Historical Justifications for Territorial Claims

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Abstract. The justifications that states offer in support of their actions play an important role in shaping territorial conflicts between states. During the past forty years, territorial claims against neighboring states have almost always been justified as attempts to recover land that had been "wrongfully" taken away. This article charts the rise of this kind of historical argument, beginning with the Peace of Westphalia. It is an argument that has its roots in Western understanding of property rights. Historical arguments have come into ascendancy as claims based strictly on ethnic, strategic, and economic considerations have become less acceptable. Of course, arguments for the restitution of territory frequently hide other underlying motives. But language itself shapes the formulation and pursuit of territorial objectives. Examples of territorial conflicts between Ecuador and Peru, India and Pakistan, and Togo and Ghana reveal that the discourse of territorial conflict justification can influence (1) the extent of territory in dispute, (2) the ways in which armed struggles over territory evolve, (3) the places where interstate territorial conflict is likely to develop, and (4) the solutions to ongoing territorial wars that are contemplated. Thus, disputed territory cannot be understood simply as a collection of objective attributes. It must be seen instead as the outgrowth of a dynamic relationship existing between an area and the social processes and ideologies that give it meaning.

Key Words: territory, interstate conflict, discourse, language, restitution, historical justification.

Many of the armed struggles between states since World War II have arisen from disputes over territory. Interstate conflicts arising from overlapping senses of territory are so numerous that even short descriptions of major ongoing struggles fill entire reference volumes (Day 1987). Maps in war atlases document their near-ubiquity and provide evidence of their cost in human terms (Downing 1980; Kidron and Smith 1983, maps 2–6; Chalid and Rageau 1985, 47). Although some interstate conflicts are sustained by distant powers seeking to retain or expand spheres of influence, most are driven largely by competition between neighboring states over the right to incorporate parts of the earth's surface into their domains.

Territory is so frequently a source of conflict because the state is fundamentally a place; its very existence and autonomy are rooted in territory (Mann 1984, 187, 198; Johnston 1986, 565). Territory provides a tangible basis for the exercise of state power by delimiting the human and physical resources over which the state has some control. Succinctly put, territory is at the heart of national identity and cohesion (Johnston et al. 1988, 5–6). By extension, it is of supreme importance to the state (Anderson 1986, 116–18).

The inextricable link between territory and state action helps explain why international military confrontations frequently grow out of territorial disputes. Yet with the exception of certain case studies (see House 1983), the scholarly literature on war and peace evidences far more concern with the abstract political and economic goals of states than it does with the territorial stakes involved in their conflicts (Diehl 1987). Political geographers, economists, and political scientists have contributed much to our understanding of the role of space and territory in the conduct and diffusion of warfare (see Boulding 1962; Starr and Most 1983; O'Loughlin 1986; Kirby and Ward 1987; Ward and Kirby 1987; Brunn and Mingst 1989), but comparatively little has been written that treats territory as a basic cause of conflict.

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A partial exception can be found in the recent work of Paul Diehl and Gary Goertz (1988; Goertz and Diehl 1990). Looking at instances of territorial conflict since 1816, they have sought to relate a state’s willingness to fight over territory to the “importance” of the territory in question. For these writers, importance is basically an objective issue tied to land area, population size, proximity to power centers, and the like. The work of Diehl and Goertz provides an interesting perspective on historical patterns of territorial conflict, and their attempt to look at territory as a source of conflict is laudable. Yet if we are to understand the territorial dynamics of interstate conflict, we cannot afford to disregard social and political circumstances (Kratochwil et al. 1985, 3–4). Issues of population size and land area are of importance in a variety of different conflicts, but the matter cannot be laid to rest there. As evidenced by recent conflicts between India and Pakistan and between Venezuela and Guyana, even sparsely populated upland regions or agriculturally unproductive rain-forest areas can be the foci for territorial disputes.

Prevailing ideas about what constitutes a legitimate basis for state control of territory fundamentally influence interstate territorial conflicts. In this article, I am concerned with the ways in which ideas of this sort influence the arguments that state leaders advance in support of territorial claims, and the implications of those arguments. I refer to these arguments as justifications because they are attempts to garner support for state action, both internally and externally. They are a means by which states seek to legitimate their claims, and may or may not be indicative of underlying motives.

The contemporary discourse of territorial claim justification reflects the recent ascendancy of the principle that a state is not entitled to seize territory from another unless that territory itself was originally wrongfully seized. So widely accepted is this principle that since the close of World War II, few state leaders have been willing to deny its validity. What this means is that the justifications now offered in support of territorial claims are almost invariably couched in terms of recovery of territory that historically belonged to the claiming state. The disputed territory is rightfully “ours,” the argument goes; it was illegally taken away from “us” and “we” have the right to reclaim it.

This kind of historical argument may well mask underlying and more important economic, national, or geopolitical motives, but it plays a powerful role in defining the parameters of interstate territorial conflict. The norms that govern the discourse of justification can influence (1) the extent of territory in dispute, (2) the ways in which armed struggles over territory evolve, (3) the places where interstate territorial conflict is likely to develop, and (4) the solutions to ongoing territorial wars that are considered. To ignore the importance of these norms is to risk reducing the geographical contribution to the study of interstate territorial conflict to an exercise in identifying the areas adjacent to states with the largest population and most valuable resources.

The Importance of the Discourse of Justification

In the burgeoning theoretical literature on the social dynamics of territory, two fundamental but related points stand out. One is that the attempt to control space is a basic feature of human existence deeply embedded in social and political relations (Sack 1986). The other is that territory is a social construct that is fundamentally embedded in social processes (Soja 1989). In David Knight’s words, “territory is not; it becomes, for territory itself is passive, and it is human beliefs and actions that give territory meaning” (1982, 517). The significance of these two themes for the study of the role of territory in human affairs is clear: it is that territory cannot be understood as a collection of objective attributes. Instead, territory must be seen in terms of the dynamic relationship existing between an area and the social processes and ideologies that give it meaning.

