averaging one monument per 9 square miles. Family members or comrades at arms, not the State of Israel or its military, funded and maintain the vast majority of these monuments.<sup>52</sup>

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

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50. Harris, *Taking Root*, pp. 81, 123; Naor, *Greater Israel*, pp. 161, 239; Maoz, *Syria and Israel*, p. 212; and Maoz, *The Golan*, pp. 213–214.

51. Maoz, *Syria and Israel*, pp. 212, 251; Rabinovich, *The Brink of Peace*; and Slater, “Lost Opportunities for Peace,” pp. 95–103, citing Helena Cobban, *The Israeli Syrian Peace Talks: 1991–96 and Beyond* (Washington, D.C.: United States Institute of Peace Press, 1999).

52. Ilana Shamir, *Commemoration and Remembrance: Israel’s Way of Molding Its Collective Memory Patterns* (Tel Aviv: Am Oved, 1996).

and raising the value of the territory through emblematic mechanisms. Syrians have based their emotive connection to the territory around two narratives: 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>53</sup> In a rare interview, former Syrian President Hafez al-Asad exhorted, "We have 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? . . . Nobody in Syria could give up one inch of land in the Golan. Every Syrian believes deep in his heart that whoever yields a part of his land is a traitor—and the fate of traitors is well known."<sup>54</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 of 1967; the war of 1973 was ten times as costly, with losses of 800 tanks and nearly 6,000 soldiers, as well as estimated war damages of \$3.5 billion.<sup>55</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>56</sup>

With the passage of time, the dissonance between Syria's desire to regain the Golan and tangible evidence of Israel's de facto control of the disputed area has only served to entrench the dispute further. 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>57</sup>

### *Assessing Entrenchment Rates*

Disputes display variation in the pace at which they move down the path to indivisibility. In disputes that undergo rapid entrenchment, parties will exhibit

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53. Rabinovich, *The Brink of Peace*, p. 40; and Cobban, *The Israeli-Syrian Peace Talks*, p. 33.

54. Karsten Prager, John Stacks, Dean Fischer, William Dowell, and Lara Marlowe, "Hafez Assad: Land before Peace," *Time*, November 30, 1992, p. 61.

55. Patrick Seale, *Asad of Syria: The Struggle for the Middle East* (London: I.B.Tauris, 1988), p. 211.

56. "Fresh Light on the Syrian-Israeli Peace Negotiations: An Interview with Ambassador Walid al-Moualem," *Journal of Palestine Studies*, Vol. 26, No. 2 (Winter 1997), pp. 86–87, 90.

57. Speech to the Syrian Federation of Professional Workers, December 13, 1992, as quoted in Rabinovich, *The Brink of Peace*, p. 108 (my translation).

early on a reluctance to offer, accept, or implement compromises or even negotiate over territory. Parties are also likely to escalate their rhetoric and even resort to armed violence early on in disputes that experience rapid entrenchment. One can assess, *ex ante*, the entrenchment rate of territorial disputes based on two exogenous factors: first, physical incentives and constraints to expansion and settlement, and second, initial perceptions of the territory's cohesion, boundaries and value.

The ability of a regime to enact integrative policies once it becomes involved in a dispute is restricted not only 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. On the other hand, states can colonize disputed territories with relative ease if these territories are contiguous with their homeland, manageable in size, and easily accessible. Territories endowed with natural or strategic resources create temptations for rapid expansion and integration.

