

Chapter 4

Patterns of Border Disputes Amongst OSCE Countries



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4.1 Introduction

The Organization for Security and Cooperation in Europe (OSCE) includes 57 states across Europe and beyond, encompassing three continents: Europe, Asia, and North America. The OSCE is an interesting security organization because it is the world's largest organization, intending to work for stability, peace, and democracy for about 1 billion people. The OSCE is a recent international organization, developed during the “détente” in the early 1970s when the Conference on Security and Co-operation in Europe (CSCE) was created to provide a forum for “dialogue and negotiation between East and West” (OSCE History, 2022). The CSCE emerged from years of negotiation originating with the Helsinki process and was established on 1 August 1975 with the signing of the Helsinki Final Act.

Over the years from 1975 to 1994, participating states met at summits and conferences to discuss their progress toward establishing the so-called “Decalogue,” i.e., ten principles understood to guide the behavior of States at the end of the Cold War. On 9 October 1994, at the Budapest summit, the heads of state agreed to change the

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name from the Conference on Security and Cooperation in Europe to the Organisation for Security and Cooperation in Europe “to reflect its actual work, and they set out to strengthen a number of OSCE institutions” (OSCE, Budapest 1994).

Given the scope and reach of the OSCE as a security organization, this study aims to examine whether the patterns of border disputes in the OSCE region significantly differ from those in the other areas and how the OSCE patterns follow those in the rest of the world. With the help of the Borders in Globalization Dyads Database (BiG Dyads Database), the study we presented tested four main hypotheses: first, that traditional land border disputes are more prevalent in the OSCE region due to the presence of relatively young borders which are more likely to be unsettled and contested; second, that border disputes are less likely when borders are drawn along former administrative boundaries; third, that territorial disputes are more likely to occur when borders lack standing under international law; and fourth, that democratic dyads are less conflictual.

To address these questions, the paper reviews and discusses dyadic relationships, their history, disputes and conflicts, and their democratic solidity. This study of OSCE patterns contributes to the theoretical debates about factors that can explain the likelihood of border disputes. The focus on the OSCE region helps contextualize the discussion of relationships between border disputes and several aspects of interest. It sheds light on some persistent challenges to security governance in the OSCE region.

4.2 Border Stability and Disputes

Border disputes have fascinated social scientists since the Second World War. This fascination is also indicated by the wide range of terms used to describe borders—boundaries, lines, frontiers, marches, borderlands, border regions—and the various mechanisms that bring both sides of the border apart or together, such as border shapes, *stitching* borders, and territorial or a-territorial borders. This variety of terminologies focusing on the delineation and delimitation of territory and relevant communities of belonging is rooted in vibrant discussions that treat borders as part of a larger question, i.e., a question fundamentally interested in the stability of the current international system.

The acceptance of the norm of territorial integrity and the increasing economic interdependence of states have contributed to the general decline in territorial conquest and disputes over traditional land borders (Frederick et al., 2017; Hensel et al., 2009; Mitchell, 2016; Zacher, 2001). This does not mean that disputes have become a thing of the past. Disputes persist in different corners of the world, but these have evolved (Altman, 2020; Mitchell, 2016). For example, when it comes to their nature, disputes deal with “competition over maritime resources in areas around islands or homeland areas including the Spratly Islands, the Diaoyu/Senkaku Islands, and the Bakassi Peninsula” (Mitchell, 2016). Altman (2020) points to the shift in the predominant strategy of territorial conquest towards attempts to seize small territories—particularly unpopulated or undefended areas—while trying to avoid war.

Some studies highlight the limits of the territorial integrity norm as a constraint against territorial conflict (Altman, 2020; Hensel et al., 2009).

The existing research suggests that border disputes are less likely to happen when borders are drawn along previous internal or external administrative borders (Carter & Goemans, 2011, 2014; Toft, 2014). In the nineteenth century, after gaining independence, Latin American states used the principle of *uti possidetis juris* (when internal boundaries become international borders) to assert their territorial integrity in the face of potential attempts by European states to colonize parts of their territory and to avoid border conflicts between themselves (Carter & Goemans, 2011). More recently, the principle of *uti possidetis juris* was applied after the dissolution of the Soviet Union and Yugoslavia (Ratner, 1996; Vidmar, 2010). Such inherited borders make interstate interactions more predictable and decrease the cost of adaptation to changed circumstances. Otherwise, as Carter and Goemans argue, the parties concerned would have to allocate resources to deal with multiple issues, including “infrastructure, citizenship, taxpayer status, and property rights” (Carter & Goemans, 2011, 284).