This approach to the study of territory falls within what Brunn and Yanarella have termed “humanistic political geography.” For Brunn and Yanarella, “humanistic political geography is concerned with uncovering the dynamic social processes whereby the spatial dimensions of the natural and social world are organized and reorganized into geographically delimited and symbolically meaningful provinces by national and transnational groups” (1987, 8). In the context of the study of interstate territorial conflict, this suggests, among other things, a focus on the ways in which territorial goals are formulated and pursued by state leaders. These issues
are addressed in many case studies but, with few exceptions, they are omitted in reviews of general patterns and processes. A few comparative studies have examined some of the different bases of territorial claims (see Burgardt 1973; Hill 1976). Although these works capture many of the important factors underlying territorial expansionism, they leave open questions concerning the relative importance of the different bases for territorial claims, the kinds of circumstances that are likely to give rise to particular claims, or the ways in which certain claims affect the development of interstate conflict.

The difficulty in moving beyond a shopping list of possible bases for territorial claims is, of course, that motives for expansionism differ widely from place to place (Prescott 1965, chap. 5). Yet broader generalizations can be made about the forces and structures that propel modern states toward territorial expansionism and about the international political-cum-ideological environment in which territorial claims are made. Those writing from a world-systems perspective have sought to address the former issue (see Taylor 1985, 34–65), but little has been said about the latter. In particular, almost nothing has been made of the special position that the restitution argument has assumed in the contemporary discourse of territorial claim assertion.

Yet the rhetoric surrounding territorial conflicts is replete with references to historical considerations. Yugoslav leaders defended their country’s claim to Trieste after World War II by describing the area as “our own sovereign land snatched from Yugoslavia in the past” (Day 1987, 74); in 1962 the Indian government insisted that peaceful relations with China would be impossible until there was an “undoing of all the consequences of [Chinese] aggression” (India Ministry of Information and Broadcasting 1962, 1); and in 1969 Chinese officials reiterated their claim to territory within the Soviet Union by asserting that “Tsarist Russia annexed more than 1,500,000 sq km (580,000 square miles) of Chinese territory by the unequal treaties it imposed on China” (Day 1987, 294). Government leaders rarely make speeches declaring that they are seeking to incorporate a neighboring territory into their domain because there is a valuable bauxite deposit in the area or because the territory would provide better access to the sea or because the state is too small to compete effectively with its neighbors. Rather, the public discourse of territorial expansionism is essentially a call for restitution of that which was improperly taken away.

So prevalent is this form of justification that even the potential of raising a restitution claim can give rise to interstate tensions. This is almost certainly what is behind the recently voiced concerns in Poland that a united Germany might try to reestablish control over Silesia. The Germans are unlikely to press such a claim, as they would have far more to lose than to gain, but with the relaxation of Soviet control in Eastern Europe, claims of this sort are likely to intensify in other places. The Romanians have already stepped up their claim to Moldavia, and the Bulgarians show no sign of backing away from their claim to Macedonia. The historical argument can be important at the substate level as well, particularly when ethnonational groups claim sovereign control over their territories. With the introduction of glasnost in the Soviet Union, there has been a surge in demands by nationalist groups for the return of territories that once lay within their domains. Among the most important of these are Byelorussian claims to parts of Lithuania, Armenian claims to territory in Azerbaijan, and Ukrainian claims to the Kuban region in the Russian Soviet Socialist Republic.

In many instances historical arguments are probably little more than attempts to seek support for territorial designs founded on greed, the desire for economic advantage, or the quest for strategic superiority. A historical claim may therefore seem little more than a rhetorical mask of reality that is unworthy of serious consideration. Yet language itself is a primary means of constituting reality because it fosters beliefs that produce political action (Clark 1990; Murphy 1990). As P. J. Thompson puts it, “ideology operates through language and language is a medium of social action” (1984, 6). By extension, language and ideology are not masks for reality; they are fundamental building blocks of reality.

**The Concept of Conflict Justification**

Armed struggles are supported and sustained in an ideological environment infused with notions of righteousness and justice. As the major
wars of the twentieth century have revealed, the discourse of justification is itself one of the basic weapons in any conflict. The propaganda machines of Germany and Japan during World War II are only the most obvious examples of the significance of the discourse of conflict justification for the conduct of warfare. At a minimum, some form of justification is needed to motivate large numbers of people to support an armed struggle over territory. Although people can be forced to fight in the face of immediate physical threat, most large-scale conflict between politically organized areas is carried on by people who believe, or have been led to believe, that they are fighting for some sort of cause. Throughout history, major wars have involved large numbers of people who were willing to make tremendous sacrifices, up to and including their own lives. It is simply impractical for one person, or even an entire government, to garner enough support to carry on such a struggle through threat alone.

Historically, justifications for going to war over territory have rested on notions of natural order, fairness, or gain. Many territorial conflicts between sovereign, politically organized areas have been carried on by mercenaries, of course, but most boundary disputes in the post-World War II era have been waged by soldiers motivated by goals that transcend immediate individual remuneration. These goals come about because the organizers of the conflict initiate or perpetuate justifications beyond the individual that are accepted, either consciously or subconsciously, as valid.

