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Borders in dispute : the construction of state and nation in international diplomacy

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Borders in Dispute

The Construction of State and Nation
in International Diplomacy

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Borders in Dispute

The Construction of State and Nation in International Diplomacy

proefschrift

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Chapter 1

Introduction

An international border fundamentally settles the control to organise, occupy and administer space. It determines the citizenship of millions and legitimates statesmen to claim the juridical and therefore political acceptability of their control, both internally and externally. Since the rise of the territorial state, people both in politics and the academy have imagined hundreds, if not thousands, of borders on the basis of for example political, economic, military-strategic, or cultural realities. Yet in the instances that the existence of a new entity has been recognised in the past decades, practices reveal a reluctance to accept the drawing of original borders. The outcome of international negotiations upon a sovereignty change has typically been rather to maintain existing international borders and to follow administrative borders in demarcating the new international borders in line with the *uti possidetis* principle.¹ This principle in international law provides that “states will come to independence with the same borders that they had when they were administrative units” unless representatives of states affected by these borders agree otherwise (Shaw, 1997: 97). So when the Republic of South Sudan seceded from Sudan most recently, it indeed gained recognised statehood within the borders of the ten southern states of Sudan, while Kosovo preceded this secession in 2008 within its former provincial boundaries.

¹ The notion *uti possidetis, ita possideatis* – that is, ‘as you possess, so may you possess’ – emerged in Roman private law as a prohibition against disturbance of the *status quo* in possession of immovables regardless of its establishment by violence (Jiménez de Aréchaga, 1992: 449), and entered the international law related to sovereignty change in the early eighteenth century. Its legal scope has increased gradually since then, with judges at the International Court of Justice confirming the application of the *uti possidetis* principle to boundaries established between colonies belonging to different colonial empires – that is, international boundaries – and boundaries established in states’ home territories rather than only to colonies’ administrative boundaries for which no legal instrument of transmission was available.

This begs the question: How are borders drawn? More specifically, how do diplomatic actors manage the implications of changes in state sovereignty for international borders?

The current practice that privileges existing borders over their alternatives is something of a puzzle. The *uti possidetis* principle endorses the principle of the stability of state boundaries. It protects the territorial unity and framework of new states, and it hence falls within the tradition of other principles of international law that establish the sacrosanctity of territorial delimitations.² But the existing borders provide a context for the expression of social relations that does not likely represent distinctions between groups of peoples and may be inconsistent with natural phenomena and economic trademarks or value – that is, they do not likely conform to the ‘lived’ geographies. This has kept peoples fighting for competing border delimitations on all continents. While the new international borders of Kosovo left significant minorities unsatisfied or uncertain about their status in the redefined state, the 1/1/56 boundary maintained to separate South Sudan and Sudan has been disputed within and between the formerly unified states. Elsewhere, whether in Transnistria or in Nagorno-Karabakh, peoples claim to redraw borders in a more rational or legitimate manner. Some have made compelling cases that different border delimitations would be superior to maintenance of the existing international and administrative borders, yet their claims are denied for adherence to the *uti possidetis* principle.

The question of how diplomatic actors manage the implications for international borders of sovereignty change is a question of how boundary maintenance has triumphed over the alternatives it replaced. For example after World War I and II, international borders were drawn to demarcate ethnic or religious patterns of settlement, strategic interests, or historical delineations. And in the nineteenth century, alternatives to the ‘bundling of rights’ associated with territorial sovereignty were even recognised in buffer states and neutral areas while the colonial world was characterised by ‘spheres of interest’ or influence, suzerainties and condominiums (Kratochwil, 1985: 4). Yet it is more complex than that. During the crises that result in the drawing of new international borders, typically there are multiple competing criteria of demarcation on the table. During the

² The territorial integrity and inviolability and intangibility principles for example protect borders from violation by force, while the *nemo dat* principle permits succession only within the territories under the predecessor’s control.

international negotiation process concerning the dissolution of Yugoslavia, for example, there were initiatives for alternative borders along political, strategic, or ethnic lines that would have united or divided the successor states in diverse ways. Thus, the question of how practices are constructed is also a question of how the *uti possidetis* principle triumphs over the many alternative criteria of demarcation that are contending for recognition.

The explanation does not only generate insights for dealing with territorial claims, it also provides input for theoretical debate. Borders are inherently artificial divisions between human beings and drawing them is a political act. Academics have paid considerable attention to this act. This attention is warranted because the establishment of new international borders has been stimulus for some of the most glorious and tragic moments in international politics. It has meant recognition of external self-determination for some, while it is often associated with violent destruction and frustration of others. Also, international borders are among the most important institutions in politics; save in a few exceptional cases, they delimit the sphere of application of a state's authority and provide the basis for operation in the international order. The development of transnational structures particularly in Europe and an increasing international concern with affairs within the territorial jurisdiction of states impact territorial sovereignty, yet boundaries still are the defining element of the polity. They form the essential framework that legitimises and demarcates the exercise of the sovereignty of states, which are created and sustained within a specific spatial setting. And particularly in the circumstances of sovereignty change, peoples are likely to attach meaning to territorial definition. The precise delineation of the new border then settles issues concerning populations and control over valuable pieces of land, whether defined historically or ethnically or otherwise.

Thesis statement

The argument in this dissertation is that practices are socially constructed on the basis of shared opinions and largely unquestioned beliefs that are instilled in (groups of) negotiators who gain influence in the practice of boundary politics. I consider boundary politics a practice by which people represent – and ultimately construct – “a ‘world’ characterised by particular types of places, peoples and dramas” (Tuathail and Agnew, 1992: 190). In the social spaces of international negotiations, where boundary politics are played out, individuals meet to draft a peace agreement who have different

social or professional backgrounds and different representations of this world. While professionals in diplomacy tend to manage the implications of sovereignty change on the basis of a fear of disturbance of international order by nationalism and state dissolution, public and military influences in diplomacy regularly introduce practices to prevent outbreaks of crises between entitled or antagonistic communities. Assumptions about 'territories' and 'nations' and the relationship between the two social facts as a characteristic of a 'workable' or 'stable' border remain unarticulated and are often *unreflective* and *seldom questioned*, yet they reduce the range of strategies that (groups of) negotiators consider effective or 'strategic' when they recognise their relevance in the context of their negotiations.

I then argue that the negotiators' struggles for recognition of their expertise shape the relative influence of their assumptions on outcomes. Power in the practice of boundary politics is socially produced and results from negotiation of the competence or legitimacy to classify and prioritise issues. This negotiation develops in negotiators' interactions in practice on the basis of the power relations between represented fields or institutions. Constrained by their institutions and institutional hierarchy in the practice of boundary politics, negotiators will in their encounters with individuals from different fields make strategic moves to maintain or improve their position. Particularly outbreaks of violence that contradict their beliefs about peaceful territorial change create opportunities for groups of negotiators with different backgrounds can gain influence. These negotiators will then tend to autonomise specific discussions and reinforce the credibility of their assertions in it, making it increasingly difficult for others to question their stances. The practice of boundary maintenance, just like the accommodation of alternative realities, is thus the outcome of an interaction of contesting ideas that a (group of) negotiator(s) authoritatively establishes as the 'strategic' and perhaps the only 'realistic' territorial arrangement in the negotiation process.

This argument sheds new light on the development, manifestation and (tacit) contestations of practices in boundary politics. It responds not to the question *why* states or their representatives comply with specific practices such as boundary maintenance in line with the *uti possidetis* principle, but unravels *how* such practices become dominant in boundary politics.

My approach is grounded in the theoretical developments of the reflexivist International Relations theory. Particularly Pierre Bourdieu's theory of practice informs analysis of the *agents* and the *social processes* through which

they establish practices in boundary politics on the basis of an unreflective and unquestioned common sense that Bourdieu (1977: 164) labels *doxa*. The implications of Bourdieu's theory have been elaborated upon in contemporary scholarly work, where the authors such as Kauppi (2003; 2010), Bigo (2005; 2006; 2011), Kauppi and Erkkilä (2011) and Madsen (2007; 2011) explore shared knowledge in practices of international politics. This dissertation is an original attempt to develop these theoretical insights to cover social spaces where people with different backgrounds interact, in line with among others Dezalay and Garth (2002), Vauchez (2008) and Madsen (2007) and Kauppi and Madsen (2013). International negotiations in circumstances of a sovereignty change characteristically imply communication between individuals socialised in heterogeneous networks and experiences ranging from local to national to international and from military to legal to political.

This forms an intervention in various bodies of literature. Many scholars in International Relations consider practices in boundary politics fixed; they focus on context rather than agents and social processes and thus assume that practices are determined by a stable set of actors for familiar reasons. They approach practices mostly as the outcome of coercion (e.g. Krasner, 1999; Coggins, 2011), self-interest (e.g. Zacher, 2001; Carter and Goemans, 2011; Prorok and Huth, forthcoming) or legitimacy (e.g. Strang, 1990; Jackson, 1990; Fabry, 2010).

A basic premise of realist arguments is that whether standards of behaviour are honoured depends on state interest. This leads Krasner (1999) to conclude that fundamental rules of sovereignty are routinely compromised. On this basis, realists can however not account for the regular adherence to the *uti possidetis* principle. Even if we take the argument that principles are overruled by the state interest of the powerful as empirically correct, its logic does not address the multifaceted nature of power. It stresses the role of politicians and undervalues the influence of those who have to maintain the peace for negotiations to succeed like military officers and political representatives of the parties to the dispute. In addition, if national interests were as clearly defined as realists suggest, negotiators in teams representing a single institution should cohere around a common understanding of stakes in the negotiation process, not differentiate on the basis of their social backgrounds. I show that while some negotiators find it in their interest to maintain the existing system of sovereign states, others consider it their national interest not to get (militarily) involved in a dispute.

Unlike realists, neoliberal institutionalists and constructivists or English School theorists tend to reason towards adherence with the *uti possidetis* principle. Carter and Goemans (2011) for example find that while existing boundaries are focal points in negotiations, the *uti possidetis* principle serves as an institution that facilitates agreement in failure to find on an alternative. Constructivists and English School theorists, on the other hand, often consider the principle an international norm that constructs and is constructed by the desire to maintain international order. But people do not share an interest or socialisation in line with the *uti possidetis* principle. Practices and discourses in boundary politics have varied significantly over time and space. Even if state leaders agreed to overcome state weakness, these theories do not account for decisions to maintain boundaries where alternatives were made available by powerful actors, nor for adherence to the *uti possidetis* principle after detailed and laborious map-making procedures, like in the cases of Bosnia and Herzegovina and Kosovo. By focusing on structure or context, theorists in international relations arrive at an unsatisfactory explanation of outcomes in boundary politics; they find reason or ‘sense’ in the *policy* of boundary maintenance, yet variation and changes in negotiators’ stances indicate that actors are not interchangeable. Individual or inter-group lines of division appear in the *practice* of boundary politics.

Scholars in mediation studies emphasise agents in negotiation processes, yet they do also not account for variations in their discourses and practices. They tend to emphasise negotiators’ power and (self)interest (e.g. Walter, 1997; Kydd, 2003; Maoz and Terris, 2006; Rauchhaus, 2006) and strategies (e.g. Touval and Zartman, 1985; Fearon, 1995; Powell, 1999) in the process towards a peace settlement. As such, they assume the direct and rational representative character of negotiators and their collective behaviours in negotiations. My findings show, however, that negotiators’ preferences and behaviours vary on the basis of their different social backgrounds. Descriptions such as ‘the West’ or ‘the Americans’ or even ‘the mediators’ or ‘the disputant’ do not suffice to explain practices in boundary politics. A few scholars indeed find that cultural (e.g. Salacuse, 1998; Duffey, 2010; Banai, 2013) or occupational bonds (e.g. Neumann, 2002; 2005; 2007) inform stances, but they do not account for the influence of particular stances in practice – that is, they do not provide an understanding of where the power to shape outcomes lies.

Understanding actors’ stances and their influence on the shape and content of the negotiated settlement requires emphasis on both *agents* and *social*

processes in the practice of boundary politics. In the principal-agent theory, scholars such as Hawkins et al. (2006) and Pollack (2003; 2007) highlight the power relations between actors who draw and implement prescriptions. They find that principals (heads of state and foreign ministers) delegate authority to agents (negotiators) who may improve their positions by acting independently in ways undesired by their principals. Yet they leave concepts of agent slack politically empty. In contribution to this theory, I pay attention to capital and the collision of fields in practice to identify how negotiators formulate preferences and move within and across fields to shape the outlook of the peace settlement.

My argument applies to international negotiation processes in boundary politics. The role of agents and the social processes through which they establish practices is particularly effective when practices are not dominated by a detailed prescription on the border's location. Many borders are drawn by armies or statesmen without the intervention of international negotiators, as was the case for example in the dissolution of Czechoslovakia, and a third state's national interests sometimes determine the location of the boundary. Yet borders drawn in international negotiation processes that are more generalisable are arguably the most relevant for theory and practice in International Relations.

Structure of the dissertation

The next chapter builds empirically the puzzle that is central to the dissertation. The common wisdom underlying both academic explanations and negotiators' rationales for boundary maintenance is that this practice stabilises situations and as such contributes to peace and order. I present and evaluate this logic using an original dataset on border fixity in territorial transfers in the twentieth century. In a large-N quantitative analysis of events following territorial transfers, I assess three concrete conjectures about the relationship between boundary maintenance and order: drawing original borders is held to increase the risk of separatist contagion in the region, the probability of future conflict between the affected states, and civil war in the affected states. I find that the widespread belief in the territorial order reinforcing effects of the *uti possidetis* principle is largely unwarranted. To the contrary, drawing original borders was in the twentieth century associated with a lower risk of separatism in the region while it was less frequently followed by interstate and intrastate war. This raises questions about the decision of negotiators to uphold the *uti possidetis* principle in

practice; it supports the theoretical claim that we need to consider how outcomes are constructed in practice.

Having established that boundary maintenance does not contribute to peace and order, I elaborate on the explanation for this outcome in boundary politics in the remainder of the dissertation. Chapter 3 develops the Bourdieusian approach in a theory of practice, which focuses attention to the agents and social processes through which they establish practices in boundary politics. I argue that people are guided in their aspirations and ability to envision alternatives by commonplaces that Bourdieu (1977: 164) captures under the notion of *doxa*. These shared beliefs are often largely unquestioned; they are shaped through socialisation in networks and experiences and thus vary with negotiators' backgrounds. I then conceptualise international negotiations in boundary politics as spaces of interaction between fields. Groups of negotiators from different professional fields meet who share different commonplaces and thus have different stances on outcomes. They struggle for recognition of their expertise or authority to define practices. This means that practices in boundary politics are socially constructed on the basis of the beliefs of (groups of) negotiators who gain in struggles for influence in practice.

In line with the theory of practice, I trace the history of discourses and practices in boundary politics in chapter 4 to explain where common wisdoms and practices came from. A systematic analysis of institutional and policy documents and an extensive review of secondary sources assembled at distinguished institutions for the studies of international negotiations and boundary politics leads to the conclusion that the discourses and practices of boundary maintenance are the outcome of an arbitrary history. Alternatives have in the past been recognised in the practice of boundary politics; boundary maintenance does not trace back to the earliest Roman law or the decolonisation of Latin America in the 1820s. It is the 'strategic' response to the fear – whether realistic or not – that state break-ups and the creation of small (ethnically homogenous) states are undesirable in the contemporary international order, which has prevailed in boundary politics under the authority of professional diplomats and state leaders since conflict broke out following the ethnic partition of India and Pakistan in the early 1950s.

Chapters 5 and 6 then elaborate on how negotiators establish these practices in an in-depth study of international negotiations concerning the dissolution of Yugoslavia and subsequent internal division of territory

along ethnic lines of one of its republics Bosnia and Herzegovina between 1991 and 1995. I rely on a two-step qualitative research design based on a review of historical materials and secondary sources as well as interviews with the key negotiators to demonstrate that different groups of negotiators anticipate different threats to security, and hence differ in what they consider a 'strategic' or 'realistic' territorial arrangement. These different stances are grounded in their different backgrounds; while professionals of politics tended to associate territorial adjustments to accommodate aggressive nationalism with a threat of international order, military officers generally considered these delimitations necessary as codifications of geopolitical strategic realities to ensure a defensible peace. I conclude that the interplay and sequencing between these different groups of negotiators shaped the outcomes in negotiations. Professionals of politics in Europe assumed authority to define maintenance of the republican boundaries in 1991, but the subsequent violence in Bosnia and Herzegovina contradicted their common wisdom that adherence to the *uti possidetis* principle would calm tensions down. This created an opportunity for military officers to gain influence to settle disputes within these confines by codification of ethnic separation.

The concluding chapter summarises the main arguments presented and considers the study's implications for the theory and practice of boundary politics in the twenty-first century. I develop the practice of boundary politics as a social space in which actors coming from different occupational fields compete to determine how to manage the implications of sovereignty change, and suggest that we hence need an inclusive ontological framework addressing both agents and context to study this practice. Practices and their changes have to be explained in light of both challenges and opportunities in the context of a territorial dispute as well as the preferences and habits of the agents involved in international negotiations. I discuss a few interesting avenues for future research and how my findings cast doubt on the maintenance of existing boundaries in practice.

