2023

What's Law Got To Do With It? How The Degree of Legalization Affects The Durability Of Post-Conflict Autonomy Agreements

Felix Schulte
European Centre for Minority Issues, Flensburg, Germany

Gene Carolan
Technological University Dublin, Ireland, gene.carolan@tudublin.ie

Follow this and additional works at: https://arrow.tudublin.ie/aaschlawart

Part of the Law Commons, and the Political Science Commons

What's Law Got To Do With It? How The Degree of Legalization Affects The Durability Of Post-Conflict Autonomy Agreements

Felix Schulte,[1] Gene Carolan[2]

[1]European Centre for Minority Issues, Flensburg, Germany; [2]Technological University Dublin, Ireland

Research has identified several factors that impact the sustainability of post-conflict territorial autonomy arrangements (TAA), including previous levels of violence, economic development in a given territory, or the strategic importance thereof. We argue that a hitherto neglected variable lies in the legal form of the autonomy agreement – that is, the degree to which it has been 'legalized' by the language and processes prescribed in the agreement. Based on a qualitative evaluation, we assess the legalization degree of 236 TAA signed between 1990 and 2019. Survival analyses and Cox regression models show that a higher degree of legalization has a positive and significant effect on peace durability.

1. Introduction

Territorial autonomy arrangements (TAA) enjoy widespread support among both policymakers and academics as a means of managing violent intrastate conflicts in a peaceful and sustainable way. Supporters of autonomy claim that TAA will alleviate group-based marginalization, provide for institutionalized bargaining between opposing parties, and lower the stakes of the competition for power (L.-E. Cederman, Gleditsch, and Wucherpfennig 2017; Lapidoth 1997; Wolff 2013). While autonomy reforms have indeed created a stable balance between "the common and the particular" (Ghai 2000, 24) in regions such as Aceh, Bougainville, or South Tyrol, other agreements have been very unhappy compromises that fell apart shortly after they have been signed. Well-known examples include the 1997 Sudan peace agreement and the 1993 Vance-Owen Plan for Bosnia and Hercegovina. Even among the many failed territorial reforms, the duration of post-accord peace times varies significantly. The standard deviation of the time it takes for a TAA implemented between October 1990 and December 2019 to reach a threshold of 500 battle-related deaths, for instance, is more than 8 years (σ = 2986.6 days).[1] How can we explain this variance? *Why do some post-conflict TAA survive and work towards peace while others collapse soon after they have been signed?*

The rich literature on post-conflict institutional engineering has demonstrated that autonomy reforms can have a positive impact on long-term peace, even in the most unfavorable settings. Existing explanations for their peace-promoting effect can be grouped into three main strands: institutional and structural approaches, which emphasize the importance of institutional design and the interplay of different accommodative institutions; actor-based theories, which attribute the main explanatory power to citizens' and especially elites' attitudes and behavior in peace processes; as well as content-based explanations, which highlight the role of agreement provisions and their implementation. To explain the performance of territorial autonomy as a conflict regulation tool, a majority of scholars build on structural, institutional, or actor-based explanations, or a combination thereof. So far, less emphasis has been placed on analyzing the

---

[1] We describe the coding process in detail in section 4.

provisions of autonomy arrangements other than the design of institutions or their interplay. In this article, we ask a more fundamental question: *to what extent does the law and legal language influence the success of territorial autonomy agreements?*

The institutional and content contexts manifest in TAA as complex prescriptions of constitutional law that map the formal and informal political bodies of state in a variety of different ways and delegate competencies of national and sub-national entities accordingly. TAA are often written through with timetables, maps, and other modalities that give rise to expectations regarding implementation and timing: expectations which can overtly influence the durability of the TAA itself (Bell 2006).

As with many peace agreement provisions, TAA can be subjected to legal processes of interpretation and adjudication, lending a non-political veneer to contested notions of state, nation, and identity (Badran 2014; Shahshahani 2007). The law thus provides a set of rules that appears neutral to belligerent parties and allows for "enhanced politicking" between them (ibid.). Following the basic assumption that post-conflict institutions such as territorial autonomy shape human behavior and motivations (North 1990), it is most likely that the performance of TAA is fundamentally influenced by *how* these rules are laid out in a peace agreement. We duly argue that highly legalized TAAs strengthen the credibility of commitments and raise the cost of violating autonomy agreements. Accordingly, we expect agreements with highly legalized autonomy provisions to show longer peacetime periods and thus be more successful than weakly legalized autonomy agreements.

We test this assumption through a qualitative assessment of a global sample of TAA contained with peace agreements signed between 1990 and 2019. Using survival analysis and Cox regression models, our statistical analyses provide evidence for our hypothesis. We find a robust correlation between highly legalized autonomy accords and the durability of peace: TAA with a high degree of legalization tend to survive longer compared to those that are less legalized. The article proceeds as follows. We begin by situating our approach within the relevant literature. The third section then describes our theoretical argument and conceptualization of the success of legalization and autonomy. Section 4 outlines our empirical strategy and describes the

operationalization of our dependent and independent variables. Section 5 discusses the findings, while in Section 6, various tests are performed to demonstrate the robustness of our results Finally, Section 7 provides a discussion of the limitations and practical implications of the findings.

2. Literature Review

Despite three decades of intense debate, scholars remain divided on whether territorial autonomy arrangements effectively reduce the risk of intrastate violence, contain it, or even exacerbate it. Proponents argue that territorial autonomy provides an institutional bargaining arena, limiting the ability of stronger groups to abuse their power, raising the costs of breaking political promises, lowering the stakes of political contestation, and ensuring recognition of minorities' vital interests and substantial self-government, which may dampen separatist desires (Lapidoth 1997; Nordquist 1998; Weller and Wolff 2005).

In contrast, critics warn that TAA may empower secessionist leaders, contribute to power struggles between centre and periphery, reinforce existing ethnic differences, or lead to inefficiencies and a lack of accountability (L. Cederman et al. 2015; Chapman and Roeder 2007; Hale 2004; Lake and Rothchild 2005). Empirically, every standard example which is cited to demonstrate TAA's usefulness (e.g., the Åland Islands, South Tyrol, or Québec) is easily confronted by failed attempts, such as Gilgit Baltistan, Kashmir, or the former Yugoslavia. Given that TAA are neither a panacea for peace nor a cause for further violence in all cases, recent literature has systematically examined the factors that contribute to TAA success and failure (Keil and McCulloch 2021; Schulte 2020; Walsh 2018).

The dominant institutionalist theories emphasize the pivotal role of established formal rules in the political system. Authors argue, for instance, that territorial reforms are most effective in combination with other accommodative institutions, such as executive power sharing or a proportional electoral system (Bogaards 2013; Ishiyama and Shliek 2020; Neudorfer, Theuerkauf, and Wolff 2020; Schulte and Trinn 2022). Delegating substantial executive,

legislative, and fiscal powers, as well as ensuring inclusion within the broader political system, further increases the chances of success for autonomy solutions (Ezcurra 2015; C. Hartzell and Hoddie 2020; Kelly 2019; King and Samii 2020; Schulte 2020). More recent research on institutional engineering in deeply divided societies has delved into the specific design elements necessary for inclusive institutions to be effective. The family of structuralist explanations discusses the role of socio-economic development, demographics, inequality levels, or the strategic importance of a subnational region (Bakke and Wibbels 2006; Deiwiks, Cederman, and Gleditsch 2012). While these approaches can adequately capture the prerequisites for successful territorial reforms, actor-based approaches aim to bridge the gap between structures, institutions, and agency. They emphasize the pivotal role of specific actors and their behavior. Cuffe and Siroky, for instance, show that ethnic groups that have never been autonomous are unlikely to mobilize due to an undeveloped capacity for collective action, whereas ethnic groups that have lost their special status have both strong incentives and the capacity to pursue secession, making collective action easier (Siroky and Cuffe 2015). Brancati discusses the negative effect of regional parties on decentralization reforms (Brancati 2006), while Prorok and Cil find that public commitments by leaders have a positive impact on agreement implementation (Prorok and Cil 2021).

The broader literature on peace agreements has probed similar institutional and structural factors to account for variety in agreement stability. Studies have queried how the environment in which an agreement is negotiated and implemented might impact upon stability – e.g., whether the conflict was of high/low intensity; whether the issue in dispute was identity-based or socio-economic in nature; whether the country in which a civil conflict took place was democratic rather than authoritarian (C. Hartzell, Hoddie, and Rothchild 2001a; Stedman, Rothchild, and Cousens 2002). Additionally, the broad engagement of women or civil society representatives has been shown to have a positive influence on the lasting stability of peace (Krause, Krause, and Bränfors 2018; Schneckener 2002). Other studies have examined how the terms of the settlement itself might influence agreement stability – e.g., does the agreement provide for territorial autonomy; were international actors involved in mediation/negotiation, and does the

agreement provide for third-party enforcement in the event of breach (Duursma 2017; C. Hartzell, Hoddie, and Rothchild 2001a; Hegre, Hultman, and Nygård 2019; Smidt 2020). Other scholars have underscored the need for peace agreements to provide institutionalized guarantees against the security threats that belligerents face (C. A. Hartzell 1999; Walter 1997). Specifically, this body of work provides evidence that agreement content and implementation issues are key factors that strongly predict the sustainability of peace (Badran 2014; Fortna 2004; Joshi and Quinn 2015).

However, little attention has been paid to the question of *how* territorial provisions are prescribed in peace accords and whether this affects the chances of durable peace. While negotiated autonomy solutions may appear similar at an aggregated level, they can be conceptualized quite differently in their corresponding peace agreement. The result is countless sections and sub-sections in hundreds of peace agreements; all of which vary in their scope, level of detail, and sense of obligation. We submit that the legal means by which these autonomous arrangements are set out has a significant influence on the institutions that spring forth from an agreement's text. We expand on existing arguments belonging to content-based theories by analysing the effect of legalized written autonomy provisions on the durability of peace. In the next section, we present our arguments in more detail.

3. Theory

Peace agreements link ceasefire commitments to new constitutional arrangements as to how power, territory, and/or resources will be governed within a contested polity. It is thus unsurprising that TAA feature so prominently in contemporary peace agreements – in fact, provisions on territorial autonomy were prescribed in 245 of the peace agreements concluded

between 1990 and 2022 (Bell et al. 2022).[2] Like peace agreements, TAA do not entirely resolve an existing social conflict: they contain the dynamics of that conflict within a re-negotiated constitutional framework in order to prevent its re-escalation (Bell 2008). The process by which peace agreements institutionalize conflict dynamics in this manner has been described as one of 'legalization' (Badran 2014; Bell 2008; Gopalan 2007), owing to the manner in which peace agreements trigger, channel – or even mimic – legal terms, processes, and/or effects. Peace agreements – and the TAA they often prescribe – outline a re-negotiated constitutional framework that seeks to channel social conflict in non-violent directions. In some notable cases, peace agreements themselves embody this constitutional framework – see, for example, the National Peace Accord in South Africa, or the Dayton Agreement in Bosnia and Herzegovina. Peace agreements also utilize legal language in both form and substance; triggering legal discourses that constrain the parties' range of acceptable behavior and direct them to pursue their interests by non-violent means (Abbott and Snidal 2000; Deitelhoff 2009). Peace thus becomes 'legalized' by the reformed political and legal structures prescribed by the TAA. We understand legalization as the multidimensional concept advanced by Abbott et al. (Abbott et al. 2000; Abbott and Snidal 2000). The concept is based on three attributes: obligation, precision, and delegation.