The perceived importance of justifying the pursuit of a territorial claim is suggested by the efforts to which states go to get across their side of the story. Maps are a primary tool for this endeavor (see Hall 1981). Guatemalan maps invariably show Belize as part of Guatemala, the map that is used on Ecuador’s postage stamps includes territory presently controlled by Peru, and Pakistani maps of South Asia always include Jammu and Kashmir within Pakistan. Efforts to refute “propaganda cartography” (Burnett 1985) can lead to escalating wars of rhetoric and symbolism. A compelling example is a 250-page atlas produced in Guatemala in 1929, the sole purpose of which was to refute a set of historical maps that the Honduran government had published to support its interpretation of the boundary between Guatemala and Honduras (Comision de Limites 1929). The atlas, which begins with the assertion that the Honduran maps are the result of “manifest quackery,” goes on to provide descriptive and cartographic refutations of each of the maps produced by the Hondurans.

The purpose of such efforts is not just to rally support among the local citizenry. In an increasingly interdependent world, states can rarely sustain significant military actions in the absence of some concrete military or monetary support from other states and private institutions (Osgood and Tucker 1967, 196–97). Consequently, conflicts must be justified in terms that do not discourage support from the suppliers of needed resources. Suppliers of resources often act largely for economic reasons, of course, but even then some appeal to notions of justice or fairness is often necessary if the supplier is to avoid economically detrimental sanctions or head off domestic or international condemnation. Hence, the form of justification must conform to widely accepted notions of justice.

The Ascendancy of the Historical Justification

In a two-part study of changing ideas about the “natural frontiers” of France from the Middle Ages to the early twentieth century, Norman Pounds (1951, 1954) clearly demonstrates that different kinds of appeals have been made at different times and places to justify armed struggles over territory. During various periods, France and Germany advanced arguments in support of their territorial claims based on natural law, physiographic characteristics, ethnic distributions, and historical rights. In the second half of the twentieth century, the last justification has come to dominate (Shaw 1986, 10; Hill 1976, 43). The emergence of historical arguments as the dominant form of conflict justification in the post-World War II era can be understood only against the backdrop of the development of modern international law and its relationship to national territorial sovereignty.

The elevation of the territorial sovereignty of independent states to a position of primacy in international law can be traced to the Peace of Westphalia in 1648 (Shaw 1986, 2). The period leading up to the Thirty Years War marked the decline of a European political order based on
the Church, an intensification of international contacts and trade, and a rise in the power of secular authorities. Consequently, a body of ideas about international practices that began to take shape in the first half of the seventeenth century became the basis for modern international law. These ideas were grounded in prior religious and philosophical tenets, of course, but their application to juridically sovereign territorial states in Europe brought in being a set of legal principles that, with the spread of the European state idea around the world, was to have global significance for the emerging international system of states.

The development of modern international law relating to warfare can be traced to the Spanish theologian Francisco de Vitoria (1480–1546) and, more definitely, to Hugo Grotius (1583–1645), a Dutch jurist, theologian, and historian (Johnson 1975, chaps. 3, 4; 1981, 174–79). Both based their ideas about the circumstances under which war can be justified on the philosophy of natural law. In a departure from medieval notions of “just warfare,” Vitoria argued that the desire to convert people to Christianity did not justify the use of force. Grotius, drawing heavily on classical sources but also on the work of Vitoria and other Spanish jurist-theologians, completed the secularization of the just-war idea (see Edwards 1981). Grotius’s seminal treatise on the law of warfare was based on the idea that force is allowable to maintain legitimate rights (Grotius 1925, 51–90). The two natural law principles undergirding Grotius’s conception were “that restitution must be made for a harm done by one party to another, and that promises given through signatures to treaties or otherwise, must be kept” (Friedmann et al. 1969, 5). For Grotius, justifiable causes for war were “defense, the obtaining of that which belongs to us or is our due, and the inflicting of punishment” (1925, 177).

Grotius was part of an intellectual tradition that held individual rights to private property and state rights to territorial sovereignty to be fundamental; his treatise leaves no doubt that force is allowable to maintain rights over territory. Grounding his argument in the writings of Aristotle and Cicero, Grotius contended that “by the law of nature it is permissible to kill in defense of property” (Grotius 1925, 179). Although some have argued that there is a historical distinction between the legal concepts of property and territory (Shaw 1982), it is clear that state territory fell within Grotius’s conception of property (Blum 1965, 7). Hence, for Grotius, a state is justified in using deadly force to defend territory.

Grotius’s theory of bellum justum—which permits war, but only in reaction to an illegal act—emerged as a generally accepted principle of European International law that held sway through the end of the eighteenth century (Kelsen 1942, 44). It dovetailed with the Enlightenment’s vehement rejection of feudalism and its consequent emphasis on the importance of private property (Merryman 1985, 15–17). According to Enlightenment thinkers, governments existed to secure the rights of people to property; by extension, governments had the right and duty to fight against the wrongful taking of property. Although a variety of justifications were advanced during the 150 years following Westphalia for territorial expansionism under the doctrine of bellum justum (Hill 1976, 36–38), the intellectual climate was certainly conducive to the perseverance of Grotius’s notion that the use of force is permissible to recover wrongfully taken territory.

Yet the rise of the modern national state in the late eighteenth century also represented the triumph of the idea of national sovereignty. Complete national sovereignty implied a lack of restrictions on state action—even on the waging of war. The ascendancy of this view in the nineteenth century was associated with the rise of positivist international law at the expense of natural law philosophy (Friedmann et al. 1969, 5). Positivist international legal theory—which holds the actions of states to be the sole source of international law—had its origins in the seventeenth century, but it was not until the nineteenth century that it became dominant. Under the positivist theory, war was regarded as an act of state and as such it did not have to be justified in terms of international norms. The view that an international prohibition on the right to wage war is an infringement of state sovereignty held sway until World War I.