Carter and Goemans analyzed a data set that included international borders that emerged in the twentieth century whether peacefully or forcefully and concluded that territorial disputes were less likely to occur when borders were drawn according to previous administrative frontiers (Carter & Goemans, 2011). The researchers also found that both violent and peaceful territorial transfers that follow previous administrative boundaries increase the probability of peace over time. Thus, the initial violent nature of border formation does not preclude a path to peace and stability when the borders correspond to previously established administrative lines. Likewise, drawing borders along previous administrative boundaries does not preclude the possibility of the emergence of disputes between the parties involved. However, such border disputes are less likely to result in militarized confrontation (Carter & Goemans, 2011). In a later study, Carter and Goemans (2014) showed that peace and stability are less likely when previous administrative boundaries are disregarded. They refer to the case of Kosovo’s independence vs. the cases of Abkhazia and South Ossetia. They suggest that the latter are at a higher risk of a re-emergence of conflict because their newly drawn borders differ from their previous administrative borders within Georgia.

The existing literature shows that neighboring states with settled borders are less likely to experience militarized disputes or wars (Kocs, 1995; Owsiak, 2012). International border agreements between states solidify a negotiated outcome and represent a bilateral commitment. States often honour such international legal obligations and try to avoid breaking international promises. This was particularly relevant in the post-1945 world with the adoption of the United Nations Charter and the reinforcement of the principle of territorial integrity and prohibition on using force.

Borders that lack standing under international law are more prone to territorial disputes (Kocs, 1995; Owsiak, 2012; Toft, 2014). Kocs (1995) examined the relationship between the legal status of borders and interstate wars and found that unresolved territorial disputes between neighboring states are more likely to lead to wars. In the

post-1945 period, neighbouring states with settled borders rarely resorted to war despite changes in political, military, economic, and other indicators (Kocs, 1995).

Allee and Huth (2006) found that the legal settlement of territorial disputes is more likely when decision-makers face domestic political accountability, including due to the presence of democratic political institutions, which decreases the probability of an armed conflict. However, the relationship between stable borders and democracy remains unclear as the existing research disagrees on whether democracy precedes border stability or vice versa and stabilized borders and a lack of territorial disputes and conflicts create favorable conditions for democratic transition (Allee & Huth, 2006; Gibler, 2007; Owsiak, 2012; Toft, 2014). Gibler (2007) found that democracy has little or no effect on conflict when controlled for stable borders. His research argues that democracy and peace do not cause the stabilization of borders; quite the opposite, stabilized borders are conducive to democracy and the peaceful coexistence of democratic states (Gibler, 2007). Owsiak's study (2012) confirmed the existence of a positive relationship between settled borders and joint democracy in contiguous dyads but also emphasizes that "the pacific effects of joint democracy do not eliminate the statistical relationship between settled borders and militarized conflict" (Owsiak, 2012, 64).

We are using the Borders in Globalization Dyads Database (BiG Dyads Database) and dyad as a unit of analysis, to examine: first, whether traditional land border disputes are more prevalent in the OSCE region as the dyads in the region are relatively young and therefore have the potential to be unsettled and contested; second, whether border disputes are less likely when borders are drawn along previous administrative boundaries third, whether territorial disputes are more likely to occur when borders lack standing under international law; and fourth, whether democratic dyads will be less conflictual.

In the field of border studies, experts debate the use of the terms borders, boundaries and frontiers; this study focuses on dyads (Newman & Paasi, 1998; Prescott, 1987; Parker & Vaughan-Williams, 2009; Wilson & Donnan, 2012). A dyadic study of borders is less common but also more legalistic. Indeed, while the term boundary delineates a territory and has a history in international law, it also has a specific meaning, i.e., to bound a given territory. A meaning that emerged in the fourteenth century from the French *frontière* which, when translated into English—as, for instance, in the Treaty of Paris of 1783 which settled the American revolutionary war—is understood to mean the boundary of a territory.

The specific meaning of *frontière* in French, however, is a front, or the edge of a particular territory, i.e. the space between two existing territories (Hasselsberger, 2014; Konrad & Nicol, 2008; Kristof, 1959). Traditionally, legal experts refer to boundaries rather than borders to designate the delineation of the territory of a state. For instance, two essential and recent international treaties rely on the term boundary: the Vienna Convention on the Law of Treaties (entered into force in 1980) and the Vienna Convention on Succession of States in Respect of Treaties (entered into force in 1996).

The term "boundaries," despite being primarily used in international agreements, is not commonly used in social sciences and geopolitics by experts and scholars who

refer rather to the concept of borders, acknowledging, however, that the meaning of borders has evolved. For instance, Biggs (1999) notes that in the seventeenth century, borders were considered terrestrial lines on land and maps. More recently, however, scholars such as Brunet-Jailly (2015), Agnew (2008, 2009) and Paasi (2012) have suggested meanings that encompass policies and institutions, including specific state functions such as controlling trade flows or migration and human mobility through trade customs or migration policies.

The terms and meanings discussed above refer to specific aspects of borders or boundaries of the territory of a state. Here, we have to shift our focus on a dyadic view of the world which brings together the territories of two states, i.e. a bi-statist view of the edges of the territory of two states and their shared border.