Obligation attempts to capture the level of normative or legal compliance expected of the parties by an agreement's text. More specifically, obligation measures the extent to which the signatories' behaviour is subject to scrutiny in accordance with recognized legal discourse, agreed-upon rules, and procedures such as equality of access and due process (Abbott et al. 2000; Deitelhoff 2009). Provisions that rank high on the 'obligation' matrix might utilize modal verbs such as 'will,' 'must,' or 'shall' (Linos and Pegram 2016), or may signify commitment through verbs such as 'guarantee,' 'commit,' or 'undertake.' Conversely, provisions that permit broad areas of discretion (for example, where the parties 'aspire to,' 'endeavor to,' etc.) make it difficult

---

[2] At the time of writing, this is the number of agreements in the PA-X database that concern the issue of "territorial power-sharing", as per Version 6 of the PA-X codebook (https://www.peaceagreements.org/files/PA-X_codebook_Version6.pdf, Bell et al., 2022).

to assess compliance, thus casting doubt on the sense of legal obligation that such provisions impose.

Precision measures the level of detail that an agreement prescribes with regard to authorized or prohibited behavior, the design and composition of mandated institutions, or provisions on finer details such as scheduling and financing. Provisions that score high on precision are usually 'highly elaborated or dense, detailing conditions of application, precisely spelling out required or proscribed behavior' (Abbott et al. 2000, 413), thus limiting the scope for self-serving interpretation of the agreement by the parties thereto. Conversely, if provisions remain quite general as to who, how, and when, then parties can interpret their obligations to their advantage or re-negotiate them entirely. In this manner, a party can sign up to an agreement that is high on obligation and subsequently use the lack of precision in the document to redefine their obligations entirely (Hall and Persson 2018).

Finally, *delegation* measures the extent to which the agreement has delegated the power to implement, interpret and enforce the provisions of the agreement to executive bodies, supervisory organs, or dispute resolution mechanisms. Highly delegated provisions may mandate specialized bodies to implement or elaborate upon technical aspects of the agreement, or may vest interpretative authority in courts, arbitrators, and ad hoc tribunals. These actors may also play a role in monitoring signatory compliance with the agreement, thus creating an incentive for the parties to legitimate their actions within the mutually agreed framework provided for by the agreement. Just as high levels of obligation and precision reduce the scope for self-serving interpretation of the agreement, high levels of delegation increase both the audience costs of opportunism and the incentives for cooperation (Gopalan 2007). Low levels of delegation can be identified by purely political decision-making or consultation processes, and typically occur where the parties are wary of the loss of authority, and the possibility of inferior outcomes as a result (Abbott and Snidal 2000, 437).

When considered collectively, the dimensions of obligation, precision and delegation provide a useful conceptual framework for gauging the degree of legalization present in a particular agreement. Some have criticized Abbott et al.'s model for reducing the complexity of

legalization to a tripartite framework, however. Bélanger and Fontaine-Skronski question whether obligation, precision, and delegation are sufficiently broad enough to measure 'the overall constraining nature of an international arrangement' (Bélanger and Fontaine-Skronski 2012). However, this may be an overly restrictive ontological conceptualization of Abbott et al.'s theory. Legalization is not only about constraint and compliance, but the myriad forms of institutionalization that occur as a result of combinations of obligation, precision, and delegation and the ways in which these forms influence behavior. It may be tempting to view escape clauses and caveats as causes of noncompliance, but perhaps it is more accurate to view them as defenses for behavior that results from a particular institutional arrangement or as a cover for 'enhanced politicking' (Bell 2008; Hall and Persson 2018; Shahshahani 2007).

These holistic perspectives are central to understanding the law's role beyond constraint and compliance, particularly in intrastate conflicts and post-conflict processes. Though highly legalized peace agreements may constrain the parties in terms of mobilization, troop movements, and armaments; they also nurture a broader peace process. The peace agreement legalizes peace by directing the parties to pursue their interests through reformed political institutions that institutionalize cooperation and non-violence. Ideally, over time, the parties become socialized to the values and discourses embedded in the agreement, and these discourses guide the peace process when the original agreement is no longer instructive (Bell 2008). Alternatively, parties may use ambiguity or symbolism in an agreement to advance conflicting interpretations of key concepts or justify deviations from anticipated behavior. Peace agreements and peace processes thus reflect Abbott et al.'s claim that 'law and politics are intertwined at all levels of legalization,' (Abbott et al. 2000, 419), and provide an operationalization of the original concept that emphasizes process over product (Finnemore and Toope 2001).

We argue that highly legalized agreements showing high degrees of obligation, precision, and delegation, have a twofold positive effect on the durability of peace: First, legalization strengthens the credibility of commitments and resolves problems of incomplete contracting. Second, legalization raises the cost of violating the agreement. Due to the large power asymmetries between central governments and non-state actors, information and commitment

issues are particularly acute in territorial self-determination conflicts. Self-determination groups are typically weak competitors that have little ability to punish governments that break promises and are likely to become more vulnerable as a result of a settlement. Highly legalized provisions allow parties to overcome this security dilemma by providing detailed schedules and modalities that clearly signal the parties' intentions to one another (Fearon 2004; Walter 1997). High levels of obligation and precision narrow the scope for self-serving interpretation of the agreement, while high levels of delegation might manifest as bodies that monitor, publicize, or sanction deviant behavior. Conversely, an agreement featuring low levels of legalization might appear largely rhetorical, lack technical detail or data, and remain ambiguous with regard to its enforcement and interpretation. Mistrust remains high in the wake of such agreements, and parties cannot point to clearly worded guarantees to force implementation, nor depend on courts or tribunals to break a stalemate. Such agreements may thus be regarded as political, or 'soft law,' instruments. Drawing these arguments together, we derive the following hypothesis: *A high degree of legalization of a post-conflict territorial autonomy agreement increases the durability of peace.*

Two counterarguments may be put forward. First, peace treaties can only be effective if the parties to the conflict have the political will to implement them, with autonomy agreements requiring a particularly great deal of compromise. Fortna, for instance, concedes that certain agreements may be somewhat epiphenomenal as only those who intend to be bound will consent to highly legalized agreements (Fortna 2003). The security risk involved in agreeing to restrictive ceasefire agreements or binding arbitration often outweighs any functionalist logic, leading to the conclusion of weak agreements between the parties most in need of highly legalized mechanisms. As Lounsbery and DeRouen Jr. have noted, highly detailed commitments may "require a level of trust and security that has yet to be developed" between parties emerging from violent conflict (Lounsbery and DeRouen Jr. 2018, 160).

A second counterargument is that a high degree of legalization leads to dangerous deadlocks because a set of very extensive, thorough, and precisely stated rules limits the scope to respond to changing conditions and to take any necessary modifications and reforms. This is

precisely why some parties may opt for lower levels of legalization in soft law instruments such as declarations, statements, or interim agreements. Soft legalization can provide 'more effective ways to deal with uncertainty, especially when it initiates processes that allow actors to learn about the impact of agreements over time' (Abbott and Snidal 2000, 423). Parties may also prefer soft legalization where there are significant power differences between them (Abbott and Snidal 2000; Hall and Persson 2018), as is often the case in civil conflict. Lounsbery and DeRouen, for example, find that less "complex" peace accords, as measured by the number of provisions prescribed therein, are more likely to be successful at preventing conflict re-occurrence than their more elaborate counterparts (Lounsbery and DeRouen Jr. 2018). Badran (2014) and Joshi and Quinn (2015), however, find that more comprehensive agreements demonstrate more credible government commitments, thus reducing the likelihood of conflict re-occurrence (Badran 2014; Joshi and Quinn 2015). Much of the legalization literature finds that hard legalization is preferable where opportunism and its costs are high, and non-compliance may be difficult to detect (Abbott and Snidal 2000; Guzman 2008; Rajamani 2016). Indeed, Fortna (2003) finds that largely symbolic agreements can neglect the opportunity cost involved in bringing the parties to the table, and can risk the parties' hardening their positions if such an agreement is unsuccessful. Should such agreements collapse, they also risk a much greater human and economic cost (Toft 2010).

The question of why parties opted for various forms of legalization in each of the 236 cases analyzed lies beyond the scope of this paper. Instead, our novel contribution lies in qualitatively coding the various forms of legalization that occur between and *within* TAAs. Just as peace agreements often straddle both short-term and long-term commitments, TAA vary between detailed implementation modalities; and more symbolic appeals to new, hybrid, or reimagined identities and relationships. Our approach goes beyond simply counting the number of these provisions or gauging their 'complexity' (Joshi and Quinn 2015; Lounsbery and DeRouen Jr. 2018). This paper achieves greater conceptual validity by recording the various forms of legalization that feature in TAA and measuring their effects on sustaining particular aspects of the agreement at different stages of the peace process. Further, the authors believe

they have offset empirical concerns by checking their qualitative assessment against a number of quantitative control measures, which we describe in the following section.

4. Research Design

We use an x-centered research design that takes into account time as a key factor in exploring the impact of legalization on autonomy success. Our study analyses the effect of the degree of legalization on the likelihood of the re-occurrence of violent intrastate conflict. Accordingly, TAA are considered to have failed if a certain threshold of battle-related deaths is reached in the post-accord period. If highly legalized TAA reach this threshold later in the observation period, or not at all, this yields evidence for our hypothesis. In the sections that follow, we discuss our case selection approach before introducing the operationalization of legalization as the key independent variable, peace durability as a dependent variable, and a number of potential confounders.

Case Selection

We base our analysis on a sample of all TAA concluded between 1990 and 2019. The PA-X database, which is the most comprehensive database of peace agreements, serves as our starting point (Bell and Badanjak 2019). The PA-X database codes a territorial power-sharing provision as any reference to 'division of territory to ensure group accommodation' (Bell et al. 2022). This coding is in line with the authors' understanding of TAA as only those provisions in a peace agreement that cede power from the central majoritarian state to at least one sub-national entity, often comprised of ethno-national or indigenous groups at the periphery. We thus distinguish TAA from political power-sharing provisions, which typically achieve settlement by integrating segments of society into political decision-making centres (Trinn and Schulte 2020).

