

The Paradoxes of Territoriality as an International Institution

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A day hardly goes by without some academic or journalistic reference to the declining significance of territory in international relations. We see claims that territoriality is becoming "unbundled" as in the European Union (Ruggie, 1993), more "permeable, a heavy tax on commercial transactions, and superseded by "region states" (Ohmae, 1995) or other associations that transcend national frontiers. Others speak of "communities of fate" replacing or challenging traditional communities based on kinship, territory, and nationality. (Held and McGrew, 1998). When still others address the decline of the nation-state, they frequently refer not only to the state's loss of influence in the face of globalization processes, but also to the increasing irrelevance of territory as a basis of political identity and emotional attachment. Taken together, these claims suggest a fundamental transformation in international relations. The very physical basis of the state—its geographical location and attributes—no longer holds the significance of previous times.

These observations imply deviation from some standard of territoriality. But that standard is seldom defined explicitly. Is territoriality symbolized by the German–French border of 1871? Or of 1939? Or of today? State territories in the eighteenth century were much more permeable than they are generally today. Albania was virtually impenetrable just two decades ago, as is Bhutan today, but for many practical purposes the French–Italian border no longer exists. Absent some benchmarks, it is difficult to make any sort of case—except in the European Union—about an established trend of declining territoriality.

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It can be demonstrated empirically that the transparency of states has vastly increased, thanks to technological innovations such as e-mail and observational satellites. Iron curtains, as the Soviets increasingly appreciated by the 1980s, were difficult to maintain and often ineffective. The costs of rendering state territory impermeable are very high, but as the North Koreans have demonstrated, they can be both borne and reasonably effective. But even increased permeability of frontiers to ideas, people, goods, capital, crime, and diseases is not the same thing as a general decline in the institution of territoriality. By institution, we mean sets of practices, ideas, and norms that ground the state in a defined territory and help establish legal and exclusive jurisdiction within that territory. Boundaries may have indeed become more transparent but we cannot infer from this that the legal status of territory, or indeed of peoples' identification with it, has altered or declined.

Throughout history, territory has been a prime value in political life. One only needs to enumerate the number of wars that have been fought over access to, control of, or possession of territory (Holsti, 1991; Vasquez, 1993). Even quarrels over minuscule or seemingly worthless reaches of terrain (the Rann of Kutch, 1976, the 1999 war between Eritrea and Ethiopia) still occur. Ryszard Kapuscinski (1995:20) says it best:

How many victims, how much blood and suffering, are connected with this business of borders! There is no end to the cemeteries of those who have been killed the world over in the defence of borders. Equally boundless are the cemeteries of the audacious that attempted to expand their borders. It is safe to assume that half of those who have ever walked upon our planet and lost their lives in the field of glory gave up the ghost in battles begun over a question of borders.

Surely there is something afoot here that goes beyond questions of unbundling, erosion, transparency, and permeability—all phenomena related to technology rather than to ideas and emotions. Perhaps we have a major paradox here: as territories become open to external surveillance and intrusion, the value placed on them increases. As the capacity of governments to control ingress and egress diminishes, the claims to fixed territoriality as a defining characteristic of the state become more strident and fixed in law. I will present evidence suggesting that the territorial foundation of the state has never been more institutionalized than today, and that the stability of state limits has become one of the most important norms underlying and guiding the behaviour of states in their mutual relations. To get a bearing on what is changing and how these are affecting territory as an institution of international relations, we need to compare the ideas, practices, and norms relating to territory in pre-modern systems of states and empires, within the early

period of the European society of states (roughly in the eighteenth century) and in the contemporary era. We will then have some standards or benchmarks against which to measure the significance of the claims of unbundling, erosion, permeability, regionalization, and the like.

Pre-modern Territorial Conceptions and Practices

The lineal, surveyed borders that separate contemporary states are a practice of recent times. Before 1659, when France and Spain agreed in the Treaty of the Pyrenees to establish a commission to survey and mark the border between the two Bourbon states, formal boundaries between polities were rare. The territorial limits of most historical empires, traditional kingdoms and city-states, and of tribal and lineage groups were mostly "floating" zones of indeterminate extent. Traditional Chinese conceptions of territory, for example, bore little relation to those that underlie the great doctrines of contemporary international law. For them, territory was defined primarily in cultural terms. The Chinese world was one of hierarchy, with the Han civilization in the middle and the barbarians on the peripheries. Since there was constant intermingling and movement of populations, the exact location between centers and peripheries could not be established in lineal terms. Malcolm Anderson (1996:88) explains:

Imperial China... held the view that the empire had two frontiers, an inner and an outer. The latter was the limit, sometimes fanciful, of Chinese influence or, as in the steppes of central Asia, indicated the limit of temporary Chinese occupation. The outer limits of Chinese influence did not necessarily imply that the Chinese had the intention of occupying the territory up to this frontier. It was a conception of the boundaries of 'the Chinese world'.

China was typical of pre-modern polities in the sense that its rulers defined themselves primarily in terms of centers rather than peripheries. Pre-modern states did not have either the surveillance capacity to monitor what was going on in their realms or guards and other means of controlling ingress and egress. For example, the Great Wall was never a border, but rather a defensive construction and a base for controlling nomadic peoples. In neither the Roman nor Chinese walls, do we find the predecessors to modern borders. They were the outer extensions of an "in-depth" defensive system (CE., Kratochwil, 1986:35; Giddens, 1987:51). For empires, tribes, city-states, and kingdoms, then, borders were seldom demarcated, and neither power nor authority were exercised in the "marches", peripheries, or the frontier settlement areas of these

polities (CE., Anderson, 1996:79). Even polities of relatively small spatial extent rarely defined themselves by use of territorial markers.