The rejection of the bellum justum theory on the basis of arguments about state sovereignty did not, however, solve the problem of ascertaining the extent of the territory over which individual states had the right to exercise complete control. Europe had to face this question squarely at the Congress of Vienna in 1815, and the principle generally applied was the rein-
statement of pre-French Revolution boundaries (Hill 1976, 39). The restoration of the status quo ante meant that legitimacy rested on historical inheritance. The Congress of Vienna thus enshrined the notion that the historical possessor of territory had a right to that territory in perpetuity.

The subsidence in the nineteenth century of concern over justifying warfare in terms of international legal norms did not obviate the need to justify territorial expansionism at home, and the principles of the Congress of Vienna established the basis for those justifications. The French government defended its acquisition of Nice and Savoy from Italy on the grounds that it was reclaiming French territory, Spain asserted its claim to the Chinchilla Islands on the grounds of historical reindication, and both France and Germany advanced historical arguments in support of their claims over Alsace-Lorraine (Hill 1976, 41–43). As the nineteenth century wore on, however, and nationalist ideas flourished about the bond between a people and its territory, historical justifications came to be increasingly supplemented, and even in some cases supplanted, by more purely ethnic arguments (see Murphy forthcoming). Nationalist fervor culminated in World War I, which marked the erosion of the positivist view of international law and the redrawing of many international boundaries.

The devastation of World War I precipitated a reevaluation of the positivist rejection of international legal restraints on war, but the direction of international law was not toward a reassertion of bellum justum ideas. Rather, the attempt was made to outlaw territorial war altogether. Under Article 10 of the Covenant of the League of Nations, all nations agreed “to respect and preserve as against external aggression the territorial integrity and political independence of all members of the League.” Although ultimately unsuccessful, this formal renunciation of forcible seizures of territory provided a new international legal norm that was to influence, albeit indirectly, modes of justifying conflicts over territory.

The notion of justice itself, of course, was written out of the new international law of war. The goal was restraint, not justice (Johnson 1981, 328). Yet nationalist concerns with territorial justice were (and are) far from dead because the doctrine of nonintervention was premised on the acceptance of a geographical pattern of states that many regarded as essentially unjust. In Europe, that pattern arose out of a conference that was supposed to delimit once and for all “correct” national boundaries. Although ethnic in character, the territorial claims made at the Paris Peace Conference centered around historical considerations, since ethnicity was seen in part as a consequence of a shared territorial past (Hill 1976, 81–83). Consequently, justifications for territorial change during the interwar years were frequently rooted in ethnic-cum-historical arguments.

The terms of the Covenant of the League of Nations did little to discourage territorial war in the long run. States simply argued that the prohibition in Article 10 against violations of territorial integrity did not foreclose acts of aggression to reestablish territorial integrity (D’Amato 1987, 64–65). Thus, a historical argument allowed a state to pay lip service to formal international law while proceeding to act in its own territorial interest. The outbreak of World War II was associated with the advancement of such historical claims. The Soviet-German nonaggression pact hinged on Hitler’s offer to Stalin to return areas that were historically within Russia’s domain in exchange for nonintervention in Germany’s “reacquisition” of the corridor across northern Poland and a small part of Lithuania. Subsequent German expansionism was, at least in the early stages of the war, rhetorically rooted in a historical-cum-ethnic claim. Moreover, Stalin premised the Soviet invasions of Poland, Estonia, Latvia, Lithuania, the Western parts of Byelorussia and the Ukraine, and later Moldavia, on the Soviet Union’s “right” to “reincorporate” these territories.

Although international law on the use of force largely broke down during World War II, the horrors of the war led to a subsequent reaffirmation of international legal principles banning armed attacks on other states. The Nuremberg principles clearly established that aggressive war is illegal (Schachter 1986, 113), a notion affirmed in the founding charter of the United Nations. Under Article 2 (4) of the Charter of the United Nations, “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.” The only significant exception to this rule, set forth in Article 51 of the Charter, allows for self-defense “if an armed attack occurs against a Member of the
The specific language on the use of force was designed to obviate interpretive strategies that had been employed by states justifying aggression under the Covenant of the League of Nations (D’Amato 1987, 64–69), but subsequent events have shown that the effort was far from successful.

The scale of warfare made possible by new weapons and the incredible destruction accompanying World War II brought wider acceptance of the need for international regulation of warfare. Consequently, even though Article 2(4) has been violated in countless cases since 1945, in almost all cases an effort has been made to justify the use of force under the United Nations Charter (Schachter 1986, 123). The Charter leaves no room for justifications based on ethnic considerations; the Nazis’ reliance on an ethnic claim had largely discredited an argument under any circumstances. Hence, justifications for territorial conflict in the post-World War II era have consistently relied on the notion of the righteousness of retaking territory that was wrongfully seized or appropriated—a notion rooted in the Western legal tradition, nurtured by centuries of warfare in which historical justifications have played a central role, and sustained by the territorial character of both international political arrangements and nationalist ideology.

Historical arguments are facilitated by the inevitable ambiguities inherent in the United Nations Charter. Article 51 permits self-defense in the event of an armed attack but does not specify how recent the armed attack must have been for self-defense to be legal (see Schachter 1985, 292). States are therefore in a position to argue that an incursion into the territory of another state is retaliatory, even if the territory has not been under the control of the aggressor state for some time. In cases ranging from Iraq’s seizure of territory in Iran in 1987 to Argentina’s invasion of the Falkland Islands in 1982, this is precisely the argument that has been raised (Schachter 1984, 1627).