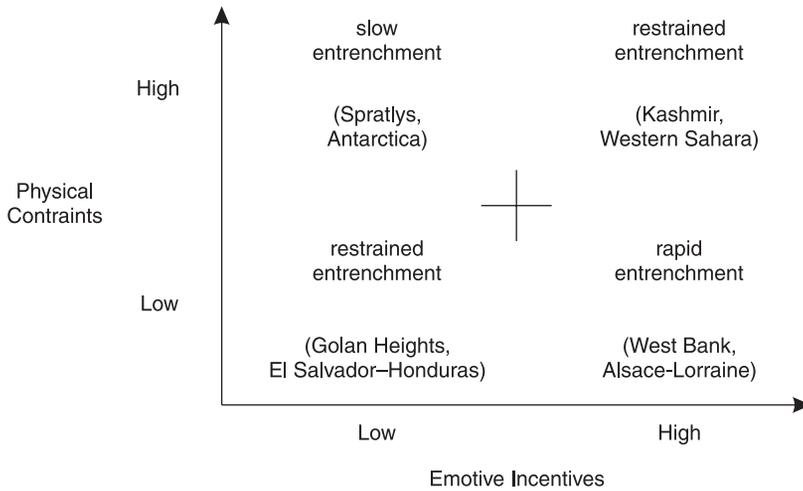
States are driven to invest their capabilities toward expansion and integration by initial perceptions of the territory's cohesion, boundaries, and value. States will face incentives to exert swift control over territories that are perceived at the onset of the dispute as highly integrated with the homeland, 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; and sites that contain shrines and monuments.

Given combinations of these two factors (i.e., physical incentives and constraints and emotive incentives and constraints), one can place disputes, *ex ante*, along a continuum of entrenchment rates (see Figure 1). One should expect disputes characterized by high physical constraints and low emotive value to undergo slow entrenchment. Disputes characterized by low physical constraints and high emotive value will experience rapid entrenchment. Between these two extremes lies the broad range of disputes that are likely to undergo restrained entrenchment.

#### RAPID ENTRENCHMENT

Territories characterized by both low physical constraints and high initial emotive value can be expected to undergo rapid entrenchment. Rapid entrenchment is particularly common in self-determination struggles that involve control over territory. The parties to these disputes will exhibit, early on,

Figure 1. Assessing Entrenchment Rates



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 Iran-Iraq dispute over the Shatt al-Arab and the dispute between Bolivia, Chile, and Peru over the coastal provinces of Tacna and Arica.

ALSACE-LORRAINE. A similarly rapid pace of entrenchment was apparent in the struggle between France and Germany over Alsace-Lorraine.<sup>58</sup> As the region passed back and forth between one claimant and the other, the parties made immediate and intensive efforts to consolidate their hold on the territory by administrative, military, economic, and symbolic means. In spite of the region's tentative historical link with either France or Germany, both parties defended their right to Alsace and Lorraine in emotive terms. For France, the loss of the "twin sisters" was an "amputation" that had left France incomplete.<sup>59</sup> Alsace and Lorraine became a key repository of French national identity. The Cross of Lorraine, a symbol of local resistance against German rule, became a symbol for French resistance as a whole. Germany justified the annexation of

58. Dan P. Silverman, *Reluctant Union: Alsace-Lorraine and Imperial Germany, 1871-1918* (University Park: Pennsylvania State University Press, 1972); and Barry Cerf, *Alsace-Lorraine since 1870* (New York: Macmillan, 1919).

59. Laird Boswell, "Franco-Alsatian Conflict and the Crisis of National Sentiment during the Phony War," *Journal of Modern History*, Vol. 71, No. 3 (September 1999), pp. 556-557.

Alsace and Lorraine as a desire to bring peoples of alleged German culture, identity, and language within its boundaries. Alsace and Lorraine were the cement that would unite Germany into a single empire, “the guarantee for the existence of the Reich,” according to Chancellor Bernhard von Buelow.<sup>60</sup> These emotive incentives combined with the strategic and economic incentives offered by the region to motivate the swift and uncompromising policies espoused by the rivals in their respective annexations of Alsace and Lorraine.