In a first step, we select all peace accords in the PA-X database that contain territorial provisions. In a second step, we check case-wise whether the territorial provisions provide for the establishment of a territorial autonomy arrangement that meets our definition. In a final step, we exclude cases which were established after January 1st, 2019 to guarantee a minimum

investigation period of one year. This procedure leads to a sample of 236 TAA signed in 66 peace-processes in 60 countries. The resulting dataset reflects a variety of conflict contexts, including peace agreements signed to settle both civil wars that resulted in over 1,000 battle-related deaths, as well as low-intensity conflicts with a death toll ranging from 25 to 1,000.[3] Similarly, the dataset ranges from agreements that prescribed territorial power-sharing as a substantive provision designed to resolve a national dyad, to those that employed TAA as an ad hoc solution to an exclusively local or regional issue. As a result, these agreements differ greatly in terms of the time taken to reach them, their length, and complexity.[4] While some conflicts were tackled by a single comprehensive TAA, such as the 1997 Bangladesh-Chittagong agreement, most were addressed by several agreements.[5] Most TAA's are found in the Philippines (30), followed by Sudan (22), Somalia (19), South Sudan (17), Bosnia and Hercegovina (17) and Israel (12).[6]

---

[3] We are guided by the common definitions of the UCDP (Uppsala Conflict Data Program) here.

[4] The average sentence length of the agreement text as well as the agreement length, measured by the number of characters, are indicators for agreement complexity. See the codebook for details.

[5] We address resulting methodological consequences by using clustered standard errors and by including a variable on the number of previous agreements.

[6] The full list of cases can be found in the Online Appendix.

Independent Variable

Our independent variable, the degree of legalization, is constructed on the basis of an in-depth qualitative-interpretative approach. This consisted of one of the authors—a legal scholar with expertise in legalization theory and peacebuilding institutions—screening the TAA in our sample and qualitatively assessing the degree of legalization.[7] This was done by ranking each provision referring to territorial power-sharing in terms of its degree of obligation (OBL), precision (PREC), and delegation (DEL) on an ordinal scale, with higher values denoting a higher degree of legalization on the specific dimension. Guided by the indicators provided by Abbott et al. (Abbott et al. 2000), we develop the following scheme for the coding procedure (Table 1).

Table 1: Coding scheme

Score	Obligation	Precision	Delegation
5	Unconditional obligation	–	Binding third-party decisions
4	Implicit conditions	Determinate rules	Access limited or consensual
3	Contingent obligations	Limited issue of interpretation	Binding arbitration
2	Hortatory obligations	Broad areas of discretion	Conciliation, mediation
1	Recommendations/ guidelines	"Standards" meaningful with reference to specific situations	Institutionalized bargaining
0	Negation of intent to be legally bound	Impossible to determine whether conduct complies	Pure political bargaining

The score attributed to a TAA is determined by the highest level of obligation, precision, or delegation achieved, not by the percentage of provisions per dimension. For example, the 2016 "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace" between the Colombian government and the FARC provides an undertaking by the Colombian government

---

[7] We provide our coding decisions for each agreement in the appendix.

to review the functions and composition of the territorial planning councils and 'guarantee' their involvement in the preparation and implementation of planning and budgeting processes (NLB Colombia and PA-X 2016, 45, 211–12). As a public undertaking in a political peace process, it ranks high on obligation, while arguably allowing for implicit conditions and contingencies that may delay fulfillment of that obligation. Accordingly, we code these provisions with an obligation score of 4. Several hortatory and preambulatory statements on rural reform, political participation, and good administration do not change the coding (NLB Colombia and PA-X 2016, 11, 19, 43). While there is a degree of subjectivity inherent in this coding procedure, this approach allows for effective cross-case comparison of TAA whilst preserving sufficient empirical variance.

In the second step, obligation, precision, and delegation are combined into an aggregated legalization index. Given the peculiar nature of peace processes as a distinct form of legalization, we attribute varying weights to these dimensions (Bell 2006; Pickering et al. 2019). In keeping with Abbott et al.'s original conceptualization (Abbott et al. 2000, 405), we consider obligation a non-substitutable and necessary condition for a high degree of legalization. Some consider precision to be merely a signaling device of obligation, and thus dismiss it as the least important aspect of legalization (Bélanger and Fontaine-Skronski 2012), but we contest this ranking. While precision certainly helps to clarify existing obligations, it has an independent role that is crucial to understanding peace processes as distinct forms of legalization. Precision regarding ceasefires and troop withdrawals can help to overcome the security dilemma that persists in the immediate aftermath of an agreement. Clarity in this regard can offset mistrust and lock in non-bellicose interactions between former belligerents, thus generating momentum independent of the sense of obligation that is arguably inherent in the conclusion of a formal settlement. This pacific socialization of the parties is central to the process of peace being initially legalized under a peace agreement, and eventually normalized as part of a broader peace process. While precision has its limits with regard to the latter, we consider it as a non-substitutable and necessary condition of high legalization.

In contrast, we argue that delegation adds to the level of legalization present in TAA, but is not essential to autonomy success. Third-party monitoring and/or adjudicating do not often feature in civil peace processes due to the sovereignty costs that accompany high legalization – particularly where territory is disputed. That said, if determinative authority is delegated to national constitutional courts or bilateral implementation bodies, it is more likely to legalize the resulting process through the application of legal principles and discourses (Abbott and Snidal 2000; Deitelhoff 2009). We thus follow Pickering et al. (2018) and Rajamani (2016) in gauging the degree of legalization as a combination of legally binding obligations and unambiguous wording, which may be strengthened by a strong role for interpretative authorities (Pickering et al. 2019; Rajamani 2016). Hence, the degree of legalization (*LEX*) is calculated as follows:

$$LEX = \frac{((OBL * PREC) + DEL)}{100}$$

We use the arithmetic mean to generate a categorical independent variable. Agreements with *LEX* < 0.36 are coded as cases of low legalization and agreements with a *LEX* score of 0.36 < x < 1 are coded as examples of high legalization. To test the robustness of our findings we vary this threshold and additionally code agreements with *LEX* < 0.25 as cases of low legalization, *LEX* scores 0.25 < x < 0.5 as cases of medium legalization and *LEX* scores > 0.5 are coded as examples of high legalization. This procedure allows us to compare survival times via the categorical variable as well as to precisely measure the influence of legalization on peace duration in the regression-based analyses.

Dependent Variable

Our dependent variable is peace durability. We measure this variable in days without armed conflict from the signing of the autonomy agreement to the beginning of renewed fighting or, in case of no renewed fighting, until the end of the investigation period (2019-12-31). While we acknowledge that there is more to peace – and "autonomy success" – than the end of blatant violence, this operationalization allows us to robustly determine the ultimate failure of TAAs

across a large number of cases. Research shows that conflict actors often continue to engage in violence after signing a peace agreement, utilizing violent actions for further bargaining, to motivate supporters or intimidate opposition supporters (Joshi 2014; Steenkamp 2011; Wilson 2017). To take these forms of spoiler violence into account, we set a threshold of 500 cumulative battle-related deaths. This threshold clearly indicates that the respective TAA was unable to prevent the recurrence of massive violence. There is little doubt that a peace process reaching this number of fatalities in the post-accord period can be considered a failure.[8] Our outcome variable provides information on the number of days from the implementation date of the peace agreement until the date when post-accord conflict events reach a threshold of 500 fatalities. The measurement builds on the best-estimate count of battle-related fatalities from the geo-referential version (21.1) of the Uppsala Conflict Data Project UCDP (Pettersson et al. 2021; Sundberg and Melander 2013). In order to include only battle-related fatalities specific to the conflict governed by the TAA, we rely on the conflict-identifiers offered by UCDP to identify the corresponding conflict events within each sub-national area covered by the TAA.

In the second step, we use the information on the accumulated number of fatalities per event date to calculate the number of days up to the threshold. For instance, to assess the durability of the 1997 Chittagong Hill Tracts Peace Accord, we count the number of battle-related deaths in the Chittagong Hill Tracts region from the implementation of the agreement (1997-12-02) until the threshold of 500 fatalities is reached. The Chittagong Agreement, for example, does not reach this threshold by the end of the study period, and achieves a high score on the outcome variable accordingly (in this case 8064 days). While producing highly (right-) skewed data, this disaggregated and time-sensitive approach is preferable to a cross-sectional success evaluation, which does not allow an estimation of survival rates and a determination as to *when* agreements have failed (Fontana and Masiero 2022; Högbladh 2011).

---

[8] While being arbitrary, the threshold of 500 cumulative battle-related deaths is neither too sensitive on forms of spoiler violence nor captures only cases of extreme violence. To test the robustness of our findings, we vary this threshold in the empirical section.

Control Variables

To adequately assess the net effect of legalization on peace duration, we add a number of control variables. We choose influential factors (a) relating to the conflict and the peace process, (b) influential structural-institutional variables as well as (c) covariates that refer to characteristics of the agreements themselves. *Conflict intensity* is one of the robust predictors of the recurrence probability of violent conflict, and hence, the failure of a TAA (C. Hartzell, Hoddie, and Rothchild 2001b; Walter 2004). Our conflict intensity variable builds on the UCDP dummy variable (*cumulative_intensity*) which gives information on whether a conflict has exceeded 1.000 battle-related deaths (Pettersson et al. 2021). Furthermore, it matters for durable peace whether negotiations have started early on or in the midst of full escalation (David Mason et al. 2011; C. Hartzell and Hoddie 2007; Walter 2004). The *conflict duration* variable provides information on the number of days between the first recorded battle-related death in the conflict and the date the autonomy agreement was signed. We take the information from the UCDP and the PA-X database (Bell and Badanjak 2019; Petterson 2021).

As outlined above, we expect highly legalized agreements to constrain conflictive action and incentivize cooperation and moderate behavior. In this sense, a high *number of previous treaties* may have laid the groundwork for subsequent comprehensive or highly legalized agreements. We, therefore, code the number of previous autonomy agreements on the basis of the PA-X entries.

The second group of covariates includes conflict-relevant context factors, all on country-year level: economic inequality and development, regime type, rule of law, population size, and ethnic fractionalization (Dixon 2009; Trinn and Wencker 2021). We use the access to public services distributed by socio-economic position as a measurement for economic inequality.

For Economic_Inequality as well as *GDP per capita* we use V-DEM data (Coppedge et al. 2021). Data for *Population size* is provided by the World Bank (WorldBank 2022). We assess the quality of *Democracy* on the basis of the V-DEM polyarchy index. The *Rule of law* is measured with the V-DEM v2x_rule variable (Coppedge et al. 2021). We use data from the

Historical Index of Ethnic Fractionalization (HIEF) for our *Ethnic Fractionalization* variable (Drazanova 2019).

