

Territorial Integrity Norm: International Boundaries and the Use of Force

Pushpita Dutta

Assistant Professor, Department of Law, Presidency University, Bangalore, India,
Email Id-pushpita.dutta@presidencyuniversity.in

ABSTRACT:

As a consequence of the expansion of global economic and social interactions, economic liberalization, and global regimes, scholars and observers of the international system often make comments about the diminishing significance of international borders. However, they often overlook the fact that coercive territorial revisionism has significantly decreased over the last 50 years, a phenomenon that suggests that governments now, in some respects, place a higher value on borders. The Westphalian order was established in the seventeenth century, and to the conclusion of World War II, I first trace the attitudes and practices of governments about the use of force to change borders. I next concentrate on the norm against forceful territorial revisionism's growing acceptability since 1945. The last part of my analysis focuses on the instrumental and conceptual elements that have influenced the strengthening of the norm in both developed and developing nations.

KEYWORDS:

Boundaries, International, Nations, Territorial, States, War.

I. INTRODUCTION

Interstate territorial borders have lost some of their significance for a wide range of national and transnational activities, according to many experts and observers of international relations in the late 20th century. Concurrently, a very significant development in international relations has raised concerns about assessments of the diminishing significance of borders: the rising acceptance of the territorial integrity norm, which forbids the use of force to change interstate boundaries. Due to the fact that historians have determined that territorial disputes have been the primary driver of lasting interstate rivalry, the frequency of war, and the severity of conflict, the creation of a norm about respect for states' territoriality is especially crucial. Territorial disputes seem to be the ones that wars are most often related with, according to John Vasquez, who reviewed research on interstate conflicts. Few interstate conflicts are conducted without some kind of territorial dispute being present. Under this paper, I discuss how attitudes and behaviors about the use of force to redraw interstate borders have dramatically changed across nations under the Westphalian international system. I briefly discuss governments' attitudes and behaviors about territorial borders from the seventeenth century through World War II in the first part. I concentrate on the striking shifts in behaviors and ideas that have occurred since World War II in the second half. I examine the origins of the territorial integrity rule in the third part. States have accepted the territorial integrity standard for a variety of reasons, both practical and idealistic, and the significance of these reasons varies across various state groupings [1], [2].

International boundaries from the seventeenth to the early twentieth century

International borders have not always been well-defined in political life. International borders as we know them now did not exist in the medieval era; instead, jurisdiction over geographical regions was fluid and overlapped. The creation of the bounded territorial state with exclusive control over its territory was a key element of the political transition from the medieval to the modern era. Even still, well defined national boundaries weren't visible until the seventeenth century. According to Hedley Bull, the process of drawing national borders first appeared as "a basic rule of co-existence" in the seventeenth century. Although important aspects of the system gradually developed and varied in power before and after 1648, the Peace of Westphalia is often seen as the event that gave rise to the contemporary interstate system. The legitimacy of interstate boundaries was once established in terms of dynastic rule, when state territory was the exclusive possession of ruling families and they had unquestionable authority over it. However, this international order did not represent any indisputable claim to a specific piece of land that might lawfully be transferred by marriage, divorce, battle, payment, or purchase [3], [4].

The preservation and annexation of territory served as the primary drivers of foreign policy throughout the early decades of the Westphalian system since it was the primary determinant of a state's prosperity and security. In actuality, the majority of conflicts included the conquest of new territory, and the majority of these wars resulted in territorial swaps; this trend persisted until the middle of the 20th century. The legal standard governing the validity of conquest mirrored these practices. "As long as a Law of Nations has been in existence, the nations as well as the great majority of scholars have recognized subjection as a means of obtaining territory," said the prominent international legal scholar Lassa Oppenheim in 1905. The inhabitants of the early modern states were often culturally varied and politically disorganized throughout the first centuries of the Westphalian system. State boundaries shifted back and forth without any consideration for them, therefore a large number of individuals were not collectively identifiable by them. During the sixteenth through nineteenth centuries of Western colonization, the practice of creating borders without consideration for the inhabitants of the regions was expanded from Europe to the rest of the globe. This often took place with little regard for the cultural and ethnic diversity of the native populations of the non-European globe. But the boundaries that Western imperialists first drew and enforced subsequently came to be accepted as the standard for expressing anticolonial claims for self-determination and independent statehood [5], [6].