Conclusion

Practices in boundary politics have important implications as they create a different reality for citizens and state leaders. Yet scholars in International Relations poorly understand how these practices are constructed, in

part because they have assumed elements of reason or ‘sense’ behind the repeated adherence to the prescriptions of the *uti possidetis* principle. Negotiators have limited the ways to manage sovereignty change. My first goal in this book is to elucidate the significance of this decision for national, regional and international order, showing that reluctance to engage in the issue of territorial adjustment proves more volatile than has previously been thought. The next critical task is to explain how this practice was constructed. Here I also take on the widespread acceptance of boundary maintenance by arguing that it is prevalence of a specific group of negotiators rather than the quality of existing boundaries that accounts for the implications of sovereignty change being managed in line with the *uti possidetis* principle. Indeed, it is the shared assumption of particularly professionals of politics that boundary maintenance stabilises situations for international order that fixes its position in practice. My goal for this book is to explain these processes behind practices in boundary politics and to consider how they developed to bear on future international relations.

Chapter 2

A Statistical Analysis of Practices in Boundary Politics: International, Regional and Domestic Violence after Territorial Change

Those who design the future do not draw on a clean slate; new states seldom have new borders. The meanings of territory and boundaries have varied across time and culture and situation. Yet in the entire twentieth century, only seventeen out of 137 states that gained independence were territorially redefined. Most states maintained their existing administrative and international boundaries in line with the *uti possidetis* principle. This practice in boundary politics gained prevalence with only nine states entering the international system in violation of the *uti possidetis* principle since the end of the Second World War, when the common border between India and Pakistan developed to separate religious and ethnic communities while the northern extension of Bangladesh was curtailed to safeguard an Indian corridor to the north-eastern provinces (Prescott and Triggs, 2008: 335). Since Comoros became independent with the island Mayotte remaining under French control in 1975, no new borders have been drawn. In fact, since the 1986 judgment of the International Court of Justice on the use of the *uti possidetis* principle in the Burkina Faso/Mali border dispute, not a single international border drawn to manage a military conflict was original. All internationally recognised boundaries have been drawn along existing lines.

Boundary maintenance is commonly associated with peace and order with international, domestic, and regional implications. First, adopting existing boundaries as international borders is thought to minimise the likelihood of international conflict occurrence between territorially affected states. Reliance on familiar lines allegedly minimises uncertainty, reducing the negotiation costs of bargaining over infinite possible borders and lowering

the transaction costs by relying on the coordinating function of existing borders (Jackson and Zacher, 1997; Carter and Goemans, 2011). The *uti possidetis* principle would also legitimate boundary settlements on existing borders in international law (Shaw, 1997), introducing precedent and reputation costs for challenges (Prorok and Huth, forthcoming). Second, drawing new borders according to existing boundaries is thought to reduce the risk of domestic civil war. Ruling out revisions corresponding to patterns of ethnic settlement would discourage minorities left on the wrong side of the new border. Indeed, insistence on the sanctity of existing boundaries is reported as a deterrent for separatist mobilisation in the aftermath of decolonisation in Africa, despite the manifest weakness of many postcolonial states (Jackson and Rosberg, 1982; Seymour, 2013; Byrne and Englebert, 2014). Third, boundary maintenance is believed to prevent the regional spread of separatism after territorial changes. Upon decolonisation, most notably, maintaining colonial borders was considered necessary to prevent weak postcolonial states from collapsing under the weight of competing claims from multiple ethnic and tribal groups (Herbst, 1989).

But what if the common wisdom about the stabilising effect of adhering to existing borders is wrong? While the idea of fixed boundaries contributing to peace and order is an evocative one, these ideas have seldom been subjected to systematic scrutiny. Scholars in International Relations have concentrated on state creation or secession without differentiating between states that were territorially redefined and those created along existing borders. The literature on boundary politics, on the other hand, has been focused on a limited number of cases at the cost of generalisation. Carter and Goemans (2011) are a rare exception. They find that adhering to existing borders reduces the probability of international territorial disputes, thus substantiating beliefs about the stabilising effect of boundary maintenance. A first glance at events in the twentieth century however reveals that almost three out of four partitions along existing borders left the states in a militarised interstate dispute in the first decade. In the post-1975 period, only two out of twenty-nine new states – namely Cape Verde and the Solomon Islands – did *not* end up in an interstate dispute causing more than 1,000 deaths a year. On a similar note, a third of the states that gained independence within their administrative boundaries experienced a civil war in the first ten years of existence. The vast majority of the states that gained independence with adherence to the *uti possidetis* principle hence experienced some type of violence quickly following secession.

In this chapter, I examine how the means of drawing borders impacts territorial order using original data coded for this project. I begin by exploring patterns in boundary politics to find that adherence to existing boundaries was established practice over the course of the twentieth century, particularly in partitions. I then unpack the logic underlying this practice. I elaborate on claims about how the *uti possidetis* principle affects regional, dyadic, and domestic territorial orders. These claims are operationalised and tested statistically on a dataset including all territorial changes in the twentieth century in order to assess how variation in boundary making – that is, whether territorial change occurs along existing borders or original ones – impacts territorial order. This leads to the conclusion that the prevailing wisdom about the pacifying effect of existing borders is wrong. Adhering to existing borders does not mitigate threats of war and territorial claims, either in states affected by a territorial change or the wider region. Existing boundaries prove rather volatile international borders. Redrawing borders is often treated as a ‘Pandora’s Box’ – a seemingly small act with far reaching and unforeseen implications. Peering inside, however, I find that the box is empty. We may hence question the reliance on existing boundaries when effecting territorial change.

A new dataset on border fixity in territorial transfers

While existing studies offer rich insights, they have not combined conclusions on the consequences of state creation (e.g. Kaufmann, 1996; 1998; Sambanis, 2000; Tir, 2002; 2005; Chapman and Roeder, 2007; Sambanis and Schulhofer, 2009) or the development of the *uti possidetis* principle (e.g. Shaw, 1996; Hensel, Allison and Khanani, 2006) with the rich case studies in which scholars have studied the geography of boundaries (e.g. Brownlie, 1979; Biger, 1995; Prescott and Triggs, 2008). They examine border fixity without distinguishing between settlements that adhere or deviate from existing borders. Insights on the consequences of boundary maintenance derive largely from case studies in which scholars have not developed generalisable conclusions. To date, the study of boundary politics has been dominated by a handful of national experiences and prominent cases. Many scholars have argued that adherence to the administrative boundaries has reduced territorial conflict in the Americas (e.g. Zacher, 2001: 229; Castellino and Allen, 2003: 74-75; Domínguez et al., 2003: 21; Kacowicz, 2005: 60) and Africa (e.g. Touval, 1966: 644; Jackson and Rosberg, 1982; Herbst, 1989; 1990; Kacowicz, 1997: 368;

Zacher, 2001: 229-231; Castellino and Allen, 2003: 114). Carter and Goemans (2011) were the first to study the effect of boundary maintenance on the probability of international disputes in a broader context of the twentieth century. Yet their findings rest on a set of cases that excludes both practices of decolonisation and peaceful transfers of territory while the time period for conflict to follow territorial change is unlimited. For the most part, we are hence left without even basic descriptive data on the effects of (re)drawing boundaries.

To address this gap in the literature, I define border fixity to include the means of drawing borders. I hence distinguish between territorial changes that are delimited along existing lines from those establishing original borders. I follow Carter and Goemans (2011: 288-290) in their basic coding rule that existing borders are “1) international boundaries, 2) internal provincial boundaries, and 3) internal county boundaries”. I differ in two important respects, however. First, unlike Carter and Goemans (2011), who trace borders back to the Peace of Westphalia in 1648, I consider only the borders in place at the time of the territorial change. Historical borders redrawn in conquests or agreement in the time period before a territorial change are excluded. The rationale underlying the association between the *uti possidetis* principle and order is based on the deterrent effect of fixity – that is, border fixity would leave peoples no options for contestation. This renders the implications limited to maintenance of the existing situation in exclusion of the many sometimes unclear historical practices.

Second, I code boundaries as maintained when a new international border follows 100 per cent existing boundaries. This threshold avoids arbitrary coding inherent in any lower percentage and captures the essence of the *uti possidetis* principle, which prescribes complete rather than partial or convenient adherence to existing borders. Alternatives imply coding cases such as the division of Trieste in 1920 and the territorial exchanges between Pakistan and India in 1971 and between Iraq and Kuwait in 1993 as occurring along existing borders, yet minor adjustments in the new borders may critically influence the subsequent inter- and intrastate relations. Carter and Goemans (2011) used an 85 per cent threshold. Although they say that “[c]ases in which the precise threshold chosen is very important are rare” (Carter and Goemans, 2011: 289), their coding rule may significantly bias their results to misrepresent the effects of territorial change. While meaningful changes were made to the borders separating for example Pakistan and India in 1947 or Pakistan and Bangladesh in

1971, assigning states continued access to religious communities and a cul-de-sac of provinces, exactly the redefinition of the boundary at the International Court of Justice in 1986 calmed down tensions between Burkina Faso and Mali.

This dataset includes as the unit of analysis a boundary change in the twentieth century, including both partition and territorial transfers. Partition is here defined as the *de jure* political separation of populations into independent sovereign states. Cases of *de facto* control of territory or other internal political arrangements are not considered partitions because the creation of a new international border is fundamental for the purpose of analysing the consequences of (re)drawing borders. Territorial transfer includes “all territorial changes involving at least one nation-state,”³ as identified in the Correlates of War Territorial Change Dataset (Tir et al., 1998). These cover both border changes that resulted from military conflict and changes made under (non-violent) duress, such as the transfer of Sudetenland. Including these territorial transfers sharply improves coverage of the early twentieth century and distributes findings more evenly across existing and original boundaries in avoidance of domination by a few influential experiences and prominent cases. The dataset covers 446 cases of boundary change.⁴

Patterns in boundary politics

The new data reveal that the established practice in the twentieth century was to draw borders following existing boundaries, particularly in partitions. A total number of 265 territorial changes (or 59.4 per cent) occurred along existing lines, including 87.6 per cent of the 137 partitions. In the post-World War II period, 91.4 per cent of the new states were established within existing internal or international boundaries and no state was created in violation of the *uti possidetis* principle after 1975. The principle thus gained authority in partitions as time progressed.

For territorial changes more broadly and violent changes specifically, this practice also became increasingly prominent over time. After the Second

³ In the Territorial Change dataset, the definition of state developed in the Correlates of War project is used.

⁴ Thirty-two cases involving micro-states are excluded.

World War, 180 out of 255 territorial changes (or 70.6 per cent) took place adhering to existing boundaries, including nearly 60 per cent of cases when armed force was the primary agent of the territorial change. In the last quarter of the century, parties reverted to the prescriptions of the *uti possidetis* principle in all but one exchange of territory under circumstances of militarised violent dispute. Boundary maintenance is common practice particularly when the sovereignty change concerns dependent territory. More than three-quarters of the exchanges in colonies did not happen along an original boundary. But also changes that concern a state's homeland territory are increasingly affected by existing boundaries. While more than half of these were in the twentieth century shaped along original boundaries, also when they took place under militarised circumstances (or 45 out of 80 cases), nearly 70 per cent followed the *uti possidetis* principle after 1975 (see Table 2.1).

Table 2.1: Adherence to existing borders in the twentieth century

	20 th century	post-1945 era	post-1975 era
Territorial change (all)	265 (59.4%)	180 (70.6%)	46 (66.7%)
State independence	120 (87.6%)	95 (91.4%)	29 (96.7%)
Violent territorial change	63 (53.4%)	32 (59.3%)	8 (88.9%)
Homeland territory	106 (45.7%)	62 (53.0%)	32 (69.6%)

Explaining the logic of the *uti possidetis* principle

Institutionalisation of boundary maintenance when effecting change of territory is supported by the conventional wisdom that doing so bolsters peace and order. There are three concrete conjectures about the relationship between border change and order, where drawing original borders is held to increase the risk of separatist contagion in the region, the probability of future conflict between the affected states, and civil war in the affected states.

First, scholars in International Relations share the statement that changing borders is contagious, which is largely undisputed in the practice of politics. The fear is that redrawing borders can “set off an epidemic of catastrophic proportions” because alteration of existing boundaries to accommodate ethnic demands will challenge the legitimacy of all international boundaries (Lake and Rothchild, 1998: 3; Saideman, 1998; Zartman, 1966). Saideman and Ayres (2000) find some evidence of such regional diffusion effects of separatism in a cross-sectional study of ethnic groups. Saideman (1998) also suggests that there is spatial reinforcement of secessionism on the basis of a comparative study of the breakups of the Soviet Union, Yugoslavia and Czechoslovakia. Forsberg (2013) more recently contradicts these findings. The logic is that the success of one secessionist movement may trigger the members of other ethnic groups to promote independence violently; people could gain confidence in resorting to violence and may learn from their strategies (e.g. Gurr and Moore, 1997; Kuran, 1998; Gurr, 2000). Territorial change is then held to be a “modular political phenomena” – or, an “action based in significant part on emulation of the prior successful example of others” (Beissinger, 2007: 259) – that generates new claims modelled on successful examples.⁵ And if even a fraction of the eight thousand ethnic groups in the world claimed border revision, the consequences would be profoundly destabilising (Gellner, 1983: 43-52). Limiting boundary change to existing boundaries is then held to restrict the number of potential claimants.

This fear of regional contagion was particularly important in decisions to uphold colonial borders upon the decolonisation of Africa. The African leaders proclaimed respect for the new states’ colonial borders in the context of the Organisation of African Unity – a decision that was applauded within the United Nations to prohibit the reopening the question of state borders. In the ‘First Report on Succession of States’ of 1968, the members of the United Nations International Law Commission noted upon requests for codification of succession issues that “[t]he attitude of the founders of the Organisation of African Unity [...] was inspired by realism and political wisdom” (United Nations, 1970: 112). In practice as well as in academia,

⁵ Separatist contagion is generally understood as a regional, rather than a global, phenomenon as “[e]thnic conflicts [...] are not likely to produce global conflagrations unless they become linked with other issues” (Lake and Rothchild, 1998: 24).

people generally held that the lack of internal cohesion in Africa made the new leaders in the continent politically expedient to respect the territorial status quo. As Bartos (1997: 56) formulates it: “should race, religion or language be taken as criteria in setting boundaries, ‘*on ne trouvera en Afrique aucune véritable nation*’” [one will not find any real nation in Africa]. A change of existing boundaries could therefore stimulate an endless call for territorial change in the region.

International dyadic effects: interstate dispute

The second deterrent effect of adhering to existing boundaries concerns international wars driven by irredentist challenges. Decisions on control over people and territory are often considered “all-or-nothing ventures” (Tir, 2005b: 714). Existing boundaries can then serve as focal points for the parties thus minimising political, jurisdictional, and economic uncertainty. They contribute to the development of a local sense of ‘homeland’ and mitigate the practical difficulty of considering all possible boundaries in negotiations (Jackson and Zacher, 1997; Zacher, 2001; Carter and Goemans, 2011; Huth, Croco and Appel, 2011; 2013). They are also in international law established as legitimate bases of title to territory with the *uti possidetis* principle (Shaw, 1997), creating precedent for non-compliance with legal principles and reputation costs for those who challenge them in enforcement (Prorok and Huth, forthcoming). Boundary maintenance is thus deemed to generate the least questions about the legitimacy of international borders; original boundaries may generate armed confrontation between states concerning their exact location and implications. In addition, Carter and Goemans (2011: 284) hold that new borders may result in armed incidents when citizens violate boundaries that do not conform to their “business as usual”. For example, they claim that farmers’ continuation of business on the wrong side of the border contributed to international disputes between France and Spain upon boundary revision.

This idea that *uti possidetis* is an effective principle for the preservation of international peace has been a major drive for maintaining existing boundaries in practice. It is referred to in many authoritative legal and political documents. In the decolonisation process in Africa, for example, the fear of international wars driven by irredentist challenges was called upon before the African leaders pronounced acceptance of existing

borders in the 1964 Cairo Declaration drafted under the auspices of the Organisation of African Unity. At the World Summit Conference of Independent African States of 1963, the President of Mali spoke: “We must take Africa as it is, and we must renounce any territorial claims, if we do not wish to reintroduce what we might call black imperialism in Africa” (Touval, 1967: 104). Legal specialists at the International Court of Justice reiterated this fear of interstate conflicts in the 1986 Burkina Faso/Mali case. In their decision, they state that the “obvious purpose [of adherence to existing boundaries] is to prevent the independence and stability of new states being endangered by [...] the challenging of frontiers” (International Court of Justice, 1986: 565).

