

INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

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norms and that applying an “either/or” approach concerning their influence is wrong.⁴³

Second, the reasons for such a change in beliefs and practices have varied among countries, and no single factor explains the support for the norm among a particular grouping of states.⁴⁴ These factors include the perceived relationship between territorial aggrandizement and major international wars, the power relations between possible territorial aggressors and the major powers supporting the norm, the costs and benefits of territorial aggrandizement, and moral predispositions concerning territorial aggression. Although we can speculate about the relative importance of specific factors, providing definitive conclusions about the weight of each is difficult when the factors have generally pressured states in the same direction. It appears that the coincidence of several factors has been crucial for both the Western and the developing states’ backing of the norm.

Among the *Western industrialized states*, the *association of territorial revisionism with major wars* was the central driving force that led these states after World Wars I and II to advocate a prohibition of coercive territorial revisionism. The key international affirmations of the norm were after the world wars in 1919 and 1945 and at the 1975 Helsinki conference whose central purpose was the prevention of a major war between the Western and Soviet alliances. Territorial aggrandizement was not the central motivation of the key antagonists in World War I, but it played a part in states’ participation and the postwar settlements. Also, attempts to promote national self-determination and hence border changes exacerbated feelings of international hostility after World War I, and this made many states wary of this justification for territorial revisionism. To quote Michael Howard, “The Mazzinian doctrine, that peace could result only from national self-determination, had left its followers in disarray. It had caused chaos at the Paris peace conference, and it was increasingly clear that this mode of thought lent itself far more readily to right-wing authoritarianism . . . than it did to any form of parliamentary democracy.”⁴⁵

⁴³ See Nadelmann 1990; Finnemore 1996; Finnemore and Sikkink 1999; Jackson 1993; and Ruggie 1999.

⁴⁴ The Soviet bloc is not specifically discussed in this section. It was generally supportive of existing boundaries because it wanted to legitimize the Eastern European boundaries that were established in 1945. Like the Western powers it occasionally supported territorial revisionism for Cold War reasons, for example, Afghanistan-Pakistan, 1961; and Indonesia-Malaysia, 1963–65.

⁴⁵ Howard 1978, 95.

The fear of territorial aggrandizement as a cause of major war was exacerbated by World War II because the origins of the war lay significantly in German and Japanese territorial ambitions. The Western states came to fear the right of national self-determination, and particularly the right to unite national compatriots in different states, since it encouraged territorial irredentism and xenophobic nationalism.⁴⁶ ***

Because Western countries' support for democratic political institutions grew during the development of the norm,⁴⁷ it is important to ask whether their *liberal democratic ethos* influenced their acceptance of the territorial integrity norm. This question involves considering the reasons why democratic states might eschew wars of territorial aggrandizement, the views of democratic leaders, and democratic and non-democratic states' patterns of territorial aggrandizement. The key factor that has probably influenced democratic states' opposition to territorial aggrandizement is touched on in John Owen's study concerning the democratic peace in which he notes that "liberalism as a system of thought" is particularly attached to "self-legislation or self-government" and "self-determination."⁴⁸ It is these values that have shaped the policies of democratic leaders toward coercive territorial revisionism.

In the late stages of World War I President Wilson commented that "no right exists anywhere to hand peoples about from sovereignty to sovereignty without their consent,"⁴⁹ and Prime Minister David Lloyd remarked that any territorial changes had to be based on "the consent of the governed."⁵⁰ If the citizens of liberal states adhered to this principle of not imposing a new government on people by force, they would definitely be opposed to using force to change interstate boundaries – unless possibly a liberal state sought to assist the secession of a national minority in a foreign country. However, the dangers of supporting

⁴⁶ See Cobban 1969; Mayall 1990; and Franck 1990, 155–74. The destructiveness of past territorial wars also encouraged Latin American states to oppose territorial revisionism. Holsti 1996, 150–84.

⁴⁷ Michael Doyle has noted that the number of liberal states grew from three in 1800; to eight in 1850; thirteen in 1900; twenty-nine in 1945; and forty-nine in 1980. Doyle 1996, 56. With recent changes in Eastern Europe, Latin America, and Asia the number is now considerably higher.