The French Revolution and Napoleon's support for popular sovereignty and national self-determination undoubtedly contributed to the rise of nationalism in the nineteenth century. People's perceptions of the justification for territorial invasions started to change as a result of these intellectual currents. "From the middle of the nineteenth century, the current of opinion was moving against the legitimacy of annexation outside the colonial sphere, when effected without the consent of the inhabitants," according to the author. This shift in mindset marks the start of a "important change in the moral climate of international relations," according to Sharon Korman. However, the ramifications of this moral climate's apparent democratic leanings on the durability of borders were complicated. The idea that a region belonged to a national grouping and that it was immoral to take land away from a country was backed by nationalism on the one hand. On the other hand, nationalism gave a national grouping in one state justification for attempting to break away to create an independent state or join forces with its ethnic counterparts in other states. In fact, nationalism in the late nineteenth and early twentieth centuries had more of a disruptive than a pacifying impact on international relations, as evidenced by the conflicts surrounding the unification of the German and Italian peoples and the breakup of the Ottoman, Hapsburg, and Hohenzollern empires into numerous national states [5], [6].

Three interconnected territorial issues during and after World War I were whether victors should have the right to annexe territory from losers, whether states should pledge to protect one another's borders, and whether the right to national self-determination should take precedence over preserving existing state borders. For the first matter, throughout the early stages of World War I, the major governments continued to support the victorious states' right to obtain territorial gains, and this was reflected in their secret agreements for territorial swaps at the end of the conflict. Following the advent of the United States into the conflict, the 1917 Russian Revolution, and public outcry against territory acquisition in certain nations, this viewpoint underwent major change. The winning governments only received minor territory concessions in Europe as part of the 1919 Versailles settlement, but they made some significant gains by splitting up the colonies of the vanquished countries. Even yet, since these colonies were designated as League Mandates, the new colonial powers had an implied duty to assist the colonial populations in becoming self-governing, particularly in the case of the former Turkish territory [7], [8].

President Woodrow Wilson was the strongest advocate on the second issue, the need to protect the territorial integrity of all states. He discussed "specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike" in his infamous "Fourteenth Point." The League of Nations adopted this groundbreaking idea as Article 10 of the Covenant, and thus marked the official start of governmental backing for the territorial integrity standard. It stated: "The Members of the League undertake to respect and preserve the existing political independence of all Members of the League as against external aggression."

II. DISCUSSION

Within democratic governments, there was undoubtedly conflict between proponents of national self-determination and respect for existing boundaries on the third question of the weight that should be given to that right in redrawing international boundaries; the former generally lost. Even President Wilson, who was seen as the champion of the concept of national self-determination, essentially sided with the preservation of territorial integrity. The covenant makes no mention of national self-determination for ethnic countries, and during the Versailles conference, national self-determination for ethnic nations was only applied to a portion of the borders of the World War I-victimized states. Overall, in post-World War I settlements, there was strong support for the

acceptance of the borders of legal nations. The territorial integrity standard was endorsed in a number of international declarations and treaties after the peace accords of World War I. Although it did not specifically address territorial aggrandizement, the 1928 General Treaty for the Renunciation of War (also known as the Kellogg-Briand Pact) provided support for the ban against territorial aggressions. The Stimson Doctrine, which disavowed the validity of territorial changes attained via force, was adopted by the League in 1931, providing direct support for the norm [9], [10].