In the historical Muslim societies, the relevant conceptions of space were religious and cultural. The contemporary notion of national boundaries has no parallel in Koranic cultures. The politically and militarily relevant dividing lines were conceived more as truce lines in the struggle between faiths. The *umma*, or Muslim religious community, is defined by faith, not by geography. Hence, if one looks at the history of the Caliphates and the Ottoman Empire, frontiers are constantly shifting from year to year and century to century as the military and proselytizing fortunes of the Muslims waxed and waned. Again, there is no parallel to modern conceptions of territoriality.

Territorial practices varied as much as conceptions. They ranged from the indifference to and irrelevance of hinterlands and wastes, where there was little to struggle about, to unlimited but temporary imperial expansion, as in the case of the Mongol invasions of the Russian steppes, throughout south and central Asia, through Persia, and into central Europe. These empires, with no demarcated limits, seldom outlived the conquerors. More limited conflicts over spatial definition often occurred between more stable polities, such as the Greek city-states.

The historical evidence indicates the rarity of norms, rules, or regulations pertaining to territory. There were no conceptions of territorial "rights", or of mutually recognized titles to permanent and exclusive possession. Except for the Greeks and Romans, there were no concepts of citizenship. Pre-modern polities had no passports, and ingress and egress by traders, nomads, religious leaders, pirates, and military adventurers was seldom monitored and even more rarely controlled. In the absence of administrative capacity to establish and maintain authority over defined spaces, of notions of territorial "rights", and with effective political power concentrated in imperial cities and other centers, territorial limits were among the most poorly defined and most movable of all human arrangements.

The Institutionalization of Territory in Early Modern Europe

If one looks at a map of Europe *circa* 1500, boundaries are missing. The cities, mountains, bodies of water, and forest or wastelands are drawn in, but there are no countries as we use the term today. There are terms such as "Germania", "Gallica", and "Italia", but they refer to geographical regions rather than to political entities. There were vast tracts of frontiers—areas of sparse settlement and of uncertain administration, termed "marches". An example was the area between Scotland

and England, a large zone in which neither British nor Scots ruled effectively. Similar areas of untamed lands existed in almost all parts of Europe.

Ideas

The two-dimensional maps of the era could not depict the extraordinarily complex system of overlapping authorities and jurisdictions that typified the politics of early modern Europe. There was yet no legal concept of exclusive territorial jurisdiction, or of sovereignty. Typical political units with identifiable names were frequently under multiple systems of loyalty, obligation, and authority. Even the territories of ostensible dynasts were frequently scattered and divided, and royal authority was often theoretical rather than practical. Giddens (1984:89) provides the example of Sedan, a realm with a historic name, but which in the seventeenth century had few of the attributes of a state or sovereignty. It was at once a boundary province of France, in which royal authority was highly circumscribed, and a realm of the dukes of Bouillon who however owed some of their possessions to the bishops of Liege, who in turn were princes owing allegiance to the French crown. These same bishops also "owned" several portions of Dutch territory that were in fact cut off from the rest of Holland, in a region in which there were several Spanish fiefs that continued to exist after Holland gained independence from Spain during the Thirty Years' War.

In such circumstances, it is difficult to speak in terms of territorially bounded states. Rather, there were numerous "realms" that had distinct historic features, but not carefully defined limits. These realms were the objects of conquest, incorporation into larger political units, voluntary unifications, and constant quarrels over ownership and succession. Although there were overlapping jurisdictions, many dukes, barons, bishops, counts, and others considered their realms as personal possessions, that is, as private properties rather than as public spaces. Territorial rights adhered to individuals or families, not to a political community. Thus, as a private commodity, territory could be sold, bartered, or exchanged. And since rights were often not clearly established in laws of inheritance or succession, they were frequently contested, sometimes through the use of force.

The complex system of overlapping jurisdictions in the sixteenth century slowly gave way to the centralizing practices of royal figures. Increasingly the idea of a state as a public space began to replace the notion of the realm as a private possession. Dynasts sought to extend effective authority over their territories, and as in the case of Brandenburg-Prussia, they fought to bring together their disparate, non-conti-

guous territories into a single, unified domain. The prevailing ideas of territoriality slowly changed to emphasize (1) contiguity, (2) effective authority, (3) defined limits, and (4) public space: Territory began to gain a value that it had not had previously enjoyed.

Practices

We then begin to see the practice of territorial delimitation in European politics. The hotchpotch of overlapping authorities, loyalties, and jurisdictions over ill-defined "realms" gave way to the idea of a unified public (if still royal) space that needed to be clearly defined in relation to neighbours. The first attempt to draw boundaries between states was incorporated in the Treaty of the Pyrenees (1659) that ended Louis XIV's first war against Spain. That treaty established a commission charged with the task of drawing an official line between the two Bourbon kingdoms (Kratochwil, 1986:33). In the Treaty of Llivia (1660), the commissioners agreed to cede a few villages in the Cerdanya region to France, but they did not draw a formal line between states in the modern sense until 1868 (Sahlins, 1998:36). The first modern lineal border as a line on a map mutually agreed upon between two sovereign states did not appear until 1718 in a treaty relating to Flanders (Giddens, 1987:90).

But the idea of territory as a personal possession continued well into the eighteenth and early nineteenth centuries. Territorial change in Europe occurred through five main means:

1. conquest. The states of the era sought territorial expansion for a variety of reasons, including reaching "natural" (e.g., defensible) frontiers, consolidating disparate territories into a single state, and gaining population for a tax base. Territory was thus a major source of armed conflict between the Peace of Westphalia and the end of the Napoleonic wars (Holsti, 1991:chs. 1-6). Territorial changes resulting from military victory were standard practices. A list of Napoleon's territorial adjustments between 1798 and 1808 is truly startling from today's perspectives. They included, among others, the annexation by the Kingdom of Italy (which Napoleon placed under his own crown) of Venetia, Urbino, Macerata, Ancona, and Camerino, the Trentino and south Tyrol. Huge tracts of land were torn away or attached to Napoleon's rearrangements throughout the continent. In some cases, old realms were extinguished; in others, major states such as Prussia were downsized to roughly one — half their previous size (Ellis, 1991:50-2).
2. Partition. In order to maintain a rough balance of power on the continent, the great powers collusively partitioned territories

amongst themselves. The most famous case was the three partitions of Poland in 1772, 1792, and 1795 by Austria, Prussia, and Russia. The last partition effectively ended the independent existence of a Polish state. The partitions were effected through bilateral and multilateral diplomacy without, of course, the consent of the authorities whose territories were being given away.