Domestic effects: civil war

Third, scholars in International Relations have subscribed to the idea that boundary maintenance contains a shift of conflict downward to minorities in the territorially affected states. The claim is that granting territorial adjustments to represent more accurately the distribution and demands of one ethnic group incites civil war by signalling that a government may give in to the demands of other groups (Walter, 2006; 2009; Griffiths, 2015). Boundary maintenance under these circumstances sets a threshold for communities to demand a sovereignty change. The fear of spreading unrest internally notably informed decisions both in the Soviet Union and the Socialist Federal Republic of Yugoslavia in the early 1990s to release first-order units – that is, the republics – but not lower-level units such as the autonomous provinces or oblasts like Kosovo and Chechnya even when peoples in these units were organised in secessionist movements. The right to secession of the republics was constitutionally guaranteed; adherence to these existing boundaries limited the precedent that the secessions set to peoples in the first-order territorial units, which is thought to discourage others and thus reduce civil war violence (e.g. Toft, 2002).

Civil war may furthermore develop from members of minority groups stranded on the ‘wrong’ side of the border, who are more likely to challenge new than familiar boundaries. Scholars such as Kaufmann (1996), Fearon (2004), Johnson (2008) and Sambanis and Schulhofer-Wohl (2009) hold that minorities are inevitable in a process of territorial change. These may be unable to cooperate in the establishment of new state authority where leaders of ethnic groups become predatory (Sambanis, 2000) or the

primary security providers (Posen, 1993; Kaufmann, 1996; 1998; Tullberg and Tullberg, 1997). Therefore, they hold that a border's *stability* rather than its location matters to prevent recurrence of intrastate conflict. Such stability can buy state leaders time to consolidate national identities and domestic institutions while encouraging minorities to "seek recompense from within the state structure" (Castellino and Allen, 2003: 16; Ratner, 1996: 595). This led the decolonisation of Africa to occur in line with a snapshot of the map delimiting some 50 units that denied or dissuaded hundreds of nations (Jackson, 1993). Alesina et al. (2011) indeed find that borders that do not align with ethnic patterns of settlement are not prone to civil war. They argue that drawing new, less artificial borders would not reduce any potential for intrastate violence; it would simply change the scale and location of the intrastate ethnic conflict.

Testing the logic

The three conjectures about the relationship between border change and order that underlie the institutionalisation of boundary maintenance in sovereignty change have testable empirical propositions. First, the logic connecting the drawing of original borders to the spread of separatism can be tested by examining the emergence of separatist movements in the states neighbouring the states affected by the boundary changes. Neighbours of states that lost or gained with the drawing of an original international border should experience a higher risk of separatist mobilisation than states adjacent to those affected by a territorial change along existing lines.⁶ Second, if original boundaries are particularly volatile, the states affected by such a border should be more likely to experience contestation in an international conflict after settlement. The logic centres on the boundary rather than the relationship between states involved in a territorial change; in cases of decolonisation or partition, it hence concerns international disputes between states touching the new border rather than the state dyad. Finally, the logic connecting unchangeable boundaries to a reduced risk of intrastate conflict emergence requires that fewer wars erupt in states that gained or lost territory along an existing border than in states affected by an original boundary.⁷

⁶ The effects of territorial changes on states contiguous to a colonial power are not included in the analysis encompassing decolonisation.

⁷ The effects of territorial changes on colonial powers are not included in the analysis encompassing decolonisation.

H1: *Adherence to existing boundaries bolsters territorial order following territorial change. Specifically:*

H1a: *Compared to territorial changes that occur along existing borders, drawing original borders increases the probability of separatism in states neighbouring the territorially affected states.*

H1b: *Compared to territorial changes that occur along existing borders, drawing original borders increases the likelihood of conflict between the states concerned.*

H1c: *Compared to territorial changes that occur along existing borders, drawing original borders increases the likelihood of intrastate conflict in the territorially affected states.*

Alternative explanations exist for the international, domestic, and regional implications that are commonly associated with boundary maintenance. Roeder (2007) theorises that secessionism is affected by the presence of administrative units or ‘segments’ in a state while democratic institutions (e.g. Auvinen, 1997; Krain and Myers, 1997; Sambanis, 2000; Gurr, 2000) and high levels of economic development (e.g. Muller and Weede, 1990; Auvinen, 1997; Sambanis, 2000; Fearon and Laitin, 2003) are considered key determinants of domestic peace. Democratic states would provide peaceful ways to deal with conflicting preferences and the satisfaction of economic needs can dampen tensions. Fearon and Laitin (2003) further find that the likelihood of civil war onset is more than five times greater in the first two years of a state’s independent existence than in other years while also the terrain has an influence. Tir (2005a: 545) finally concludes that partition process affects “the extent of support for extremist (i.e. conflictual) versus moderate (i.e. accommodative) policies, which in turn determine the prospects for future peace”. Peaceful secessions, he finds, are less likely to result in domestic violence than their violent counterparts.

With regard to international war, whether a leader is willing to use force to change the new boundary may be influenced by the state’s relative ability to (re)take territory. The importance of power distribution is established among scholars, even though they do not agree about whether balance (e.g. Morgenthau, 1948; Waltz, 1979) or preponderance (e.g. Bremer, 1992) benefits peace. Many scholars have furthermore shown that democracies tend to interact peacefully with one another (e.g. Russett and Oneal, 2001)

while sharing security interests increases the international and domestic costs of war for leaders who may thus be less inclined to use violence to acquire territory. Tir (2005b; 2006) adds that peaceful partition processes have a lower likelihood than violent processes that the new border will be militarily contested. If peace and order are affected by maintenance of existing boundaries, these alternative hypotheses should not obfuscate the effects of boundary politics on international, domestic, and regional security. They are therefore modelled in the analyses.

Dependent variables

I employ three primary dependent variables, supplemented by a number of alternative specifications. First, to test the regional contagion effects of boundary change, I measure separatism in states neighbouring the territorially affected states through a dichotomous variable created on the basis of Coggins' (2011) dataset on secessionist movements between 1930 and 2000.⁸ Results are verified with a dichotomous indicator of intrastate conflicts over territory as coded in the Uppsala/PRIO dataset in which the first act of violence and the first year in which more than twenty-five people died as a cause of separatist violence are reported.⁹

Second, I measure the occurrence of an international conflict between states affected by boundary change (e.g. conflicts between the rump and the secessionist state) using data on territorial disputes and militarised interstate disputes (MIDs) to examine the international security consequences of boundary change. A dichotomous variable indicates whether a MID occurred after a territorial change, as coded in the Correlates of War Militarised Interstate Disputes dataset.¹⁰ The analysis is complemented with an ordinal variable that operationalises territorial disputes as four-

⁸ A value of "1" indicates that a separatist movement emerges in any of the neighbouring states while "0" represents their absence. Following Coggins (2011), a movement is included when it has 1) a formal declaration of full-independence; 2) a national flag; 3) a claim to territory and population; and 4) an existence of at least 7 days and at least 100 individuals who claim at least 100 square meters of territory.

⁹ A value of "1" indicates a rise of separatist violence into a first act of violence or the death of >25 people per year in any of the neighbouring states while "0" represents the stabilisation of the level of violence.

¹⁰ A value of "1" indicates the occurrence of an interstate dispute between two states contiguous to a new border while "0" represents the absence of a dispute.

fold construct ranging from no dispute (“0”) to a territorial dispute where no actions were taken (“1”) to the initiation of negotiations (“2”) to the initiation of military action (“3”) on the basis of Huth’s (1996) and Huth and Allee’s (2002) Status Quo dataset covering 348 violent and nonviolent territorial disputes spanning 1919 to 1995.

Third, I assess the domestic effects of border changes with a dichotomous variable for intrastate war with sustained combat and at least 1,000 battle-related deaths per year, as defined in the Correlates of War dataset.¹¹ In order to account for politically significant protests that did not develop into full-scale war, I add a dichotomous indicator capturing lower levels of violence on the basis of the Uppsala/PRIO dataset, which counts wars involving 25 or more deaths from 1946.¹²

All variables are coded for periods of two, five and ten years and at any time after the territorial change through to 2000. Although some scholars focus on accumulated time since the border change (Tir, 2005a; Tir, 2005b; Carter and Goemans, 2011), this limits the ability to connect cause with effect. Both Sambanis and Schulhofer-Wohl (2009) and Chapman and Roeder (2007) opt to use a two-year interval “in order to limit the number of exogenous and possibly confounding shocks that may intercede between a peace settlement and our measurement of consequences” (Chapman and Roeder, 2007: 683). Sambanis (2000), Tir (2002) and Johnson (2008), however, use longer timeframes—notably five and/or ten years—to assess the long-term consequences of partition. In order to speak to the many different analyses of the consequences of territorial change, I verify results in the different time periods restricted to a decade to detect most, if not all, of the effects.¹³

¹¹ A value of “1” indicates the occurrence of a civil war in the territorially affected state while “0” represents the absence of war.

¹² A value of “1” indicates the occurrence of a civil war in the territorially affected state while “0” represents the absence of war. Following the Uppsala/PRIO dataset, armed conflict is included when there is “a contested incompatibility that concerns government of territory or both” (Gleditsch et al., 2002: 619).

¹³ Tir (2002: 276) argues that “[d]issatisfied parties are unlikely to wait longer than 10 years to show their discontent” and that the effects negotiation attempts are likely to become obvious within this time period.

Independent variables

As noted above, the independent variable is dichotomous to represent whether border changes completely followed existing international or internal boundaries (“1”) or established original boundaries (“0”). Borders here are *de jure* lines; changes in *de facto* or administrative boundaries are excluded from this conceptualisation. The logic of the *uti possidetis* principle concerns new international borders. These are thought to be stable when they are fixed to discourage contestation, which limits the relevant *de facto* or administrative boundaries to recent ones. To avoid endogeneity with decolonisation, the means of drawing borders is measured for all territorial changes in the twentieth century. As the decolonisation of Africa took place largely in accordance with the *uti possidetis* principle and resulted in relatively few MIDs and separatist conflicts (Tir, 2005b; Englebert and Hummel, 2005), including these cases should increase the likelihood of finding a stabilising effect for reliance on existing boundaries. Alternative analyses are run as robustness checks.

Control variables are also included to account for alternative explanations. In the model for regional contagion effects of boundary politics, the *number of states* in the international system is included on the basis of Gleditsch and Ward’s (1999) dataset to control for the increased opportunity for separatism in a larger number of states.¹⁴ I also coded the number of *segment states* in the region on the basis of the list provided by Roeder (2007). Finally, I add controls for domestic factors like the emergence of a new *independent state*, *state disappearance* and the *size* of the territory exchanged and process-related factors concerning the existence of *conflict* prior to the territorial change and the *type of territory* – that is, homeland or dependent territory – exchanged as coded in Tir et al.’s (1998) Territorial Change Dataset. These variables allow a test whether findings hinge on characteristics of the states or area or process rather than on the adherence to existing boundaries. If exchanges of sizeable territories are more likely to be fought over in civil war, or if intrastate violence following adherence to existing boundaries can actually be explained by the fact that difficult negotiations in military conflict are more likely to result in solutions on

¹⁴ Gleditsch and Ward (1999: 398) consider a state an independent entity when it “1) has a relatively autonomous administration over some territory; 2) is considered a distinct entity by local actors of the state it is dependent on; and 3) has a population greater than 250,000”.

the basis of the *uti possidetis* principle as a focal point, these effects are accounted for in the model.

In the model for interstate disputes following a territorial change, the natural logarithm of the power ratio between the stronger and weaker state is included in line with the literature (e.g. Russett and Oneal, 2001; Tir, 2005b) to account for effects of the *power distribution* between the states involved in a territorial change. This variable is created on the basis of the COW National Material Capabilities dataset. A dichotomous variable furthermore captures whether affected states are both *democracies* (i.e. a Polity score of at least 7) and the effects of *common security interests* on the likelihood of war are coded as alliance formation in the Correlates of War Formal Alliance dataset. Finally, I include control variables concerning the partition process to account for the effects of the existence of *conflict* prior to the territorial change and the *size* and *type of the territory* exchanged as coded in the Territorial Change dataset. It is plausible that the exchange of large territories and homeland are more likely to be fought over than small or dependent areas; these territories may be of greater strategic importance. In the model for civil war, I include the same domestic and process-related factors as in the model on separatism because literatures on these types of intrastate violence largely overlap. The analysis additionally contains a control for effects of the level of *economic development* in states involved in the territorial change. This continuous variable records a state's industrial capacity by means of the primary energy consumption per capita provided in the Correlates of War Material Capabilities dataset.¹⁵ To account for the low probability of war in democracies, the model furthermore includes whether states are a *democracy* (i.e. a Polity score of ≥ 7).

Method of analysis

I employ Pearson's chi-square test as a first cut to assess whether the manner in which a border is changed matters for international, domestic, and regional order and follow with logistic regression to analyse the *probability* of unrest, disaggregating by categories of territorial change where appropriate.

¹⁵ GDP per capita could not be used as a parameter for economic development because reliable data are not available for the beginning of the twentieth century.

Results

Regional spread of separatism upon territorial change

According to the ‘Pandora’s box’ argument, allowing one state to draw original borders encourages separatist movements in the region (H1a). However, adhering to existing borders has not prevented the spread of separatism in the post-1930 period. While 41.7 per cent of the cases in which an original border was drawn resulted in an increase in separatism in the region within two years, this occurred in 45.9 per cent of the cases in which existing boundaries were followed – a difference that is statistically insignificant ($\chi^2=.415$, $p=.519$) and thus indicates that drawing borders in line with the *uti possidetis* principle does not contain a regional spread of separatism. Also when taking into account the outbreak of conflict over territory, evidence suggests that maintaining boundaries did not prevent separatism in the first two years after a territorial change ($\chi^2=1.757$, $p=.185$). The number of separatist movements in fact increased within a decade in nearly seven per cent *more* territorial changes following existing than original boundaries (see Table 2.2).¹⁶

Table 2.2: Spread of separatism within ten years after a territorial change

	Separatism	No Separatism	Total
Existing boundaries	118 (68.6%)	54 (31.4%)	172
Original boundaries	52 (61.9%)	32 (38.1%)	84
Total	172	84	256

¹⁶ The conclusions are robust upon excluding the effects on the territorially affected states. Adhering to existing boundaries does not contain the regional spread of separatism at two ($\chi^2=.134$, $p=.715$), five ($\chi^2=.141$, $p=.707$) and ten ($\chi^2=.575$, $p=.448$) years after the territorial change. 65.5% of territorial changes following existing boundaries resulted in regional contagion within ten years while this occurs in 60.7% of changes where original borders were drawn.

Model 1 adds variables from the leading alternative explanations to the relationship between the means of drawing borders and the increase in separatist movements in the region (see Table 2.3).¹⁷ The effect of following existing boundaries when drawing an international border is quite strong. Territorial changes where boundaries were left unchanged were nearly twice as likely to be followed by an increase in separatism than changes where original borders were drawn. This conclusion holds when separatism in the region is represented in a continuous variable that denotes the number of separatist movements per neighbouring state (Model 2).¹⁸

The argument that drawing original borders encourages separatism is most often mentioned in relation to state independence as a specific instance of territorial change. A closer look at the events following state independence, however, reveals that adherence to existing boundaries does not significantly dampen the effects of territorial change. Six out of ten states where boundaries were redrawn upon independence experienced the emergence of secessionism in the region in the first ten years of existence (namely India, Pakistan, Bhutan, North and South Vietnam and Bangladesh). The same effect was observed among 64.4% of the far greater number of states that maintained existing boundaries in independence. This difference is statistically insignificant ($\chi^2=.077$, $p=.781$) and thus supports that drawing borders in line with the *uti possidetis* principle does not limit a regional spread of separatism (see Table 2.4 in the appendix).¹⁹

¹⁷ The linktest of Model 1 reveals that the model is a statistically significant predictor of the independent variable ($p=.000$) while no relevant variable are omitted ($p=.279$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p<.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=10.95$, $p=.205$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.22. Finally, the Cook's distance values indicate that the model contains no influential cases because all distances are below 1.

¹⁸ The linktest of Model 2 reveals that the model is a statistically significant predictor of the independent variable ($p=.000$) while no relevant variable are omitted ($p=.194$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p<.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=11.05$, $p=.199$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.24. Finally, the Cook's distance values indicate that the model contains no influential cases because all distances are below 1.