The term dyad originates in ancient Greek *duas* or Latin *dias*, meaning two or duo (Oxford—EOD n.d.). A dyad is “something that consists of two elements or parts.” Dyad as a concept is used in several studies. For instance, Foucher in *Fronts et Frontières* (1988), the *Correlate of War project* (Singer & Small, 1972), or again the *International Border Agreement Database* (IBAD) by Owsiak, Cuttner and Buck (Owsiak et al., 2018), all use the dyad as a unit of analysis. The meanings given for dyads are not always the same. For instance, for Gochman and the Correlates of War (COW) project (1991) a dyad can be about sharing or non-contiguous territorial relationship between two states. For the COW project, the dyad is about contiguity and non-contiguity. What is central to the relationship is that it is recorded in international law in the United Nations registry. The Borders in Globalization database focuses on the dyad as a shared territorial line between two neighboring states when the United Nations recognizes it and whether it is delineated and recorded in international law. In this study, the focus is on the *concurrency of the relationship between two territories*.

Finally, a dyad is much more specific than a boundary or border. For instance, European continental/metropolitan France has boundaries with Andorra, Belgium, Germany, Great Britain (Channel Tunnel), Italy, Luxembourg, Monaco, Spain, and Switzerland. In other words, France has nine dyadic relationships with other countries, each dyadic relationship being inscribed in international treaties and registered at the United Nations and each dyad, thus, being much more specific and providing this study with a conceptual advantage for the analysis of border disputes.

4.3 Methodological Approach

The data for the analyses come from the Borders in Globalization Dyads Database (BiG Dyads Database). The BiG Dyads Database was inspired by Michel Foucher (1988, 2006), Kathy Staudt (2017) and other scholars using the dyad as a unit of analysis. These scholars, coming generally from international, peace, conflict, and war studies, created several datasets allowing for the analysis of boundaries from a dyadic perspective (see Starr, 1976; Gochman, 1991; Stinnett et al., 2002; Parris, 2004; Anderson & Gerber, 2004, 2007; Donaldson, 2009; Weidmann et al., 2010;

Lai, 2012; Chen et al., 2015; Staudt, 2017; Simmons & Kenwick, 2018; Owsiak et al., 2018). The International Border Agreements Dataset (IBAD) by Owsiak et al. (2018) and the Correlates of War Project (COW) (see Glochman, 1991; Stinnett et al., 2002) are perhaps the most similar to the BiG Dyads Database. The BiG Dyads Database, however, goes beyond the COW and IBAD regarding function and substance.

Regarding function, the BiG Dyads Database is a collection of datasets hosted on the open-source software MYSQL. MYSQL is a web-based relational database management system that allows users to query across datasets. Therefore, the BiG Dyads Database allows for a combination of diverse datasets and running queries across data that has never been subjected to computational analysis. This innovative functionality makes it possible to query or challenge established assumptions in border studies.

The BiG Dyads Database aims to provide a global view of dyadic regions. The database currently includes 47 variables across the 770 world dyads, specifically the 333 land dyads and 437 sea dyads (BiG Dyads Code Book, 2022). Only land dyads were selected for this research using the Foundations of Dyads Dataset (BiG Dyads Code Book, 2022, 16). These numbers differ from other projects employing the dyad as a unit of analysis. In *Fronts et Frontiers*, Michel Foucher noted that in 1988 there were 264 dyads in the world (Foucher, 1988, 7). Owsiak et al. (2018) have 281 territorial dyads in the IBAD, and the COW datasets contain 848 dyads in five categories (four are maritime), including 474 in their contiguous terrestrial category (Stinnett et al., 2002). The difference between the numbers of dyads in these various datasets is mainly based on years. The COW includes all dyads between states in the international system between 1818 and 2016. For example, it contains the dyads of Yugoslavia and the dyads of the countries that emerged after the breakup of Yugoslavia. As such, the COW has more dyads in their datasets, even if these dyads no longer exist. The IBAD dyads are based on legal border agreements between 1816 and 2001. In comparison, in the BiG Dyads Database, dyad dates in the historical dataset do not necessarily correspond to a legal delimitation agreement and more recent dyads than the IBAD are included, such as the new dyads created with the independence of South Sudan in 2011.

Substantively, the BiG Dyads Database includes data on political, social, economic, environmental and cultural indicators that are arranged as datasets relating to the various themes of the Borders in Globalization research program, i.e., History, Security, Governance, and Sustainability. Among the datasets are the history of dyads and their dates, conflicts and disputes. These indicators were developed to track dyads' origin and status today. The indicators are continually updated ad hoc when border changes are made, conflicts are resolved, or new states are created.

This study uses three indicators from the Dates Dataset under the History Theme (i.e., the year of establishment, the year of adjustment, and the historical antecedent of existing dyads) and three indicators from the Conflicts Dataset under the Security Theme (i.e., border disputes, border conflicts, and independence) to examine whether traditional land border disputes are more prevalent in the OSCE region as the dyads in Europe are relatively young; and whether border disputes are less likely when borders are drawn along previous administrative boundaries.