The third set of controls is made up of variables that are related to the agreement text and signatories. Research shows that the international community's involvement in agreement negotiations has beneficial effects on peace (Hegre, Hultman, and Nygård 2019; Smidt 2020). We code whether an agreement includes the signature of United Nations officials or organizations on the basis of the PA-X data (*International_signatories*). We measure each agreement's readability to rule out the possibility that it is linguistic complexity rather than a high degree of legalization that influences our outcome variable. We calculate Flesch-Kincaid scores (*Readability*) for full agreement texts under the assumption that territorial provisions do not deviate from the overall readability of the text (Kincaid et al. 1975).[9]

Method

We estimate the effect of legalization on the durability of peace by employing statistical survival analysis, including Kaplan-Meier curves, cumulative hazard rates, and Cox proportional hazard models. To give valid results on right-censored survival data, Cox regression models assume that hazards are proportional over time (Xue and Schifano 2017). We successfully tested this assumption using Schoenfeld residuals, tests of influential observations, and non-linearity.[10]

---

[9] We use the agreement texts as provided by PA-X. We use the R-package Quanteda 2.1.2 to calculate the Flesch-Kincaid Scores, defined as $Flesch.Kincaid = 0.39 * ASL + 11.8 * \frac{n_{sy}}{n_w} - 15.59$
with ASL being the average sentence length, n_{sy} being the number of syllables and n_w being the number of words in the text.

[10] We provide more information in the Online Appendix.

5. Results

Descriptive Statistics

Our sample of autonomy agreements show relatively balanced values on the two dimensions of obligation and precision. Delegation provisions in TAA are apparently rather rare, possibly as a result of the sovereignty costs associated with delegating determinative authority to a third party. This leads to skewed data on this dimension (Figure 1 in the Appendix). This pattern is evident across different points in time and world regions. Likewise, the aggregate legalization index does not show distinct spatial or temporal patterns. Legalization in TAA thus appears to be specific to each country and/or the context of each settlement.

The comparison between the average survival rates of highly and weakly legalized agreements is illustrated in Figure 1. The highly legalized TAA (high) exhibits an average survival time of 3023 days, which is notably longer than the weakly legalized agreements (low) with an average survival time of 2018 days. These findings align with our theoretical assumption. There are several deviant cases, such as the 1995 Bougainville Agreement with a low legalization score and relatively high peace durability, or the 1993 Vance-Owen Plan for Bosnia and Hercegovina (high legalization score, low peace durability), but these cases do not break the overall trend.

Figure 1: Legalization and Average Survival Times
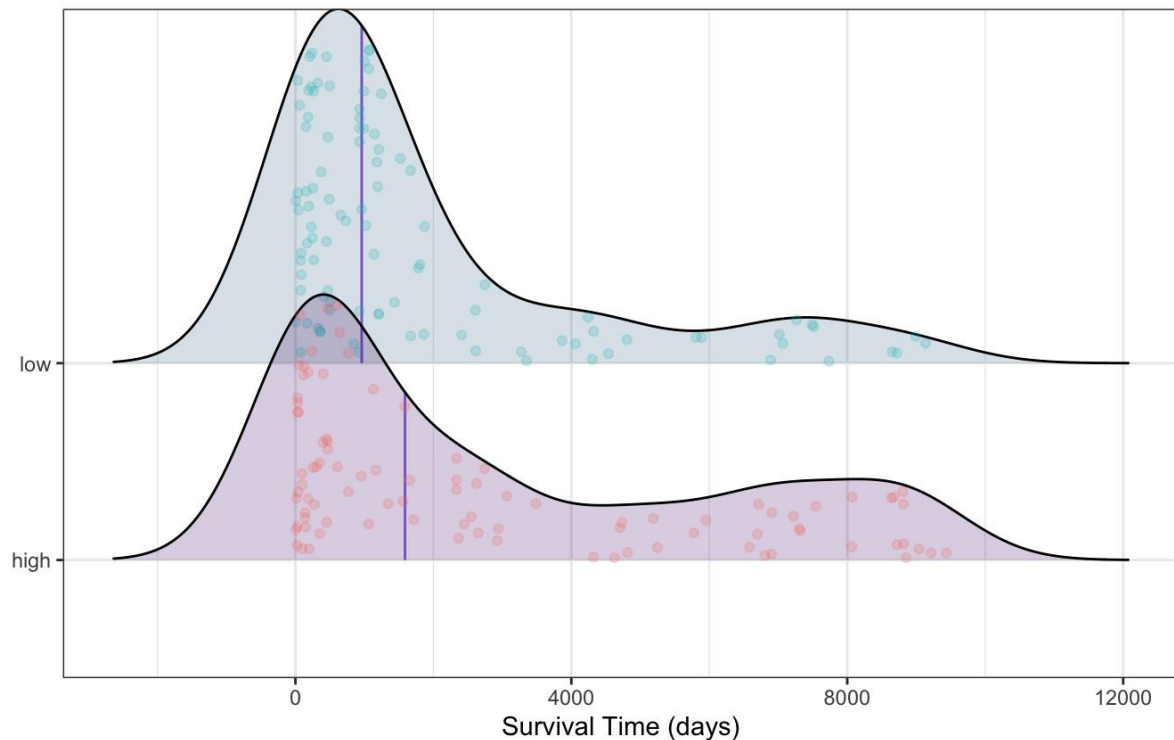
The data reveals that in the wake of civil wars, highly legalized TAAs are more common (60.3 %) than weakly legalized agreements (39.7 %). We find a reversed pattern for the greater number of TAAs signed to settle conflicts of lower intensity, with 59 percent being weakly legalized and 41 percent being highly legalized instruments in this group. While the data do not allow us to infer any causal relationships, it is worth noting that these trends reflect the prominent threads in the legalization discourse: hard legalization may be preferrable in post-conflict contexts where 'the benefits of cooperation are great but the potential for opportunism and its costs are high'; whereas soft legalization may be advantageous in conflicts of lower intensity, where the parties are willing to negotiate the limitations of a TAA agreement within the boundaries of a broader political process (Abbott and Snidal 2000, 429). We acknowledge that legalization is an outcome in itself and does not happen independently from the larger conflict, but an analysis of *why* negotiators opted for various forms of legalization in each of the 236 TAA sampled was beyond the scope of the paper.

Survival Analysis

In the first step of the survival analysis, we use Cumulative Hazards and the Kaplan-Meier method to estimate and compare the survival probability of highly and weakly legalized TAA. The survival probability S at time t_i is defined as

$$s_{ti} = s(t_{i-1})(1 - \frac{d_i}{n_i}))$$

, whereas d_i is the number of cases reaching the threshold of battle-related deaths in the postaccord period at t_i, and n_i being the number of agreements intact just before t_i. The Kaplan-Meier curve and the Cumulative Hazard rate both show the expected pattern (Figure 2): highly legalized TAA have a higher survival probability compared to the group of weakly legalized accords. Highly legalized agreements achieve a 50 percent chance of survival 1694 days later than weakly legalized agreements. The risk of "autonomy failure", i.e., exceeding the threshold of 500 battle-related deaths in the follow-up period increases dramatically for weakly legal agreements after about 2.5 years.

For highly legalized accords, the risk is significantly smaller in this critical period. Also over time, highly legalized TAA are found to be consistently more likely to survive, and are less likely to experience the (re-) occurrence of violent conflict. A log-rank test for difference in survival gives a p-value of $p = 0.0015$, which indicates that the group of highly legalized agreements differs significantly from the group of weakly legalized agreements in terms of its survival probability. This finding holds when we vary the thresholds for both variables (Figures 7 and 8). We do notice, however, that when using higher thresholds, the differences between the two groups become more obvious. In other words, while a high degree of legalization may not prevent any post-accord tensions, it decreases the risk for the (re-) occurrence of civil war significantly. As expected, highly legalized TAA seem to reduce uncertainty, maintain anticipated benefits, and drive a process of implementation that sustains this perception over time.

Figure 2: Cumulative Hazards and Kaplan-Meier curve
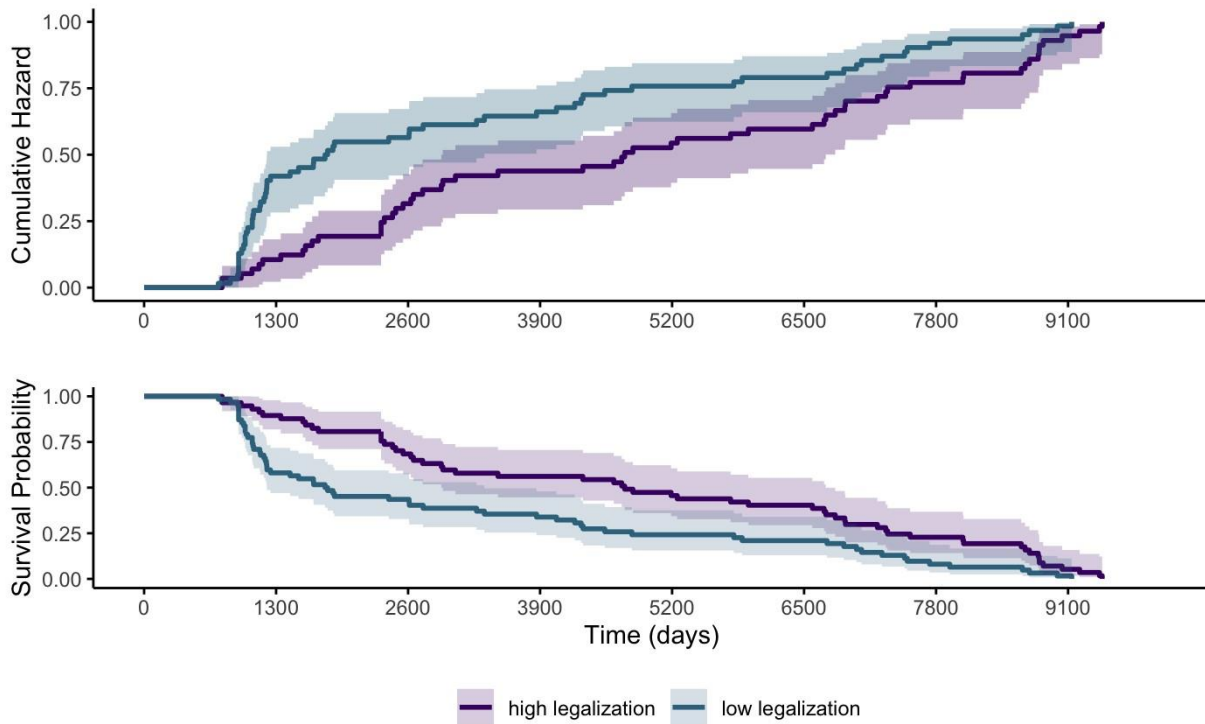
N.B.: Threshold of 500 battle-related death used. Censored data are included but not displayed.