3. Compensation. The great powers of the eighteenth century were also royal powers. The honour, prestige, and status of dynasts were intimately linked with diplomatic practices and wars. Any territorial changes—and they were ubiquitous during the era—reflected not only on the power of governments, but also on their prestige. Hence, it was an unwritten diplomatic rule that if one power made territorial adjustments through conquest or other means, it had an obligation to compensate other powers that made claims. This it did through offering parts of its conquest, or even other territories over which it had no legal jurisdiction.
4. Sale. Territory was also for sale. Particularly in colonial areas, it was a commodity. In the late eighteenth century, Spain sold the Louisiana Territory to France, which during Napoleon's rampage across Europe sold it in turn to the new United States (1806). Sixty years later the Russian Tsar sold Alaska to the United States for \$7 million, a transaction which at the time was roundly condemned by Americans as "Seward's (the American Secretary of State's) folly".
5. Marriage. Since the predominant conception of territory through the seventeenth century was that of a personal possession (the realm as real estate), a royal marriage could combine two distinct territories into a single jurisdiction, or a piece of territory was considered part of a dowry that went along with the owner.

In the second great era of imperialism (roughly 1870 to 1910), the Europeans transplanted their territorial practices to their new conquests. They drew lines to separate their colonial spaces from others. In many instances these lines bore no relationship to indigenous population distributions, movements, settlements, and commerce. In Europe for example, rivers frequently divided one state from another. On one side were German speaking peoples, on the other French, Dutch, or Polish. In Africa, on the other hand, the same tribal, clan, or lineage groups usually settled rivers on both sides. Thus, a European practice officially divided a single people into two distinct political jurisdictions. Where there were no "natural" dividing lines, borders were simply straight lines which, of course had no meaning at all for nomads or for other highly mobile peoples that had no concept of borders to begin with. In other instances, colonial authorities attempted to draw lines that reflected sociological

conditions (CE., Anderson, 1996:79–80), but on the whole the great border-drawing exercise was an imposition of a European institution on areas that had no conception of sovereignty, of exclusive territorial jurisdiction, or of states. Where the Europeans had difficulties drawing clear lines of demarcation, they resorted to ill-defined "spheres of influence", but there was still the common understanding that such spheres were exclusive. The Russians could have their sphere in Persia, while the British had theirs. There was no overlap between them.

Norms and Rules

Rules and norms associated with territory reflected the ideals of sovereignty. The territorially defined political space was one of exclusive legal jurisdiction. In the Treaties of Westphalia, both the Pope and the Holy Roman Emperor had been stripped of their claims to temporal jurisdiction over any secular matters of the dynasts and princes. Embarrassing anomalies remained (e.g., Swedish possessions in northern Germany) well into the nineteenth century, but the general rule of defined and demarcated territorial jurisdiction was fully accepted as an essential characteristic of sovereignty by the late seventeenth century.

A second rule was conventional rather than legal: delimiting borders is a process involving mutual consent. Except during war (see below), territorial boundaries are to be negotiated. The actual drawing of lines is left to technical experts. In the case of forced annexations or other forms of territorial revision, after the seventeenth century the convention was that the local inhabitants would be granted the right to stay under the new authority or to move into the remaining jurisdictions of the ceding state (Giddens, 1987:88–9).

Finally, the conventions and rules of the era specified that until a formal disposition of territory was made through treaty, there was a regime that involved certain rights and responsibilities of the occupying power.

By the eighteenth century, we can say that territory had become highly institutionalized. There were ideas about territory that were distinct from those that prevailed in earlier eras. There were certain practices, all involving the careful delimitation of a bounded realm in precise terms, that came into being as part of the state-building process. These practices were extended as well to colonial jurisdictions. And finally, there were numerous rules and norms associated with state jurisdiction and with the change in status of any territories. Yet, because territories were sold, exchanged, and conquered with abandon, there was a degree of impermanence in the institution. The practices relating to territory were more analogous to commerce than to contemporary ideas of sta-

tehood which assume fixed territorial limits and a kind of sanctity to "national" territory that the dynasts of the day would have difficulty understanding. We thus turn to the foundational institution of territory in the contemporary era and we can see that the trajectory has been toward increasing strength rather than erosion.

Territory as a Foundational Institution of Contemporary International Relations

Prior to the French Revolution, the common people of European states were subjects of a queen, king, or prince, inhabitants of a province, "pays", Land, or region, and minimally the denizens of a political community. Hobbes spoke of a "Common-wealth", without defining it, while others discussed "kingdoms", meaning a particular type of patrimonial family that rightfully ruled over a particular realm. We have seen how territorial change was a prominent feature of these polities. The territorial exchanges, sales, partitions, and compensations could be transacted with a minimum of public outcry or fuss. The royal figure, in a sense, had the right to dispose of his possessions as he or she saw fit and the people were not consulted about such matters. Even as late as 1815 at the Congress of Vienna, the territorial map of Europe was reconfigured to create a spatial balance of power on the continent. Popular sentiment, even if there was an organized expression of it, was not taken into consideration in redrawing the map. The overriding concerns were those of strategy and status.