More specifically, the Dates Dataset under the History Theme was used to determine the age of dyads and whether borders were drawn along previous administrative boundaries. The dataset includes (1) the year of establishment, (2) the year of adjustment, and (3) the historical antecedent of existing dyads (BiG Dyads Code Book, 2022, 18–19). The year of establishment of a dyad is when the basic shape of the current dyad was established. This includes any substantial change, such as the emergence of a new state on the dyad, a treaty altering the course of the boundary line over a significant portion of the dyad, and/or other changes of this nature. *The year of adjustment* is the year of the last minor adjustment (i.e., an adjustment that does not fundamentally change the shape of the dyad) to the current dyad. This includes agreements involving exchanges of little territory parcels, legislating the boundary line's delimitation, or making minor adjustments to the boundary line. There are two prominent cases regarding how dyads appear; therefore, we determined the establishment dates in two ways. In the first case, dyads can appear by a delimitation process by existing states when two states that share a contiguous relationship sign and ratify a legal agreement to determine the geographical delimitation or location of the border. Here, the date of establishment relates to the date of the treaty. In the second case, dyads result from the appearance or disappearance of one or two new states in a contiguous relationship, which can come about in various ways, including via state succession, decolonization, secession, etc. Here, the date of establishment relates to the date of the event that changed the territorial situation. *The historical antecedent* indicates the year of establishment of the historical antecedent of the current dyad in cases when the modern dyad follows much the same lines as the dyad between predecessor states.

The Conflicts Dataset under the Security Theme was used to establish the number of dyads currently disputed and the number of dyads created through conflict and/or independence. This dataset includes (1) border disputes, (2) conflict, and (3) independence (BiG Dyads Code Book, 2022, 20). The indicator of *border dispute* is defined as whether at least one of the states in the dyad disputes the position of the border, and/or if the border has never been officially delimited, and/or whether at least one of the states in the dyad disputes the ownership of some portion/the entirety of the territory of the other state. The indicator of *border conflict* determines whether the current shape of a dyad arose out of a military conflict, violent independence, etc. The *independence* indicator determines whether the dyad arose from an independence/partition regardless of violence (BiG Dyads Code Book, 2022, 20).

UN recognition data were used to determine whether a dyad pair has standing under international law and therefore examine whether territorial disputes are more likely to occur when borders lack standing under international law. The indicator on UN-recognized dyads is defined as whether or not the UN recognizes both states in the dyad. If both countries in the dyad are not recognized, or one of the countries in the dyad is not recognized, the dyad is considered to lack recognition (BiG Dyads Code Book, 2022, 14).

The study relied on the Democracy Index created by the Economist Intelligence Unit (Economist Intelligence Unit, 2022) to examine the relationship between democracy and border disputes. The overall index score is an average based on 60

indicators in five categories—electoral process and pluralism, functioning of government, political participation, political culture, and civil liberties—with each category scored on a 0 to 10 scale. Countries are divided into four groups: full democracies are those countries with an overall score between 8.01 and 10 (out of 10), flawed democracies are those with a score between 6.01 and 8.00, non-democratic countries include hybrid regimes with scores between 4.01 and 6.0, and authoritarian regimes are those with scores under 4.0. A dyad is classified as democratic if both countries in the dyad are democracies (whether full or flawed). If both countries in the dyad are not democratic or one of the countries in the dyad is not democratic, the dyad is considered non-democratic.

The BiG Dyads Database’s datasets have limitations due to their binary nature, leaving no room for descriptive detail. This means that the datasets cannot describe the nature of each data point. For example, the dataset does not give information about the scale or intensity of border disputes or conflicts; it only records their existence. Furthermore, the dataset only records dyads currently in dispute and misses dyads that were once in dispute but have since been resolved.

4.4 Findings

This chapter started with assumption that traditional land border disputes are more prevalent in the OSCE region due to the relatively young borders of the state members which have the potential to be unsettled and contested. The BiG Dyads Database data show that the majority of dyads in the OSCE region are indeed comparatively young; however, the data do not point to the prevalence of traditional land border disputes in the region.

As Table 4.1 shows, the majority, 52 of the 93 (56%) European dyads—and 62 of the 107 (58%) dyads in the OSCE region—were established after 1990. This is perhaps counterintuitive given that the “Old Continent” is credited with creating the modern state system. Whereas the Spanish dyads do give Europe the oldest territorial dyads in our dataset, by proportion of total dyads, Europe has 36 of 93, or only 39%, of its dyads from before 1950. This is similar in the OSCE region where 39 of 107 (36%) date to before 1950. In comparison with Africa, which saw 64% of its dyads appear in one decade (the 1960s), the 1990s was the decade when Europe and the OSCE region established 44% and 51% of their dyads—remarkably more than during any other decade. In terms of stable older dyads, however, Europe—and therefore, the OSCE region—does have the oldest dyads in the world, with three pre-dating 1800 and 13 total (14%) for Europe and 14 total (13%) for the OSCE region pre-dating the 1900s. Nonetheless, when we compare this to the Americas—the only other region with modern dyads established before 1900—whose first dyads only appeared after 1800, 37.5% of the total dyads in the Americas appeared before 1900; this is more than two and a half times the proportion of Europe’s pre-1900 dyads. Table 4.1 summarizes the key data from this regional perspective.