Regression Analyses

As a second step of our analysis, we turn to Cox regressions. Our baseline model (Model 1) controls for the most relevant country and conflict characteristics. It includes variables for the Legalization Index, Conflict Intensity, Economic Inequality, GDP per capita (log) as well as population size (log). Models 2-5 then test the effect of two additional variables separately. We limit the five models to a maximum of seven covariates to avoid overfitting. The results of the statistical analysis are shown in Table 2. The continuous legalization variable shows the expected negative coefficient, which indicates a reduced risk for higher degrees of legalization. The coefficient is significant in all five models.

Table 2: Regression analysis

	(1)	(2)	(3)	(4)	(5)
Legalization Index	-2.055**	-1.734*	-2.026**	-1.766**	-2.133**
	(0.662)	(0.710)	(0.686)	(0.642)	(0.707)
Conflict Intensity	-0.751**	-0.983**	-1.204***	-1.185***	-0.793**
	(0.251)	(0.301)	(0.301)	(0.334)	(0.288)
Economic Inequality	0.206+	0.112	0.680**	0.389+	0.169
	(0.118)	(0.143)	(0.215)	(0.215)	(0.128)
GDP p. c (log)	0.001+	0.001+	0.001	0.001	0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Population Size (log)	0.389**	0.525**	0.943***	0.545**	0.367*
	(0.141)	(0.203)	(0.242)	(0.177)	(0.145)
Duration until agreement		0.000***	0.000***		
		(0.000)	(0.000)		
Ethnic Fractionalization		-0.027			
		(0.687)			
Democracy			-4.075***		
			(1.179)		
N previous agreements				0.064**	
				(0.020)	
Rule of law				-1.250	
				(0.927)	
Intern Signatories					-0.189
					(0.419)
Readability					-0.027
					(0.030)
Num.Obs.	148	133	139	148	133
RMSE	0.83	0.79	0.71	0.81	0.84

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

6. Robustness

The central challenge in this study is the potential endogeneity problem that arises from the suggestion that greater legalization of TAAs may be more likely in post-conflict settings that are predisposed to enduring peace. This would limit our ability to assert a causal relationship between the legalization of TAAs and the success of autonomy reforms. In the following, we

discuss the results of five different robustness checks which we have conducted in order to address this issue.

In the first step, we use (1) clustered standard errors for the peace processes and the dichotomous outcome variable and re-run the analysis. As Figure 1 in the Appendix demonstrates, our results remain the same. The group of weakly legalized agreements (low) has an increased probability of experiencing the re-occurrence of violence compared to the group of highly legalized peace accords. The coefficient is substantial and significant in all five models.

In the second step, we (2) exclude all interim agreements. Interim agreements are defined as transitional accords that establish an institutional framework to create a "bridge" from a situation of governance that has been interrupted by a political crisis towards a more peaceful, and democratic government (Caspersen 2020; Forster 2020). Based on the fact that interim agreements have an even higher average legalization score (LEX = 0.49) than non-interim agreements (LEX = 0.33), we assume that legalization has a beneficial role in the case of temporary agreements. However, due to the limited time under operation, the (long-term) impact of legalization may not be realized, distorting the statistical analysis. We, therefore, exclude all interim agreements from the analysis, based on their coding in the PA-X database. Indeed, we find even lower coefficients for the continuous legalization variable (see Table 2 in the Appendix). In the third step, we include only the (3) comprehensive peace agreements. Although the legalization variable is not significant in this analysis, we observe the same pattern and a negative coefficient in four of the five models, as presented in Table 3 in the Appendix.[11] While the results also hold in these additional tests, the range of conflict-relevant control variables used in the models limit the risk of spurious correlations.

To best exclude the possibility that a higher degree of legalization is primarily found in cases that inherently have a higher probability of success, we finally identify those autonomy agreements that had a high risk of failure due to the context of their conclusion, i.e., most likely

---

[11] We use all agreements which PA-X codes as substantive frameworks (SubPar and SubComp).

cases, and those agreements that were implemented in comparatively favorable circumstances. We utilize three indicators for this purpose: the number of conflict parties, the involvement of third parties, and the intensity of the conflict. Based on existing research we consider agreements that are concluded as a result of highly violent and factionalized conflicts involving more than two parties, and in which no third parties are involved, as high-risk cases (Clayton and Dorussen 2022; Duursma and Fliervoet 2021).[12]

Figure 2: Coefficient plot high-risk and low-risk cases
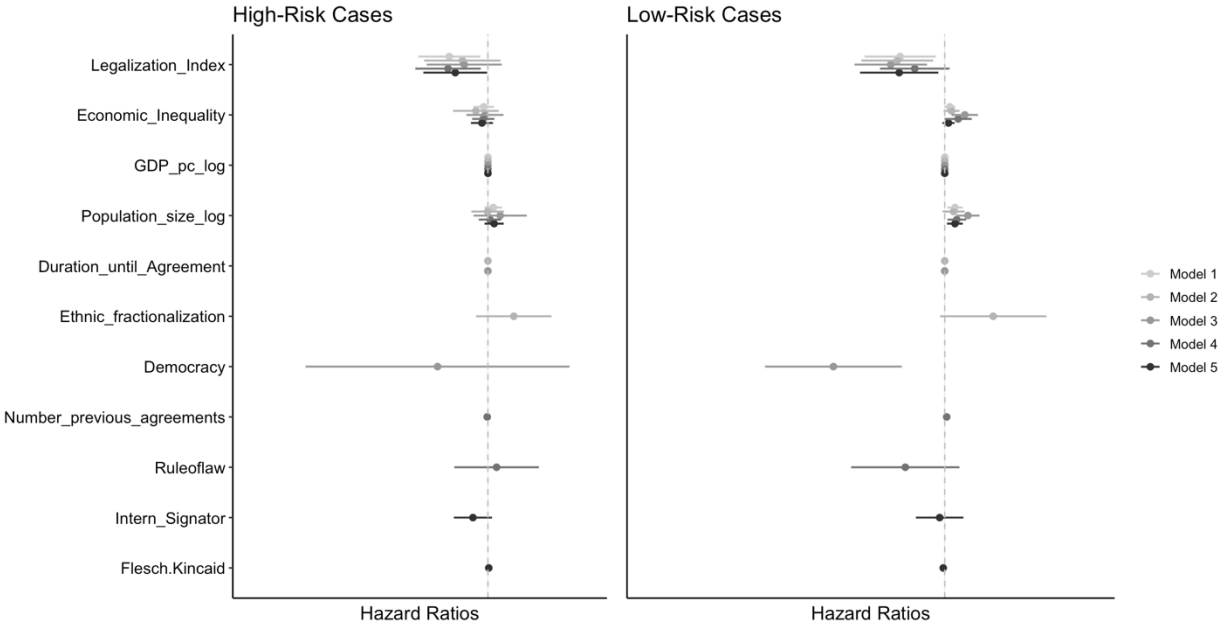
The results of our study are further supported by this more demanding test. In both subgroups, coefficients for our legalization variable are substantively negative and statistically significant in three or four out of five models (see Figure 3 and Tables 4 and 5 in the appendix). In other words, even in cases with a high susceptibility to the recurrence of violence, a high degree of legalization demonstrates a positive effect.

---

[12] The first indicator is coded using the Conflict_intensity variable (as defined in the codebook). The remaining two indicators are coded based on descriptions of signatories (Part) and third parties (ThrdPart) from the PA-X dataset. To create a composite index, we aggregated these indicators and classified cases where x <= 1 as "low risk," signifying the presence of only one malus condition. In contrast, cases where x > 1 were classified as "high risk." Additional analysis of conflict intensity is presented in Figure 1, which is included in the appendix.

7. Conclusion

Territorial self-governance remains a persistent feature of contemporary conflict resolution. Existing research has identified a number of factors that impact the sustainability of such arrangements. However, little attention has been paid to the question of how territorial provisions are laid out in peace accords and whether this increases the chances of durable peace. In this article, we have asked a question that has largely been neglected by existing research: to what extent does the law and legal language increase or decrease the survival probability of territorial autonomy agreements (TAA)? Using a novel conceptualization of legalization based on the attributes of obligation, precision, and delegation and a sample of 236 autonomy agreements worldwide, we find that highly legalized TAA tend to survive longer than weakly legalized autonomy agreements. Our survival analyses provide empirical evidence for the fact that the legal form of autonomy agreements plays an important role in the success of territorial reforms. Our study supports previous findings suggesting that highly-legalized and comprehensive peace treaties with more provisions and procedural mechanisms lengthen the duration of peace and decrease the risk of conflict recurring in the future (Badran 2014; Joshi and Quinn 2015).

Our findings have important practical implications. As research shows that a significant number of negotiated settlements will collapse, we need to understand better how we can increase the pacifying effect of peace accords, and hence, the probability of durable peace. Our article indicates that belligerent parties' interests are better served by highly legalized agreements, from both a human and opportunity-cost perspective. Peacemakers drafting innovative solutions to territorial conflicts should duly advocate for clarity and precision as appropriate, and minimize the room for maneuverability and flexibility where possible. Practically speaking, this remains an ongoing challenge.

Our study, nonetheless, has important limitations. To begin with, it has a limited scope, as it examines only the territorial provisions of peace treaties that may envision other related processes. Provisions relating to the political system, the economy, or transitional justice, for example, are not included in our assessment of the degree of legalization. This may have resulted

in several biases. TAA already require a great deal of political will, meaning it is probably easier to achieve hard legalization in territorial conflict contexts. It could also be the case, for instance, that stronger legal provisions on political institutions, transitional justice or the economy somehow compensate for weak legal territorial provisions in their effect on peace durability. Moreover, our study does not cover reforms that followed agreements, during which autonomy provisions may have been strengthened or weakened. Second, we only take into account the (re-) occurrence of violent conflicts in the respective autonomous region. Lower-level forms of structural violence or conflicts in other parts of the country are not taken into account. So, it may be the case that our study overemphasizes the effect on (negative) peace.

Third, and most importantly, causality and endogeneity issues remain. Our empirical test does not allow for any tests of causal inference. In other words, we can only speculate *how* exactly legalization affects actors' behaviour and attitudes. While we controlled for all relevant confounders, it is possible that factors such as legal knowledge, legal cultures, or political actors' civic education are more important than the written text. Our research design does not allow any conclusions why some (autonomy) agreements have a higher degree of legalization than others and what the factors are that lead to a particular agreement design. We leave these questions open for future research on this topic.

References

Abbott, Kenneth W. et al. 2000. 'The Concept of Legalization'. *International Organization* 54(3): 401–19.

Abbott, Kenneth W., and Duncan Snidal. 2000. 'Hard and Soft Law in International Governance'. *International Organization* 54(3): 421–56.

Badran, Ramzi. 2014. 'Intrastate Peace Agreements and the Durability of Peace'. *Conflict Management and Peace Science* 31(2): 193–217.