**THE WEST BANK.** The first decade of the Israeli-Palestinian dispute over the West Bank demonstrates that rapid entrenchment can also be driven by grass-roots efforts. Conquered by Israel in the same war as the Golan Heights, Israeli settlers moved into the West Bank at a far more aggressive pace due to the perceived nationalist-religious value of the biblical heartland. This colonization occurred at a rapid rate in spite of efforts by Israel’s Labor government to prohibit settlement in Palestinian population centers and encourage settlement only in frontier areas deemed “strategically important.”<sup>61</sup> Although moderate military force was used to attempt implementation of this restriction, by 1977, when the Labor government was replaced by the right-wing Likud government, nearly 4,000 Israelis had succeeded in settling in or near Palestinian towns in the West Bank.<sup>62</sup>

#### SLOW ENTRENCHMENT

When territory is both inaccessible and initially perceived as having low symbolic value, one should expect slow entrenchment, leaving the door open for

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60. Cerf, *Alsace-Lorraine since 1870*, p. 22. Buelow is cited by Silverman, *Reluctant Union*, p. 200, from Anton Nystrom, *Elsass-Lothringen und die Möglichkeit einer Deutsch-Französischen Allianz* [Alsace-Lorraine and the possibility of a German-French alliance] (Berlin, 1904), p. 76. The imperial German law of June 1871 similarly proclaimed, “Alsace-Lorraine is the price of combats in which all the German states have shed their blood, the pledge of the unity of the German Empire conquered by its united forces.” Cerf, *Alsace-Lorraine since 1870*, p. 23.

61. Gershom Gorenberg recently questioned the extent to which the Israeli government acted in good faith to prevent the establishment of illicit settlements in Palestinian population centers. Without claiming that Israel’s leadership desired or encouraged settlement in Palestinian cities, he argues that several cabinet members were ambivalent toward the prohibition and that at least one cabinet member, Deputy Prime Minister Yigal Allon, tacitly supported the settlers. Gorenberg, *The Accidental Empire: Israel and the Birth of the Settlements, 1967–1977* (New York: Times Books, 2006). Contrast Haggai Segal, *Dear Brothers: The West Bank Jewish Underground* (New York: Beit-Shamai, 1988); David J. Schnall, *Beyond the Green Line: Israeli Settlements West of the Jordan* (New York: Praeger, 1984); Efraim Ben-Zadok, “The Limits of the Politics of Planning,” in David Newman, ed., *The Impact of Gush Emunim: Politics and Settlement in the West Bank* (London: Croom Helm, 1985), pp. 142–145; and Mordechai Nisan, *Israel and the Territories: A Study in Control, 1967–1977* (Ramat Gan, Israel: Turtledove, 1978), pp. 151–154.

62. Ehud Sprinzak, *The Ascendancy of Israel’s Radical Right* (New York: Oxford University Press, 1991), pp. 46–47, 61, 89–90, 113–145; Tsvi Raanan, *Gush Emunim* (Tel Aviv: Vered, 1980), pp. 142–144; and Ian S. Lustick, *For the Land and the Lord: Jewish Fundamentalism in Israel* (New York: Council on Foreign Relations, 1988), pp. 43–46.

resolution longer into the dispute. Examples include the dispute between Egypt and Sudan over the Halaib Triangle, a barren area of 8,000 square miles along their common border, or the Israeli-Egyptian dispute over the Sinai Peninsula, an uninhabited desert landscape of limited economic, religious, and nationalist value.<sup>63</sup>

The most obvious barriers to occupation, settlement, and development are posed by islands. Because disputes involving islands experience sluggish entrenchment, they are often resolved without much effort even at late stages in the dispute as exemplified by disputes between Honduras and the United States (1921–71) and Qatar and Bahrain (1938–2001)—both resolved with relative ease in spite of their advanced age at the moment of resolution.<sup>64</sup> Nevertheless, even these “late bloomers” among territorial disputes eventually begin to display symptoms of intractability. 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 the Greek-Turkish crisis over the Imia/Kardak islands broke out in 1995, seventy-two years into their dispute.<sup>65</sup> The Falkland/Malvinas war pitted Britain against Argentina in 1982, 150 years after the official onset of the dispute.