During the remainder of the century, however, ideas about territory changed fundamentally. Under the influence of nationalism and Romanticism, a link between a "people" and territory became imprinted in popular discourse. The songs, music, images, poetry, and literature of Romantic nationalism were replete with territorial imagery (Murphy, 1996:97). How could Bohemia be disassociated from the Moldau? Finnish music, painting, and poetry of the late nineteenth century were filled with the images and moods of the forest and lakes. Wagner's operas involved the tales of conflict, fury, and redemption of mythical Norse figures and gods within a mountainous and wooded landscape. Nationalists spoke increasingly of the "homeland", "fatherland", or "motherland", concepts that brings forth emotions entirely different from those of the "realm", "common-wealth" or kingdom. Territory is no longer a commodity, but a vessel that contains a "people" with distinct languages, cultures, histories, and (often) religions. The Romantic ideas of territory often created distinctive relationships between geographical characteristics such as mountains and rivers, and "national character". Territory thus became the most obvious marker of a "people" and their identity.

Moreover, as the republican form of government spread through the continent, territory also became linked to political rights and security. The state provides political goods of increasing diversity (health, education, civil liberties, and the like), and also protection against neighbouring predators. Most importantly, the organic connection between geography and a "people" created a moral good in the sense that now the state and its defining territory belong to the people. Robert Jackson explains (1997:34-5):

[The reluctance to violate the territorial integrity of states is rooted in] the moral idea that states everywhere belong to their populations whether or not they are democracies. That is the...norm of *self determination for the civic nation* which does not specify a requirement for a particular form of government—but only that it exists and must be respected. International boundaries are today not only the markers of a state's legal jurisdiction and political control; they are lines that define separate and distinctive nations and peoples which are assumed to have inherent moral value. ' To interfere with such boundaries without the consent of the peoples involved is to violate the normative doctrine of self determination based on the civic nation defined by existing state jurisdictions.

The entire symbolic meaning of territory changed radically in the nineteenth century. It developed from concepts of territory that bordered on a commodity, to the idea that it is the essential basis of a people's history, culture, identity, and political order. The polity was now a moral good: to challenge ownership of territory was to challenge that good.

In terms of international relations this meant that territory could no longer be bartered, exchanged, sold, conquered, or partitioned as in the eighteenth and early nineteenth century. A peasant in 1750 could probably care less about the patrimony of the king. But by 1850, the loss of a province through war was a national humiliation or tragedy. Witness the completely different French reactions to the territorial losses of 1815 compared to those of 1871. The downsizing of France to its pre-Napoleonic territorial limits at the Congress of Vienna in 1815 was not a matter of indifference to French elites, but it was accepted with little resistance by the average Frenchman. In contrast, the loss of Alsace and Lorraine to Prussia in 1871 was popularly considered a humiliation and a legitimate basis for a war of revindication. There was no possibility that the French would fail to reincorporate those territories after the German defeat in 1918, even if by so doing they would create all sorts of post-war problems. By the late nineteenth century, popular discourse speaks of "sacred" soil, of the "holy motherland", of "la patrie", and

other monikers invoking values that must be defended at all costs. Territory has become the very essence of a political and cultural community that is distinct from all others in the world. Now the people of these spaces no longer identify the valley or the village as "their own", but the entire country. And in order to identify it clearly, it has to be demarcated clearly, even through the most impenetrable mountain ranges, jungles, and deserts. Not one square centimeter of it should be sold or given up without a fight.

Practices

The visually organic link between a "people" and their territory that developed in the nineteenth century led to a whole new set of practices in international relations. These included passports, border controls, referenda for validating territorial changes, a precipitous decline in the incidence of military conquest of territory, and as the next section suggests, vigorous opposition by the international community to any territorial changes except through consent.

States that incorporated a "people" had to distinguish themselves from others. As a security entity, moreover, states needed to control ingress and, frequently, egress. Various devices served these purposes. During the French revolution, the concept of "citizen" was resurrected from Roman practice and replaced the idea of the royal subject. A citizen, as the Declaration of the Rights of Man and of the Citizen made clear, enjoyed certain rights and liberties that, for example, Prussian subjects of the Hohenzollerns did not possess. One was not a citizen of a region, continent, or the world, but of a distinct nation-state, that is, of a political community imbued with moral worth. Citizenship provided rights and liberties only within the territorial bounds of the state, defined as possessing a distinct political (not ethnic or religious) nationality. The passport creates a legal status within a distinct territory. It verifies and validates the nationality of the bearer (as opposed to her religion, race, or other attribute) and simultaneously allows a foreign state to exclude that person if it wishes. Whereas in the seventeenth century people in Europe (with means, of course) could wander about the continent and sojourn in places as long as they liked, by the nineteenth century their travels were always with the implicit or explicit consent of the host country. And when abroad, those travelers did not enjoy the rights accorded to local citizens.²

2 At the time of the French revolution, all foreigners residing in France were classified as citizens. They did not have to go through any formal procedures. French women and children, on the other hand, did not enjoy the rights of citizenship. The practice of granting citizenship only after a certain period of residence and/or passing examinations came into effect only later in the nineteenth century. Reflecting the close bonds between a

As the basis for a political community and, often, of a distinct culture, territory gained value far beyond its population, resources, or strategic worth. Because it was the physical embodiment of the nation, it could no longer be bartered, exchanged, or annexed with impunity. The French humiliation in the Frankfurt Treaty of 1871 demonstrated that future territorial revisions would need a basis of legitimacy far beyond those normally acquired through the older norms of territorial change, including inheritance, marriages, exchanges, and sales. If the "nation" achieved a degree of territorial rigidity in the nineteenth century, nevertheless some territorial changes had to be made. And by the beginning of the twentieth century, territorial revision practices were substantially different from those one century earlier. The big test of how to practice territorial revision occurred at the end of World War I with the collapse of the Austro-Hungarian, Ottoman, Russian, and German empires. Was it possible to reconfigure these polities and the nationalist movements they spawned without undertaking massive territorial revisions? And on what bases would these be made so that they could enjoy some minimal degree of legitimacy? The doctrine of national self determination served as the legitimizing principle. But it was much easier to enunciate as a general aspiration than as a practical guide to the actual drawing of boundaries.