Bakke, Kristin M., and Erik Wibbels. 2006. 'Diversity, Disparity, and Civil Conflict in Federal States'. *World Politics* 59(1): 1–50.

Bélanger, Louis, and Kim Fontaine-Skronski. 2012. '"Legalization" in International Relations: A Conceptual Analysis'. *Social Science Information* 51(2): 238–62.

Bell, Christine. 2006. 'Peace Agreements: Their Nature and Legal Status'. *The American Journal of International Law* 100(2): 373–412.

———. 2008. *On the Law of Peace. Peace Agreements and the Lex Pacificatoria*. Oxford: Oxford University Press.

———. 2022. 'PA-X Peace Agreements Database and Dataset, Version 5'. https://www.peaceagreements.org/.

Bell, Christine, and Sanja Badanjak. 2019. 'Introducing PA-X: A New Peace Agreement Database and Dataset'. *Journal of Peace Research* 56(3): 452–66.

Bogaards, Matthijs. 2013. 'The Choice for Proportional Representation: Electoral System Design in Peace Agreements'. *Civil Wars* 15(sup1): 71–87.

Brancati, Dawn. 2006. 'Decentralization: Fueling the Fire or Dampening the Flames of Ethnic Conflict and Secessionism?' *International Organization* 60(03).

Caspersen, Nina. 2020. 'The Creation of New States through Interim Agreements: Ambiguous Compromises, Intra-Communal Divisions, and Contested Identities'. *International Political Science Review* 41(5): 667–80.

Cederman, Lars-Erik, Kristian Skrede Gleditsch, and Julian Wucherpfennig. 2017. 'Predicting the Decline of Ethnic Civil War: Was Gurr Right and for the Right Reasons?' *Journal of Peace Research* 54(2): 262–74.

Cederman, Lars-Erik, Simon Hug, Andreas Schädel, and Julian Wucherpfennig. 2015. 'Territorial Autonomy in the Shadow of Conflict: Too Little, Too Late?' *American Political Science Review* 109(2): 354–70.

Chapman, Thomas, and Philip G. Roeder. 2007. 'Partition as a Solution to Wars of Nationalism: The Importance of Institutions'. *American Political Science Review* 101(4): 677–91.

Clayton, Govinda, and Han Dorussen. 2022. 'The Effectiveness of Mediation and Peacekeeping for Ending Conflict'. *Journal of Peace Research* 59(2): 150–65.

Coppedge, Michael et al. 2021. *V-Dem Codebook V11.1*. Cambridge University Press. https://www.v-dem.net/en/.

David Mason, T., Mehmet Gurses, Patrick T. Brandt, and Jason Michael Quinn. 2011. 'When Civil Wars Recur: Conditions for Durable Peace after Civil Wars: When Civil Wars Recur'. *International Studies Perspectives* 12(2): 171–89.

Deitelhoff, Nicole. 2009. 'The Discursive Process of Legalization: Charting Islands of Persuasion in the ICC Case'. *International Organization* 63(1): 33–65.

Deiwiks, Christa, Lars-Erik Cederman, and Kristian Skrede Gleditsch. 2012. 'Inequality and Conflict in Federations'. *Journal of Peace Research* 49(2): 289–304.

Dixon, Jeffrey. 2009. 'What Causes Civil Wars? Integrating Quantitative Research Findings'. *International Studies Review* 11(4): 707–35.

Drazanova, Lenka. 2019. 'Historical Index of Ethnic Fractionalization Dataset (HIEF)'. https://doi.org/10.7910/DVN/4JQRCL.

Duursma, Allard. 2017. 'Partnering to Make Peace: The Effectiveness of Joint African and Non-African Mediation Efforts'. *International Peacekeeping* 24(4): 590–615.

Duursma, Allard, and Feike Fliervoet. 2021. 'Fueling Factionalism? The Impact of Peace Processes on Rebel Group Fragmentation in Civil Wars'. *Journal of Conflict Resolution* 65(4): 788–812.

Ezcurra, Roberto. 2015. 'Fiscal Decentralization and Internal Conflict: An Empirical Investigation'. *Environment and Planning C: Government and Policy* 33(3): 580–600.

Fearon, James D. 2004. 'Why Do Some Civil Wars Last So Much Longer than Others?' *Journal of Peace Research* 41(3): 275–301.

Finnemore, Martha, and Stephen J. Toope. 2001. 'Alternatives to "Legalization": Richer Views of Law and Politics'. *International Organization* 55(3): 743–58.

Fontana, Giuditta, and Ilaria Masiero. 2022. 'Beyond Reassurance: The Reputational Effect of Cultural Reforms in Peace Agreements'. *Government and Opposition*: 1–23.

Forster, Robert. 2020. *Interim Governance Arrangements in Post-Conflict and Fragile Settings*. International Institute for Democracy and Electoral Assistance (International IDEA). https://www.idea.int/publications/catalogue/interim-governance-arrangements-post-conflict-and-fragile-settings (April 13, 2022).

Fortna, Virginia Page. 2003. 'Scraps of Paper? Agreements and the Durability of Peace'. *International Organization* 57(2): 337–72.

———. 2004. *Peace Time. Cease-Fire Agreements and the Durability of Peace*. Princeton; Oxford: Princeton University Press.

Ghai, Yash. 2000. *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-Ethnic States*. Cambridge.

Gopalan, Sandeep. 2007. 'India-Pakistan Relations: Legalization and Agreement Design'. *Vanderbilt Journal of Transnational Law* 40(3): 687–726.

Guzman, Andrew T. 2008. *How International Law Works: A Rational Choice Theory*. Oxford [UK] ; New York: Oxford University Press.

Hale, Henry E. 2004. 'Divided We Stand: Institutional Sources of Ethnofederal State Survival and Collapse'. *World Politics* 56(2): 165–93.

Hall, Nina, and Åsa Persson. 2018. 'Global Climate Adaptation Governance: Why Is It Not Legally Binding?' *European Journal of International Relations* 24(3): 540–66.

Hartzell, Caroline A. 1999. 'Explaining the Stability of Negotiated Settlements to Intrastate Wars'. *The Journal of Conflict Resolution* 43(1): 3–22.

Hartzell, Caroline, and Matthew Hoddie. 2007. Crafting Peace *Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars*. Pennsylvania: Penn State University Press.

———. 2020. *Power Sharing and Democracy in Post-Civil War States*. Cambridge: Cambridge University Press.

Hartzell, Caroline, Matthew Hoddie, and Donald Rothchild. 2001a. 'Stabilizing the Peace After Civil War: An Investigation of Some Key Variables'. *International Organization* 55(1): 183–208.

———. 2001b. 'Stabilizing the Peace after Civil War: {An} Investigation of Some Key Variables'. *International Organization* 55(1): 183.

Hegre, Håvard, Lisa Hultman, and Håvard Mokleiv Nygård. 2019. 'Evaluating the Conflict-Reducing Effect of UN Peacekeeping Operations'. *Journal of Politics* 81(1): 215–32.

Högbladh, Stina. 2011. 'Peace Agreements 1975-2011 - Updating the UCDP Peace Agreement Dataset'. In *States in Armed Conflict 2011*, Uppsala University: Department of Peace and Conflict Research Report} 99, eds. Therése Petterson and Lotta Themnér. Uppsala.

Ishiyama, John, and Ibrahim Shliek. 2020. 'Rethinking the Relationship between Inclusive Institutions and Political Violence'. *Nationalism and Ethnic Politics* 26(3): 240–59.

Joshi, Madhav. 2014. 'Post-Accord Political Violence, Elections, and Peace Processes: Evidence from Nepal'. *Civil Wars* 16(3): 276–99.

Joshi, Madhav, and J. Michael Quinn. 2015. 'Is the Sum Greater than the Parts? The Terms of Civil War Peace Agreements and the Commitment Problem Revisited'. *Negotiation Journal* 31(1): 7–30.

Keil, Soeren, and Allison McCulloch, eds. 2021. *Power-Sharing in Europe: Past Practice, Present Cases, and Future Directions*. Cham: Springer International Publishing.

Kelly, Brighid Brooks. 2019. *Power-Sharing and Consociational Theory*. Cham, Switzerland: Palgrave Macmillan.

Kincaid, J., Robert Fishburne, Richard Rogers, and Brad Chissom. 1975. 'Derivation Of New Readability Formulas (Automated Readability Index, Fog Count And Flesch Reading Ease Formula) For Navy Enlisted Personnel'. *Institute for Simulation and Training*. https://stars.library.ucf.edu/istlibrary/56.

King, Elisabeth, and Cyrus Samii. 2020. *Diversity, Violence, and Recognition*. Oxford: Oxford University Press.

Krause, Jana, Werner Krause, and Piia Bränfors. 2018. 'Women's Participation in Peace Negotiations and the Durability of Peace'. *International Interactions* 44(6): 985–1016.

Lake, David A, and Donald Rothchild. 2005. 'Territorial Decentralization and Civil War Settlements.' In *Sustainable Peace. Power and Democracy after Civil Wars*, eds. Philip G Roeder and Donald Rothchild. New York, 109–32.

Lapidoth, Ruth. 1997. *Autonomy. Flexible Solutions to Ethnic Conflicts*. Washington, D.C.: United States Institute of Peace Press.

Linos, Katerina, and Tom Pegram. 2016. 'The Language of Compromise in International Agreements'. *International Organization* 70(3): 587–621.

Lounsbery, Marie Olson, and Karl DeRouen Jr. 2018. 'The Roles of Design and Third Parties on Civil War Peace Agreement Outcomes'. *Peace & Change* 43(2): 139–77.

Neudorfer, Natascha S., Ulrike G. Theuerkauf, and Stefan Wolff. 2020. 'Territorial Self-Governance and Proportional Representation: Reducing the Risk of Territory-Centred Intrastate Violence'. *Territory, Politics, Governance*: 1–23.

NLB Colombia, and PA-X. 2016. 'Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace (2016)'. https://www.peaceagreements.org (February 9, 2022).

Nordquist, Kjell-Åke. 1998. 'Autonomy as a Conflict-Solving Mechanism-an Overview'. In *Autonomy. Applications and Implications*, ed. Markku Suksi. Dordrecht.

North, Douglass C. 1990. *Institutions, Institutional Change and Economic Performance*. 1st ed. Cambridge: Cambridge University Press.

Petterson, Therése. 2021. 'UCDP/PRIO Armed Conflict Dataset Codebook (v 21.1)'. ucdp.uu.se/downloads.

Pettersson, Therése et al. 2021. 'Organized Violence 1989–2020, with a Special Emphasis on Syria'. *Journal of Peace Research* 58(4): 809–25.