The Western Allies showed a strong commitment to the integrity of international borders after the conclusion of World War II. With one exception, they didn't ask for or get sovereignty over any of the territories that belonged to the victorious nations, however they did get the UN Trust Territories that had been Japan and Italy's previous colonies and that they had to reestablish as independent nations. The United States' right to continue to be in charge of some of the Pacific islands that had belonged to Japan was the only exception. The Soviet Union, on the other hand, continued to operate with a traditional perspective of borders, meaning that the winners in conflicts could claim territorial prizes. As a result, the Soviet Union did not adopt the same strategy toward territorial gains. Stalin incorporated the Baltic nations into the Soviet Union against the opposition of the local inhabitants and without the approval of the main Western countries. Also included into the Soviet Union were portions of Poland, Germany, Finland, Romania, the southern half of Sakhalin Island in Japan, and the Kurile Islands in Japan.

Germany's post-World War II territory was also reorganized and shrunk. These adjustments were the last significant diplomatic developments in Europe that flagrantly flouted the consent principle in establishing international borders, but they were obviously evocative of the consequences of battles from prior decades. Finally, at the 1945 San Francisco conference, all nations ratified the UN Charter's clause that reads, in part: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." This was true even though the majority of nations acceded to the Soviet Union's territorial gains.

Territorial Integrity Norm Development Since 1945

1. Developments in Law and Declaratory Generally

As previously said, the UN Charter of 1945 reaffirmed nations' obligations to refrain from using force to change their borders. The UN's strategy for decolonization was informed by this similar regard for the boundaries of legal organizations. The colonial area, which was often artificial in how it divided ethnic nationalities, became the frame of reference for addressing demands for political independence and self-determination. It was made explicit in the 1960 UN Declaration on Granting Independence to Colonial Countries and Peoples that only existing colonies, not ethnic groupings, qualified for independence. It said that with regards to "dependent peoples," "the integrity of their national territory shall be respected." This was followed by the declaration that "any attempt aimed at the partial or total disruption of the national unity or territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." A similar normative declaration, the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States, was accepted by the UN General Assembly in 1970. There is no question as to whether these significant UN pronouncements supported respect for the geographical integrity of established colonies and legal entities. "The UN encouraged the acceptance of the norm of sovereignty-as-territorial integrity through resolutions, monitoring devices, commissions, and one famous peacekeeping episode in the Congo in the 1960s," write Michael Barnett and Martha Finnemore.

In addition to reading UN normative pronouncements, it's critical to keep an eye on changes in a number of regional organizations that deal with respecting international borders. The geographical integrity of member nations was supported by stipulations in the charters of the Organization of American nations and Arab League, which were established in 1945 and 1948, respectively, although the subject was not raised by the founding member states. The Organization of African Unity (OAU) and the Conference on Security and Cooperation in Europe (CSCE), on the other hand, took resolute and widely-publicized positions in support of the integrity of existing state borders some decades later. Article 3 of the OAU Charter from 1963 makes a compelling case for territorial integrity. "Frontiers may [only] be modified, in line with international law, by peaceful means and by agreement," the CSCE reaffirmed this idea in the Helsinki Final Act from 1975. Prior to the Helsinki agreements, separate bilateral agreements between West Germany and its major communist neighbors (East Germany, Poland, and the Soviet Union) reaffirmed the inviolability of existing borders and obligated both parties to "respect without restriction the territorial integrity" of each state. The 1990 Charter of Paris for a New Europe, which marked the end of the Cold War, as well as all following conferences on international borders, such as the

1995 Dayton peace deal that ended the conflicts in Croatia and Bosnia-Herzegovina, reaffirmed this identical notion.

Regarding attitudes and behaviors inside Europe and the larger Western society, another change is important to highlight. Both the European Union (EU) and NATO declared in the 1990s that all new members had to establish border agreements with neighboring nations. Due to this, the East European governments seeking membership have been forced to negotiate border treaties with their surrounding states, often at the expense of long-held hopes of absorbing portions of these neighboring states. The fifteen republics that made up the Soviet Union's successor bloc have joined the West in defending their territorial integrity. The major constitutional articles of the Commonwealth of Independent States (CIS) embrace the idea of territorial integrity. The Organization for Security and Cooperation in Europe (OSCE) and other Western nations have exerted pressure on these nations to support the territorial integrity norm, but the vast majority of these nations have come to understand that it is in their mutual best interests to respect inherited borders (the *uti possidetis* principle).