THE SPRATLY ISLANDS. Such was also the case in the multiparty dispute over the Spratly Islands, a configuration of 230 tiny islands and reefs, mostly submerged, located 300 miles off the Asian mainland.<sup>66</sup> Although China, Japan, and Vietnam issued formal claims to the Spratlys starting in the 1930s, the parties 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 the claim-

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63. Huth, *Standing Your Ground*, pp. 209–210, 217; and Day, *Border and Territorial Disputes*, pp. 203–207.

64. Honduras and the United States quarreled over a lease that the latter had obtained to the Swan Islands, three islands in the Caribbean. In 1971 the United States unilaterally renounced its claim to the islands. Qatar and Bahrain disagreed over ownership of the Hawar Islands and nearly came to blows in 1986. In 2001 the International Court of Justice ruled in favor of Bahrain, and Qatar withdrew its claim. See Huth, *Standing Your Ground*, pp. 201, 214; Day, *Border and Territorial Disputes*, pp. 119–122, 212–213; and Peter Calvert, ed., *Border and Territorial Disputes of the World* (London: John Harper, 2004), pp. 453–456.

65. Perejil/Leila is a minute rocky island, 200 feet off the coast of Morocco. The Turkish-Greek dispute over the islands of Imia/Kardak, totaling ten acres in area, led to violent exchanges and shows of force after a Greek flag was raised on one of the islands. See Day, *Border and Territorial Disputes*, pp. 46–51, 150–154; Huth, *Standing Your Ground*, pp. 222; and Calvert, *Border and Territorial Disputes of the World*, pp. 51–55, 310–319.

66. See M. Taylor Fravel, “Regime Insecurity and International Cooperation: Explaining China’s Compromises in Territorial Disputes,” *International Security*, Vol. 30, No. 2 (Fall 2005), pp. 61–62; Melvin Samuels, *Contest for the South China Sea* (New York: Methuen, 1982); Lu Ning, *Flashpoint Spratlys!* (Singapore: Dolphin, 1995); and Allcock, *Border and Territorial Disputes*, pp. 542–545.

ants commence exploration, settlement, and development on the islands, leading to increased friction and eventual conflict between the contenders. Today the Spratlys are claimed in their entirety by China, Taiwan, and Vietnam, with additional claims to specific segments by Malaysia and the Philippines.<sup>67</sup> The islands continue to pose such challenges as far as accessibility, development, and defense are concerned that it remains unclear how many islands are actually occupied effectively by each of the claimants.<sup>68</sup>

ANTARCTICA. Argentina, Chile, and Britain have had to overcome even greater challenges to establish competing claims to territories in Antarctica. The tremendous physical obstacles posed by polar conditions go a long way toward explaining the sluggish pace at which this dispute has developed: although the disputants' initial attempts to establish a presence in Antarctica date to the first decade of the twentieth century, it was not until 1940 that Argentina and Chile, motivated by the prospect of extracting natural resources from under the ice shelf, documented formal and overlapping claims to parts of the continent.<sup>69</sup> In addition to basing their sovereign right on exploration and the "sector principle," the disputants have tried, against all odds, to demonstrate effective and continuous occupation of the disputed areas.<sup>70</sup> Despite Antarctica's extreme temperatures, accessibility limited to ten weeks a year, and lack of fresh water, the claimants have succeeded in sending state officials there to perform symbolic functions such as issuing stamps; opening small schools, banks, and post offices; and even sending families (including expectant mothers) to live year-round in isolated research bases.<sup>71</sup> The first armed clash between Argentinean and British representatives in Antarctica followed in 1952, leading to an escalation in rhetoric and exchanges of threats. These growing tensions, combined with fears of U.S. and Soviet militarization of the region, led to the signing of the 1959 Antarctic Treaty, which suspends, but does not resolve, this territorial dispute.<sup>72</sup>

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67. Japan was forced to renounce all claims to the Spratlys and other disputed territories after World War II as part of the 1951 San Francisco Peace Treaty. Calvert, *Border and Territorial Disputes of the World*, p. 203.