⁴⁸ Owen 1997, 32. Malcolm Anderson has identified another influence on liberal democrats' support for the sanctity of boundaries – namely, that established boundaries are "essential for ordered constitutional politics." Anderson 1996, 8. For a discussion of institutional and cultural factors that have influenced the democratic zone of peace, see Russett et al. 1993.

⁴⁹ Korman 1996, 136.

⁵⁰ Lloyd George 1936, 1524–26.

national secessionist groups have been clearly recognized by liberal democratic states. While self-determination for ethnic groups is at times viewed sympathetically by liberals, it is “trumped” by their recognition that the logical outcome of allowing self-determination for every national group would be continual warfare. Self-determination has had to be compromised in the pursuit of physical security, which is itself necessary for individuals’ realization of liberty. * * *

The proclivity of democratic states to eschew territorial aggrandizement is reflected in their evolving practices regarding territorial annexations at the end of the world wars and in their colonial policies. At the end of World War I, the Triple Entente states and their democratic allies gained little territory. Britain and the United States, whose President Wilson led the fight for “no annexations,” did not establish sovereignty over any new territories, and France only *reestablished* sovereignty over Alsace-Lorraine. Among the smaller allies, Belgium obtained a small border area from Germany; Denmark secured two-thirds of Schleswig-Holstein from Germany as a result of a referendum; and Italy and Greece obtained small, but strategic, territories from Austria and Bulgaria. The Italian and Greek gains might be explained by the relatively new and unstable character of their democratic regimes, which collapsed in the interwar period.⁵¹ France, Britain, Australia, and New Zealand (as well as Japan and South Africa) secured League mandates that previously belonged to the defeated powers, and while there was no obligation to bring them to independence, there was an implicit responsibility to move in this direction for the A mandates and to a lesser extent the B mandates as well.⁵² Some signs of a new normative orientation on territorial issues were present in the policies of the victorious democratic states at the end of World War I, but the old order that sanctioned annexations and colonialism still had a significant influence. As happened with the expansion of the voting franchise in the Western states, progress in promoting liberal democratic values about territorial revisionism occurred in stages.

In the case of the settlements at the end of World War II, no Western power achieved territorial control over new areas (except UN trusteeships that they were to prepare for independence),⁵³ whereas the authoritarian Soviet Union obtained sovereign control over significant areas

⁵¹ Gleditsch and Ward 2000.

⁵² See Howard 1978, 83–84; and Lyons 2000, 302–12. One clearly authoritarian ally of the Triple Entente was Romania, and it gained considerable territory.

⁵³ Claude 1964, 285–302.

in eastern Europe as well as some of Japan's northern islands. The democratic Western European states still clung to the legitimacy of colonial empires through the immediate post-World War II years, but by the 1950s they had all committed themselves to decolonization. However, the authoritarian regimes in Portugal and Spain resisted granting independence to their colonies until their democratic transformations in 1974. Granting the right of self-determination to colonies flowed from the very same ideational source as did opposition to violent territorial revisionism – namely, a liberal democratic belief that it is wrong to impose rule on the people of another juridical state or a part thereof. ***

The reluctance of democratic states to engage in territorial aggrandizement is also seen in their infrequent territorial aggressions since World War I. Between 1919 and 1945 there were twenty territorial wars; the only democratic state to achieve territorial gains was Poland in 1922, and its democratic government did not have deep social roots, as the 1926 *coup d'état* indicated.⁵⁴ Since 1945 the only territorial wars that have been initiated by democratic states have been India's absorption of the Portuguese colony of Goa in 1961, Israel's invasion of three Arab neighbors in 1967 following Arab sabre rattling, and Ecuador's invasion of Peru in 1995.⁵⁵ The other thirty-seven territorial aggressions have been by nondemocratic states.

In dwelling on whether the association of territorial revisionism and major war or a liberal respect for other states is the crucial factor that shaped Western states' support for the territorial integrity norm, it is interesting to ask what might have happened if the other factor had not been present. First, if democracy had not grown steadily in the Western world during the twentieth century, would the Western states have opted for the sanctity of states' borders because of the linking of territorial revisionism and major war? They might have adopted this strategy after the carnage of the two world wars, but it is problematic whether the policy would have endured without a moral belief that other juridical states deserved their respect. After all, the Western states did not support the territorial integrity norm following major wars prior to the twentieth

⁵⁴ See Table 12.1a; and Holsti 1991, 213–42. On the war proneness of new and unstable democratic states, see Gleditsch and Ward 2000.