2. Territorial Aggressions Since 1946: International Responses and Outcomes

In order to illustrate the significant changes in international practices in the late 20th century, I examine some statistics on territorial wars going back to the seventeenth century before addressing the patterns of territorial conflicts in the post-1945 era. Includes information on international territorial warfare for seven half-century periods and five historical eras in international relations during the last three and a half centuries. In historical assessments of the interstate system, the five historical periods are widely employed. They are also used by Kalevi Holsti, whose book this chapter's list of conflicts from 1648 to 1945 was taken from. Major military confrontations in "the European and global states system" are represented by the wars described by Holsti. He mentions certain civil wars, but these are not included in the conflicts we are looking at right now. In Holsti's classification of the 119 interstate conflicts that occurred between 1648 and 1945, 93 were determined to be territorial wars because they had six problems that obviously involved state authority over territory. Although the list of territorial wars and aggressions is not all-inclusive, it is comprehensive enough to highlight significant trends. The list of 40 "territorial aggressions" during the years 1946–2000 is derived from in-depth secondary research. Territorial aggressions or wars include interstate armed conflicts where the invasion or occupation lasted at least a week and had the following characteristics: the invading state sought to seize some territory from the attached state; the attacking states were widely recognized as sovereign states; and the military attack had a clear goal of changing the boundaries of a state or its colonies. While utilizing a wider group of territorial aggressions for the recent time substantially aids our comprehension of recent events, employing this definition plainly decreases the relevance of comparisons with the pre-1946 territorial conflicts.

First, and most notably, after 1945, just 30% of territorial battles resulted in redistributions of territory, compared to the nearly 80% for all times before 1945. Second, based on our list of conflicts, the annual number of territory redistributions has changed throughout time. Between 1648 and 1814, it was around 0.24; between 1815 and 1917, it was 0.19; between 1918 and 1945, it grew rapidly to 0.59; and after 1945, it fell back to 0.22. When examining the average territorial redistributions annually, it is important to keep in mind that the 1946–2000 period contains a higher number of territorial conflicts than other periods and, more importantly, that the number of states has grown significantly over the past few centuries, especially since 1945. We can account for the number of states in the international system by counting the number of territorial redistributions by country-year for certain historical periods, according to a new research that gives statistics on the number of states (with specific criteria) between 1816 and 1998. The figures are as follows: 0.0032 for 1816–50; 0.0035 for 1851–1900; 0.0073 for 1901–50; and 0.0015 for 1951–98.

These numbers naturally show that there were more than twice as many territorial redistributions per country-year in the nineteenth century as there were in the second half of the twentieth century. Additionally, it was about five times greater in the first than in the second half of the twentieth century. The standards for include conflicts in the pre- and post-1945 years vary, and no claim of statistical significance must be made when interpreting these numbers. The aforementioned data does indicate significant shifts in several territorial armed conflict patterns. But it's also important to take a close look at post-1945 territorial battles since how they emerge and are handled says a lot about how the norm has been reinforced.