68. Allcock, *Border and Territorial Disputes*, p. 545.

69. Philip C. Jessup, "Sovereignty in Antarctica," *American Journal of International Law*, Vol. 41, No. 1 (January 1947), pp. 117–119; Peter J. Beck, "International Relations in Antarctica: Argentina, Chile, and the Great Powers," in Michael A. Morris, ed., *Great Power Relations in Argentina, Chile, and Antarctica* (New York: St. Martin's, 1990), pp. 101–130; and Prescott, *Political Frontiers and Boundaries*, pp. 301–302.

70. The "sector principle" allocates rights to newly discovered areas based on corresponding meridians of sovereign territory nearby.

71. M.J. Peterson, "Antarctica: The Last Great Land Rush on Earth," *International Organization*, Vol. 34, No. 3 (Summer 1980), pp. 377–403. As a result, the first Antarctic on record, Emilio Palma, was born in 1978 in Argentina's Esperanza Base. Beck, "International Relations in Antarctica," p. 113.

72. Beck, "International Relations in Antarctica," pp. 112–113.

RESTRAINED ENTRENCHMENT

Dispute entrenchment will proceed at a moderate pace in territorial disputes in which emotive incentives are low and physical constraints are minimal, as exemplified by the Israeli-Syrian dispute over the Golan Heights and the dispute between El Salvador and Honduras over the demarcation of their frontier. Restrained entrenchment also occurs when emotive incentives are high but physical constraints are significant, as evidenced in the Indo-Pakistani dispute over Kashmir and the multiparty dispute over Western Sahara.

EL SALVADOR-HONDURAS. The dispute between El Salvador and Honduras over a mere 162 square miles along their common frontier exemplifies the integrative effects of restrained entrenchment, even in the absence of concerted government efforts to settle a disputed region.<sup>73</sup> The dispute began in 1869, after the first of several failed attempts to reach common ground between the parties, and culminated in July 1969 in the notorious Football War. In the course of the intervening century, land and labor scarcity in El Salvador gradually drove an estimated 300,000 Salvadorian refugees across the ill-defined, unguarded border into Honduras. Most crossed on foot, farming tools in hand, and settled on the first arable land they could find.<sup>74</sup> Their attempted expulsion from Honduras in 1969 prompted the five-day war, and their presence in the disputed border regions continued to encumber the resolution of the dispute, even after its arbitration by the International Court of Justice in 1992.<sup>75</sup>

JAMMU AND KASHMIR. The Indo-Pakistani dispute over Kashmir was driven, to begin with, by high emotive incentives but was encumbered by significant physical constraints. Because it was the only state in India with a Muslim majority, both India and Pakistan wished to rule Jammu and Kashmir to buttress their *raison d'être*. The struggle over Kashmir was, from its inception, much more than a struggle over territory. It reflected, from its inception, India's and Pakistan's founding ideals.<sup>76</sup>

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73. Mary Jeanne Reid Martz, *The Central American Soccer War: Historical Patterns and Internal Dynamics of OAS Settlement Procedures*, Papers in International Studies Latin America Series, No. 4 (Athens: Center for International Studies, Ohio University, 1978); Day, *Border and Territorial Disputes*, pp. 372–373; William H. Durham, *Scarcity and Survival in Central America: Ecological Origins of the Soccer War* (Stanford, Calif.: Stanford University Press, 1979); and Thomas P. Anderson, *The War of the Dispossessed: Honduras and El Salvador, 1969* (Lincoln: University of Nebraska Press, 1981).

74. Anderson, *The War of the Dispossessed*, pp. 42–43, 71; and Durham, *Scarcity and Survival in Central America*, pp. 57–58.

75. On the interaction between the boundary dispute and the immigration problem, see Anderson, *The War of the Dispossessed*, p. 80; and Durham, *Scarcity and Survival in Central America*, pp. 2, 169–170.