Table 4.1 Key comparative data across regions

	Africa	Americas	Asia	Europe	Intercontinental	OSCE region
Total # of land dyads	109	40	89	93	5	107
Oldest dyad	1956	1815	1911	1658	1975	1658
Newest dyad	2011	1981	2002	2006	1994	2006
Dyads before 1900 % of total	0 0%	15 37.5%	0 0%	13 14%	0 0%	14 13%
Dyads before 1950 % of total	0 0%	33 82.5%	33 37%	36 39%	0 0%	39 36%
Dyads after 1990 (inclusive) % of total	18 17%	0 0%	34 38%	52 56%	4 80%	62 58%
Decade with the most dyads established	1960 70 64%	1900 9 22.5%	1990 32 36%	1990 41 44%	1990 4 80%	1990 55 51%

Source The BiG Dyads Database <https://biglobalization.org/dyads-database/> and BiG Dyads Code Book (2022)

The oldest land dyads in the OSCE region date from the formation of unitary Spain in 1716, while the independence of Montenegro from Serbia in 2006 created the newest dyads (although several of them already existed in the same location but were between two different entities). There were only two new dyads formed in the OSCE region throughout the 1960s-1980s (the land dyad between Cyprus and the UK-Akrotiri and Dhekelia in 1960 and the land dyad between France and the UK (the Channel Tunnel/Chunnel) in 1987) and none further until the 1990s when 55 new dyads appeared (Fig. 4.1).

Despite its relatively young borders, the OSCE region is less prone to traditional land disputes. Throughout the world, with 333 land dyads as recorded in the BiG Dyads Database (BiG Dyads Code Book, 2022), there are 108 dyads—approximately one-third (32%)—of which are currently disputed (or never officially delimited or experiencing ongoing territorial dispute between the two states of the dyad) (Table 4.2). There are now 107 land dyads in the OSCE region, and the number of disputed dyads stands at 16 (15% of the dyads), which, contrary to our first assumption and hypothesis, shows that traditional land border disputes are less prevalent in the OSCE region. This is consistent with the findings of Frederick et al. (2017) that point to a decline in the prevalence of territorial claims in Europe after the Second World War and the shift of the regional distribution of shares toward Asia (Frederick et al., 2017, 103).

There are 63 dyads in the world where the current shape of the border has resulted from a past military conflict, violent independence, or a similar occurrence. Yet, 40%

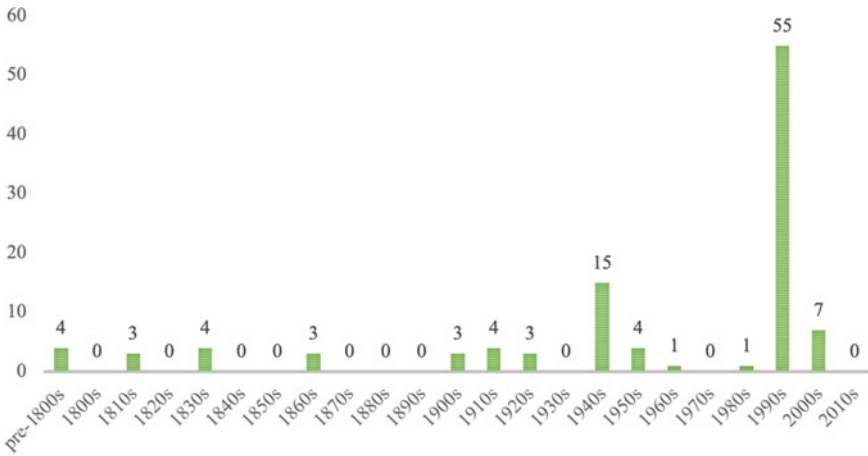


Fig. 4.1 Distribution of New Land Dyads in the OSCE Region by Decade. *Source* The BiG Dyads Database <https://biglobalization.org/dyads-database/> and BiG Dyads Code Book (2022)

Table 4.2 Disputed dyads in the OSCE region and the world

	(A) Currently disputed*	(B) Conflict-driven	(C) Partitioned
World	108	63	247
Non-OSCE	66	27	152
OSCE/non-OSCE	26	11	26
OSCE	16	25	69

Source The BiG Dyads Database <https://biglobalization.org/dyads-database/> and BiG Dyads Code Book (2022)

*The dataset only records dyads currently in dispute and does not include dyads which were once in dispute but have since been resolved

of those dyads (25) are located within the OSCE region. The number of dyads arising out of an independence/partition (regardless of the violence of the events leading up to this, or lack thereof) stands at 247 worldwide, of which 69 belong to the OSCE region.