It is evident that there haven't been many instances of forcible border alteration in the 50 years since the UN's membership increased from 50 to 190. In contrast to the three centuries before to 1946, when around 80% of all interstate territorial battles resulted in territorial redistributions, this percentage has decreased to 30% (or twelve out of forty) over the subsequent forty years. The absolute numbers of forty territorial conflicts and twelve occurrences of significant border changes are not very high by historical standards, given the enormous growth in

the number of nations participating in the international system during the previous 50 years and our definition of territorial warfare for the time period. The other eight successful uses of force took place between 1961 and 1975, and two of them included tumultuous decolonization operations in the Indian subcontinent and former British Palestine in 1947 and 1948. Four of these ten wars Israel-Arab nations in 1967, India—saw UN resolutions calling for retreat. In 1971, Pakistan; in 1974, Turkey and Cyprus; and in 1975, Morocco and the Spanish Sahara. Many nations saw the last three of the ten agreements (India-Portugal in 1961, Indonesia-Netherlands in 1961–1962, and North Vietnam–South Vietnam from 1962–1975) as phases of the decolonization process. The latter two included China occupying isolated regions; in 1962, it did so in sections of northern India; in 1974, it did it in South Vietnam's Paracel Islands.

The Boundaries of Successor States

Another pattern of international conduct that should be taken into consideration when talking about the stability of borders after 1945 is support for the ban on using force to change borders. All of the successor states that were created after the nine previous nations' breakups in the postwar era retained their old internal administrative boundaries as their new international borders. Outside nations really exerted pressure on the successor states to adopt their previous administrative boundaries as their new interstate borders in situations where there was some uncertainty about whether they would accept these limits. This suggests that governments typically want the international territorial order to be predictable. Although they dislike secessions, they do not want the successor nations to struggle over defining their borders if one does occur. The dissolution of the former Soviet Union and Yugoslavia are two of the greatest instances of international strategy on this subject.

The US and the European countries took extraordinary measures to maintain Bosnia's and Croatia's new international borders as their old internal administrative borders. The 1992 recognition of these states by Western nations, the 1995 Dayton Accord, and the 1996 agreements between Yugoslavia (Serbia), on the one hand, and Croatia and Bosnia, on the other, legitimized these borders.³⁸ The Western nations have also made efforts to encourage the Soviet successor governments to respect the borders that they had when they were Soviet republics. Neil MacFarlane has spoken on the rationale of keeping the previous internal borders as interstate borders.

The principles of territorial integrity, non-interference, and sovereignty are the ones that are most important. Whether or not the borders of the 15 former Soviet republics make sense in terms of ethno-geography or align with the aspirations of the inhabitants, they nonetheless exist inside the bounds imposed by Soviet administration. They do so in part as a result of Western nations' and international organizations' purposeful promotion of these standards. For better or worse, the West is committed to trying to solve issues with respect to minority rights within the framework of acknowledging the sovereignty and territorial integrity of the new nations. While Nagorno-Karabakh (an Armenian enclave) has been kept within Azerbaijan and Abkhazia and Ossetia have been kept within Georgia, Western efforts to support the territorial integrity of the successor states have also had a wider impact on strengthening the international territorial order among the successor states to the Soviet Union.

It is difficult to say that separatist governments' adoption of internal administrative borders as interstate boundaries has become a binding principle of international law. But it's possible that this standard will become ingrained in the new territorial order that results from nations' desire to lessen the frequency of disastrous conflicts and the effects of war on trade ties. Violence and ambiguity over which political institutions have authority over certain physical places are things that states and multinational commercial interests detest more and more.

Overview of the Stages in the Norm's Development

It is helpful to see historical developments as falling into a number of phases in order to wrap up the examination of how normative statements and state actions towards coercive territorial revisionism have changed through time. Emergence, acceptability, and institutionalization are the three phases of norm formation according to two researchers.⁴¹ Important nations and nongovernmental organizations are increasingly supporting the new norm, and there have been various global pronouncements during the emerging stage. Growing acceptance of the standard and its incorporation into treaties to the point where most nations consider it to be legally binding define the acceptance stage. In the institutionalization stage, the standard is included into new international agreements and more successful multilateral efforts are made to encourage state compliance. I make some remarks on the nineteenth century before going on to a discussion of the three phases of norm development throughout the twentieth century. Due to frequent discussions held within the framework of the Concert of Europe, the level of international violence decreased between 1815 and 1913; however, the great powers occasionally engaged in

colonial expansion in the Southern Hemisphere and Western state territorial expansion. In reality, maintaining a balance of power required geographical adjustments in both Europe and the colonial world.