76. Alastair Lamb, *Incomplete Partition: The Genesis of the Kashmir Dispute* (Hertingfordbury, U.K.: Roxford, 1997), p. 348; Ganguly, *Conflict Unending*, p. 5; Dixit, *Anatomy of a Flawed Inheritance*, p. 201; Raju G.C. Thomas, "Reflections on the Kashmir Problem," in Thomas, ed., *Perspectives on Kashmir: The Roots of Conflict in South Asia* (Boulder, Colo.: Westview, 1992), pp. 11–12; and Josef Korbel, *Danger in Kashmir* (New York: Oxford University Press, 2002), p. 30.

The Kashmir dispute thus started its entrenchment further down the road to intractability than the Golan dispute and the dispute between Honduras and El Salvador. This head start supplied India and Pakistan with the incentives required to overcome tremendous topographical obstacles that did not exist in these two other cases. The resulting entrenchment processes were, in large part, purposive and policy driven. Both host states engaged in a series of financial, legal, and administrative moves to gradually reduce the autonomy of these regions.

The rivals also embarked on intrepid construction enterprises designed both to increase the internal cohesion of the parts of Kashmir under their control and to cement the ties between these parts and India and Pakistan proper over time. In the process, Pakistan constructed a 1,000-mile-long highway across the wastelands of northern Kashmir, while India excavated the longest tunnel in Asia and paved the highest road in the world.<sup>77</sup>

At the same time, these investments by India and Pakistan had unintended feedback effects that later constrained their attempts at resolving the dispute through negotiation and compromise. The record of Indo-Pakistani negotiations shows an initial willingness to negotiate over Kashmir that became increasingly constrained and sporadic over time.<sup>78</sup> The most recent round of negotiations, initiated in 2002, has yet to yield tangible results beyond a renewed cease-fire.

WESTERN SAHARA. Much like the dispute over Kashmir, the multiparty conflict over Western Sahara was encumbered in its move toward intractability by significant geographic barriers, yet spurred toward that very same direction

77. Robert I. Crane, ed., *Area Handbook on Jammu and Kashmir State* (Chicago: Division of the Social Sciences, University of Chicago, 1956), pp. 113–114, 121–122; Korbel, *Danger in Kashmir*, p. 202; John King and Bradley Mayhew, *Karakoram Highway* (Hawthorn, Australia: Lonely Planet, 1998), p. 17; Vernon Hewitt, *Towards the Future? Jammu and Kashmir in the Twenty-first Century* (Cambridge: Portland, 2001), p. 20; “Our News Letter,” *Kashmir*, Vol. 4, No. 9 (October 1954) (India: Ministry of Information and Broadcasting, Publications Division, Government of India, 1954); Robert Bradnock and Roma Bradnock, *South Asian Handbook* (Bath, U.K.: Trade and Travel, 1993), p. 488; and Gowher Rizvi, “India, Pakistan, and the Kashmir Problem, 1947–1972,” in Thomas, *Perspectives on Kashmir*, p. 63.

78. These negotiations included proposals to exchange Kashmir for Junagadh and Hyderabad in 1948, offers in 1949 and 1956 to divide Kashmir along the cease-fire line, 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 Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (Princeton, N.J.: Woodrow Wilson Center Press, 1997), pp. 45–48; Ganguly, *Conflict Unending*, pp. 18–19, 25, 33, 71; Korbel, *Danger in Kashmir*, p. 89; Pervaiz Iqbal Cheema, “Pakistan, India, and Kashmir: A Historical Review,” in Thomas, *Perspectives on Kashmir*, pp. 102, 114; Schofield, *Kashmir in the Crossfire*, p. 212; Thomas, *Perspectives on Kashmir*, p. 21; Rizvi, “India, Pakistan, and the Kashmir Problem, 1947–1972” pp. 58–63; A.G. Noorani, “Disservice to Truth,” *Frontline*, Vol. 19, No. 24 (November 23–December 6, 2002), <http://www.frontlineonnet.com/fl1924/stories/20021206001107400.htm>; and Lamb, *The Kashmir Problem*, p. 102.

by emotive incentives. Western Sahara consists of 125,000 square miles of arid desert, meager in oases, permanent rivers, or arable land, in which temperatures can reach 135°F in the summer months.<sup>79</sup> The colonization of Western Sahara by Morocco after 1975 thus required intensive political and financial investments and involved a succession of militarized clashes with Spain, Mauritania, and the Polisario Front (the indigenous Saharan insurgency movement).