Pickering, Jonathan, Jeffrey S McGee, Sylvia I Karlsson-Vinkhuyzen, and Joseph Wenta. 2019. 'Global Climate Governance Between Hard and Soft Law: Can the Paris Agreement's "Crème Brûlée" Approach Enhance Ecological Reflexivity?' *Journal of Environmental Law* 31(1): 1– 28.

Prorok, Alyssa K, and Deniz Cil. 2021. 'Cheap Talk or Costly Commitment? Leader Statements and the Implementation of Civil War Peace Agreements'. *Journal of Peace Research*: 00223433211037130.

Rajamani, Lavanya. 2016. 'The 2015 Paris Agreement: Interplay Between Hard, Soft and Non-Obligations'. *Journal of Environmental Law* 28(2): 337–58.

Schneckener, Ulrich. 2002. 'Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation'. *Journal of Peace Research* 39(2): 203–28.

Schulte, Felix. 2020. *Peace Through Self-Determination: Success and Failure of Territorial Autonomy*. Cham: Palgrave Macmillan.

Schulte, Felix, and Christoph Trinn. 2022. 'Self-Rule and Intrastate Conflict Risk in Divided Societies: A Configurational Analysis of Consociational Institutions'. *Swiss Political Science Review* 28(3): 413–32.

Shahshahani, Sepehr. 2007. 'Politics under the Cover of Law. Can International Law Help Resove the Iran Nuclear Crisis?' *Boston University International Law Journal* 25(369): 369– 426.

Siroky, David S., and John Cuffe. 2015. 'Lost Autonomy, Nationalism and Separatism'. *Comparative Political Studies* 48(1): 3–34.

Smidt, Hannah M. 2020. 'United Nations Peacekeeping Locally: Enabling Conflict Resolution, Reducing Communal Violence'. *Journal of Conflict Resolution* 64(2–3): 344–72.

Stedman, Stephen John, Donald S. Rothchild, and Elizabeth M. Cousens, eds. 2002. *Ending Civil Wars: The Implementation of Peace Agreements*. Boulder, Colo: Lynne Rienner.

Steenkamp, Christina. 2011. 'In the Shadows of War and Peace: Making Sense of Violence after Peace Accords'. *Conflict, Security & Development* 11(3): 357–83.

Sundberg, Ralph, and Erik Melander. 2013. 'Introducing the UCDP Georeferenced Event Dataset'. *Journal of Peace Research* 50(4): 523–32.

Toft, Monica Duffy. 2010. 'Ending Civil Wars: A Case for Rebel Victory?' *International Security* 34(4): 7–36.

Trinn, Christoph, and Felix Schulte. 2020. 'Untangling Territorial Self-Governance–New Typology and Data'. *Regional and Federal Studies*: 1–25.

Trinn, Christoph, and Thomas Wencker. 2021. 'Integrating the Quantitative Research on the Onset and Incidence of Violent Intrastate Conflicts'. *International Studies Review*: 1–41.

Walsh, Dawn. 2018. *Territorial Self-Government as a Conflict Management Tool*. Cham: Springer International Publishing. http://link.springer.com/10.1007/978-3-319-77234-9.

Walter, Barbara F. 1997. 'The Critical Barrier to Civil War Settlement'. *International Organization* 51(3): 335–64.

Walter, Barbara F. 2004. 'Does Conflict Beget Conflict? Explaining Recurring Civil War'. *Journal of Peace Research* 41(3): 371–88.

Weller, Marc, and Stefan Wolff. 2005. *Autonomy, Self-Governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. Routledge.

Wilson, Chris. 2017. 'Ideological Motives in Spoiler Violence: Postconflict Assam, Northeast India'. *Nationalism and Ethnic Politics* 23(3): 280–96.

Wolff, Stefan. 2013. 'Conflict Management in Divided Societies: The Many Uses of Territorial Self-Governance'. *International Journal on Minority and Group Rights* 20(1): 27–50.

WorldBank. 2022. 'World Bank Open Data'. https://databank.worldbank.org/.

Xue, Yishu, and Elizabeth D. Schifano. 2017. 'Diagnostics for the Cox Model'. *Communications for Statistical Applications and Methods* 24(6): 583–604.

Appendix

Figure 1A: Distribution of Legalization-Scores across world regions

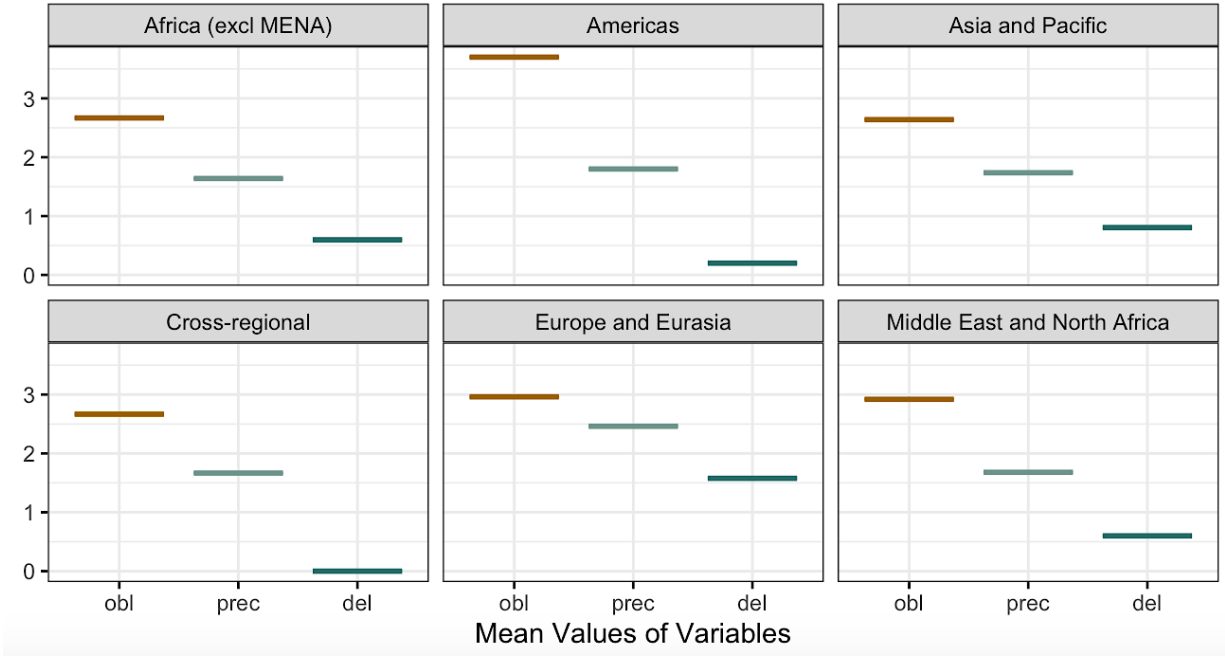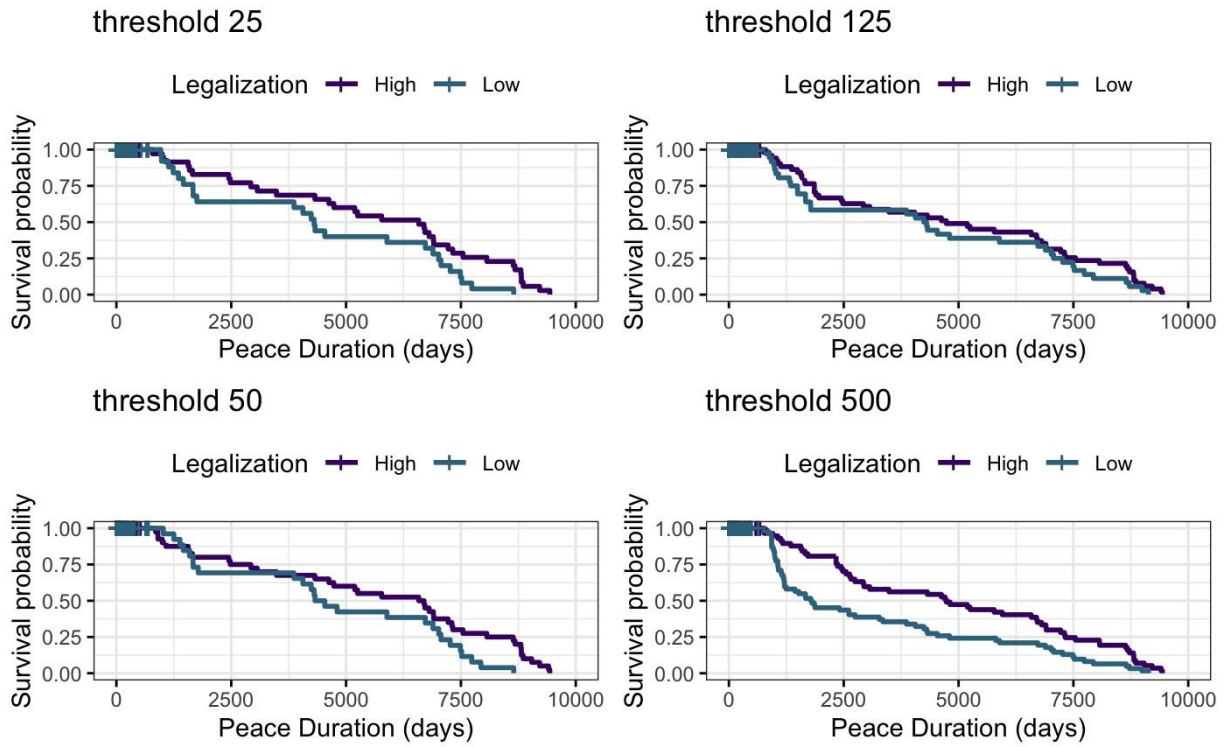*Figure 2A: Kaplan-Meier curve with different conflict-thresholds (Legalization low and high)*