Borders drawn along previously existing administrative boundaries appear to be less at risk of border disputes (Carter & Goemans, 2011, 2014; Toft, 2014). Looking at the recent history of the OSCE region, following the dissolution of the Soviet Union and Yugoslavia, the borders of the newly emerging states primarily followed previously existing administrative boundaries (Carter & Goemans, 2011; Ratner, 1996; Vidmar, 2010). Most formed international borders were recognized by neighboring states and remained peaceful. However, some exceptions continue contributing to ongoing instability in the OSCE region. A closer examination of the ongoing disputes illustrates the region’s existing tensions and dispute patterns.

Table 4.3 Disputed land borders in the OSCE region

Dyads	Arose out of an independence	Year and treaty of establishment	Year and treaty of adjustment	Historical antecedent
Portugal-Spain	No	1716 Last of the Nueva Planta decrees and formation of unitary Spain	1926 Treaty of Badajoz—1801, Congress of Vienna—1815, Treaty of Lisbon—1864, Convention of limits—1926	1297 Treaty of Zamora—1143, Treaty of Badajoz—1267, Treaty of Alcañices—1297
Croatia-Slovenia	Yes	1991 Independence of both countries from Yugoslavia, border still in dispute	2017 Ruling by the Permanent Court of Arbitration accepted by Slovenia, not by Croatia	1919 Creation of Yugoslavia-internal borders
Kosovo-Serbia	Yes	2008 Kosovan independence	—888	—999
Cyprus-Northern Cyprus	Yes	1974 Partition of Cyprus	—888	—999
Northern Cyprus-UK (Akrotiri and Dhekelia)	Yes	1974 Partition of Cyprus	—888	1960 Cyprian independence
Abkhazia-Georgia	Yes	1994 Abkhazia-Georgia ceasefire	—888	1931 Internal border of Georgian SSR
Abkhazia-Russia	Yes	1994 Abkhazia-Georgia ceasefire	—888	—999
Nagorno Karabakh/ Artsakh-Azerbaijan	Yes	1991 Artsakh Declaration of independence	—888	—888
Armenia-Azerbaijan	Yes	1991 Breakup of USSR	1994 Independence of Republic of Artsakh	1920 USSR Internal Border
Georgia-South Ossetia	Yes	1991 Breakaway of South Ossetia from Georgia	2008 Russo-Georgian War	1936 Autonomous Oblast within SSR of Georgia

(continued)

Table 4.3 (continued)

Dyads	Arose out of an independence	Year and treaty of establishment	Year and treaty of adjustment	Historical antecedent
Russia-South Ossetia	Yes	1991 Breakaway of South Ossetia from Georgia	–888	–999
Russia-Ukraine	Yes	1991 Dissolution of the USSR	–888	1927 USSR Internal border 1927–1991
Moldova-Transnistria-	Yes	1992 Transnistrian breakaway from Moldova	–888	–999
Transnistria-Ukraine	Yes	1992 Transnistrian breakaway from Moldova	–888	–999
Kazakhstan-Uzbekistan	Yes	1992 Dissolution of the USSR	2001 Border agreement	1924 USSR internal border 1924–1991
Kyrgyzstan-Uzbekistan	Yes	1991 Dissolution of the USSR	2011 Agreements of 2004, 2011	1924 USSR internal border 1924–1991

Source The BiG dyads database <https://biglobalization.org/dyads-database/> and BiG Dyads Code Book (2022)

Table 4.3 shows that most disputed borders in the OSCE region were drawn along previous administrative boundaries. Historical antecedents of these disputed borders were internal administrative boundaries in the Soviet Union and Yugoslavia. Most existing border disputes are located in the post-Soviet region. Among these are breakaway territories that have proclaimed their independence, such as Transnistria (*de jure* the territory of Moldova), Abkhazia and South Ossetia (both *de jure* the territory of Georgia), and Nagorno Karabakh (*de jure* the territory of Azerbaijan). Russia’s support underwrites the “independent” existence of these breakaway entities. In 2014, Russia occupied and incorporated Ukraine’s territory of Crimea via a sham referendum. Russia has also applied an “independence” scenario to Ukraine’s eastern regions, i.e., the so-called Luhansk and Donetsk People’s Republics, thus creating a zone of instability within Ukraine’s internationally recognized borders. In February 2022, Russia started a war in Ukraine and, once again, used sham referenda to incorporate the Ukrainian territories it had managed to occupy during several months of the war. While the boundaries of the occupied Crimea follow its administrative boundaries within Ukraine and those of the previous Ukrainian Soviet Socialist Republic, the boundaries of the other occupied territories reflect the fast-moving situation of the battlefield. Russia’s full-scale war on Ukraine ended the OSCE Special

Monitoring Mission (SMM) in Ukraine, established in 2014 to facilitate dialogue and bring peace to the Donetsk and Luhansk regions. The Mission was initially viewed as a sign of the increased prominence of the OSCE as a security organization (Moser & Peters, 2019). Still, Russia's subsequent actions undermined the OSCE's efforts and credibility.