National aspirations toward a Greater Morocco impelled the Moroccan government to overcome these challenges, a motivation dramatically demonstrated in 1975 by the popular response to a call by King Hassan II for a march into Western Sahara to claim the territory from Spain. The Green March of November 1975 mobilized 350,000 Moroccan citizens and led to Spain's divestment from the region.<sup>80</sup> The ensuing invasion of Western Sahara by the Moroccan military drove tens of thousands of indigenous Sahrawis out of the region to be gradually replaced by Moroccan settlers in preparation for a possible United Nations-administered referendum on self-determination.<sup>81</sup> Morocco's most remarkable enterprise in Western Sahara has been the construction of a series of fortified sand and stone walls, each designed to annex still more of Western Sahara into Morocco proper. In addition to thousands of miles of barriers that subdivide the interior of Western Sahara, the Moroccan Wall project culminates in an exterior defense line, 1,700 miles in length, that separates Moroccan-controlled Western Sahara from regions under Polisario control.<sup>82</sup>

### *Conclusion: Resolving Intractable Territorial Disputes*

The path to intractability argument offers an explanation for a puzzling trend in the empirical record of twentieth-century territorial disputes: the increased resistance of territorial disputes to resolution efforts as these disputes matured. The entrenchment of territorial disputes can be traced to changes in percep-

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79. Ursel Clausen, *Der Konflikt um die Westsahara* [The conflict over Western Sahara] (Hamburg: Institut für Afrika-Kunde, 1978), pp. 2–3; and Tony Hodges, "The Western Saharans," *Minority Rights Group Report*, No. 40 (London: Minority Rights Group, 1984), pp. 3–4.

80. Day, *Border and Territorial Disputes*, p. 166; John Damis, *Conflict in Northwest Africa: The Western Sahara Dispute* (Stanford, Calif.: Hoover Institution Press, 1983), pp. 59–66; and Jerome B. Weiner, "The Green March in Historical Perspective," *Middle East Journal*, Vol. 33, No. 1 (Winter 1979), pp. 20–33.

81. Estimates for the number of Sahrawi refugees range between 15,000 and 100,000. Hodges, "The Western Saharans," p. 10; Damis, *Conflict in Northwest Africa*, p. 41; and Thomas M. Franck, "The Stealing of the Sahara," *American Journal of International Law*, Vol. 70, No. 4 (October 1976), pp. 695–696.

82. Damis, *Conflict in Northwest Africa*, pp. 12, 96–98.

tions of territory that, in turn, derive from changes occurring in territories over time. These changes can be detected and measured, rendering the argument falsifiable. This argument cannot provide tools for forecasting the manner or timing of territorial dispute resolution. But it permits some measure of prediction regarding the rate at which specific disputes will grow resistant to resolution efforts. This, in turn, suggests variations in the urgency of resolving particular disputes.

The strengths and weaknesses of this approach become apparent when attempting to explain the resolution of various Arab-Israeli territorial disputes that emerged from the 1967 Six-Day War, for example. The path to intractability argument cannot explain why the Israeli-Egyptian dispute over the Sinai was the first of these disputes to be resolved. To do so would require, among other things, an understanding of the political costs and benefits of resolving each of these disputes, an analysis of the tools and opportunities available for dispute resolution, and insight into the personal motivations that drove individual leaders to attempt dispute resolution. The above study can, however, shed light on variations in the resistance of these disputes to resolution. The Sinai offered barriers to expansion and few incentives for settlement.<sup>83</sup> It was thus the slowest of these disputes to undergo entrenchment and, ten years into the dispute, offered a reasonable target for resolution.