¹⁹ The effect is also insignificant two ($\chi^2=.162$, $p=.687$) and five ($\chi^2=.004$, $p=.947$) rather

Table 2.3: Logit models for the spread of separatism within ten years after a territorial change

Variables	Model 1	Model 2	Model 3
	<i>B (SE)</i>	<i>B (SE)</i>	<i>B (SE)</i>
Existing boundaries	.681* (.395)	.740* (.432)	1.168* (.617)
exp <i>b</i> [95% CI]	1.976 [.910; 4.289]	2.096 [.899; 4.889]	3.273 [.977; 10.968]
# of neighbouring states	.255*** (.066)	.148*** (.043)	.127 (.090)
exp <i>b</i> [95% CI]	1.290 [1.134; 1.468]	1.160 [1.065; 1.263]	1.135 [.952; 1.354]
# of neighbouring segment states	3.391*** (.734)	1.557*** (.395)	3.521** (1.406)
exp <i>b</i> [95% CI]	29.699 [7.052; 125.066]	4.742 [2.185; 10.295]	33.803 [2.148; 531.962]
Prior conflict	.335 (.403)	.029 (.430)	.305 (.556)
exp <i>b</i> [95% CI]	1.399 [.634; 3.087]	1.030 [.443; 2.392]	1.357 [.456; 4.037]
Type of territory gained	.891 (.269)	omitted	.763 (.869)
exp <i>b</i> [95% CI]	2.348 [.338; 17.604]		2.145 [.391; 11.77]
Type of territory lost	.269*** (.084)	.203** (.077)	omitted
exp <i>b</i> [95% CI]	1.308 [1.110; 1.542]	1.225 [1.054; 1.423]	
State independence	-.886** (.430)	-1.015** (.471)	-.278 (1.020)
exp <i>b</i> [95% CI]	.412 [.117; .958]	.362 [.2144; .912]	.757 [.103; 5.584]
State disappearance	-1.371 (.894)	-2.227** (.969)	-1.904** (.937)
exp <i>b</i> [95% CI]	.254 [.044; 1.463]	.108 [.016; .720]	.757 [.103; 5.584]
Size of the area exchanged	.106** (.051)	.114** (.055)	.137** (.069)
exp <i>b</i> [95% CI]	1.112 [1.005; 1.230]	1.121 [1.006; 1.249]	1.147 [1.002; 1.313]
<i>Constant</i>	-3.231** (1.155)	-1.951** (.678)	-2.386 (1.188)
N	250	241	129
Pseudo <i>R</i> ²	.242	.241	.230
Model χ^2	76.82	72.59	32.72

Note: **p*<.10. ***p*<.05. ****p*<.001.

Many of these territorial changes concerned decolonisation, yet boundary politics in the future is more likely to involve homeland. Model 3 excludes the colonial cases.²⁰ In this model, drawing international borders following existing boundaries is again strongly associated with a regional spread of separatism. Territorial changes where boundaries were maintained were nearly three-and-a-half times as likely to be followed by an increase in separatism in the region than changes where original borders were drawn. Put differently, while only 63.5 per cent of the boundary changes involving an original border resulted in an increase in separatist movements in the region in the first decade, this occurred in 84.3 per cent of the cases where existing boundaries were followed – a difference that is statistically significant ($\chi^2=7.534$, $p=.006$). Violence also occurred more often when boundaries were maintained. 81.8 per cent of the territorial changes along existing boundaries resulted in a regional spread of separatist violence in the first decade, while such contagion was seen in only 75.5 per cent of the cases where boundaries were redrawn. These findings provide initial evidence against adherence to existing boundaries in territorial changes; this procedure is more likely to be followed by a growth in the number of separatist movements and violence in the region than drawing original borders.

International conflict upon territorial change

With regard to international security, the prevailing wisdom is that adherence to existing boundaries prevents disputes between states affected by territorial exchange (H1b). Evidence suggests however that maintaining boundaries in fact *increases* the probability of a militarised interstate dispute

than ten years after the territorial change. Conclusions are robust upon excluding the effects on the territorially affected states. Adhering to existing boundaries does not contain the regional spread of separatism at two ($\chi^2=.250$, $p=.617$), five ($\chi^2=.001$, $p=.974$) and ten ($\chi^2=.724$, $p=.395$) years after the state gained independence.

²⁰ The linktest of Model 3 reveals that the model is a statistically significant predictor of the independent variable ($p=.007$) while no relevant variable are omitted ($p=.912$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p=.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=3.35$, $p=.911$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.35. Finally, the Cook's distance values indicate that the model contains a few mildly influential cases, but deleting these cases does not affect the conclusions.

(MID). 56% of the territorial changes that followed existing boundaries in the twentieth century resulted in an international conflict within five years; a conflict emerged in only 52 per cent of the cases in which boundaries were redrawn – a difference that increases to nearly ten per cent in the first decade after the territorial change. This difference is statistically significant ($\chi^2=3.845$, $p=.050$), which indicates that drawing borders in line with the *uti possidetis* principle is in fact more likely to be followed by interstate dispute than creating original borders (see Table 2.5).

Table 2.5:
Emergence of MID within ten years after a territorial change

	MID	No MID	Total
Existing boundaries	171 (67.9%)	81 (32.1%)	252
Original boundaries	105 (58.7%)	74 (41.3%)	179
Total	276	155	431

Model 1 includes control variables for alternative explanations to the relationship between the means of drawing borders and onset of international war (see Table 2.6).²¹ The relationship is strong, but in contrast with common beliefs. Territorial changes where existing boundaries were followed were almost twice as likely to result in an international dispute than changes where original borders were drawn.

²¹ The linktest of this model reveals that the model is a statistically significant predictor of the independent variable ($p=.006$) while no relevant variable are omitted ($p=.624$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p<.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=14.78$, $p=.063$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.14. Finally, the Cook's distance values indicate that the model contains a few mildly influential cases, but eliminating these cases from the analysis does not significantly affect the conclusions.

When focusing on instances of state independence, arguably the most relevant sub-set of territorial changes, the evidence suggests that adherence to existing boundaries in conformity with the *uti possidetis* principle resulted in an MID within ten years after independence in 71.2 per cent of the cases compared to only 70.6 per cent of cases in which original borders were drawn. This relationship is statistically insignificant ($\chi^2=.003$, $p=.959$), which means that the adherence to existing boundaries does not prevent interstate disputes between states affected by territorial change (see Table 2.4).²² Also in territorial transfers that followed after a military conflict between organised forces of both sides, the agreement to uphold the existing boundaries does not minimise the risk of war onset. These boundary changes result in an almost equal number of militarised interstate disputes, regardless of the means by which the international border was drawn ($\chi^2=.137$, $p=.711$).²³

To draw conclusions relevant for the future in which decolonisation has approached completion, Model 2 covers only changes to homeland (see Table 2.6).²⁴ The evidence suggests that states are more likely to fight wars when their territories were changed along existing boundaries than when they drew original boundaries. Controlling for the fact that negotiations in military conflict or concerning large areas may be more likely to conclude on the basis of the *uti possidetis* principle as the lowest

²² The effect is also insignificant two ($\chi^2=1.461$, $p=.227$) and five ($\chi^2=1.167$, $p=.280$) rather than ten years after the territorial change. Conclusions are robust when representing international war in a dichotomous variable that denotes the territorial disputes identified by Huth and Allee (2002). Adhering to existing boundaries does not prevent interstate territorial disputes two ($\chi^2=.692$, $p=.405$), five ($\chi^2=2.415$, $p=.120$) and ten ($\chi^2=1.450$, $p=.229$) years after a boundary change.

²³ The effect is also insignificant two ($\chi^2=.451$, $p=.502$) and five ($\chi^2=.279$, $p=.598$) rather than ten years after the territorial change. Conclusions are robust in analysis of territorial disputes identified by Huth and Allee (2002). Adhering to existing boundaries does not prevent interstate territorial disputes two ($\chi^2=.026$, $p=.873$), five ($\chi^2=.001$, $p=.973$) and ten ($\chi^2=.034$, $p=.854$) years after a boundary change.

²⁴ The linktest of this model reveals that the model is a statistically significant predictor of the independent variable ($p=.000$) while no relevant variable are omitted ($p=.510$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p<.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=8.35$, $p=.400$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.08. Finally, the Cook's distance values indicate that the model contains no influential cases because all distances are below 1.

Table 2.6: Logit models for the emergence of international war within ten years after a territorial change

	Model 1	Model 2
Variables	<i>B (SE)</i>	<i>B (SE)</i>
Existing boundaries	.632** (.324)	1.616** (.541)
exp <i>b</i> [95% CI]	1.882 [.997; 3.553]	5.033 [1.744; 14.526]
Democratic dyad	-1.199** (.414)	-3.651** (1.292)
exp <i>b</i> [95% CI]	.301 [.134; .678]	.026 [.002; .327]
Prior conflict	.772** (.370)	1.370** (.514)
exp <i>b</i> [95% CI]	2.164 [1.048; 4.470]	3.936 [1.438; 10.774]
Common security interests	1.420** (.547)	omitted
exp <i>b</i> [95% CI]	4.136 [1.417; 12.074]	
Dyadic power distribution	-.111 (.093)	-.074 (.121)
exp <i>b</i> [95% CI]	.895 [.747; 1.073]	.929 [.732; 1.177]
Type of territory lost	-.231 (.178)	omitted
exp <i>b</i> [95% CI]	.793 [.560; 1.124]	
Size of the area exchanged	.104** (.049)	.027 (.083)
exp <i>b</i> [95% CI]	1.109 [1.007; 1.221]	1.027 [.872; 1.210]
<i>Constant</i>	-.070 (.557)	-.023 (.827)
N	281	125
Pseudo <i>R</i> ²	.113	.171
Model χ^2	37.59	26.29

Note: * $p < .10$. ** $p < .05$. *** $p < .001$.

common denominator, territorial changes that follow existing boundaries are more than five times as likely to result in an international militarised dispute than changes where original homeland borders are drawn. In other words, an MID followed in the first decade in 77 per cent of the cases in which international borders were drawn along existing boundaries, while a significantly lower rate of 55.2 per cent of the original boundaries resulted in a dispute ($\chi^2=11.589$, $p=.001$).²⁵ With this more than twenty per cent difference in the likelihood of an international war onset, evidence suggests that drawing borders according to the *uti possidetis* principle is more likely to result in international war than negotiating original ones. These findings cast doubt on the future adherence to the *uti possidetis* principle.

Intrastate conflict upon territorial change

The final argument in favour of adhering to existing boundaries concerns the ways that the *uti possidetis* principle prevents new intrastate wars from emerging (H1c). However, maintaining existing boundaries has not limited the outbreak of civil wars in the twentieth century. While territorial changes along existing boundaries were followed by war in an affected state within two years 13.5 per cent of the times, this occurred in only 10.9 per cent of the cases in which original boundaries were drawn – a difference that is statistically insignificant ($\chi^2=.593$, $p=.441$) and thus indicates that drawing borders in line with the *uti possidetis* principle does not prevent the outbreak of civil war. Violence in fact broke out within a decade in nearly four per cent *more* territorial changes following existing than original boundaries (see Table 2.7). Also for the outbreak of lower levels of violence, maintaining boundaries did not work to reduce the risk of civil unrest after a territorial change ($\chi^2=1.918$, $p=.166$).

Particularly in states that lost sizeable territories ($>7,500\text{km}^2$), civil war is more likely to break out following a territorial change along existing boundaries than when borders were redrawn. The difference was nearly twenty per cent in the twentieth century, which is statistically significant ($\chi^2=3.631$, $p=.057$). Yet also the states that gained territory were more

²⁵ This conclusion is robust in analysis of territorial disputes identified by Huth and Allee (2002). While only 46.8 per cent of the boundary changes involving an original border resulted a territorial dispute within ten years, this occurred in 69.4 per cent of the cases where existing boundaries were followed – a difference that is statistically significant ($\chi^2=7.484$, $p=.006$).

Table 2.7: Emergence of civil war within ten years after a territorial change

	Civil war	No civil war	Total
Existing boundaries	66 (28.8%)	163 (71.2%)	229
Original boundaries	39 (25.0%)	117 (75.0%)	156
Total	105	280	385

likely to experience civil war after a territorial change that followed existing rather than original boundaries ($\chi^2=2.760$, $p=.097$). While violence was onset within ten years in only six cases (or just over 10 per cent) where original boundaries were drawn, this occurred in 34 instances (or just over 20 per cent) of boundary maintenance. Still the conclusion is robust upon adding control variables from the leading alternative explanations, which is done in Model 1 (see Table 2.8).²⁶ Territorial changes where existing boundaries were followed were more than three-and-a-half times as likely to result in civil war than changes where original borders were drawn.

The argument that maintaining existing boundaries minimises the risk of civil war onset primarily relates to the homeland rather than dependent territory. A closer look at the events, however, reveals that adherence to existing boundaries is particularly likely to be followed by civil war when the territorial change concerns lost homeland. Nearly 50 per cent of states that lost territory in conformity with the *uti possidetis* principle saw emergence of a civil war in the first decade; this happened only 10.9 per

²⁶ The linktest of Model 1 reveals that the model is not a statistically significant predictor of the independent variable ($p=.229$) but no relevant variable are omitted ($p=.818$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p<.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=3.48$, $p=.901$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.21. Finally, the Cook's distance values indicate that the model contains no influential cases because all distances are below 1.

Table 2.8: Logit models for the emergence of intrastate war within ten years after a territorial change

	Model 1	Model 2
Variables	<i>B (SE)</i>	<i>B (SE)</i>
Existing boundaries	1.295** (.605)	1.196* (.630)
exp <i>b</i> [95% CI]	3.651 [1.116; 11.950]	3.306 [.961; 11.368]
Economic development	-.168** (.086)	.120 (.150)
exp <i>b</i> [95% CI]	.845 [.714; 1.000]	1.128 [.840; 1.514]
Democracy	.027 (.484)	.031 (.924)
exp <i>b</i> [95% CI]	1.028 [.398; 2.655]	.1032 [.169; 6.317]
Prior conflict	.694 (.453)	.794 (.592)
exp <i>b</i> [95% CI]	2.002 [.823; 4.870]	2.212 [.694; 7.053]
Type of territory gained	omitted	omitted
exp <i>b</i> [95% CI]		
Type of territory lost	1.137* (.613)	omitted
exp <i>b</i> [95% CI]	3.117 [.937; 10.368]	
State independence	.260 (.921)	2.096** (.807)
exp <i>b</i> [95% CI]	1.287 [.434; 3.822]	7.105 [1.607; 31.414]
State disappearance	.260 (.921)	-1.362 (1.039)
exp <i>b</i> [95% CI]	1.296 [.213; 7.882]	.256 [.033; 1.962]
Size of the area exchanged	.335** (.138)	.430* (.226)
exp <i>b</i> [95% CI]	1.398 [1.067; 1.831]	1.537 [.986; 2.395]
<i>Constant</i>	-6.578*** (1.837)	-7.486** (3.030)
N	200	91
Pseudo <i>R</i> ²	.108	.248
Model χ^2	21.08	30.33

Note: **p*<.10. ***p*<.05. ****p*<.001.

cent of the times homeland was lost with redrawn borders – a difference that is statistically significant ($\chi^2=15.214$, $p=.000$). And these territorial changes are followed by civil war in over 15 per cent more states that gained them ($\chi^2=3.553$, $p=.059$). Model 2 shows that also when controlling for alternative explanations, there is a strong relationship between the means of drawing borders and onset of war in either state involved in the territorial change when it concerns a loss of homeland (see Table 2.8).²⁷ Adherence to existing boundaries was more than three times as likely to be followed by civil war than drawing original borders.

Maintaining the existing boundaries has finally not minimised the risk of civil war onset in the first years of a state's independent existence, nor has it stopped violence in territorial transfers that followed a military conflict. 2 out of 16 states whose borders had been redrawn, or 12.5%, experienced a civil war within ten years after independence, whereas violence emerged in 19.1% of the cases where new states maintained their existing boundaries – a difference that is statistically insignificant ($\chi^2=.413$, $p=.521$) and thus indicates that drawing borders in line with the *uti possidetis* principle does not prevent civil war upon partition (see Table 2.4). In military conflict, adhering to existing boundaries in fact proved *more* often followed by civil war in the first years than drawing original borders ($\chi^2=3.740$, $p=.053$). In only nine cases where boundaries were redrawn in conflict situations, or 17.3%, an intrastate dispute broke out within two years– namely, China's reoccupation of Manchukuo and Southern Sakhalin Island in 1905, the secession of Poland, Estonia, Latvia and Georgia from the Soviet Union in 1918, China's territorial exchange with Japan in 1945 and the reshaping of India and Bangladesh in 1971. But where it was decided to adhere to existing boundaries, violence was onset 34% of the times. These findings confirm that it may be necessary to reconsider the adherence to prescriptions of the *uti possidetis* principle in cases of territorial change.

²⁷ The linktest of Model 2 reveals that the model is a statistically significant predictor of the independent variable ($p=.000$) but no relevant variable are omitted ($p=.194$). The Log Likelihood Chi-Square statistic furthermore shows that the model as a whole is statistically significant ($p<.000$) while the value of the Hosmer and Lemeshow's goodness-of-fit test indicates that there is no significant difference between the model and the observed data ($HL=6.62$, $p=.579$). In addition, there is no indication that the model suffers from multicollinearity as all VIF scores are close to 1 with a mean of 1.26. Finally, the Cook's distance values indicate that the model contains no influential cases because all distances are below 1.