The historical argument is plausible within the international community in part because so many states have taken formal positions denying the validity of the territorial holdings of other states. Many of these are states that themselves have claims to territory held by a neighbor based on historical circumstances (Day 1987); states in this position are unlikely to denounce armed efforts of other states to recover territory. Moreover, the strength of anticolonial sentiment leads many states to shy away from condemning military incursions into foreign territory that arguably is under colonial domination (Schachter 1984, 1627). Even those Western states that have been the most ready to denounce violations of Article 2(4) have in some cases refused to recognize the legitimacy of other states’ control of territory. For example, many have been unwilling over a forty-five-year period to recognize Soviet annexation of the Baltic territories (Hough 1985). The widespread philosophical, if not material, support for the current independence movements in Estonia, Latvia, and Lithuania confirms that the international community is not ready to reject the idea that in some instances, past injustices should be undone.

Historical justifications, then, are the only arguments that can be advanced in support of the armed seizure of territory that both have at least some colorable basis in international law and are grounded in contemporary notions of justice. Consequently, they have become the predominant form of justification in struggles to alter the territorial status quo. Although the foregoing discussion has focused almost exclusively on the West, the use of historical justifications is not simply a Western phenomenon. The nation-state is a Western notion that has been diffused throughout the world through processes of colonialism and imperialism, and Western ideas about territory and justice permeate the international state system (Friedmann et al. 1969, 10–11). Consequently, whether it is Burkina Faso and Mali arguing over boundary placement (Stowell 1986) or Venezuela and Guyana fighting over control of a significant portion of western Guyana (Braveboy-Wagner 1984), territorial disputes unfold amidst a discourse of justification based on ambiguities in the historical record.

The Geographical Consequences of Historical Justifications

Modes of justifying territorial claims can have significant implications for the geographical study of conflict and should not be ignored. The widespread practice of basing territorial claims on historical arguments provides insight into the location and extent of territory in dispute, the nature of the territorial solutions en-
visioned, and the geographical pattern of boundary disputes. Each of these factors is examined below.

The Location and Extent of Territory in Dispute

Although such "objective" factors as resource potential, population distribution, and proximity to political core areas are frequently associated with serious border conflict (Diehl and Goertz 1988), they do little to explain why one resource-rich border area is disputed rather than another. Consider Ecuador's claim to an area of 325,000 square kilometers in northeastern Peru between the Ecuadorian border and the city of Iquitos (see Fig. 1). The area is relatively sparsely inhabited, but it contains some oil that makes it valuable to Peru. In 1941 and again in 1981, the dispute over the area erupted into armed conflict (see Child 1985, 92-98). The fact that the countries went to war over an oil-producing border area seems to validate a correlation between territorial conflict and resources. Yet as Figure 1 shows, two other significant oil-producing regions also border on Ecuador, one in northeastern Peru around the city of Talara and one in southwestern Colombia near Pasto. Neither has been claimed by Ecuador.

The Ecuador-Peru case suggests that factors frequently associated with the escalation of conflict, such as resource endowments and population concentrations, do not necessarily reveal much about which territories become candidates for dispute. Insight into the latter issue must be based on some consideration of the ideological foundations on which a state's sense of territory rests. Those foundations differ from place to place, of course, but one constant is the notion that the state has the right to control no more and no less than the historically defined territory of the nation. Under the generally accepted conceptions of territorial justice outlined above, this cannot include more than the area that, at least arguably, was within the domain of the state or a closely associated political-territorial predecessor at some time in the past.

Returning to the Ecuador-Peru dispute, Ecuador's claim to the area west of Iquitos is based on well-documented evidence of territorial reorganizations under Spanish rule and questionable circumstances surrounding a 1942 protocol awarding the territory to Peru (see Bowman 1942). Ecuador cannot make a historical argument of equal strength in support of a claim to other neighboring territory in Colombia or Peru. Other factors unique to the region are important as well, of course, including Ecuador's goal of direct access by water to the rivers of the Amazon Basin and the Atlantic coast (Day 1987, 420). Yet even here the historical nature of Ecuador's claim affects the territorial ambit of the dispute, since Ecuador could achieve this goal by acquiring either a much smaller part of the territory in dispute or a territory largely to the south of the territory in dispute. To legitimate a claim in historical terms is to commit to a territorial strategy defined by the parameters of the historical argument. Historical justifications influence not only the regions that are potential subjects of dispute, but the extent of those regions as well.

The Nature of the Territorial Solutions Envisioned

Although many of the claims based on historical arguments are surely facades for strategies motivated by political and economic considerations, no claim, no matter how hypocritical, can be credibly sustained without actions that are consistent with the claim (Schachter 1984, 1623). Those actions in turn affect the way the dispute evolves and the kinds of solutions that are envisioned. The dispute between India and Pakistan over Jammu and Kashmir (hereafter Kashmir) is a case in point. Although the conflict has roots in a long history of religious animosity, the rhetorical reliance of the two states on historical arguments relating to the circumstances surrounding partition in 1947 significantly affects the nature of the solutions that are envisioned. The accession of the princely states of South Asia to either India or Pakistan took place in accordance with the wishes of the ruler of each state, although issues of religion and geographical continuity were to be taken into account (see Inder Singh 1987). In most cases, accession was unproblematic, but in three cases, difficulties arose because the religion of the ruler differed from that of the majority of the population. One of those cases was Kashmir.

In 1947 Kashmir had a significant Moslem
majority, but some 20 percent of the population was Hindu (Day 1987, 317). Initial indecision on the part of Kashmir’s Maharaja about accession prompted Pakistani sanctions against Kashmir, which in turn led to a revolt by a segment of the Moslem peasantry. In need of Indian help to quash the rebellion, the Maharaja agreed to accede to India, at least until peace could be restored and a referendum held (Birdwood 1956, 213–14). A referendum was never held, and no one group has been in control of all of Kashmir since 1947. The state is divided between an Indian-controlled area with Hindu, Moslem, and Buddhist sections, a Pakistani-controlled area that is largely Moslem, and, as a consequence of another dispute, a Chinese-controlled area in the northeast (see Fig. 2). Despite interludes of calm, a series of armed conflicts over the years testifies to the generally high level of tension between India and Pakistan over the future of Kashmir (see Gupta 1966; Lamb 1968; Inder Singh 1987).