⁵⁵ Huth found that of forty-one territorial disputes occurring between 1950 and 1990, the only one where a state with fifteen years of democratic rule was the challenger was the Indian invasion of Goa. Huth 1996, 136–37. Mitchell and Prins found that of the ninety-seven territorial “militarized disputes” occurring between 1815 and 1992, only two were between well-established democracies; and these two occurred between 1945 and 1992. Mitchell and Prins 1999.

century (for example, the Thirty Years' War and the Napoleonic Wars). Second, if territorial revisionism had not been a very important cause of major wars, would the democratic states have come down strongly for a prohibition against coercive territorial revisionism? Again, it is doubtful (probably more doubtful) because without a fear that territorial revisionism could lead to regional or world wars, they probably would have opted for the right of self-determination for all ethnic or national groups. Liberal states were clearly influenced to support the right of self-determination *for juridical states*, and hence the territorial integrity norm, because warfare was so horrific in the twentieth century. Indicative of this perspective is a provision in President Wilson's first draft of the League Covenant: "The parties accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary."⁵⁶ A fear of a major war and a liberal democratic respect for other juridical states clearly have a symbiotic relationship that has motivated these countries to support the territorial integrity norm, and it is highly problematic whether the norm would have achieved the strength it has if both factors had not been present.

In considering the support for the territorial integrity norm by *non-Western or developing states*, we must first recognize that most of them have not experienced very destructive territorial wars in recent centuries and have not had liberal democratic governments in the postwar era. Their backing of the norm generally stems from the existence of *ethnic groups that overlap borders and can provoke territorial irredentism, the military weakness of many developing states vis-à-vis their neighbors, and their weakness vis-à-vis Western supporters of the norm*. However, changing economic costs and benefits of territorial aggrandizement have undoubtedly had an influence in recent decades.

Among developing states, many (especially in Africa) have feared territorial aggressions because of the likelihood of irredentist claims resulting from ethnic groups' overlapping borders and their own military weakness.⁵⁷ These developing states made sure that the 1960 UN Declaration on Granting Independence to Colonial Territories and Countries established that the peoples of existing colonial territories, not ethnic groups, are eligible for self-determination and that the territorial integrity of all states should be respected.⁵⁸ Through regional organizations

⁵⁶ Miller 1928, 23 (Art. 3).

⁵⁷ See Jackson 1990; and Touval 1972.

⁵⁸ Declaration on the Granting of Independence to Colonial Countries and Peoples, UNGA res. 1514, 1960.

and the UN, the African, Middle Eastern, and Latin American states have also been very active in opposing territorial aggrandizement and secessionist movements (for example, Biafra) and in securing great power backing through concerted diplomatic advocacy.

Another concern that has been (and still is) very important in promoting support of the territorial integrity norm among developing states is their recognition that they will probably meet strong Western opposition if they embark on territorial aggression. In the Cold War the Western states provided assistance to their many allies in the developing world if they were subject to territorial revisionist threats or attacks. Good examples are South Korea in 1950, Kuwait in 1961 (a threat of invasion from Iraq), and Malaysia in 1963. In addition, the Western states generally opposed their allies when they pursued territorial expansionism.⁵⁹ *** In a few cases, such as South Korea in 1950 and Kuwait in 1990, the Western powers actually sent significant military forces to repel invasions. And in Eastern Europe the NATO countries bombed Serb forces as part of their attempt to promote respect for the boundaries of Bosnia and Croatia. If it had not been for the Western democratic powers' (and especially the United States') willingness to employ their military and economic leverage in many territorial wars over the entire post-1945 era, the norm against coercive territorial revisionism would not have been sustained. However, the Western powers could not have enforced the norm in the developing world without the backing of the great majority of non-Western states. A crucial factor in the strength of the territorial integrity norm in the developing world is the coincidence of most developing states' opposition to coercive territorial revisionism and the willingness of the Western states to use their power to reverse territorial aggressions.