Robustness check: temporal trends

The findings were subject to a final robustness check for differences within the twentieth century. If changes in the security situation affected outcomes in boundary politics such that the increased adherence to the *uti possidetis* principle and a reduction in territorial conflicts and expansion interacted, territorial changes along existing boundaries in the second half of the century would prove less volatile. Yet analysis of outcomes in the post-World War II period, which is the era that many (e.g. Kaufmann, 1996; Sambanis, 2000; Chapman and Roeder, 2007; Johnson, 2008) examine separately, does not change the substantive importance of the drawing original borders. In only 26 cases where boundaries were redrawn, or 37.7 per cent, there was an increase in separatism in the region within two years, while this occurred in 42.8 per cent of the cases in which existing borders were followed – a difference that is statistically insignificant ($\chi^2=.506$, $p=.477$) and thus confirms that drawing borders in line with the *uti possidetis* principle does not contain a regional spread of separatism. Regional contagion took place within a decade in more than three per cent more territorial changes following existing than original boundaries.

Also concerning the outbreak of militarised interstate disputes and civil war, findings are confirmed when focusing on the period since 1945. A significant twenty per cent more territorial changes that followed existing rather than original boundaries resulted in an MID in the first decade ($\chi^2=8.879$, $p=.003$) while adherence to existing boundaries did not prevent the outbreak of civil wars. Civil violence occurred within two years in twelve per cent of the cases where states did not change existing boundaries while this occurred in only 8.7 per cent of the states when an original border was drawn ($\chi^2=.522$, $p=.470$). This difference is statistically insignificant in the first decade ($\chi^2=.141$, $p=.707$) while also lower level violence was not more likely to occur upon a change of boundaries ($\chi^2=1.918$, $p=.166$). This indicates that there were no relevant changes in that pacified the consequences of adhering to existing boundaries over the course of the twentieth century.

To the contrary, violence increased particularly in the last twenty-five years of the century that mark the time in which according to Holsti (2004: 102) the key elements of the “territorial compact” were spelled out and implemented. In the first decade after a territorial change, intrastate war broke out in over thirty per cent more cases of territorial change when

existing rather than original borders were drawn. This difference is statistically significant ($\chi^2=7.060$, $p=.008$), indicating that adherence to the prescriptions of the *uti possidetis* principle increased the likelihood of violence. Also when taking into account lower level violence, civil war occurred more often when boundaries were maintained than when they were changed upon transfer. The relationship with interstate war and regional contagion similarly became stronger in the post-1975 period. Then territorial changes that followed existing boundaries were followed by violence in a significant 35 per cent more cases than when borders were redrawn ($\chi^2=8.674$, $p=.003$) while only eight out of 23 territorial changes where boundaries were redrawn borders, or 34.8%, resulted in increased separatism in the neighbouring states. 'Separatism after territorial change increased in more than 70 per cent of the cases where boundaries were maintained, which is a difference that is statistically significant ($\chi^2=8.293$, $p=.004$)'. Evidence hence suggests that in this period, adherence to existing boundaries in territorial change was particularly volatile.

Conclusion

The widespread belief in the territorial order reinforcing effects of the *uti possidetis* principle seems largely unwarranted. Drawing on a new dataset on border fixity in territorial transfers, I find that maintaining existing borders does not contribute to peace and order upon territorial change. The aftermath of partition and territorial transfer tends to be characterised by continued conflict and a (re-)emergence of territorial claims and boundary maintenance does not prevent this. To the contrary, drawing original borders was in the twentieth century associated with a lower risk of separatism in the region while it was less frequently followed by interstate and intrastate war. This is a strong indicator that border fixity in fact contributed to the level of disorder. These results are robust to various model specifications and periodisation.

These findings cast doubt on the adherence to the *uti possidetis* principle in the practice of boundary politics. Scholars, state leaders and diplomats alike have overestimated the deterrent effect of border fixity. They tend to argue that the existing boundaries are clearly defined and familiar for national and international audiences while they limit the options for territorial change to (administrative) political units. As such, there would be less conflict over the location of the new international border while

particularly ethnic communities that straddle existing borders would be discouraged from pursuing their claims (e.g. Carter and Goemans, 2011). This presumes, however, that a “state can function within any borders” (Ratner, 1996: 591) and that “problems relating to minority rights [can be dealt with] within the context of acceptance of the sovereignty and territorial integrity of the new states” (McFarlane, 1999: 16). Events in the twentieth century reveal that is not true. Limiting the range of possibilities for states to make territorial changes to existing boundaries in fact had negative impacts on international peace and order.

The question remains how beliefs in line with the *uti possidetis* principle developed if they prove unfounded in practice. The following chapters address how practices in boundary politics are constructed. They offer an explanation for how boundary maintenance became the common practice for drawing international borders that is based on the domination of specific negotiators rather than the quality of existing boundaries for peace and order. Indeed, practices in boundary politics are socially constructed on the basis of beliefs that (groups of) people share who gain influence in international negotiation processes.

Chapter 3

A Sociological Approach to Practices in Boundary Politics

How do diplomatic actors manage the implications of changes in state sovereignty for international borders? Boundary politics play out under circumstances of serious *uncertainty* about the future. Information about actors and their rationales is difficult to obtain or assume because a sovereignty change is often the prime moment at which new actors emerge, (new) ideas and interests are consolidated, and power relations are redefined. One could even argue that there are many potential threats to (inter)national security that are impossible to predict because the events are unique and non-recurring. Yet it is clear that the stakes involved in the development of boundary policies are high. The stakes are first of all symbolic. Outcomes establish alternative worlds; maps represent realities based on alternative power configurations. (Re)producing within the bounds of these maps what and who are significant, actors establish a territorial order that is static or subject to development. They define what is possible and/or desirable in the practice of boundary politics.

This has an impact not only on the territorial delimitation of the new sovereign entity under consideration, but also on the future of irredentist and secessionist movements located elsewhere. It defines effectively who qualifies for independence. The stakes are thus also eminently political. Practices in boundary politics may in fact generate severe threats to post-independence peace and order, the effects of which could be irreversible and impact the very foundations of the modern state system. They could undermine the political and legal arrangements through which these threats have been made controllable in the past: the established practice of boundary maintenance.

Under these circumstances, there are manifold ways in which the future can be assessed, calculated and mastered. Negotiators in the practice of

boundary politics can decide to draw borders in numerous ways. Yet in nearly all cases of state secession since the end of World War II, they have rejected alternatives to the existing borders in conformity with the *uti possidetis* principle.²⁸ A quick glance at history reveals that practices were different before decolonisation was realised on the African continent, with particularly the inter-war period being characterised by attempts at unifying communities rather than territories. And even in contemporary practice, negotiators have developed territorial arrangements to accommodate alternative realities. They have for example agreed to an internal division along ethnic lines in Bosnia and Herzegovina and a secession of Kosovo from the Republic of Serbia, undermining the very logic of territoriality underlying boundary maintenance. This raises the question: how do negotiators arrive at outcomes? Do negotiators involved in boundary politics share a single set of commonplaces, or do they have varying ideas about possible and/or desirable? And how then do particular commonplaces come to influence practices as the outcome of negotiation processes?

This chapter is broadly divided in three parts. In the first part, I outline the basic premise of my central argument, which is that diplomatic actors manage the implications of sovereignty change on the basis of shared opinions and largely unquestioned beliefs that are instilled in (groups of) negotiators who gain influence in the negotiation process. They prioritise their belief in the 'feasible' or even the only 'realistic' answer to questions of territorial definition. I theorise that negotiators' interactions are characterised by struggles for authority, putting the (groups of) negotiators whose expertise is recognised in practice in a position to establish prevailing conceptions of (social) reality and thus to shape practices in boundary politics. In the second part, I set this focus on *social processes* and *agents* in analysing how outcomes are constructed in the *practice* of boundary politics apart from existing theories that emphasise reason or 'sense' in social reality and fail to account for variations in stances and influence between (groups of) negotiators. In the final part, I operationalise the implications of the sociological argument, establishing methodological standards and observable markers for the identification of (tacit) commonplaces and power relations in practice, and I outline the research design.

²⁸ With a few noteworthy final exceptions for example with recognising partition in Comoros and annexation in the Western Sahara upon decolonisation, they have maintained existing boundaries.

Knowledge in practice: a sociological approach

“Every established order tends to produce (to very different degrees and with very different means) the naturalisation of its own arbitrariness,” Bourdieu (1977: 164) holds. Different stances and their impacts on behaviour may be unclear or completely hidden for actors. They may be particularly difficult to unveil in the hierarchical structures of diplomacy, where both international negotiators and representatives of the conflicting parties naturally tend to understate dissent. For uncovering how outcomes for changing sovereignties are constructed, it is thus necessary to analyse the practice of boundary politics – that is, to consider the *agents* and the *social processes* through which they establish practices in managing territorial disputes. For this critical or sociological perspective, I build on Pierre Bourdieu (e.g. Bourdieu, 1977; Bourdieu, 1983; Bourdieu, 1990; Bourdieu, 1991; Bourdieu and Wacquant, 1992), who in his theory of practice developed a method to overcome the opposition between objectivism and subjectivism, or between social physics and social phenomenology. Bourdieu contends that objective social structures influence individuals’ practices by determining constraints and possibilities, while subjective representations guide individuals’ personal or collective struggles to uphold or improve their position in these social structures (Bourdieu, 1977; Wacquant, 2006). Social structures and representations are in Bourdieu’s theory thus mutually constituted and corresponding, a process out of which arises the “*sense of limits*, commonly called the *sense of reality*” that Bourdieu (1977: 164) calls *doxa*.

Established social groups or orders generate commonplaces. These are collective beliefs that are grounded in what actors in the group believe. In boundary politics, these commonplaces particularly concern conceptions of ‘territory’ and ‘nation’ – that is, the practical relationship between the two social facts as a quality of a workable or stable border. Negotiators may differ in their stances on the relevant actors, the meaning and weight they put on particular problems, and the remedies that they consider appropriate. These shared beliefs are often *unarticulated*; they are communicated through practices rather than discourse, securing a social group’s functioning by means of synchronisation and orchestration of practices (Bourdieu, 1977: 163). They silently communicate to individuals that certain stances or behaviours in establishing maps are necessary for peace and order. They make it appear ‘natural’ or self-evident to them for example not to explore adjustments to existing boundaries for fear of unspecified ‘endless discussions’ or ‘an outbreak of violence’.

This means that although individuals conceive their actions as determined by their conscious strive for specific goals, they reason with reflections that are embedded in a stock of already-existent beliefs and conceptions of (social) reality that guide their aspirations. People tend to take these commonplaces and their corresponding behaviours for granted, which means that it is not only unarticulated but also *unreflective* and *seldom questioned* knowledge. As a consequence, this knowledge and its social genesis – that is, the initial disputes or arbitrariness of specific rationales – are often forgotten as knowledge (Bigo, 2011: 228). Yet it influences what (groups of) individuals perceive as their goal and what they consider needs to be done to achieve them. It reduces the range of options that are likely to be considered, affirming prevailing conceptions while obstructing individuals' ability to recognise the occurrence and possibility of change.

This is not to say that individuals do not have agency. People are capable of autonomous reflection and action. They can systematically explore their collective beliefs and think outside social conventions (Bourdieu and Wacquant, 1992: 40). Indeed, there is an individual dimension of change and uncertainty about the incorporation of different commonplaces (Bigo and Madsen, 2011: 221).

It is also the agents' actions that shape shared beliefs, I maintain in line with Bourdieu. Commonplaces then need to be effectuated in practice and are thus highly contextual. Bourdieu and Wacquant (1992: 126) argue that actors perceive and appreciate situations on the basis of their individual and collective histories, notably their past experiences and past encounters with other (groups of) individuals and comparable social settings. These histories bind individuals' preferences through a system of categories that structure reasoning in favour of the experiences' reproduction (Bourdieu, 1990: 54). So each individual has a unique set of dispositions depending on the resources acquired in one's current and past positions in society,²⁹ and their decisions are outcomes of individual struggles engaging these different dispositions in a specific social context. Yet negotiators who share for example training or occupational backgrounds are likely to share certain perceptions of constraints and possibilities exposed in these backgrounds.

²⁹ Bourdieu divides resources into three principal *capitals*: economic capital (mainly material and financial resources), cultural capital (notably skills and titles), and social capital (resources acquired through membership in a social group). Symbolic capital then is the honour and recognition that emerges from the conversion of other forms of capital.

The commonplaces appear as an intellectual system of durable dispositions – that is, a “present past” or *habitus* – that influence present-day perceptions and judgements and actions in the (social) world (Bourdieu, 1991: 131). This knowledge is defined as one’s “practical sense of the game” or “practical mastery” and it remains bound up in practices (Bourdieu and Wacquant, 1992: 117; 120-121). It is aimed at practical functions and it can only be identified in its execution and through implicit learning. For example, it may inform military representatives to consider boundary politics a practice of pacification, while lawyers tend to see it as a violation in need of reinforcement of law and diplomats generally consider it a negotiation process between conflicting parties in which their aim is to reconcile differences. These dispositions may be reflected in elements of the mandate for negotiation or in negotiators’ discourses and practices.

Yet the impact of any system of categories depends on the social context in which they are enacted, rendering it contextual rather than universal or a-temporal. Specific dispositions have meaning or authority only in the complete system of relations in and through which they are enacted, which leads Bourdieu (1990) and Bourdieu and Wacquant (1992) to theorise that particular experiences and their associated representations are activated only in similarly structured social settings. Social settings tend to be formed as “distinct microcosms endowed with their own rules, regularities, and forms of authority” in what Bourdieu calls *fields* (Wacquant, 2006). While the military ‘field’ may be separated from the police on issues of security (Bigo, 2006), lawyers and diplomats may have their own conventions and practices in the development of human rights (Madsen, 2007).

The social structures of these fields, in which people aim to monopolise the authority to define (social) reality, influence individuals’ actions and representations from outside (Kauppi, 2003: 780). They establish an individual’s “space of possibles” in terms of their stances and actions through association of costs and benefits and subsequent potentialities (Bourdieu, 1983: 313). These systems of categories influence an individual’s thought processes and behaviours only when the ‘history incarnate in a system of dispositions’ and the ‘history objectified in social structures’ correspond – that is, when “the subjective necessity and self-evidence of the common sense world are validated by the objective consensus on the sense of the world” (Bourdieu, 1977: 167). So individuals can think beyond their existing beliefs, and only when a diplomat or the principal drafting his

mandate for example recognises a specific process of boundary drawing as 'typical' negotiations similar to the one(s) they have participated in before are they likely to build on their personal experience in training and past negotiations. They will then rather uncritically do the expected more often than chance would predict.

The power of knowledge in boundary politics

If shared beliefs are dependent on social context and personal background, the crucial question is: what makes certain beliefs influential? In other words, how do certain beliefs informing actors about the 'best' answer to boundary questions become determinative for outcomes in international negotiations? The practice of boundary politics as such does not form a 'field' in Bourdieusian terms; international negotiations should rather be conceptualised as social spaces where (groups of) individuals embedded in various existing social fields interact for the common purpose of drafting a peace agreement after taking up the formal assignment to negotiate a territorial arrangement upon sovereignty change – that is, social spaces where fields intersect, which have been scantily studied in the theory of practice (e.g. Dezalay and Garth, 2002; Vauchez, 2008; Madsen, 2007 and Kauppi and Madsen, 2013). Indeed, representatives of various aspects of 'the international community' and 'the parties to the conflict' are involved in the negotiations, including state leaders and diplomats, legal experts, representatives of the armed forces, and bureaucrats. They are embedded in relatively heterogeneous fields, which may for example be structured around the negotiators' shared occupations, educational background or past institutional engagements, as well as common past assignments or placements.

The international negotiation process then is a context in which the commonplaces unifying some and differentiating other actors thrive prominently, because they are as negotiators mandated to define 'practical' solutions in a reality of violence and insecurity. According to Mary Douglas (1986: 122), it is particularly in such crisis situations that "behaviour depends on what patterns of justice have been internalised, what institutions have been legitimated". Kelman (2007: 88) similarly finds that "the micro processes of action and interaction in crisis decision making inhibit the exploration of new options". Negotiators are then reluctant to raise questions or propose different approaches or alternative solutions

with innovative ideas to manage the problem faced in conflict resolution. They rather affirm the correctness and righteousness of the course of action that they are familiar with and on which their within-group deliberations then naturally converge. In the practice of boundary politics, this means that different groups of negotiators have different commonplaces and thus present different stances shaped by prevailing conceptions in these social groups. They may to varying degrees take it for granted, for example, that conflicting parties' interests are incompatible or that they respond only to force. Yet operating under such largely unquestioned assumptions, they are equally limited in their perceptions of choices available to them and the effectiveness of different strategies.

Negotiators may then not only differentiate in their stances on the negotiation process and its policy outcome, but also in the resources that they are able to mobilise – that is, both learned and political resources – to strengthen their ability to enact their stances and import them into the negotiated outcome.