Although the dispute has a clear religious basis, Indian and Pakistani policies primarily reflect the historical territorial arguments on which their respective claims are overtly based.
India's claim to Kashmir rests on the act of formal accession by the Maharaja in 1947, whereas Pakistan asserts that the act was void both because the Maharaja could not go back on his formal postponement of an accession decision and because the Moslem revolt indicated that the citizens of Kashmir did not recognize the Maharaja's authority (Das Gupta 1968). Pakistan further contends that, as a Moslem-dominated area, Kashmir would be part of Pakistan but for the "illegal" act of accession in 1947. The dispute is governed by the fundamental spatial assumption that the problem to be resolved is whether India or Pakistan should exercise control over the entire territory of Kashmir. This assumption discourages acceptance of com-
promise proposals to partition the state. That possibility has been considered at times, of course, but the fact that it has not made more progress is almost certainly tied to the development in both India and Pakistan of a national commitment, through the discourse of justification, to a spatial ideology that sees Kashmir as a whole. Although partitions do on occasion result from such conflicts, they are unlikely to be discussed seriously unless both states, for practical or ideological reasons, are willing and able to abandon the basic claim as initially espoused. Moreover, they rarely bring about an enduring solution to the problem because they usually violate a national sense of territory nurtured and sustained through a discourse of justification rooted in historical political geographic arrangements (see Watermann 1984).

I am not suggesting that partitioning would provide an easy solution to the conflict over Kashmir if the parties would just think in these terms; religious distributions are simply too blurred for that to be the case. Moreover, there is now a strong separatist movement in Kashmir that seeks to frustrate both Indian and Pakistani designs on the region. This movement is gaining both strength and radicalism, as suggested by the recent upheavals following the assassination of the Moslem leader of one of the strongest separatist groups. Even without the complicating factor of a separatist movement, however, the area in dispute between India and Pakistan would be less than the entire state if the territorial claims were based primarily on the distribution of Hindus and Moslems. There are parts of Kashmir that are largely Moslem, and other parts that are predominantly Hindu (see Fig. 2). A territorial discourse grounded in religious considerations would shift the spatial focus of the conflict, with obvious ramifications for the policies that India and Pakistan would pursue in the area. Since the argument rests on historical-territorial, rather than purely religious, factors, all areas within the state are potential sources of conflict.

The impact of a discourse of justification tied to historical political geographic arrangements goes beyond the spatial focus of overt conflict or the territorial parameters of solutions that are considered. It affects the ways in which Pakistani and Indian authorities relate to the areas under their respective control. Pakistan’s 1956 constitution, as well as subsequent revised versions, calls for the relationship between Pakistan and Kashmir to be determined by the people of the state after accession. Since Pakistani authorities regard the entire state as part of Pakistan, they cannot treat Azad Kashmir, the area of Kashmir that has been under Pakistani control for decades, as a Pakistani state (Day 1987, 326). Hence, Azad Kashmir does not have formal representation in the Pakistani National Assembly, a circumstance that has caused considerable tension between Pakistani-controlled Kashmir and Islamabad. India has also stopped short of treating Indian-controlled Kashmir exactly as other states are treated, although it enjoys a legal status similar to that of other Indian states.

The point of highlighting these aspects of the controversy over Kashmir is to emphasize that the spatial and territorial assumptions that underlie a conflict are of great importance in shaping the actions of participants as well as the solutions that are envisioned. Those assumptions, in turn, are inextricably tied to the discourse of conflict justification. A view of territory as a spatial fact rather than as a social process fails to give adequate recognition to the power of spatial ideas in the development of policy and limits our understanding of the territorial dynamics of conflict.

The Geographical Pattern of Boundary Conflict

A much-needed supplement to the search for an understanding of when border disputes occur (see Mandel 1980) is some insight into where they occur. Studies of conflict diffusion and atlases of war result from concern over the where question. The discourse of conflict justification is relevant to this concern. In particular, the emergence of historical arguments as the only widely accepted justification for territorial claims means that the overall geographical pattern of territorial disputes is spatially related to the pattern of areas in which changes have occurred in the boundaries of present states, or of political-territorial units out of which present states grew. There are many such areas, of course, a factor that helps to explain the widespread lack of correspondence between national sense of territory and the political pattern of states. Yet discernible differences in the political history of state boundaries
from place to place are of some importance for the geography of interstate territorial conflict.

The point can be made most clearly through a comparison of regions on a global scale. The complex ethnic pattern of sub-Saharan Africa and the relative instability of many of the African states south of 15°N might suggest that this is an area ripe for interstate territorial conflict. Yet studies by Van der Wusten (1985) and Challand and Rageau (1985) show that Africa south of the Sahara lags well behind the Middle East, Latin America, and Asia in the number of interstate territorial conflicts since World War II. In fact, in a categorization of “major” and “secondary” conflicts between neighboring states, Challand and Rageau (1985, 47–48) list no “major” conflict and only one “secondary” conflict in Africa south of 15°N, that being the dispute over the Ogaden between Ethiopia and Somalia. The challenge, as Van der Wusten (1985, 25) points out, is to explain this pattern.