The complex territorial revisions that accompanied the end of World War I revealed the difficulties involved. Armed with the doctrine of national self determination, the peacemakers in Paris redefined the basis of nationhood from historic titles to popular demand. Obviously territorial borders could not easily coincide with population distributions, for while states are relatively permanent entities, populations and, in particular, identities are constantly changing. Hence, to make nations coincide with permanent territorial vessels required a good deal of compromise. Strategic and economic factors necessarily had to be taken into account in the creation of Europe's successor states, but population majorities were the main criterion. The Finns, subject to later negotiations with the Soviet Republic, defined themselves and their eastern border primarily in terms of ethnicity and language. So did the Balts, but there was the intractable problem between Poland and Lithuania over the possession of Vilna, a city with both Lithuanian and Polish characteristics and populations. A number of formerly internal or provincial borders or administrative units of the Austro-Hungarian Empire helped define Hungary and Czechoslovakia. Yugoslavia was configured in terms of a mythical south Slav "people" whose true character has come to be

"people" and territory, some countries even today (e.g., Germany, Japan) do not grant citizenship to those without blood ties to the people.

defined only in the past past decade. But here, too, many of the traditional territorial borders rather than population distributions were used. Where there were no conceivable historic or ethnographic bases for borders, referenda were used to settle the issue. The main point is that all the territorial revisions attending the end of World War I needed some form of popular validation. Historic, strategic, economic, and dynastic claims were not sufficient.

Not unexpectedly, the creation of states in 1919 failed to settle the problems of nationalism. Since state territories could not be drawn around ever-shifting populations, minorities were created. There were population exchanges, but entire peoples could not be forced to move. The result was a series of ethnically based armed conflicts, uprisings, rebellions, and wars between the successor states, most prominently between Yugoslavia and Hungary and after 1937, between Germany and Czechoslovakia. The principle of self determination helped to guide the drafting of territorial boundaries, but it did not lead to peace. Hence the series of territorial conflicts and disputes throughout central Europe that racked the League of Nations agenda during the 1920s and 1930s.

The era of systematic predation in the 1930s and during World War II echoed older forms of territorial change. The Japanese, Nazis, Italians, and Soviets went on a rampage of territorial revision, annexing, partitioning, and re-designing states, usually through the threat or commission of force. Japan annexed Manchuria and occupied large swaths of China and Southeast Asia. Italy invaded Ethiopia and Albania. Nazi Germany annexed Austria, turned Poland and Czechoslovakia into slave labor camps or satrapies, reconfigured Yugoslavia, and occupied France, Denmark, Norway, and the Low Countries. The Soviet Union forcibly annexed the Baltic states in 1940–1941. It also took major slices of territory from Finland, Poland, Romania, and Japan. But the result of this reversion to old practices only strengthened the norm of territorial integrity in the postwar world.

Since 1945 there has been a rise in the number of territorial disputes, as there has been a rise in the number of states. Some are relatively unimportant because they involve only the exact location of borders. Others are more significant because they involve competing claims of ownership over a single territory. But what is remarkable in terms of territorial practices is the decline in the use of armed force to resolve these issues. Jackson and Zacher (1997) have chronicled the declining incidence of territorial issues in armed conflicts since 1648. The 34 interstate armed conflicts between 1945 and 1997 that involved territorial issues resulted in only eight actual territorial revisions. In contrast, between Westphalia and 1945, there were 15 armed conflicts in Europe

and the post-1919 global system. Territorial changes resulted from 93 (81%) of these conflicts. We can barely keep up with the changing territorial map of Europe in the seventeenth and eighteenth centuries. Almost every year, states revised boundaries somewhere on the continent. In contrast, since 1945 conquests of territory stand out for their rarity. They include the Pakistani invasion of Kashmir on behalf of the anti-Indian secessionists in 1947-1948; the China-India war of 1962 over Ladakh; the Chinese occupation of the Paracel islands in 1974; the Indian conquest of Goa in 1961; the Indonesian takeover of East Timor in 1975; and the Israeli conquest of the Sinai, Golan Heights, and East

Jerusalem in 1967. There have been numerous other territorial conflicts in Africa, Asia, and South America, but the international community has adamantly opposed territorial revision as a formula for their settlement. While the absolute number of territorial issues on the international agenda is large, given the greater number of states in the international system compared to the seventeenth and eighteenth century, the proportionate number of territorial conflicts and revisions is significantly diminished compared to previous eras.

Territorial practices refer not only to revision, but also to administration. With the clear delimitation of state boundaries, the (re)invention of the citizen concept, the validation of citizenship through passports, and the "guarding" of state borders with customs and immigration agents, the state became by the late nineteenth century an entity that was juridically and physically distinct from its neighbors. Now states—unlike their pre-modern predecessors—had the technical means of monitoring, controlling, and even preventing the ingress and egress of people, goods, and money. The actual practices of monitoring and controlling varied substantially, particularly in the period since 1945. In the case of the communist countries, they controlled their borders with tightness never witnessed before. The "iron curtain" was in fact a series of walls, mined fields, watchtowers, barbed wire fences, shooting platforms, and armed patrols. The citizens of these countries traveled abroad only with the written consent of the state authorities. Any deviation from strict requirements was labeled treason, subject to the death penalty. Travelers wishing to visit these countries invariably had to obtain visas that allowed access only for very limited periods. And within those periods, secret police or other agents constantly monitored visitors.

Such practices have not entirely disappeared with the end of the Cold War. Access to countries such as North Korea, Burma, or Bhutan is extremely difficult even today. And throughout the period since 1945, many visitors to the United States have to stand in line for hours and days in order to obtain entry visas. Not infrequently, they also have to

fill in long questionnaires regarding their life histories, their health, and their political activities.