Beginning with the conclusion of World War I and more specifically with Article 10 of the League Covenant, the emerging stage of norm formation began and continued until the end of World War II. The Western democratic governments were the main advocates of the norm. Major multilateral agreements and statements made during this time, in particular the 1919 League Covenant, the 1928 Kellogg-Briand Pact, and the League's 1931 ratification of the Stimson Doctrine, endorsed the territorial integrity rule for the first time. In the 1930s, Germany, Italy, and Japan all grew more devoted to territorial expansion while the major powers permitted a series of territorial aggressions. The emergence phase was particularly violent, but after World War II, governments' experiences with this period of catastrophic territorial expansion reinforced support for the norm. The approval of UN Charter Article 2(4) in June 1945 marked the start of the acceptance stage of norm development, which lasted until the middle of the 1970s. Widespread support for the norm did not materialize until the 1960s and the early 1970s. The major multilateral agreements after 1945 were the 1960 UN Declaration, which supported the territorial integrity of states and declared that only existing colonies (not ethnic groups) were eligible for self-determination, the OAU Charter, which supported inherited boundaries in 1963, and the 1975 CSCE's Helsinki Final Act, which forbade the alteration of boundaries without consent. The last important instance of territorial revisionism took place in 1975 when Morocco absorbed the Spanish Sahara.

The institutionalization (strengthening) stage of norm development spanned the years 1976 to the present, during which no significant instances of effective territorial expansion have taken place. The major occurrences that consolidated the norm were governmental reactions to personal disputes. The conflicts between Somalia and Ethiopia from 1976 to 1980, Iraq's occupation of Kuwait from 1990 to 1991, and Yugoslavia's efforts to annex sections of Croatia and Bosnia from 1992 to 1995 stand out in particular. The choice made by Indonesia in 1999 to permit an election in East Timor was also significant. Several territorial disputes were decided by the International Court of Justice during this time, which is another significant development. The *uti possidetis* concept, which argues that states have rights to territories that were legitimately given to them by earlier ruling states and that other states do not have the authority to acquire these areas by force, served as the foundation for the court's rulings.

III. CONCLUSION

There has been a noticeable reduction in successful territorial expansion battles during the last 50 years. In reality, since 1976, there hasn't been a successful territorial expansion. Important multilateral agreements in favor of the rule have also been reached, and international institutions often intervene to compel governments to leave other nations. Clearly, the industrialized world's concern that territorial revisionism may spark a catastrophic conflict that would result in significant human suffering has been a key contributor to the norm. Numerous academics have noted that this abhorrence of inflicting bodily suffering has played a crucial role in the consolidation of numerous security and human rights regimes. At crucial junctures in its international legitimization, the territorial integrity norm was developed in response to the lessons learned from the two world wars, a general knowledge of how territorial revisionism encourages catastrophic conflicts, and a dread of nuclear weapons. However, it is impossible to ignore the conceptual component of democratic principles, which are shared by many Western and increasingly non-Western nations. In 1919, 1945, and 1975, the Western democratic nations were the main force behind the norm. A new CSCE research emphasizes the effects of democratic principles on regard for international boundaries. Gregory Flynn and Henry Farrell assert that these ideals direct governments toward the peaceful resolution of conflicts and reverence for the borders and institutions of other nations. They also emphasize that democratic nations prioritize respect for states' territorial integrity above the right of ethnic groups to self-determination since this approach best embodies their two core principles of self-governance and non-violence, sometimes known as liberty and order. They write that "the norm of self-determination was not only subjugated to the norm of inviolability of borders; it was also effectively erased as an autonomous principle of international relations in Europe separate from the norm of democracy. In other words, self-determination refers to the right of the peoples of legal territorial states to self-govern.

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