Creating and backing breakaway entities has been Russia's purposeful and distinctive strategy in the post-Soviet region (the so-called "near abroad"). Back in 1990, before the official dissolution of the Soviet Union, Transnistria declared its independence, leading to a war with Moldova that ended with the arrival of Russian troops and a cease-fire arranged by Russia (Potter, 2022). Transnistria's existence creates instability and tensions at the borders of both Moldova and Ukraine as part of the Moldova-Ukraine border is de facto a border between Ukraine and Transnistria. Abkhazia and South Ossetia were autonomous regions in the Georgian Soviet Socialist Republic and then in independent Georgia. In the early 1990s both regions attempted to separate from Georgia. As a result of the 2008 Russian war on Georgia, both breakaway regions were recognized as independent republics by Russia. In the 2019 Luxembourg Declaration, the OSCE Parliamentary Assembly reiterated its support for the territorial integrity of Georgia and the inviolability of Georgia's borders and referred to Russia's illegal occupation of these territories.

As discussed above, most disputed borders in the OSCE region were drawn along previous administrative boundaries from the Soviet Union and Yugoslavia and were recognized as the international borders of newly emerged states (Carter & Goemans, 2011; Ratner, 1996; Vidmar, 2010). The creation of breakaway regions on the territory of some of these emerging states—backed by an external actor such as Russia—violated the principle of territorial integrity and resulted in the international community's lack of recognition of the borders of these entities.

Most disputed borders in the OSCE region do not have standing under international law, which tends to increase the risk of territorial conflict (Kocs, 1995; Owsiak, 2012; Toft, 2014). More specifically, ten out of sixteen disputed dyads (approximately 63%) do not have UN recognition (Table 4.4) because one country of the dyadic pair, being a breakaway entity, is not a UN member. All of these dyads are located on the territory of the former Soviet Union and former Yugoslavia, except for the two dyads between Northern Cyprus and Cyprus and Northern Cyprus and the UK (Akrotiri and Dhekelia). Northern Cyprus is recognized only by Türkiye and does not have UN membership. Furthermore, UN Security Council Resolution 541 (1983) explicitly states that the independence declaration issued by the Turkish Cypriot authorities was legally invalid and called upon all States not to recognize any Cypriot state other than the Republic of Cyprus (SC Res 541).

UN-recognized but still disputed dyads include five relatively recent dyads—four post-Soviet and one post-Yugoslavian—as well as one older dyad—the never demarcated border between Portugal and Spain between the Caia River and Ribeira de Cuncos deltas.

The existing literature points to a relationship between democracy and stable borders (Allee & Huth, 2006; Gibler, 2007; Owsiak, 2012; Toft, 2014). To examine the relationship between democracy and border disputes for the disputed dyads in

Table 4.4 UN recognition of disputed dyads in the OSCE region

Dyads	Arose out of a conflict	UN recognition
Portugal-Spain	Yes	Yes
Croatia-Slovenia	Yes	Yes
Kosovo-Serbia	Yes	No
Cyprus-Northern Cyprus	Yes	No
Northern Cyprus-UK (Akrotiri and Dhekelia)	Yes	No
Abkhazia-Georgia	Yes	No
Abkhazia-Russia	No	No
Nagorno Karabakh/Artsakh-Azerbaijan	Yes	No
Armenia-Azerbaijan	Yes	Yes
Georgia-South Ossetia	Yes	No
Russia-South Ossetia	No	No
Russia-Ukraine	Yes	Yes
Moldova-Transnistria	Yes	No
Transnistria-Ukraine	No	No
Kazakhstan-Uzbekistan	No	Yes
Kyrgyzstan-Uzbekistan	No	Yes

Source The BiG dyads database <https://biglobalization.org/dyads-database/> and BiG Dyads Code Book (2022)

the OSCE region, the study used the Democracy Index created by the Economist Intelligence Unit (Economist Intelligence Unit, 2022). The Index includes four categories: full democracies (overall score between 8.01 and 10), flawed democracies (scores between 6.01 and 8.00), non-democratic countries including hybrid regimes (scores between 4.01 and 6.0), and authoritarian regimes (scores under 4.0). For this chapter and study, a dyad is classified as democratic if both countries on the dyad are democracies (whether full or flawed) and non-democratic if both countries on the dyad are not democratic or one of the countries on the dyad is not democratic. Given that the Democracy Index was not calculated for breakaway entities, this study made assumptions using the regime of states that protect and support such entities' independence as a proxy (Table 4.5). For example, Abkhazia, South Ossetia, and Transnistria, backed by non-democratic Russia, are classified as non-democratic.