At the other end of the border control spectrum are countries that do not require visas and that normally grant visitors extended periods of time for travel, business, research, or other activities. British subjects normally enter Canada with simple answers to a couple of questions. Likewise for Norwegian travelers to Sweden. The most dramatic alteration of border practices has been through the Schengen agreement (1995) between some of the European Union members in which border controls are virtually eliminated. Dutch travelers can now enter Belgium or Germany without even stopping, as can Danes into Sweden or Spaniards into Portugal. There is no more hindrance to travel than there is between states in the United States or provinces in Canada. The Schengen agreement is, in a sense, a return to pre-nineteenth century European practices.

Norms

International norms relating to territorial practices have grown in tandem with the capacity of states to monitor and control their territories and with the close identification of a "people" and their territory. In the settlements following World War I, territorial adjustments had to follow the principle of national self determination. This meant that claims to territory had to be legitimized either by means of public expression such as plebiscites or by ethnographic information on population distributions. The Covenant of the League of Nations prohibited states from threatening or using force to change international boundaries. The main function of the organization was to protect the independence and territorial integrity of its members, and forceful attempts to alter territorial boundaries would constitute a violation of the norm of national self determination. The Kellogg-Briand Pact of 1928 committed the signatories to respect international boundaries and outlawed all acts of war to alter them. In 1931, the American secretary of State, Henry Stimson, announced that the United States would not recognize as legal any alterations of territorial boundaries resulting from Japan's invasion of Manchuria. The League of Nations subsequently adopted his position as an international norm. "The intended effects of these pronouncements", claim Jackson and Zacher (1997:5) was "to freeze the political map of the world in its existing pattern of state jurisdiction". Alteration of territorial boundaries in the future had to be accomplished through consent.

These norms did not of course accord with subsequent practices in the 1930s and during World War II. The military conquests of this era

were obviously incompatible with them, but in the sense that World War II was a contest to preserve the Westphalian states system against those who wanted to build regional or universal empires based on racial or Confucian principles, the norms prevailed. But not entirely, even in the immediate post-war settlements. Most of the states of Europe retained their pre-war frontiers. The Soviet Union was the major exception. Through peace treaties and other arrangements, it retained its territorial conquests from Finland, Poland, Germany, Romania, and Japan. However, the major Western powers did not recognize as legal the Soviet annexation of the Baltic states. The post-war territorial revisions led to the great population migrations as millions of Karelians and Germans packed up and moved to Finland and Germany as the Soviet Union and the reconfigured Poland took over their traditional territories. The 1930s and 1940s thus present many instances of throwbacks to earlier territorial practices. They also show that the norms that emerged after World War I had not stood the onslaughts of the great dictators.

But perhaps it is best to see the inter-war period as one of transition, where norms expressed hopes rather than realities. The period since 1945 has demonstrated clearly that practices have become more consistent with the norms. Numerous multilateral agreements and resolutions have clearly specified that territorial revision without consent has no international legitimacy. The United Nations Charter explicitly links territory to people and declares that non-consensual territorial revision violates the principle of self determination. It also declares that the threat or use of force to change the territorial *status quo* is a "threat to international peace and security", thus justifying international sanctions, including armed force. Regional collective defense arrangements allowed under article 51 are also premised on the idea that parties can legitimately use armed force against any attack on their territorial integrity.

When the Charter was drafted and negotiated in 1945, the participants had Europe primarily in view. The purpose of the new postwar organization was explicitly to provide protection for the smaller states that might face threats of the kind posed by Hitler and the other aggressors of the 1930s. But what of the host of new states that was being born in the prolonged process of de-colonization? Here, the norms first enunciated in 1919 were now universalized. The colonies were to be given independence with their existing borders (them principle of *uti posseditis*). Those borders raised serious problems because, as we have seen, they did not coincide with ethnic, religious, language, or other cultural attributes of the colonial "people". Who in fact were the "people" of India, Burma, Indonesia, Nigeria, and dozens of other colonies? The answer, claimed various United Nations resolutions, was that the „pe-

ople" were the jumble of ethnic, religious, language groups that inhabited the European-created, socially artificial, and territorially mixed entities called colonies. Their nationality was thus defined in civic rather than cultural terms. Most of the new states encompassed numerous distinct population groups and in many cases the colonial boundaries cut through entire communities. Recognizing the potential for state disintegration along cultural or other attribute lines, in 1960 the United Nations drafted its "Declaration on Granting Independence to Colonial Territories and Countries". It stated boldly that "any attempt at the partial or total disruption of the national unity or territorial integrity of a county [e.g., colony] is incompatible with the purposes and principles of the United Nations Charter". The international community sought to establish the colonial *status quo* as the basis for the territorial definition of the new states.

Since 1960, the legal principle of *uti posseditis*, which originally arose in the context of the independence of the former Spanish colonies in South America, has become universal. It was enshrined in the Charter of the Organization of African Unity in 1963 and has served as the basis for all attempts to mediate or resolve African territorial disputes. The Helsinki Final Act (1975) of the Conference on Security and Cooperation in Europe reiterated the older norms associated with notions of self determination and declared that "frontiers can [only] be changed...by peaceful means and by agreement "that is, by consent. The Charter of Paris (1990), a document that established the principles upon which the post-Cold War territorial order in Europe would be based, reiterated the principle of consent and negotiation and ruled out the threat or use of force as a means of promoting or accomplishing territorial change.

In the contemporary state system, then, we have what Jackson and Zacher refer to as a "territorial covenant". It is a set of carefully articulated norms that have the effect of raising established international boundaries to a value as great as peace. The norms include the following principles:

1. only existing territorial boundaries are legal and legitimate
2. no territorial change effected through the threat or use of force is legitimate
3. any territorial revision must be achieved through negotiation
4. any territorial revision must be consistent with the principle of national self determination
5. any territorial revision must have the consent of those affected by it

6. the affected parties include both "peoples" and states
7. secession or any threat to the "integrity" of the state will not receive international support unless achieved through negotiations and consent
8. if such consent is forthcoming, the territorial limits of the seceding state should approximate the former administrative boundaries (e.g.; provinces, states, regions and the like) (CE., Jackson and Zacher, 1997:10).