In addition to the aforementioned international conditions and beliefs sustaining the prohibition against coercive territorial change, scholars have observed that a number of *economic trends reduce the benefits and increase the costs of coercive territorial revisionism*. These trends have undoubtedly had an important impact on strengthening support for the norm in recent decades, but it is doubtful whether they could be regarded as important factors in securing its diplomatic acceptance between World War I and the 1960s. These economic trends influence why states are less

⁵⁹ In a few cases the Western powers backed territorial revisionism for strategic reasons related to the Cold War. They favored the absorption of the Spanish Sahara by Morocco and Mauritania and East Timor by Indonesia in 1975 prior to their independence because of the political orientation of their independence movements during the Cold War.

motivated to pursue territorial aggrandizement themselves, not why they would oppose such actions by other states.

First, the declining value of land as a factor of production in modern economies means that the conquest of foreign territory no longer brings the same benefits that it did in the pre-industrial era. Robert Gilpin has observed that a state can now gain more “through specialization and international trade” than it can “through territorial expansion and conquests.”⁶⁰ This is clearly true, but land has been viewed by some countries in the twentieth century as quite valuable. It was certainly viewed as valuable by Germany and Japan in the 1930s and 1940s – a time when the territorial integrity norm was beginning to attract strong support. Today the accomplishments of countries such as South Korea and Singapore are leading to a recognition that economic development depends first and foremost on human skills and not on control of territory; but this recognition has not been strong enough, and it did not come soon enough in this century, to be seen as a crucial factor in driving broad acceptance of the territorial integrity norm.

Second, some scholars argue that the occupation of foreign territory is more difficult and costly in an era of national consciousness, and therefore states are less prone toward territorial expansionism.⁶¹ This view is true in many circumstances, but as Peter Lieberman’s study has pointed out, the occupation of foreign territories can be beneficial as long as the occupying states do not meet large-scale military resistance and are willing to use considerable force to suppress local populations.⁶² In World War II foreign occupiers were certainly willing to adopt such policies of suppression. We should also recognize that quite a few cases of potential territorial revisionism today concern a desire to unite ethnic brethren in different countries, and in this case the problem of needing to suppress local populations would not exist.

Finally, some political observers adopt a traditional liberal stance that war generally, and territorial wars in particular, are increasingly being rejected in this century because they disrupt valuable economic interdependencies.⁶³ This hypothesis is true to a degree. However, such interdependencies were not adequate to deter major wars throughout most of this century. In fact, such interdependencies were quite strong

⁶⁰ See Gilpin 1981, 125, 132; and Kaysen 1990, 54.

⁶¹ See Deutsch 1953; Kaysen 1990, 53; and Lieberman 1996.

⁶² Lieberman 1996.

⁶³ See Rosecrance 1986 and 1996; and Zacher and Matthew 1995, 124–26.

in 1914.⁶⁴ Their impacts are certainly stronger at the end of the twentieth century as a result of the recent growth of international economic transactions, but they are unlikely to assure a rejection of coercive territorial revisionism by the majority of countries. For one thing, many states are highly interdependent with a relatively small number of other states (often not including contiguous states), and wars with most countries would not have major impacts on their commercial interactions.

Another way to reflect on the roots of the territorial integrity norm is to look at what has happened to the major incentives for territorial aggrandizement: the search for economic gains, the search for strategic gains, and the protection of national brethren. In the case of a striving for *economic gain*, the benefits of territorial aggression are much lower now since land alone does not provide the resources it once provided when agricultural production was a central source of wealth. Also, the economic costs of occupying land inhabited by a different ethnic group can be very high.

The use of territorial aggrandizement to achieve *strategic gain*, or an improvement in a state's relative power, has concerned the occupation of territories well situated for launching military operations, the exploitation of captured land as a source of national wealth, and the unification of ethnic brethren in other countries so as to increase the state's population base. Having strategically located territory is less important now than it once was because of the mobility of planes, missiles, and ships – in our technologically advanced era, land provides less power potential than it once did. Finally, increasing the population base of loyal nationals still gives a state more power, but in this case an expansionist state would have to meet the costs of international opposition.

The final motivation for territorial aggrandizement, *protecting fellow nationals*, has concerned the protection of ethnic compatriots who are being mistreated in other states and the unification of nationals in a single state. This motivation cannot be squelched, but it is much more difficult now for states to embark on attempts to protect and absorb fellow nationals in foreign states when their civil rights are respected. A central reason why the Western states have been so active in promoting minority rights (particularly through the OSCE) is that they want to remove any justification for foreign intervention and territorial aggrandizement.