In line with Kauppi and Erkkilä's (2011) findings related to the social space of higher education and on the basis of Bourdieu's (1983) and Bigo's (2006) accounts of encounters between actors of different fields, I theorise that the interactions between (groups of) negotiators in the social spaces of boundary politics are characterised by struggles for authority. Power in the practice of boundary politics is not simply a capability, something that one owns on the basis of material or non-material capabilities, as the realists such as Waltz (1979) or neoliberal institutionalists like Keohane and Nye (1977) would argue. Power distributions can thus not be retrieved from the allocation of capabilities in terms of military hardware or economic resources or cultural role-modelling, which would assume that capabilities are a proxy for power.

But from a Bourdieusian perspective, power is also not purely relational or contextual and thus completely dependent on the specific relationships in which it is shaped, as constructivists such as Guzzini (1993; 2005) have argued. Conceiving power as relational rather than possessive, ideational rather than material and intersubjective, constructivists tend to pay insufficient attention to resources. Although they do much to problematise the focus on capabilities in terms of the variety of potential power relations, both Baldwin (1989) and Barnett and Duvall (2005) provide little empirical guidance on the resources of power. But

these objective resources may be influential in the practice of boundary politics. While international diplomats may be importantly armed with experience in similar negotiations, international laws determining a need for international recognition to change sovereignties contribute to biasing the landscape in their favour in negotiations with local parties.

I argue that power in the practice of boundary politics is socially produced on the basis of the distribution and social recognition of specific resources, some of which are determined at the micro level of the negotiation process. Hence power, or the relative influence over policy outcomes, is derived from one's position in the negotiation team and process. Being both generators and interpreters of knowledge and relations, negotiators develop (conceptions of) power resources that are specific to their interaction setting (Lewis, 2010: 210; Bourdieu, 1991: 19-20). With other International Relations scholars in practice theory (e.g. Kauppi, 2003; 2010; Bigo, 2005; 2006; 2011; Kauppi and Erkkilä, 2011; Madsen, 2007; 2011), I argue that authority in the practice of boundary politics results from negotiation of competence or legitimacy in the capacity to classify and prioritise issues. This negotiation concerns the social recognition of 'authority' or mastery in the practice that determines "human accomplishment" in the context of the international negotiation process (Bourdieu, 1983: 322) – that is, a (group of) negotiators' monopoly of the legitimate knowledge and skills required to draw boundaries.

Authority develops in negotiators' interactions in practice on the basis of the power relations between represented fields or institutions. International negotiation processes are embedded in institutional hierarchies; negotiators are constrained by the institutions they represent on the one hand, having limited autonomy under a mandate and mechanisms of control such as selection and monitoring, and by their institutions' positions in practice on the other hand. They enter a process as representatives of a professional field either dominating or dominated by others. In their encounters with negotiators from different fields, negotiators will make strategic moves to maintain or improve their position; they will tend to autonomise specific discussions and reinforce the credibility of their assertions in it by forming professional alliances of various degrees of formality and claiming to possess exclusive professional knowledge (Bourdieu, 1983; Bigo, 2006: 8-10).

Once they are recognised by others as competent in these specific discussions, the (groups of) negotiators occupying central positions gain access to the social and political resources that enable them to determine elements of the draft peace agreements (Kauppi, 2003: 782-783). They may for example be permitted to interpret and prioritise the 'facts' on the ground or determine who is appointed for negotiation or permitted to speak at the negotiation table. In fact, these negotiators' mere saying something or handling things a certain way can already make the persuasive claim that 'this is how things are' and 'this is how things need to be interpreted', making it appear necessary and/or legitimate to other negotiators as well as their principals.

Yet the recognition of competence in specific discussions is not only dependent on social relations; it is grounded in a negotiator's access to resources, whether the value of these resources is established at the micro level of the negotiation process or originates socially and/or historically from outside this specific context (Bourdieu and Wacquant, 1992: 101; 118; Adler-Nissen and Pouliot, 2014: 6). In the practice of boundary politics, notably a negotiation team's access to information about the conflict situation on the ground and in-house expertise in diplomatic or legal or military issues may create opportunities for (groups of) individuals to claim authority over specific issues. Having exclusive knowledge of territorial planning or privileged interaction with representatives of the conflicting parties on (territorial) demands, for instance, may position one favourably for gaining significant influence in discussions on territorial delimitations. National legal training may similarly facilitate a negotiator's authority in deliberations on constitutional arrangements. These (predominantly bureaucratic) resources are structurally derived, yet they need to be played out in practice for them to contribute to one's influence – that is, (groups of) negotiators need to actually position themselves in charge of maps or constitutional texts within the negotiation team.

For others, it becomes increasingly difficult to question the stances of those (groups of) negotiators that gained authority as their decisions in the negotiation process reproduce and legitimise their values and the practices that go with them. Eventually, this may lead other negotiators and their principals to adopt elements of their reality in order to ensure inclusion into the discussions, which means in practice that they reproduce commonplaces even if they do not subscribe to the prevailing stances (Kauppi and Erkkilä, 2011: 315). So while negotiators may differ on the

negotiated settlement, they may develop agreement on the relevant parties to negotiate, the weight of ethnicity or history or politics in the conflict and its reconcilability. As such, the dominant (groups of) negotiators wield influence over the outlook of the maps annexed to the peace agreement. They gain position to formulate answers to boundary questions that are acceptable to representatives in the negotiation process. They thus gain power without apparent need of coercion, being able to “produc[e], in and through social relations, effects that shape the capacities of other players in the game to determine their circumstances and fate” (Barnett and Duvall, 2005: 42). Their recognised competence is rather shaped by negotiators’ (past) social and political struggles over particular stakes or interests or, ultimately, over being able to define ‘the truth’.

Looking at social processes in the practice of boundary politics hence implies not asking *why* states or their representatives comply with boundary maintenance as the commonly associated practice with the *uti possidetis* principle, developing varying territorial arrangements to capture complex social realities, but *how* these practices have become the dominant response to territorial questions raised upon sovereignty changes among actors. The focus on agents in these social processes then means that we should not ask what makes a stable border but rather how ‘territorial stability’ defined and managed in line with the *uti possidetis* principle has become an established practice in boundary politics. What made that the dominant negotiators conceived adherence to the principle as the most practical or possible response to border questions? And importantly, what were different actors’ criteria or conditions for a ‘practical’ or ‘possible’ response? Such discourses and practices that are superficially similar can capture different commonplaces (Bourdieu, 1991: 22-23). A sociological turn in theorisation directs questions to the formation and enactment of these commonplaces and doxic beliefs that (groups of) people involved in boundary diplomacy discuss or act *with* but not *about*.

Boundary politics and international negotiation: theories and contributions

Compliance by coercion

Focusing scholarly attention on reason or ‘sense’ in social reality, theoretical contributions have been made by rationalists and constructivists to

explain how outcomes are constructed in boundary politics for changing sovereignties. Some scholars (e.g. Waltz, 1979; Mearsheimer, 2001) theorise that compliance with principles such as *uti possidetis* in international politics is primarily driven by powerful states' rule-enforcement. A basic premise of realist arguments is that "rulers, [...] usually but not always the executive head of state" make choices about policies and institutions (Krasner, 1999: 7). Focusing on the distribution of material capabilities, most notably measured in terms of military hardware, realists then deem that representatives of the powerful states able to change the behaviour of weaker actors by means of tacit or explicit coercion. Facing their powerful peers, the weaker actors generally comply for fear of punishment upon non-compliance.

Whether existing boundaries are maintained in international diplomacy hence depends on the decisions of the heads of state of the materially capable states. Indeed, Castellino and Allen (2003) and Davidson (1992) find the origins of compliance with the *uti possidetis* principle in the influence of cooperation with and between representatives of superpowers. Specifically, they argue that the (ex-)colonial powers steered post-colonial politics towards boundary maintenance – a role that has been fulfilled more generally by representatives of some (Western) great powers in the post-colonial area, according to Castellino and Allen (2003) and Coggins (2011). Their powerful positions in the international arena, both in relation to other states that were asked to recognise the new states' independence and in relation to the states undergoing the sovereignty change, then enabled them to enforce their subscription to upholding existing maps.

In agreement with this realist reasoning, they find that representatives of powerful states uphold the principle of boundary maintenance only when they consider it in their interest to preserve the existing system of sovereign states by "projecting the nuances of sovereignty onto the forthcoming entity, thereby legitimising the entity itself as well as validating further the system of sovereign states" (Castellino and Allen, 2003: 9). State representatives as such protect the notion of the sovereign territorial state over its alternatives, considering widespread or frequent adjustments of borders not in their interest, while simultaneously legitimising past struggles for control over territory such as in the colonial states' 'Scramble for Africa' or the intrastate land swaps in the federal Soviet Union and Yugoslavian state.

Indeed, presupposing that states are unitary actors whose representatives are rationally motivated to “at a minimum, seek their own preservation and at a maximum drive for universal domination” in an anarchical international environment (Waltz, 1979: 118; Krasner, 1999: 7), structural realists do not consider representatives of materially capable states bound to international principles or norms of behaviour. Krasner (1999) notably finds that powerful actors on the international stage routinely compromise fundamental rules of sovereignty such as domestic autonomy when they hold it in their interest to do so. As such, realist scholars presume that while the practice of boundary maintenance in line with the *uti possidetis* principle is upheld in some cases to ensure preservation of the international system, it is abandoned whenever it suits the (national) interest of the powerful.

This realist theory is insightful in its identification of power structures between states, shaping relations between state representatives involved in the practice of boundary politics. Representatives of materially capable states and international organisations indeed tend to take the lead in this practice. Their very presence and initial position in international negotiations is largely based in the hierarchy of their represented institutions, enabling the powerful to influence the structure of negotiations. But assuming the representatives of materially capable states to flout principles whenever they consider it in their interest to do so, structural realists fail to explain the widespread adherence to the practices associated with the *uti possidetis* principle. Decolonisation practices throughout reveal a prevalent maintenance of boundaries and no state has been created in violation of the principle’s prescriptions since the independence of Comoros from France in 1975. Since the 1986 judgment of the International Court of Justice on the border between Mali and Burkina Faso, not even international borders that were drawn upon military conflict have been redrawn in violation of the international principle.

The alignment of practices contradicts Krasner’s (1999) findings and suggests that the rules of powerful states do not always define practices on the basis of their national interest in boundary politics. Indeed, realists pay little attention to the multifaceted nature of power and thus do not account for the influence of local actors and military officers on outcomes in boundary politics. In international negotiations of territorial disputes, a process that can only succeed with the agreement of those who have to maintain the peace, such influence is inevitable in the negotiators’

consideration of war demands. This bottom-up power relation indicates that it is not always the representatives of the materially capable that determine how to manage the implications of sovereignty change. And even in teams of representatives from a single institution, negotiators do not necessarily cohere around a common understanding of their stakes in the negotiation process. Stances may be dominated by a clear (and perhaps mandated) national interest in the location of the border for example when it distributes access to valuable material and/or symbolic resources. But when interests are more broadly defined in terms of restoration of peace, (groups of) negotiators with different social backgrounds may have different understandings of their 'national interest'. While some may find it in their interest to maintain the existing system of sovereign states, others may consider it their interest not to get (militarily) involved in a dispute.

Compliance for interest

Neoliberal institutionalists try to explain the normalisation of boundary maintenance by emphasising the rationality of coordination on the practice for states' representatives. These scholars (e.g. Keohane, 1984; Nye, 1990) reason that individuals uphold international rules if they perceive compliance as promoting their interest, rendering it powerful actors' task to convince others of self-constraint by structuring their incentives in favour of compliance. The latter can be effectuated through an actors' use of material capabilities, which includes both asymmetries in military and economic relations, and non-material capabilities such as culture and ideology (Nye, 1990; Nye, 2004). Indeed, Simmons (2005) and Carter and Goemans (2011; 2013) hold that everyone shares an interest in settled boundary agreements, with both territorial disputes and disruption of economic and social life emerging in areas with unsettled borders as a consequence of jurisdictional and policy uncertainty. Carter and Goemans (2011: 282) specifically argue that international borders drawn in line with the *uti possidetis* principle "coordinate the expectations and behaviour of both international and domestic actors" and are thus produce joint gains, rendering it preferable to territorial alternatives for all actors involved in boundary politics.

According to these neoliberal institutionalists, international and local actors subscribe to the *uti possidetis* principle despite any conflicting preferences over the precise location of the boundary because they

deem it a simple and clear rule that minimises uncertainty and reduces transaction costs (Zacher, 2001; Carter and Goemans, 2011; Prorok and Huth, forthcoming). They are incited to coordinate on existing borders as familiar focal points for determining a new international border's location. Aiming to minimise the risk of costly (re-)escalation of territorial disputes, actors in boundary politics commonly recognise that the alternative of delineating an original border in a mixed-motive situation that divides actors over the zero-sum question of territorial control is an outcome to be avoided at all cost (Carter and Goemans, 2011).

The *uti possidetis* principle as well serves as an institution that facilitates agreement in failure to find on an alternative. For many neoliberal institutionalists such as Herbst (1989; 2000), indeed, boundary maintenance was a simple and rational response by both the colonialists and the weak local leaders in the case of Africa's decolonisation. In light of the constraints imposed by the demographic and ethnographic and topographic structure of the continent, they deem that "[a]nother rule, such as one based on self-determination, would have been immensely complicated" (Herbst, 1989: 688). Hence neoliberal institutionalist scholars presume coordination in stances and practices on boundary maintenance among actors, who wish to uphold existing borders to prevent future conflict.

Theorisation along this neoliberal institutionalist line provides useful insights into the reflective considerations behind actors' decision to uphold the *uti possidetis* principle. Contemporarily, negotiators indeed advocate boundary maintenance in line with the principle's prescriptions and they tend to aim at reducing the risk of (re-)escalation of disputes. But just like realist theorisation, it assumes rationality to be exogenous and hence cannot provide a satisfactory explanation for the fact that actors do not coordinate on this 'rational' cost-benefit analysis for adherence to the *uti possidetis* principle. In fact, practices and discourses in boundary politics have varied significantly throughout history. They shifted from an emphasis on territorial stability in Latin America in the 1820s to a focus on populations in post-World War I Europe. Only in the 1960s was the practice of boundary maintenance reinstated. Neoliberal theorisation overlooks these variations in practices of boundary politics; it is essentially based on a fixed representation of the truth – that is, a single rationalisation of boundary maintenance as an institution coordinating expectations and behaviours across time and space.

Even if such rationalisation existed as a lowest common denominator in weakness, the neoliberal institutionalist theory does not account for decisions to maintain boundaries where alternatives were made available by powerful actors, nor for adherence to the *uti possidetis* principle after detailed and laborious map-making procedures, like in the cases of Bosnia and Herzegovina and Kosovo. These efforts would be inconsequential in neoliberal institutionalism. But in practice, not only adherence to the *uti possidetis* principle, but also the existing borders do often not serve as focal points that reduce uncertainty and prevent escalation of territorial disputes. In many post-colonial states in particular, the precise location of the existing boundaries was unclear and remained contested after decolonisation.

Compliance for legitimacy

The constructivists avoid the critiques raised against the realist and neoliberal institutionalist theories by noting the significance of ideational factors such as beliefs, norms, values and culture. Wendt (1999) differentiates relationships with friends, rivals and enemies, and the social logics of belief, calculation and coercion. Many mainstream constructivists follow Wendt's (1999) lead, considering sovereignty to be socially constructed, albeit largely within the traditionalist state-centric framing. For example, Strang (1991) argues that state actors confer degrees of international legitimacy on other (aspiring) state actors and their demands for territorial change, designating some of them as 'in-group' while others are in the 'out-group'. This distinction signifies different rules of behaviour. While Westerners actively delegitimised national self-determination in early history, a positivist analysis supplanted the idea of natural law in the early nineteenth century, giving nations an opportunity to gain recognition in statehood (Strang, 1996: 32).

The argument that only aspiring state actors who accept the existing boundaries are likely to gain recognition of statehood is consistent with the observation that the practice of boundary maintenance has gained prevalence since the end of the Second World War, with no new borders having been drawn since Comoros became independent with the island Mayotte remaining under French control in 1975. Yet not all diplomatic actors involved in boundary politics accept territorial stability, whether through the logic of appropriateness where actors internalise norms that

constitute identities and interests (e.g. Finnemore, 1996; Katzenstein, 1996) or the Habermasian logic of arguing by which actors are convinced of the truth of a factual or the normative validity of a moral (e.g. Reus-Smit, 1999; Risse, 2000; Bjola, 2005). This appears from the continuation of violence to change boundaries after adherence to the *uti possidetis* principle for example in Bosnia and Herzegovina and Kosovo. Indeed, President Slobodan Milošević of the republic of Serbia did not accept the republican boundaries in the Yugoslav federation while ethnic Serbs in North Kosovo fight to be in the Republic of Serbia.