Similarly, my argument cannot explain why the Israeli government chose to abandon negotiations with Syria over the Golan Heights in favor of negotiations with the Palestinian Authority over the West Bank and Gaza. But once the Palestinian track was selected, the decision to withdraw from the Gaza Strip before negotiating over the West Bank seems sensible, given the limited headway in integration and settlement made by Israel in Gaza. The dense Palestinian presence throughout the Gaza Strip and the limited symbolic appeal of this region compared to the West Bank ensured that the dispute over the Gaza Strip would lag behind the West Bank dispute in its move toward intractability.

Finally, an argument that focuses on the mechanisms of dispute entrenchment can shed some light on the Israeli government's decision to place a physical barrier between Israel proper and the West Bank. Beyond its formal function, the prevention of incursions into Israel, and its detrimental impact on Palestinian lives, the separation fence carries symbolic weight: it signals, to

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83. As a result, only half as many settlements sprouted in the Sinai compared with the Golan in the first decade after the 1967 Six-Day War, a mere thirteen settlements spread over an area forty times the size. By 1978 the Sinai Peninsula formed neither a cohesive unit of interconnected settlements nor a landmass integrated into Israel's heartland. It remained, as it had been before 1967, a vast wilderness inhabited mainly by nomadic Bedouin tribes.

Palestinians and Israeli settlers alike, Israel's impending divorce from the West Bank.<sup>84</sup> This barrier is thus the very antithesis of efforts by previous Israeli administrations to integrate the West Bank into Israel and blur the distinction between that region and Israel proper.

The entrenchment of territorial disputes also raises crucial questions regarding the odds of resolving prolonged disputes. If time serves only to entrench territorial disputes, should such disputes not last forever? Empirical evidence clearly points in the opposite direction: there are no infinite territorial disputes. Most twentieth-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 do imply, however, that resolution strategies espousing rapid conflict termination are more likely to succeed than are gradualist attempts at resolution. Approaches that espouse trust and confidence building, and strategies that advocate confronting marginal issues before attempting the resolution of core differences must contend with the negative effects of time.

This analysis suggests a punctuated approach to the resolution of intractable territorial disputes that resonates with similar arguments about radical change in international relations.<sup>85</sup> I suggested at the outset of this article that the resolution of a territorial dispute requires that parties agree to partition of the disputed territory, show flexibility regarding the boundaries of the territory, or be willing to offer or accept side payments in exchange for the territory. Such a change in 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 alters the power parity, value of territory, or 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 lead-

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84. See George Gavrillis, "Sharon's Endgame for the West Bank Barrier," *Washington Quarterly*, Vol. 27, No. 4 (Autumn 2004), pp. 7-20; and Barry Rubin, "Israel's New Strategy," *Foreign Affairs*, Vol. 85, No. 4 (July/August 2006), pp. 111-125.

85. The most obvious comparison is with the literature on the punctuated resolution of enduring rivalries. Paul F. Diehl and Gary Goertz, *War and Peace in International Rivalry* (Ann Arbor: University of Michigan Press, 2000), p. 132; and Claudio Cioffi-Revilla, "The Political Uncertainty of Interstate Rivalries: A Punctuated Equilibrium Model," in Diehl, *The Dynamics of Enduring Rivalries* (Urban, Ill.: University of Chicago Press, 1998), pp. 64-97.

ers succeed in reconfiguring perceptions of the disputed territory among their constituencies.

To succeed, leaders must redefine either the material, the functional, or the symbolic characteristics of the disputed territory in a manner that permits partition, redefinition, or compensation.<sup>86</sup> 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 symbolic value of the territory, by suggesting that some other good or issue has a value higher 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 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 Menachem Begin and Anwar el-Sadat in successfully resolving the Israeli-Egyptian dispute over the Sinai Peninsula in 1978, by President 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 30, 69 and 169 years, respectively.

Because these efforts 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 must contend with the detrimental effects of time. When it comes to territorial disputes, time is not on the peacemakers' side.

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86. Compare Ian Lustick's argument regarding the necessary conditions for shifts in hegemonic ideas about territory. Lustick, *Unsettled States, Disputed Lands*.