At least part of the answer lies in the dominant discourse of conflict justification. Although there were many large-scale politically organized areas with shifting or flexible boundaries in sub-Saharan Africa prior to extensive European colonization of the continent, few of the present states can trace their origins to these political territories. Moreover, with a few notable exceptions, most of the colonial borders were established without significant debate and did not change over time. By contrast, the borders of most Spanish administrative units in South America shifted over the long course of Spanish colonialism there, and many historical predecessors of the states in Asia and the Middle East occupied an area that does not correspond exactly to the territory of their modern-day successors. Consequently, in most sub-Saharan African cases, there is little in the historical record to support a territorial claim grounded in a discourse of recovery of territory.

Those interstate territorial conflicts that do exist in sub-Saharan Africa are found primarily where there have been boundary shifts or where there were ambiguities in the establishment of boundaries (see Day 1987). The exceptions are the disputes between Somalia and Ethiopia and between Somalia and Kenya. Somalia bases its claim to the Ogaden in Ethiopia and to territory in northern Kenya primarily on the grounds that ethnic Somalis live there. Even here, however, there is a historical component to the arguments that are advanced. Somalia has consistently maintained that it has the right to re-create the union of Somali areas that some claim to have existed in loose form during part of the sixteenth century (see Markakis 1987; Mariam 1964). Ethiopia has countered with the historical argument that the Ogaden was part of ancient Ethiopia from the seventh century B.C. onward, except for brief periods during which it was “improperly” wrested from Ethiopian control.3

The link between interstate territorial conflict and historical justifications is particularly evident in West Africa. Perhaps the most serious territorial dispute in the region is between Togo and Ghana over a strip of territory in eastern Ghana (Fig. 3). This is also a place where, during colonial times, there was a significant and disputed boundary shift after World War I. There is an explicit ethnic component to the conflict because the present Togo-Ghana border divides, among other groups, the Ewe people (Prescott 1965, 135–39). But this dispute cannot be explained primarily by reference to ethnic considerations; after all, most of the borders in West Africa divide ethnic groups. Unlike many other groups in the region, the Togolese can sustain the dispute by arguing that a prior boundary shift was unfair.

The historical roots of the Togo-Ghana dispute lie in the late nineteenth and early twentieth centuries when Germany counted among its colonial possessions all of the present state of Togo plus the area in Ghana that is now claimed by Togo (Coleman 1956). As can be seen from Figure 3, the German colony of Togo included most, but not all, of the Ewe-speaking area. The western border of German Togoland, however, divided many other groups (Knoll 1978, 140–41). At the outbreak of World War I, Togo was occupied by both British and French forces. Following the defeat of the Germans, the British and French divided the colony into a separate French-administered Togo, occupying the present territory of the state of Togo, and a narrow strip of territory that the British administered as part of the Gold Coast (present-day Ghana) (Austin 1963).

The Ewes were greatly affected by the division. Several Ewe-initiated efforts at reunification were mounted from Lomé and from Ewe territory in the Gold Coast during the ensuing forty years. Although these efforts attracted considerable international attention, they were
Figure 3. Territory in dispute between Togo and Ghana. The map also shows the approximate area occupied by Ewe-speaking people (compiled from various sources including Welch 1966, 38, 54; Brown 1980, 571; Coleman 1956, 12).
not successful. Hence, when the Gold Coast and Togo achieved independence in 1957 and 1960, respectively, the new states inherited a potentially explosive territorial problem. The political geographic history of the region has given Ewes and others in Togo the opportunity to press openly for the re-creation of pre-World War I Togoland. The intensity of the dispute between Togo and Ghana has shifted over the past thirty years in response to political changes in the two countries. Despite periods of relative peace, Togo has not dropped its territorial claim. And Ghana has resisted the Togolese claim vigorously, at times even claiming that it has the right to control all of Togo.

In pressing its claim, Togo has sought to use the ethnic issue to its advantage. But the positions it has taken make it clear that Togo has based its territorial claim primarily on historical rather than ethnic considerations. A 1977 statement by the Togolese Ministry of Information is indicative of the way that Togo has sought to justify its claim (quoted in Day 1987, 142–43). The statement contained the following language:

From August 1914... the allied forces set about breaking up the inherent unity of Togo (political, economic, social and cultural), sharing the occupation of the colony between themselves. ... Many arguments are advanced in favour of maintaining the status quo, both in the Organization of African Unity and at the international level. The principle that the frontiers inherited from colonialism are sacrosanct undoubtedly prevents Africa from tearing itself apart, but general principles have never ruled out consideration of individual cases. Togo existed as an entity before and during colonization. In view of the reunification of British and French Cameroons, the Togolese wonder why there should be one law for one nation and another for the other.

That the dispute is driven largely by this sort of historical argument is further confirmed by the way in which Togo has pursued its claim. Togo has never argued that it is entitled to Ewe-speaking areas to the south of the territory that was administered by the Germans prior to World War I, nor has it expressed a willingness to limit its claim to the southern portion of the territory in dispute where Ewes are found (Fig. 3). Rather, Togo has consistently argued for a reunification of areas formerly administered by France and Great Britain. This further confirms the role of a historical argument in influencing the extent of territory in dispute and the nature of the solutions that are envisioned.

None of this means that there is a simple correlation between historical shifts or ambiguities in the boundaries of a region and interstate territorial conflict in the post-World War II era. After all, the states of Western Europe occupy an area with a history of complex and shifting political-territorial arrangements, yet Western Europe has been remarkably tranquil over the past forty years. The framework of territorial conflict justification operates along with a host of other factors that must be considered in explaining the Western European or any other case. At the same time, given the contemporary importance of the historical discourse of justification for interstate conflicts over territory, ignoring the political geographic history of a region is just as dubious as according it singular explanatory powers.