English School theorists share the societal approach with constructivists. Just like for example Kratochwil and Ruggie (1986) and Ruggie (1993), they emphasise the development of international norms. Scholars such as Bull (1977; 1984), Mayall (2000) and Wheeler (2000) claim that international relations are rule-governed and that these rules help to maintain international order. They accept that there are variable forms of life under anarchy and find actors motivated to comply with rules in international politics by a sense of moral obligation – that is, a socially constructed and internalised sense of approval or appropriateness of a rule that is shared in the ‘international society of states’. Jackson (1990), Jackson and Rosberg (1982), Fabry (2005) and Seymour (2008) argue along this line that boundary maintenance is an established norm in international politics, defining both legitimate membership and rightful behaviour within a more general framework of mutual recognition and legal equality. In line with the logic of *raison de système*, this arrangement for assignment of property rights has become a referent object for security (Bull, 1977: 4-5). It generates and is generated by a common culture involving (aspiring) state leaders in the maintenance of the elite’s rules for the conduct of relations (Buzan, 1993: 347). Jackson (1990) indeed finds that in the 1960s, African leaders consolidated their power within existing boundaries as the only practical basis for recognised statehood.

This theory provides interesting insights into the importance of conceptions of legitimacy and processes behind norm development. It modifies the realist emphasis on power politics and international anarchy and hence recognises a potential for principled behaviour. But boundary maintenance is not a “consent common rule,” as theorised by Bull and Watson (1984: 1), which appears from decisions to accommodate the complex social realities of overlapping territorial claims in cases like Bosnia and Herzegovina. Even just within the Dutch Ministry of Foreign Affairs

in the early 1990s, state diplomat Peter van Walsum and representatives of the Eastern European Division disagreed with the minister's official policy for boundary maintenance in support of a revision. Like realists and the neoliberal institutionalists, mainstream constructivists and English School theorists emphasise structure rather than agency. Variation and changes in negotiators' stances indicates however that actors are not interchangeable. Their preferences are not determined by a collective (perceived) rationality or 'sense' of the *policy* of boundary maintenance in the post-1945 era; individual or inter-group lines of division rather appear in the *practice* of boundary politics. Mapping these divisions between actors and understanding their distinctions hence requires attention for the negotiation processes in which these actors discuss and establish boundary policies – that is, for the social spaces where boundary politics are played out.

Compliance in practice

Many scholars have highlighted these social spaces in studies of the intricacies of international negotiation processes in which parties seek assistance or accept help to settle their (territorial) conflict, and they emphasise the position of actors in the process. They have identified various negotiator characteristics of power and (self)interest as prerequisites for successful mediation. For example, for a mediator are important his impartiality (e.g. Northedge and Donelan, 1971; Smith and Stam, 2003; Maoz and Terris, 2006; Rauchhaus, 2006) – or, to the contrary, his bias towards a negotiating party that can facilitate communication or coercion in the mediator's interest (e.g. Touval, 1982; Kydd, 2003) – and his leverage through military power (e.g. Walter, 1997; Frazier and Dixon, 2006) or through the ability to provide material incentives or information or expertise or status (e.g. Touval and Zartman, 1985; Kleiboer, 2002; Carnevale, 2002; Svensson, 2007). For representatives of the conflicting parties, whose characteristics are commonly treated as contextual factors in international negotiation studies, similarly their internal cohesiveness or representation of a single constituency (e.g. Assefa, 1987) and their relative power status, including their ability to attract international support, – whether their power parity is small to incite mutual concessions (e.g. Ott, 1972; Young, 1967; Rubin and Brown, 1975; Zartman and Bergman, 1982) or unambiguously large to motivate settlement (e.g. Deutsch, 1973) – are important.

Analysis of a negotiator's positions with these characteristics of power and (self)interest however relies largely on an assessment of the static attributes of represented parties, with certain negotiation behaviours being assumed available only to some state representatives. Scholars assume that the negotiator is a direct and rational representation of his (sub)state and its material capabilities, discarding agency and thus the negotiator's strategies in effectuating their attributes in practice. This theoretical blind spot has been covered by scholars who emphasise behavioural factors. Kressel (1972) and Touval and Zartman (1985), for example, denote that mediators can adopt various behaviours and corresponding strategies in the process towards a peace settlement, ranging from passive reflective-communication to more interventionist directive-manipulation. Based often on findings in early prescriptive studies and studies of mediation at social levels other than the international, then, scholars generally assume that the negotiators representing the conflicting parties can to varying degrees bargain and commit in the negotiation process (e.g. Zartman and Berman, 1982; Fearon, 1995; Powell, 1999; Druckmann, 1993; 1994), influencing also the behaviours of third party negotiators who can use intelligence, knowledge and diplomatic skill to manage these behaviours (e.g. Wehr, 1979; Bercovitch, 1984; 2007).

These scholars acknowledge that a negotiator's strategy and tactics may impact his ability to influence the negotiation outcome. Yet they focus exclusively on collective behaviours. As such, they still do not offer an explanation for different preferences about negotiation strategies and outcomes between (groups of) negotiators within a delegation. Variations in actors' preferences across time and space indicate that no collectives like 'the West' or 'the Americans' or even 'the mediators' or 'the disputant' exist in the practice of boundary politics. In fact, by assuming negotiators to be rational actors that act according to calculations of costs and (prospective) benefits of certain actions and by defining the outcome of negotiations simply in terms of success and failure, these scholars in international mediation studies do not at all consider negotiator stances on the outlook of the peace settlement.

This theoretical shortcoming is addressed by scholars such as Salacuse (1998), Faure and Sjostedt (1993), who bring in negotiators' stances by theorising that a negotiator's cultural background influences him in the negotiation process. Salacuse (1998: 222-223) identified that an actor's negotiation goals, attitudes towards the negotiation process and type

of agreement, and negotiation style may be influenced by his “socially transmitted behaviour patterns, norms, beliefs and values” while Kelman (2007: 65-66) highlights the impact of (collective) fears on behaviours. As such, they debunk the notion that negotiators are purely rational actors. This contribution is supported in the works of several critical scholars on international diplomacy and conflict management. While Fetherston and Nordstrom (1995), Duffey (2000) and Banai (2013) highlight the effect of individuals’ (cultural) background and worldviews on their everyday practice, Cohen (2010) and Neumann (2002; 2005; 2007) note the importance of collective dispositions among those who share an occupation such as diplomacy. Yet in looking at negotiators’ stances, these scholars do not provide an understanding of where the power to shape outcomes lies. As such, they cannot account for the influence of particular stances in studying the intricacies of international negotiation processes.

Understanding these differentiations in actors’ stance-taking and their influence on the shape and content of the negotiated settlement in the practice of boundary politics requires emphasis on both actors and social processes involved in the process of negotiating territorial conflicts. In the principal-agent approach, scholars such as Elsig (2011), Hawkins et al. (2006) and Pollack (2003; 2007) develop an understanding of the interaction between principal heads of state and foreign ministers designing a mandate and agents implementing it in the negotiations. They find that principals delegate authority, tailoring the discretion of their agents by demand for credible commitment and policy-relevant information and by limitation of discrepancy between preferences, and that agents move within the bounds of their mandate to maintain and improve their positions (Elsig and Pollack, 2012: 2). Their insights are meaningful in the practice of boundary politics, where outcomes are shaped by actor preferences and struggles for recognition, yet these scholars do not elaborate on the development of stances and interactions in practice – that is, they do not provide how negotiators formulate preferences and move both in vertical and horizontal relations between professional fields to establish themselves as authorities on the negotiated outcome.

Attention to capital and the collision of fields in practice is necessary to understand the processes behind dynamics such as ‘agent slack’, where agents act independently undesired by their principals. Hawkins et al. (2006: 8) theorise that slacking occurs when agents minimise their efforts or shift policy away from their principals’ desired outcomes and towards

their own preferences, but they do not provide how these agency losses develop. They leave the concepts of 'shirking' and 'slippage' politically empty. Principals will seek to reduce agent slack by selecting agents with preferences mirroring their own (Hawkins et al., 2006: 28). But particularly in circumstances of uncertainty about outcomes like in boundary politics, negotiators are open to influences from context or (groups of) negotiators with different social backgrounds. They may in practice establish preferences in discord with their principals and strengthen their position through interactions within and across fields, specialising to the point where they influence the decisions of their principals rather than the other way around.

Genealogical and detailed sociological work put the actors and social processes at the forefront of the analysis, highlighting the (social) origins of outcomes in practice. These methods direct scholarly focus from actors' reflective cognition and instrumental calculations to the (tacit) logics and assumptions that underlie individuals' rationalisations, considering the power-laden interactions between actors to determine their influence in practice. As such, they are useful to identify and explain the variations in negotiators' stances and their influence on outcomes in the practice of boundary politics.

Practicing the theory of practice: methodological issues

Discovering (tacit) commonplaces

In order to determine what shapes how people think, I follow the structural constructivist method inspired by Pierre Bourdieu (1983; 1991). Scholars working in this tradition in the field of international relations claim that knowledge is socially constructed in space and in time, with both competitors and trajectories, and that reality is hence constructed and embedded in its social context (Bigo, 2005; 2006; 2011; Madsen, 2007; 2011; Kauppi, 2003; 2010; Kauppi and Erkkilä, 2011). The question of boundary delimitation upon sovereignty change is indeed hardly settled, particularly when conflicting parties' demands for territorial change continue after concluding a territorial arrangement like in Bosnia and Herzegovina and Kosovo after Yugoslavia's dissolution and in places such as South Ossetia, Abkhazia and Transnistria after the collapse of the Soviet Union. In fact, concepts such as 'territory' and 'nation' or even 'boundary'

are not value-neutral but contested, prevailing practices are challenged, and labels like 'aggression' or 'nationalism' are used to frame competing social realities. These discussions are not only important in themselves; they are a fundamental part of the object of study in a Bourdieusian sociology of boundary politics (Madsen, 2011: 261). Navigating the different and competing discourses and practices in international negotiations calls for reflexivity – that is, for the researcher to objectivise the discourses and practices in boundary politics and to avoid being influenced by one's own categorisations (Bourdieu, 1991).

A reflexive approach first requires an objectivation of the object of study. Bourdieu (1991: 34) describes that there is no distinction between a 'real' world and the actors' perception and representation hereof in practice. The object of study is hence pre-constructed by perception. Its meaning is historically constructed and part of a continuous dialogue between knowledge and reality, while it has meaning only within the complete system of relations in and through which it is enacted (Bourdieu, 1991: 17; 21). Generalisations and predictive theories of a social action are thus impossible. The methodology for constructing the practice of boundary politics as object of study rather implies analysing social meanings, which are expressed in and through practice, as outcomes of 1) the temporal and 2) the situational conditions of particular negotiations. The significance of history, for one, centralises the trajectories of specific practices or discourses such as the concept of the *uti possidetis* principle or boundary maintenance. Commonplaces in the practice of boundary politics often remain unspoken and reflexivity by the actors themselves is thus prevented (Bourdieu, 1983: 164). Yet their truth comes out in crises for being confronted with competing practices or discourses (Bourdieu, 1977: 168-169; Bourdieu, 1983: 336-338). Therefore, understanding the courses of action demands an assessment of the social history. According to Bigo (2011: 237), such a genealogy necessarily starts with the moment of the making of a practice and highlights transformations that progressively led to the contemporary constitution of commonplaces.

Doing justice to the situational conditions of particular practices, then, requires detailed research in very precise locations to identify the actors and interactions that produce a (social) reality (Bigo, 2011: 233). This means analysing practices and their associated commonplaces not as freestanding but as produced within the structures of international negotiations, which are influenced by a range of macro- and micro-level social forces. Such an

in-depth sociological analysis of the social space in which boundary politics are played out necessarily emphasises how international negotiators and representatives of conflicting parties position themselves in the context of the negotiation teams and the broader negotiation process, and how they employ competitive discourses to define and/or transform the definition of reality and thus to influence the content of the negotiated outcome (Madsen, 2011: 266). It involves the identification of a discourse or practice's deployment in specific situations, the limited repertoires that their associated social universes constitute, and the strategies by means of which they are legitimised (Bigo, 2011: 228; Bourdieu, 1983: 317). One needs to describe the social relations between negotiators as derived from practice and how forms of collaboration and competition affect the approach to boundaries. So any attempt at a structural constructivist analysis of boundary politics implies engagement with the constructed visions and divisions in its practice in order to 'objectify' them and determine the conditions that made the development of a particular practice possible.

Second, reflexivity requires objectivation of the researcher. In order to construct a scientifically more autonomous object of study, objectivation is not limited to the object itself but also means that oneself needs to maintain analytical distance to existing discourses (Bourdieu, 1991: 35-38). Because of their long and particular histories, as well as their different usages and effects in different social contexts, practices in boundary politics are marked by some widespread assumptions – that is, structures inscribed into negotiators that tacitly project (usually hidden) interests into their practices (Bourdieu and Wacquant, 1992). In order to open the 'black box' of boundary politics, one needs to objectivise these stakes and interests by overstepping existing discourses and doxic lines of thought and not reproduce them in academic descriptions of the practice. Bigo (2011: 237) holds that this requires that one does not define *a priori* the resources and stakes that are the most important for actors; these "only exist if they are recognised as such" and "they may be important in one field and depreciated in another". Rather, structural constructivism demands an inductive and exploratory approach that accentuates conceptual or normative controversies over the resources and stakes. These controversies are critical elements in the dynamics of boundary politics. They are both outcomes of struggles over the production and legitimation of particular practices and "empirical evidence of the – only relative – structural stability of the area" (Madsen, 2011: 266-268).

A Bourdieusian approach to the practice of boundary politics hence requires an open and objective tracing of the object and how it was defined over time and space by the competing inputs of negotiators. These two interrelated methodological pillars together allow an understanding of both subjective knowledge – that is, the meanings that actors assign to their reality – and objectified knowledge that is gained from contextualising and historicising a situation. It implies that the analysis of the practice of boundary politics requires a continuous moving between practical, contextualised and historicised knowledge. The analysis then enables an objectification of the perceived realities by international negotiators and representatives of conflicting parties through interpretation of *agents* and historicisation of *social processes*.

Recognising struggles for authority in practice

In order to establish the influence of particular shared opinions and seldom questioned beliefs in the social spaces of international negotiations, I follow the methodology as developed by Pierre Bourdieu (1983) and advanced by Bigo (2006) and Madsen (2007) to describe encounters between actors of different fields and elaborated upon by Kauppi and Erkkilä (2011) to analyse the social space of higher education. Bourdieu (1983) bases his structural constructivist method on the epistemological claim that ‘authority’ is a contextually dependent and socially constructed quality. Encounters between people of different fields are thus characterised by a constant struggle between actors who compete for it, seeking to secure the influence of their conception of reality on practices. In analysing this competition between agents involved in boundary politics, it is necessary to identify negotiators’ main interests and stakes and to examine their interactions as strategies of (re)definition – that is, to assess the negotiators’ enactment of power or influence in playing the game of international diplomacy, and not just to describe the rules of diplomacy or the distribution of tokens among its players.

The struggle entails (a group of) individuals positioning themselves as an authority in a particular discussion, which is notably the discussion on the outlook of the maps annexed to the peace agreement in the practice of boundary politics. They can establish their relevant expertise by framing matters in certain ways or by taking initiative and producing effects. This initial positioning may be conscious (e.g. Madsen, 2007) or unconscious and the result of actors’ practical sense of the necessary and the possible

(e.g. Kauppi and Erkkilä, 2011). In both instances, however, it creates durable effects on the structuration of subsequent practices in negotiations because it determines how one is viewed by other negotiators. These may challenge the social hierarchy through political and/or social struggles in order to influence the negotiated outcome in accordance with their own conception of the (social) reality in the conflict area. They can use the material and symbolic resources at their disposal to compete for influence by accepting the criteria of judgement but contesting their own or others' position on this basis (e.g. Kauppi and Erkkilä, 2011; Bigo, 2006), or they may contest these criteria altogether (Bourdieu and Wacquant, 1992: 101-102). The latter strategy is used for example in struggles to redefine the meaning and value of artwork in Bourdieu's (1983) study of cultural production. Such strategies are then countered by negotiators who support the established practice. They generally act to preserve the *status quo* representation of (social) reality and as such ensure continuation of their influence over the negotiated outcome.

Authority is then effectuated through non-coercive influence over outcomes in the negotiations, which can be observed in practice in "vocations, aspirations and expectations" (Bourdieu, 1983: 344). Negotiators must actively deploy their expertise on particular issues as a resource, authoritatively prioritising their beliefs and practices over others in order to produce effects. Bourdieu (1983: 313; 325) contends that this often includes delegitimising alternatives by excluding them, making parodies of them, and by building alliances between like-minded that produce credible substitutes for these alternatives. These are repeated in practices to confirm their emancipation. Ultimately, these strategies of confirming authority may result in the autonomisation of particular commonplaces, rendering them self-evident to an increasing number of negotiators. Once such a consensus over the major characteristics of reality is achieved, it becomes difficult to question this reality and its social structures of domination. Challenges to the prevailing commonplaces are hence increasingly uncommon and even the most radical critiques of prevailing practices to some extent (and usually unintentionally) reproduce the consensus that it disputes (Kauppi and Erkkilä, 2011: 315). The commonplaces then simply constitute 'the way things are'. So in their competition for mastery in practice, negotiators may reproduce certain structures of domination and power relations, while continuing to fight over other aspects.