Most contemporary territorial changes or challenges to existing territorial boundaries have been consistent with these norms, suggesting that they have earned substantial legitimacy and international consensus. The international community has refused to accept practices that deviate from these norms and has been unwilling to accept what amount to *de facto* territorial revisions. As examples, Cyprus has been effectively bifurcated by the "Green Line" separating its Greek and Turkish communities since 1964. There is virtually no commerce or communication across this line and no indication that the two communities are prepared to reintegrate into a single state. Yet, the line has no legal status and is not officially a border. The armistice line between the two Koreas has also served as a *de facto* border but continues to be treated as a military rather than political border recognized by other countries. And in the case of Bosnia, the 1995 Dayton Accords insist that the traditional province/federal boundaries of Yugoslavia must serve as its new international boundaries.

Overall, we see an increasing consistency between norms and practices (see Jackson and Zacher, 1997, for a case-by-case analysis of these practices). We are therefore justified in claiming that territoriality has become increasingly institutionalized. The territorial map of the world has the quality of being "frozen", norms have effective application, and boundaries have taken on social values that far exceed those found in traditional polities or among European states until approximately the middle of the nineteenth century. As Kapuscinski suggests, that so many people have died defending boundaries is perhaps the clearest indication of their social value. Whatever the effects of revolutions in communications or the dramatic increase in international trade and travel, contrary to many recent assertions there is little evidence to suggest that boundaries are "eroding" or that the institution of territoriality has become an artifact of a bygone era.

The Paradox of Modern Borders

But borders are not all that they once might have been. Too many learned observers have detected a distinct trend in the erosion of human

artifices that distinguish political orders and peoples from each other. James Rosenau, among many others, has noted the paradoxes of territoriality (Rosenau, 1997:4–5). "Borders still keep out intruders, but they are also more porous. Landscapes are giving way to ethnoscaples, mediascapes, ideoscapes, technoscapes, and financescapes, but territoriality is still a central preoccupation for many people". Rosenau underlines the growing incapacity of governments effectively to monitor and control unwanted intrusions, but his real emphasis is on the person–territory nexus. He argues that territoriality is for many people a declining intellectual and emotional reference point. So many activities and identities carry individuals beyond their territorial confines that emotional loyalties to territorial spaces are being replaced or uprooted by occupational, ethnic, religious, and other forms of emotional anchoring. "It seems clear", he argues, "that people have begun to accept a widening of [their] political space..." (127). Today individuals may look beyond territorial boundaries for identities and emotional attachments.

In a more normative vein, Kenichi Ohmae (1995) has argued that traditional concepts of state territoriality are an encumbrance to rational economic activity. He observes the rise of the "region state", areas of high density economic transactions that take place both within states (e.g., the Boston–Washington corridor, the Hong Kong–Guangzhou area in China) and between states (Cascadia area in the United States–Canadian northwest, the San Diego–Tijuana complex between the United States and Mexico, and the like). He predicts that in the contest between economic rationality and state authority, the latter will eventually give way.

At a purely factual level, there is little question that the number of transactions across international borders has grown at an amazing pace over the past one-half century. No matter what statistics we chose—the numbers of transnational organizations and associations, tourism, trade, investment, migration, or drug trafficking, for example—the figures are at historic highs and growing exponentially. The costs of trying to exclude the outside world grow as technologies for circumventing boundaries proliferate. Many claim that the state is now more permeable than at any other time.

But if all of this is indeed the case, why is it that territory has reached such absolute status in international norms? Why have not states sold off unproductive provinces or regions to private entrepreneurs? Why do states no longer exchange or sell territories, even when it might be socially and economically profitable to do so? Why do not failed states—polities that have disintegrated or broken apart—ask to be "bought" by a major power or become the permanent wards of the United Nations?

Why do states use military force, thus expending scarce resources and lives, to defend or occupy small tracts of useless land in remote corners of their peripheries? Why do governments typically claim that they will spare no cost to prevent the loss of even a few meters of territory? And why will the vast majority of a people come to the support of their governments when their territories are thus challenged?

One reason such questions are seldom raised, much less answered, is that many of the proponents of the view that the significance of territory is eroding incorrectly assume that identities are singular, that they are *either* global or national, national or local, ethnic or religious, occupational or territorial. This is a false assumption. Social scientists for years have known that identities change and that loyalties are multiple (Guetzkow, 1955). There is no reason to believe that because, for example, there are growing academic networks that transcend state boundaries, that professors enjoy research and sabbatical sojourns in other countries, or that more students spend one year studying abroad, that they thereby become more "international" and less "national". To become "international" does not in any way necessitate loss of a national identity, loyalty of psychological affiliation. Since at least the mid-nineteenth century, territory has never been conceived as merely a piece of real estate. It is, rather, the basis of a political community and helps define that community. It is a moral good (though in some states, it is a mortal threat), part of an overall package of identity, political rights, culture, and the good life. It has permanence that even physical occupation or separation over decades cannot obliterate (witness the re-emergence of the Baltic states or the continued problems associated with the division of China and Korea). If there is such erosion of the emotional bases of territoriality, the urges to reunify Vietnam, Germany, China, and Korea would have been abandoned years ago, and the effects of 80 years of trying to build the Czechoslovakian and Yugoslav states would have succeeded. If territory has less value today, then surely we would have reverted some time ago to the practices of the seventeenth century when land was commonly partitioned, sold, exchanged, conquered, and surrendered. There is some evidence of a developing European "identity", but it has not replaced national identities and peoples' emotional attachments to their homeland and all of its territories. Even in the most liberal settler societies such as Australia, Canada, and the United States, immigrants retain loyalties to their homelands for three generations or more. And military attacks on those homelands bring forth major expressions of outrage, even by hyphenated Australians, Canadians, or Americans who have never visited their parents' homes. Very few of the people who profess the declining sense of national loyalty

based on territory have themselves lived for periods abroad, totally cut off from their national kinsmen. Despite the development of new types of "scapes", *landscapes* remain foremost for most people most of the time.