Only three out of sixteen disputed dyads in the OSCE region could be classified as democratic (Table 4.5), which seems to point to the less conflictual nature of democratic dyads. These include the old but still disputed border between two democratic EU member-states, Portugal and Spain, as well as two recent borders on the territory of the former Yugoslavia: one between EU members Croatia and Slovenia and the other between EU candidate Serbia and potential candidate Kosovo. Kosovo submitted its application for EU membership in December 2022 although not all EU members recognize Kosovo as a state. Serbia has not officially recognized

Table 4.5 Disputed dyads and democracy in the OSCE region

Dyads	Country 1	Country 2	Democratic dyad
Portugal-Spain	Flawed democracy 7.82	Flawed democracy 7.94	1
Croatia-Slovenia	Flawed democracy 6.50	Flawed democracy 7.54	1
Kosovo-Serbia	NA	Flawed democracy 6.36	1 ^a
Cyprus-Northern Cyprus	Flawed democracy 7.43	NA	0 ^b
Northern Cyprus-UK–Akrotiri and Dhekelia	NA	Full democracy 8.1	0 ^b
Abkhazia-Georgia	NA	Hybrid regime 5.12	0 ^c
Abkhazia-Russia	NA	Authoritarian regime 3.24	0 ^c
Nagorno Karabakh/ Artsakh-Azerbaijan	NA	Authoritarian regime 2.68	0 ^c
Armenia-Azerbaijan	Hybrid regime 5.49	Authoritarian regime 2.68	0
Georgia-South Ossetia	Hybrid regime 5.12	NA	0 ^d
Russia-South Ossetia	Authoritarian regime 3.24	NA	0 ^d
Russia-Ukraine	Authoritarian regime 3.24	Hybrid regime 5.57	0
Moldova-Transnistria	Flawed democracy 6.10	NA	0 ^e
Transnistria-Ukraine	NA	Hybrid regime 5.57	0 ^e
Kazakhstan-Uzbekistan	Authoritarian regime 3.08	Authoritarian regime 2.12	0
Kyrgyzstan-Uzbekistan	Authoritarian regime 3.62	Authoritarian regime 2.12	0

Source Economist Intelligence Unit (2022)

^aWe assume Kosovo is a (flawed) democracy

^bWe assume Northern Cyprus is not democratic due to its dependency on Turkey, which is a hybrid-regime with a score of 4.35

^cWe assume Abkhazia is not a democracy due to its dependency on Russia, which is not a democracy with a score of 3.24

^dWe assume South Ossetia is not a democracy due to its dependency on Russia, which is not a democracy with a score of 3.24

^eWe assume Transnistria is not a democracy due to its dependency on Russia, which is not a democracy with a score of 3.24

Kosovo's independence and the potential for a border conflict still exists. Pursuing EU membership is perceived as a path to a democratic and peaceful future.

Non-democratic disputed dyads in the OSCE region are mostly recent and located on the territory of the former Soviet Union where the transition of post-Soviet countries to democracy has been slower than expected. The OSCE's efforts to promote democracy in the region have had limited results. A few older non-democratic dyads include the dyads between Northern Cyprus and Cyprus, and Northern Cyprus and the UK (Akrotiri and Dhekelia). Northern Cyprus is classified as non-democratic due to its dependency on non-democratic Türkiye.

4.5 Conclusion

Border disputes and conflicts, as well as weak democratic institutions, continue to contribute to security instability in the OSCE region and the world. This study used the Borders in Globalization Dyads Database (BiG Dyads Database) to examine the current situation in the OSCE region. The data did not support the assumption and hypothesis about the high prevalence of traditional land border disputes in the OSCE region due to the young and potentially more unstable and contested borders. While most OSCE dyads are young, traditional land border disputes are less prevalent in the region. The newly formed international borders in the region followed administrative boundaries in the former Yugoslavia and Soviet Union. They were later recognized as the international borders of the recently emerged states. Most borders remain peaceful, which supports the hypothesis that borders drawn along previously existing administrative boundaries and recognized under international law tend to experience less risk of border disputes. Nevertheless, exceptions exist, as most disputed borders in the OSCE region were drawn along previous administrative boundaries in the Soviet Union and Yugoslavia. Most disputed dyads in the OSCE region are not democratic, which seems to lend support to the hypothesis about the less conflictual nature of democracy or at least indicate the existence of a relationship between democracy and stable borders.

The results underscore border dispute patterns likely to enhance tensions between emerging forms of democratic and governance liquidity in the OSCE region and the traditional forms of power exercise and protection of elites' vested interests. For example, Russia's disregard of the OSCE and international law, more generally, undermines regional security governance. Instead of contributing to the OSCE's efforts to promote security and democratization, Russia's adversity to democracy and purposeful strategy of instigating disputes and keeping them protracted and "frozen" makes it extremely difficult to find solutions to many existing border disputes in the OSCE region.

The data show that, while patterns of border disputes in the OSCE region follow those in the rest of the world, there is also regional specificity as most dyads are very young. Many dyads remain contested, which raises significant questions regarding

the overall stability and governance in the OSCE region and the effectiveness and limitations of regional international organizations such as the OSCE.

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