threshold 25

threshold 125

threshold 50

threshold 500

Figure 3A: Kaplan-Meier curves with different conflict-thresholds (Legalization low, medium and high)
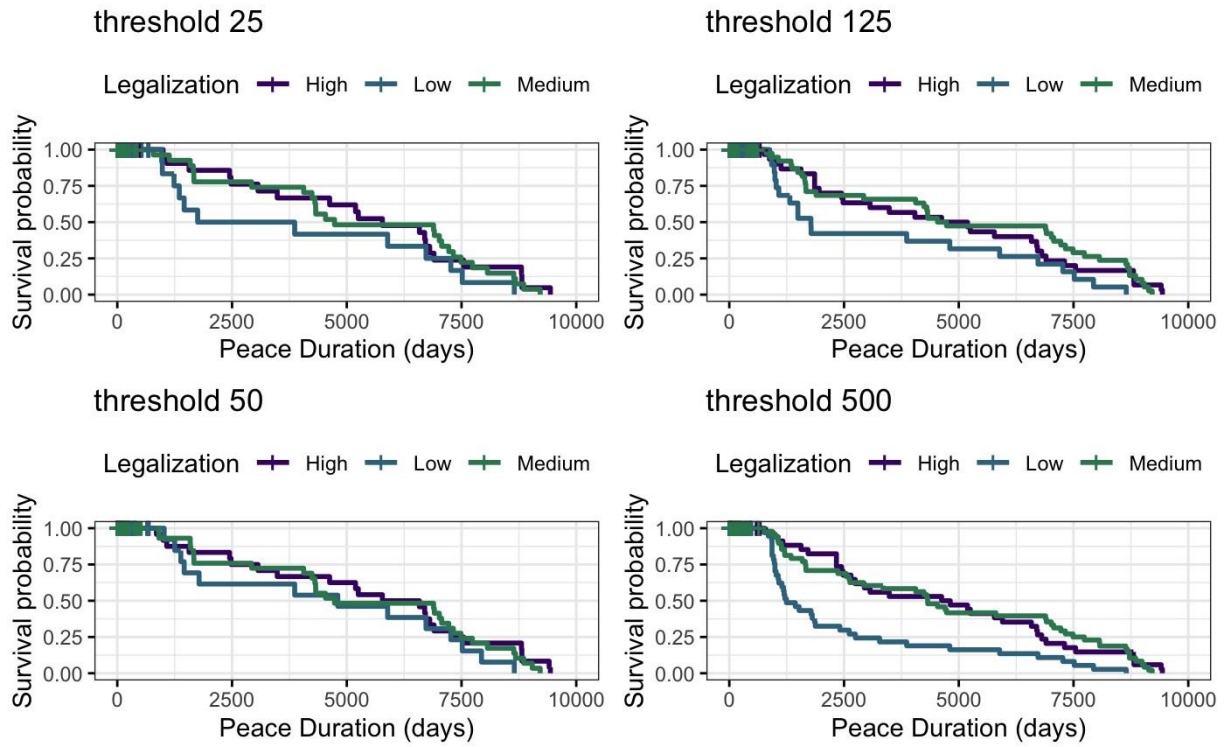
Table 1A: Regression results (clustered)

	(1)	(2)	(3)	(4)	(5)
Legalization_lhlow	0.693**	0.692**	0.654**	0.598**	0.721**
	(0.224)	(0.243)	(0.238)	(0.230)	(0.242)
Conflict_intensity	-0.704*	-0.928*	-1.139**	-1.095*	-0.776*
	(0.259)	(0.306)	(0.311)	(0.346)	(0.292)
Economic_Inequality	0.208+	0.089	0.609+	0.322	0.185
	(0.122)	(0.144)	(0.218)	(0.222)	(0.131)
GDP p.c (log)	0.001	0.001	0.001	0.001	0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Population Size (log)	0.410+	0.562+	0.904*	0.528*	0.395+
	(0.139)	(0.200)	(0.244)	(0.180)	(0.143)
Duration until agreement		0.000**	0.000***		
		(0.000)	(0.000)		
Ethnic Fractionalization		-0.160			
		(0.671)			
Democracy			-3.704*		
			(1.202)		
N previous agreements				0.067**	
				(0.020)	
Rule of law				-0.895	
				(0.954)	
Intern Signatories					-0.083
					(0.422)
Readability					-0.012
					(0.029)
Num.Obs.	150	135	141	150	135
RMSE	0.86	0.81	0.75	0.83	0.88

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table 2A: Regression results (only non-interim accords)

	(1)	(2)	(3)	(4)	(5)
Legalization_Index	-2.499***	-2.451**	-2.684***	-2.062**	-2.854***
	(0.758)	(0.804)	(0.790)	(0.734)	(0.844)
Conflict_intensity	-0.668*	-0.893**	-1.181***	-0.940*	-0.801*
	(0.287)	(0.339)	(0.356)	(0.371)	(0.326)
Economic_Inequality	0.218+	0.343+	0.692**	0.257	0.179
	(0.125)	(0.188)	(0.247)	(0.226)	(0.140)
GDP p.c (log)	0.001*	0.002*	0.001	0.001	0.001+
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Population Size (log)	0.604***	0.643**	1.096***	0.652**	0.622***
	(0.177)	(0.244)	(0.286)	(0.203)	(0.186)
Duration until agreement		0.000**	0.000***		
		(0.000)	(0.000)		
Ethnic Fractionalization		1.566			
		(1.088)			
Democracy			-3.713**		
			(1.366)		
N previous agreements				0.069**	
				(0.022)	
Rule of law				-0.370	
				(1.000)	
Intern Signatories					0.194
					(0.509)
Readability					-0.053
					(0.038)
Num.Obs.	121	108	112	121	106
RMSE	0.88	0.77	0.72	0.85	0.85

$+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001$

Table 3A: Regression results (only comprehensive accords)

	(1)	(2)	(3)	(4)	(5)
Legalization_Index	-0.505	0.224	-0.375	-1.164	-0.386
	(1.060)	(1.247)	(1.231)	(1.178)	(1.172)
Conflict_intensity	-0.656+	-1.289**	-1.621***	-0.715	-1.208*
	(0.364)	(0.480)	(0.488)	(0.503)	(0.489)
Economic_Inequality	0.342+	0.423	0.946**	0.178	0.204
	(0.194)	(0.282)	(0.344)	(0.306)	(0.243)
GDP p.c (log)	0.000	-0.001	0.000	0.001	0.001
	(0.001)	(0.002)	(0.002)	(0.001)	(0.001)
Population Size (log)	0.360+	0.499	0.994**	0.366	0.212
	(0.209)	(0.314)	(0.366)	(0.249)	(0.224)
Duration until agreement		0.000***	0.000***		
		(0.000)	(0.000)		
Ethnic Fractionalization		-0.002			
		(0.975)			
Democracy			-4.279*		
			(1.913)		
N previous agreements				0.138*	
				(0.055)	
Rule of law				0.393	
				(1.410)	
Intern Signatories					0.298
					(0.530)
Readability					-0.141*
					(0.061)
Num.Obs.	78	68	72	78	68
RMSE	0.74	0.64	0.61	0.76	0.75

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table 4A: Regression results (only high-risk cases)

|	(1)	(2)	(3)	(4)	(5)
Legalization_Index	-1.507+	-1.381+	-1.544+	-0.926	-1.628+
	(0.798)	(0.827)	(0.811)	(0.779)	(0.842)
Economic_Inequality	0.159	-0.302	0.664+	0.535+	0.142
	(0.132)	(0.215)	(0.343)	(0.287)	(0.142)
GDP p.c (log)	0.001+	0.001	0.001	0.001	0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Population Size (log)	0.235	0.390	0.776**	0.423*	0.212
	(0.149)	(0.253)	(0.298)	(0.215)	(0.155)
Duration until agreement		0.000***	0.000***		
		(0.000)	(0.000)		
Ethnic Fractionalization		-1.360			
		(0.987)			
Democracy			-4.310*		
			(1.685)		
N previous agreements				0.096***	
				(0.023)	
Rule of law				-1.944+	
				(1.144)	
Intern Signatories					0.211
					(0.618)
Readability					-0.043
					(0.037)
Num.Obs.	92	86	89	92	86
RMSE	0.86	0.79	0.76	0.81	0.83

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table 5A: Regression results (only high-risk cases)

	(1)	(2)	(3)	(4)	(5)
Legalization_Index	-2.084*	-2.219**	-2.524**	-1.399+	-2.129*
	(0.847)	(0.857)	(0.865)	(0.830)	(0.933)
Economic_Inequality	0.240+	0.320+	0.939**	0.628+	0.176
	(0.129)	(0.191)	(0.315)	(0.324)	(0.145)
GDP p.c (log)	0.001	0.001+	0.000	0.000	0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Population Size (log)	0.481**	0.416	1.082***	0.564*	0.477*
	(0.185)	(0.263)	(0.279)	(0.223)	(0.187)
Duration until agreement		0.000**	0.000**		
		(0.000)	(0.000)		
Ethnic Fractionalization		2.267+			
		(1.270)			
Democracy			-5.205**		
			(1.632)		
N previous agreements				0.093***	
				(0.023)	
Rule of law				-1.844	
				(1.292)	
Intern Signatories					-0.237
					(0.567)
Readability					-0.069
					(0.042)
Num.Obs.	78	74	75	78	69
RMSE	0.89	0.80	0.77	0.81	0.87

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Figure: 4A: Regression results (conflict intensity)
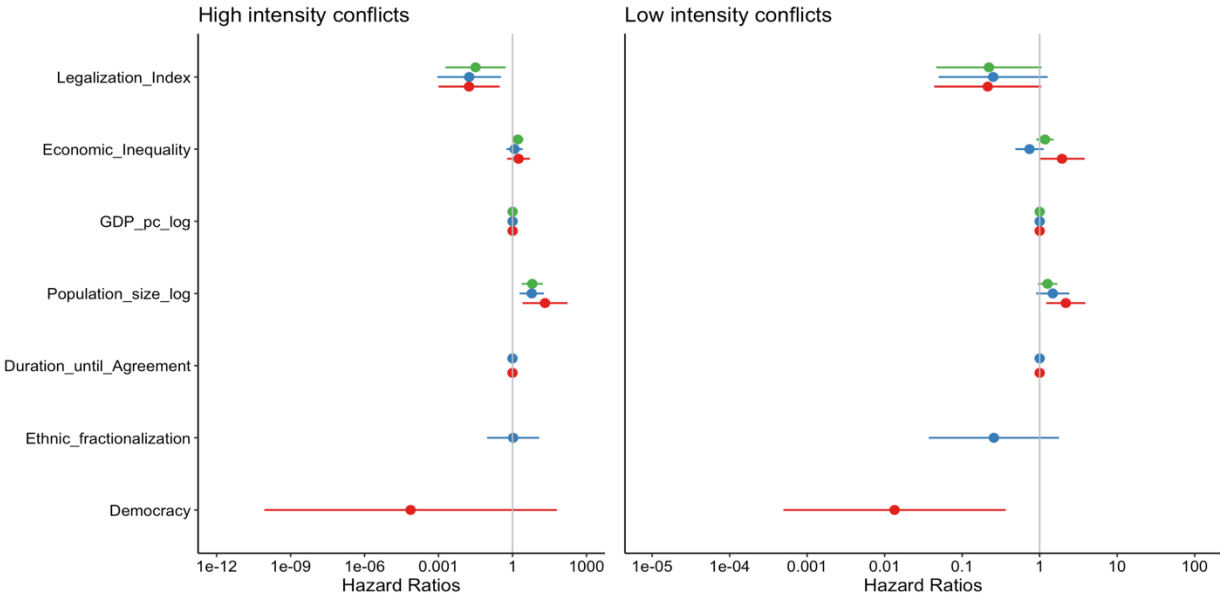
N.B. High-intensity cases include all TA with previous conflict intensity = 1 (see codebook), 0 otherwise.