⁶⁴ Thompson and Krasner 1989. Ethan Nadelmann has made an interesting comment about the demise of piracy and privateering in the seventeenth century that is relevant to the gradual strengthening of the territorial integrity norm: "The advantage to be derived from stealing from one another was giving way to the greater advantage of stable commercial relations." Nadelmann 1990, 487.

CONCLUSION

The decline of successful wars of territorial aggrandizement during the last half century is palpable. In fact, there has not been a case of successful territorial aggrandizement since 1976. Furthermore, there have been important multilateral accords in support of the norm and frequent interventions by international organizations to force states to withdraw from foreign countries.

Clearly, a central source of the norm has been the industrialized world's fear that territorial revisionism could ignite a major war that would cause great human suffering. Several scholars have observed that this revulsion against the imposition of physical pain has been central to the strengthening of a variety of security and human rights regimes.⁶⁵ The experiences of the two world wars, a general understanding of territorial revisionism's encouragement of major wars, and a fear of nuclear weapons drove the development of the territorial integrity norm at key points in its multilateral legitimization. But one cannot dismiss the ideational element of democratic values among Western, and an increasing number of non-Western, countries. The Western democratic states were the driving force behind the norm in 1919, 1945, and 1975. A recent study on the CSCE highlights the impacts of democratic values on respect for interstate borders. According to Gregory Flynn and Henry Farrell, these values orient states to the peaceful settlement of disputes and respect for the territory and institutions of other countries.⁶⁶ They also stress that democratic countries place respect for states' territorial integrity before self-determination for ethnic communities because this strategy best realizes their two values of self-governance and freedom from violence – or liberty and order. They note that “the norm of [national] self-determination was not only subordinated to the norm of inviolability of borders; it was also effectively removed as an independent principle of international relations in Europe separable from the norm of democracy.”⁶⁷ In other words, for most Western liberals, self-determination means self-governance for the peoples of juridical territorial states.

Wars of territorial aggrandizement since 1945 have, for the most part, concerned developing states' dissatisfaction with the boundaries

⁶⁵ Finnemore and Sikkink 1999, 267–68.

⁶⁶ Flynn and Farrell 1999.

⁶⁷ Flynn and Farrell 1999, 527 and *passim*. On the change in Western international practices that flow from the application of liberal democratic values, see also Adler 1998.

they inherited from the colonial powers; but these quarrels are largely coming to an end. On the whole, what is remarkable is the degree of support for the territorial order by developing countries. At the heart of their support have been their fear of territorial aggrandizement based on conflicting treaties, overlapping ethnic groups, and their military weakness; but the leverage of the Western states has also had a major impact in assuring respect for the norm. If the Western states had not backed the territorial status quo in the developing world, a good number of territorial aggressions would have succeeded, and the commitment of the developing states to the territorial integrity norm would have probably declined markedly.

One should not discount the contribution of economic trends in the strengthening of the territorial integrity norm, especially in recent decades. Of great import is the significance of a stable territorial order to the operation of the increasingly interdependent international economy: "The globalizing economy requires the backing of territorially based state power to enforce its rules."⁶⁸ At the same time there is no indication that economic discourses and economic motivations sustained the emergence of the norm – especially in the wake of the two world wars. In fact, while these economic trends have reduced states' perceptions of benefits and increased states' perceptions of costs of territorial aggrandizement, they do not account for why states are so strongly opposed to territorial aggressions by other states.

There is not a simple answer to why the territorial integrity norm has emerged as a central pillar of the international order. Different reasons were key for two major groupings of states, and the coincidence of several factors seems to have been crucial to their backing. These key factors have wrought a major change in the international territorial order. Boundaries have not been frozen, but states have been effectively proscribed from altering them by force. The multistate political and security order is clearly stronger than many political observers think in that the society of states has largely eliminated what scholars have identified as the major source of enduring rivalries and the frequency and intensity of warfare.⁶⁹

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⁶⁸ Cox 1996, 278.

⁶⁹ See Holsti 1991; Goertz and Diehl 1992; Vasquez 1993; Huth 1996; and Hensel 1999.