A hard case of this generalization comes from the European experience during the last one-half century. Territoriality in Europe has undergone a true transformation as a result of the development of the common market and the dismantling of border points in the Schengen agreement. Flows of Europeans from one country within the zone to others have grown dramatically over the past decades.³ There is something akin to a unified labor market in Europe, with millions of people working in European countries other than those of their nationality. Within the Schengen agreement countries, border crossing no longer involves formalities. Trade, investment, tourism, communication, and other forms of transactions have all grown apace. It is within the European Union that the most dramatic changes in the ideas and practices of sovereignty have been seen. Despite all these immense changes, however, a noted authority on European integration concludes:

"The central paradox of the European political system... is that governance is becoming increasingly a multi-level, intricately institutionalized activity, while representation, loyalty, and identity remain stubbornly rooted in the traditional institutions of the nation state. Much of the substance of European state sovereignty has now fallen away; the symbols, the sense of national solidarity, the focus for political representation and accountability nevertheless remain". (Wallace, 1999:99).

Territoriality even in Europe retains many of its nineteenth century characteristics. It is more than real estate; it represents the marker of a "people", a history, culture, language, and other forms of distinctness. The wizards of technology have enabled people to communicate with an ease, speed, and a scope never before seen. But machinery by itself has not (yet?) destroyed the nexus between territory, identity, emotional attachment, and the state. Territory may not provide barriers to communication the way it did prior to the industrial revolution. But ease of access and communication do not necessarily destroy the foundations of political communities.

3 For example, arrivals of nationals from European countries into Great Britain increased from 1.8 million in 1960 to 27.5 million in 1997. Even greater figures are probable for border crossings between the "core" states of Europe—France, Germany, and the Benelux—and between all Europeans and Spain and Italy. Figures cited in Wallace (1999:89; fn.30).

Perhaps most telling, the hundreds of claims of minority groups and secessionist movements for the right to create their own states under the norm of self determination have fallen mostly on deaf ears in the international community. While there are plenty of people who commit their loyalties fundamentally to "ethnoscapes" rather than to traditional territories, the territorial conception of the state has trumped the ethnic conception, except in cases where secessions has been negotiated by peaceful means. There have been several successful violent secessions (e.g., Bangladesh, Croatia, Cyprus), but the international community did not recognize the results until after they were accomplished. In almost all of the many dozens of armed conflicts based on attempts at ethnic secession since 1945, most states have adopted a neutral attitude or have come to the support of the traditional territorial state. We have seen a great deal of "ethnic politics" in the world in the last 200 years, but in the vast majority, where ethnicity and territoriality clashed, the latter prevailed. Policy-makers are only too aware what would happen in the world if all of its thousands of ethnic groups made claims to statehood. So whatever peoples' attachments to territorial conceptions of the state, the territory as a vessel for a "people" with a distinct history, culture, and moral value continues unabated.

Conclusions

New technologies have indeterminate consequences both for individuals and societies. When it comes to territoriality, we must not fall into the trap of technological determinism. While some technologies may make borders more permeable or more difficult to monitor and control, others in fact vastly enhance the capacity of the state to survey its territorial limits. Thanks to icebreaker technology, for example, Canada is able to maintain surveillance over its Arctic archipelagos in a manner that was not possible only one generation ago. Compared to 200 years ago, state authorities today know exactly where limits of jurisdiction exist; they have a much greater capacity to keep out unwanted visitors; thanks to the concept of citizenship they also have a legal, not just physical, means to include or exclude; and they have the surveillance mechanisms to chart or monitor movements of goods and people that would have been unthinkable even at the turn of the last century. It is certainly a myth that borders today are more "permeable" than ever. They were far more permeable in eighteenth century Europe than they are today in most of the world. The obvious exceptions to these generalizations refer to some forms of criminal activity (the drug trade) and to the flow of information. But the true test to permeability does not come from statistics on such flows. It comes only in those areas where the state deliberately seeks to control flows and transactions and is una-

ble to do so. Any other flows, when done with consent, cannot indicate any sort of "erosion" of territoriality.

But these are essentially physical questions. Social consequences are even more problematic: Here I detect a certain amount of wishful thinking in academic and popular discourses on the "shrinking planet", "global village, or "borderless world". This is the idea that in order to develop a truly global society (modeled on which societies: American or Mongolian?) national loyalties based on concepts of territoriality should erode, diminish, or disappear. There is a long history of communitarian thought that hypothesizes the fact of national identities as a major source of the world's troubles. Many want to see the demise of territoriality because, they believe, it has served as the source of too many brutal wars, revolutions, and genocides. Presumably the eradication of loyalties to states and their territories would diminish these social evils.

But the evidence that this is a trend does not bear much authority. Outside of certain processes in the European Union, there are in fact very few signs of boundary erosion, loss of the emotional connection between physical geography and national sentiments, or depreciation of the overall value of territory. The growing strength of territorial norms can be demonstrated empirically, as can the declining practice of treating territory as a mere commodity. We still have many paradoxes, to be sure, but an examination of the ideas, norms, and practices of territoriality leads to the conclusion that it is a venerable and foundational institution of international relations, and one that shows few signs of either of obsolescence or of transformation. Like the other foundational institutions of international relations, territoriality is becoming more complex. It is changing, but its essence as the marker of distinct national communities who wish to retain their unique political, social, and cultural characteristics is recognizable today as the direct descendent of nineteenth century ideas, practices, and norms.

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