**Conclusion**

In an article examining the autonomous power of the modern state, Mann (1984, 210) argues that “the territoriality of the state has created social forces with a life of their own.” One of those forces is a state ideology of a people’s right to territory that is analogous to individual property rights within the Western legal tradition. Under property law concepts, a chattel that once belonged to an individual cannot be taken away against that individual’s will, and if it is taken away, the individual is entitled to restitution, either through return of the chattel or through compensation. By extension of this line of logic, which is deeply embedded in the intellectual tradition out of which international law arose, if territory was controlled by a state at any time but that control was subsequently and involuntarily lost, an argument can be made that the state is entitled to restitution. This argument is part of the nationalist foundation of the international state system (see Murphy forthcoming) and forms part of the backdrop for the legitimation of territorial claims.

The argument’s ideological power lies both in its ubiquity and in its appeal to tradition. The contemporary discourse of territorial claim justification is so dominated by the historical argument that most other claims are either left unstated or are offered as support for the historical claim. Thus, when Somalia makes an ethnic argument about the Ogaden, or Ecuador
raises geopolitical issues in connection with its claim to the area of northern Peru around Iquitos, or Togo advances the cause of the Ewes as part of its claim for a re-creation of pre-World War I Togoland, each is tying ethnic claims to arguments for historical restitution. 7

Many claims grounded in historical political geographic arrangements are undoubtedly little more than smoke screens for power politics or for territorial greed. Yet the power of words is often more than it seems. It is through words that leaders develop and sustain territorial ideologies; once those ideologies gain wide acceptance, backing away from them can be an immensely difficult task (Manning and Robinson 1985). Moreover, to sustain credibility, the words must be accompanied by actions consistent with their content, and these actions can fundamentally shape the course of events.

The power of language in shaping geographical arrangements and understandings is a theme of growing importance within geography (see Clark 1989; Johnston 1986; Tuan 1977). The challenge for those concerned with the role of territory in human affairs is to explore the ways in which discourse shapes the formulation and pursuit of territorial objectives. In this article, I have sought to suggest the importance of this approach by discussing the significance of the rhetoric of justification for situations in which two states contest control over a piece of land that both consider part of their national territory. A similar approach could be adopted in the study of territorial disputes at different scales or of a different kind. Whether one is considering substate nationalist claims to territory (Johnston et al. 1988), the competition among states for control of the world’s oceans (Alexander 1986; Chiu 1986; Melamid 1986; Morris 1986), or efforts to assert territorial claims over the continent of Antarctica (Glassner 1985), the nature and form of claim articulation matters.

It matters because no amount of detail concerning the economic or physical characteristics of territory can provide, by itself, an explanation of why humans value a particular place. That is necessarily a question of ideology, which is, in significant part, a product of the power of language. Language is not only a reflection of attitudes and values; it structures human understanding, use, and alteration of the earth in fundamental ways. As such, to dismiss the discourse of territorial claim justification as “mere” rhetoric is to ignore a vital influence on the territorial character of human societies.

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Notes

1. Although Kratochwil, Rohrlich, and Mahajan (1985) and Prescott (1965) draw a distinction between boundary disputes, which involve relatively minor disagreements over the location of borders between states, and territorial disputes, which involve interstate conflicts over the control of substantial areas, there is no sharp dividing line between the two. Moreover, states advance similar arguments in support of territorial and boundary claims. In this paper, the term territorial dispute encompasses interstate competition over territory, irrespective of size.

2. The philosophy of natural law is based on the notion that true law must be derived from the law of God, “part of which is reflected in the law of nature, a body of permanent principles grounded in the Divine Order, and partly revealed in the Scriptures” (Friedmann et al. 1969, 4–5).

3. There are, of course, many individual states that have deliberately and flagrantly ignored international legal norms, but the number of violations of international legal principles is relatively low compared to the number of observances. As Friedmann (1964, 89–93) points out, cooperation and economic interaction between states has reached the point where “every state, big or small, is today very reluctant to abandon the benefits of participation in international organisation” through a systematic pattern of violation of international legal norms. Among the most basic international legal principles are those relating to the use of force. Although many states engage in armed conflicts in violation of those rules, the general practice of seeking to justify force in terms of international legal principles provides tangible evidence of widespread concern over international condemnation. The length to which states will go to justify the use of force under the principles of international law indicates the ubiquity of the belief “that the illicit use of force is not cost-free” (Schachter 1986, 123).

4. A historical legal argument can also be supported by reference to Article 38 (1) of the Statute of the International Court of Justice, which accords legal status to the “general principles of law recognized by civilized nations.” The argument can be made that one of those general principles is the right of restitution of wrongfully taken property. Michael Reisman (1985, 279) points out that “individual ac-
tors historically have reserved the right to use force unilaterally to protect and vindicate legal entitlements. Given the strength of the Western notion of legal entitlement to property and the ideological conflation of property and territorial interests, states can argue that the right to bear arms in order to recover wrongfully taken territory is a principle of law recognized by civilized nations (Blum 1965, 4). Thus, even the need to show an actual armed attack in the past can be avoided.

5. Even though these historical arguments play a role in attempts to justify territorial claims in the Horn of Africa, one cannot deny the importance of the avowedly ethnic basis to Somalia’s claim against Ethiopia and Kenya. But the conflict between Somalia and its neighbors is the only major African example of interstate conflict over territory in which explicit arguments concerning ethnic distributions overshadow references to historical political-territorial arrangements—and even here ethnic arguments are bolstered by historical claims.

6. Max Weber identifies appeal to tradition as one of the bases on which legitimacy must rest (Connolly 1984, 8).

7. Global reaction to the 1990 Iraqi invasion of Kuwait shows the risk of flouting the principle of historical claim justification. Recognizing the risk, most leaders are likely to continue to justify claims as recovery of territory.

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