Research design

A study of practice

Bourdieu's theory of practice requires doing justice to the social construction of realities in time and in space. To address the temporal element, this sociological study starts with a genealogy of discourses and practices in boundary politics that aims to shed light on the trajectories behind how outcomes are constructed in boundary politics for changing sovereignties. This genealogy necessarily begins with the first change of an international border, which is early upon the foundation of the nation-state in the nineteenth century when the Latin American states gained independence from Spain and Portugal. It then highlights the moments at which either discourses or practices in boundary politics transformed in order to mark the differences and trace the construction of the contemporary associations with the *uti possidetis* principle.

To observe the situational conditions of how outcomes are arrived at then requires in-depth analysis of negotiations in boundary politics that identifies the actors and interaction processes that produce an outcome. The aim in this analysis is to build new theoretical insights on the basis of an original application of Bourdieu's theory of practice. Existing explanations have proven unsatisfactory. The literature on the theory of practice provides a grid to detect systematic patterns in empirical material, but it requires in inductive study to formulate concrete hypotheses about how diplomatic actors involved manage the implications of changes in state sovereignty for international borders. For this purpose, I analyse in-depth international negotiations in which the territorial arrangement was a fundamental subject of discussions between negotiators.

The international negotiations concerning the boundaries of Bosnia and Herzegovina between 1991 and 1995 are markedly relevant to develop theoretical insights on the significance of agents and the social processes through which they establish practices in boundary politics, since they consist of separate rounds of negotiations at which distinct teams of negotiators combining a variety of backgrounds were involved in drafting fundamentally different territorial arrangements ranging completely from territoriality to ethnic division. Although teams of negotiators are under these circumstances likely to build on each other's experiences in the negotiation process, being influenced for example by predecessors'

successes or failures at achieving (partial) agreement on the map, the individual negotiators on each team develop their own stances with regard to the conflict situation and the negotiated outcome as a 'workable' or 'stable' territorial arrangement and they logically construct unique interactions within and between (groups of) negotiators. And although the objective of this study is not to make generalisable claims about the exact stances and interactions of negotiators, these different rounds of negotiations permit an in-depth study and comparison of observations within the conflict resolution process between 1991 and 1995.

Methodology and data collection

The analyses are conducted using a multi-method research design. The genealogy requires engagement with the strategies and instruments used to structure practices in boundary politics throughout history. I use a systematic analysis of a network of institutional and policy reports, doctrines, laws and official statements and an extensive review of secondary sources in order to discover regularities and ruptures in the discourses on territorial questions and their convergence with certain answers in practice. The primary sources constitute mainly ministerial reports and memoirs covering the processes leading up to and following territorial change, which are at times complemented by legal descriptions of the negotiation procedures followed to delimit boundaries. I cross-reference and supplement information derived from such primary sources with reviews and studies of the events. Such secondary sources are assembled at distinguished institutions for the studies of international negotiations and boundary politics ranging from various specialised libraries to the Peace Palace in The Hague, the Netherlands, and the African Studies Centre in Leiden, the Netherlands.

I then engage with the people that constitute outcomes in boundary politics in an in-depth study of negotiation processes to learn how and with what implications or effects they understand, enact and interact to define practices in this context. I rely on a two-step qualitative research design to build a structured focused comparison. A focused comparison is theoretically informed, while the term 'structure' refers to a standardisation of the research strategy across different rounds of international negotiations. The first step for this analysis is a systematic examination of historical materials, policy documents and institutional communication relating

to the definition of territories and peoples upon the sovereignty change. Archival research combined with studies of memoirs, opinion pieces, transcribed interviews, and newspaper articles allows me to recover details of the negotiation process concerning the secession and subsequent internal division of Bosnia and Herzegovina. Notably, it enables identification of both prevailing and subordinated discourses and practices in specific negotiations, and it helps to identify the principal agents interacting with them.

The second step is detailed sociological analysis of these agents and their interactions in the social space of negotiations. I wrote life histories of the negotiators that illustrate their formal positions and qualifications and affiliations; I then conducted a series of fifty-two face-to-face and telephone interviews with key negotiators and their supporting staff on the basis of those personal histories in order to learn their multiple relations to the negotiation process and its outcome (see Table 3.1 in the appendix). Semi-structured and open-ended interviews can reveal informal or tacit situated knowledge and thus help to identify whether (groups of) individuals diverged from the prevailing discourses and practices. They also provide insight in these negotiators' different investments and interactions in specific negotiations, which means that they enable insight and understanding of the social struggles for control in the process. Interviewees included politicians, diplomats, lawyers and army officials from every international and local party to the conflict that was represented across different rounds of negotiations concerning the dissolution of Yugoslavia and the division of Bosnia and Herzegovina. Considering the hierarchical and secretive nature of international diplomacy, and hence the rare expression of personal stances in formal communications, the interviews and private correspondence or documents that I gain access to during these interviews provide valuable information to complement official (ministerial) reports. The information I gain in and through the interviews is, however, where possible, triangulated with the documents and secondary sources.

Conclusion

In accordance with Bourdieu's structural constructivist approach, I focus on *social processes* and *agents* in the *practice* of boundary politics rather than on (principled) policies in theorising about outcomes. I hypothesise that practices in boundary politics are socially constructed on the basis

of shared opinions and seldom questioned beliefs that are effectuated by (groups of) negotiators. Their outlook is hence based in the domination of specific negotiators who prioritise their belief in the 'feasible' or even the only 'realistic' answer to questions of territorial definition, rather than in the quality of existing borders or established practice. In the social spaces of the international negotiations, where boundary politics are played out, individuals with different backgrounds and thus different conceptions of (social) reality meet for the common purpose of drafting a peace agreement. Their interactions are shaped by their struggles for authority. For negotiators, indeed, power or influence over the negotiated outcome is socially produced and constantly negotiated. It ultimately depends on the recognition of expertise – that is, the knowledge and skills necessary to formulate answers to boundary questions raised upon sovereignty changes. Negotiators can then define conceptions of (social) reality and thus guide the discourses and practices of other negotiators to shape practices in boundary politics.

The following chapters use the structural constructivist method to learn how practices and discourses in boundary politics were constructed over time and space. Chapter 4 provides the trajectory through which the knowledge for contemporary practices and discourses was constructed by negotiators, highlighting transformations that culminated in the contemporary practice of boundary politics. Chapters 5 and 6 then provide a detailed sociological analysis to explore how these discourses and practices were established in the international negotiation process in which borders were drawn for the dissolution of the Yugoslav federation and the internal territorial division of Bosnia and Herzegovina. These projects combined offer an explanation for the contemporary adherence to the *uti possidetis* principle that is based on the 'strategic' interest of professionals of politics who gained authority in international negotiation processes, rather than on the quality of existing boundaries or the established practice of boundary maintenance. They reveal that the alternative of boundary adjustment tends to be raised when outbreaks of violence disrupt the dominant ideas about peaceful territorial change; these political breaks in history or crises in negotiations offer an opportunity for popular or military representatives to gain influence in diplomacy and establish their competing practices or discourses.

Chapter 4

A Genealogy of Practices in Boundary Politics: Conceptions of Peace and Order in History

How did diplomatic actors manage the implications of sovereignty changes for international borders over time? The conventional story is that the practices associated with the modern *uti possidetis* principle originate in Roman law and since the process of decolonisation in Latin America in the nineteenth century have been “logically connected with the phenomenon of obtaining independence, wherever it occurs,” as judges of the International Court of Justice declared in the 1986 Burkina Faso/Mali case (International Court of Justice, 1986: 565). In the contemporary practice of boundary politics, the *uti possidetis* principle and its associated maintenance of international and administrative boundaries in demarcating international borders are institutionalised. They are protected in both international agreements and some national statutes. So when in 1991 legal specialists in the Arbitration Commission were asked by chairman of the EC Conference on Yugoslavia to comment the status of internal boundaries in international law, they concluded that their primary concern was that, whatever the circumstances, “the right to self-determination must not involve changes to existing frontiers” (Pellet, 1992: 184). They evoked the *uti possidetis* principle in Opinion No. 3, concluding in line with the International Court of Justice decision of 1986 that the principle had acquired a universal and peremptory character in the international law on state succession of the post-Cold War era.

Yet a complex story of variation in practices is behind this seemingly linear institutionalisation of the principle, transforming its meaning to the extent that present-day implications contradict some of the early practices. The *uti possidetis* principle was during the decolonisation in Latin America one of several principles relied upon to delimit the boundaries of colonial entities that gained independent statehood. It

was “a rough description of a practice [...] easily susceptible to divergent interpretations” that in practice related to the right of conquest and the concept of actual possession (Hyde, 1945: 509), while the contemporary practices associated with the *uti possidetis* principle relate to legal title and the territorial *status quo*. In post-World War I Europe and the Near East, then, practices in boundary politics reveal that strategic, military, economic, ethnographic, and political factors influenced the creation of new boundaries (Lalonde, 2002: 64). These variations in the practices are overlooked in the conventional wisdom that boundary maintenance logically connects with state independence – a wisdom that is based on parallels between territorial changes in some eras but not others and veils differences in practices under the label of *uti possidetis*.

These variations indicate that the *uti possidetis* principle did in the past not unambiguously compel actors to respect or adopt existing boundaries as international borders. Neoliberal institutionalists in International Relations theory such as Zacher (2001) and Carter and Goemans (2011) maintain that adherence to the *uti possidetis* principle is a cost-efficient outcome of negotiation processes because it offers a clear rule and thus minimises uncertainty. According to Jackson and Zacher (1997: 19), “[s]tates and international commercial interests abhor uncertainty over what political entities have jurisdiction over particular geographic spaces. [...] International conservatism, needless to say, flows from concerns for predictability and order”. Yet this cost-efficiency has not fixed practices on boundary maintenance in the past. In fact, the *uti possidetis* principle hardly functions as a norm or lowest common denominator because it does not provide a standard of practices or expectations for agents in boundary politics. History reveals that the practices associated with the *uti possidetis* principle have been redefined at every spur of sovereignty change.

The challenge is to see beyond the use of the term *uti possidetis* to the complex processes behind shifts in practices that contributed to boundary maintenance becoming accepted as common practice for drawing international borders in diplomacy, and that could hence generate substantial changes in the future. It then appears that different practices in boundary politics are necessarily based on different conceptions of peace and order. These security maps tend to come out in crises (Bourdieu, 1977: 168-169; Bourdieu, 1983: 336-338), which are paralleled with a transformation in practices when political breaks or revolutions enable a set of actors with different social backgrounds to gain recognition of their expertise and thus influence in the practice of boundary politics.

Particularly when the violence contradicts existing beliefs with regard to peaceful territorial change, the prevailing definition of the threat(s) related to territories and populations is likely to alter with shifts in power. In the past, indeed, professionals in diplomacy generally managed the implications of sovereignty change on the basis of a fear of disturbance of international order by nationalism and state dissolution, while outbreaks of nationalist violence enabling trends in public or armed diplomacy to impact boundary politics introduced abandonment of territoriality.

This then casts doubt on the realist explanations of for example Coggins (2001), who argues that discourses and practices are shaped under coercive forces of the 'great powers' in international diplomacy. The social history of discourses and practices in boundary politics suggests that not always professional representatives of these states were the powerful actors in negotiations. The public and militaries influenced practices at different times. And even when political representatives did steer practices in international diplomacy, they not necessarily coerced others to conform; nor did they agree to maintain the existing boundaries for their focal function, being familiar to all parties involved in boundary politics, as neoliberal institutionalists have argued. They rather introduced a shared logic or *doxa* that was compelling in light of violence that contradicted the prevailing security map in practice. In response to nationalist violence after efforts to separate communities in territorial units, they introduced territoriality to delegitimise division in nation-states and thus discourage outbreaks of such violence in the future.

My account is fundamentally distinguished from existing explanations in its emphasis on the logics underlying practices in boundary politics. Many theorists in International Relations literature extrapolate the contemporary practice of boundary maintenance to the history of the *uti possidetis* principle. This leads them to consider practices in boundary politics fixed; they assume that these are determined by a stable set of actors for familiar reasons, while I find in this social history that both practices and discourses have varied significantly over time. In past circumstances of sovereignty change, different territorial arrangements have been formulated by different sets of actors in international diplomacy on the basis of their different conceptions of peace and order. To understand how particular logics shaped territorial arrangements and how these have culminated in the contemporary discourses and practices, we need to reconstruct the *agents* and the *social processes* in the trajectories of their development.

In this chapter, I first disentangle analytically the notion of *uti possidetis* from the practice of boundary maintenance, showing that the practices associated with the term have varied over the course of history to the extent that they are contradictory at several points. This directs attention in the second part of the chapter to the social history of practices rather than principles in circumstances of a territorial change. I find that practices in boundary politics are the outcome of (discursive) struggles for definition of the security threat(s) posed by populations and their distribution across territories. In contrast with the widespread belief that the practice of boundary maintenance has its origins the first use of the *uti possidetis* principle in international diplomacy, which was in decolonisation in Latin America in the 1820s, I argue the relevance of the post-World War II security map in Europe. It gained significance in boundary politics after professional diplomats and state leaders established authority with the outbreak of violence in ethnically partitioned India and Palestine, and its position was strengthened when the reinstated practice of boundary maintenance left the boundaries rather stable, at least in terms of large-scale interstate conflicts, in the ‘channelled’ African decolonisation process. The standardisation of this security map in the *uti possidetis* principle positions contemporary practices in vulnerable contrast with other practices that concern the relationship between territory and population in present-day international diplomacy.

The *uti possidetis* principle: one term, many discourses and practices

The connection between the notion of the *uti possidetis* principle and the practice of boundary maintenance throughout history is so naturalised that the two concepts are often analysed as synonyms or descriptions of the same process. Originating from Roman law, *uti possidetis* is in academic literature narrated to have become a principle of international relations in Latin America that was subsequently adhered to in decolonisation in Africa and Asia and disintegration in the federations of Yugoslavia, Czechoslovakia and the Soviet Union (e.g. Ratner, 1996; Castellino and Allen, 2003; Ghebrewebet, 2006; Fabry, 2010). Contemporary practices are then considered a mere “rediscover[y]” of what is considered the “eminent rationality and usefulness of the 19th century Spanish American *uti possidetis juris*” (Bernárdez, 1994: 417). The narrative that boundary maintenance builds on a long historical process is also invoked in practice. In their 1986 judgement in the Burkina Faso/Mali case, judges of the

International Court of Justice denote the customary nature, or “general scope,” of the *uti possidetis* principle with reference to its origins in the earliest international law for state formation, while the members of the Badinter Arbitration Commission mentioned its use “in settling decolonisation issues in [Latin] America and Africa” to justify application upon Yugoslavia’s dissolution in 1991 (International Court of Justice, 1986: 565; Pellet, 1992: 185).

In this reading of history, the contemporary practice of maintaining existing boundaries is considered the natural outcome of uniform historical practice in line with the *uti possidetis* principle. The term’s past definition in what are considered similar situations of territorial change then provides the practice of boundary maintenance – and thus the interpretation of colonial and administrative maps to determine the location of new international borders – legitimacy, both analytically and in practice. It naturalises boundary maintenance in contemporary cases of territorial change and veils the historical contingencies behind the development of this practice in boundary politics. Yet defining the *uti possidetis* principle in terms of the practice of maintaining existing boundaries is in this narrative taken for granted. This coalesces principles and practices; it denies historical variation and transformations in the actual routines and processes practiced in boundary politics under the label of the *uti possidetis* principle.

History reveals that various and at times contradictory practices are captured under the notion of *uti possidetis*. In its first application in international law related to territorial change in the early nineteenth century, the *uti possidetis* principle prescribed consolidation or confirmation of actual control over territory. It granted local political leaders absolute control over whatever territory they *de facto* possessed as a result of the hostilities and their aftermath, recognising the right of conquest and the use of force (Simmler, 1999: 35). It was assumed that the previous sovereign had given up on retaining the conquered territory by ceasing hostilities voluntarily (Ghebwebet, 2006: 8). In the decolonisation of Latin America, the local leaders’ actual control left unclaimed territory or *terra nullius* particularly within the former Spanish territories. This meant that in practice, the determination of the new states’ boundaries by territorial acquisition was complemented by referring to the orders of the Spanish king³⁰ – a practice

³⁰ Hyde (1945: 509) finds that the search for existing definitions of boundaries in line with

of territorial sovereignty that is at the core of the modern definition of the *uti possidetis* principle. The principle now prescribes definition of new states' territories by reference to *de jure* information on boundaries existing at the time of independence. Effective treaties and maps have a central role in arbitration of territorial disputes at for example the International Court of Justice while even natural developments of borders are excluded in procedures of their delimitation. As such, new states may include territories that are actually controlled by others, potentially leading them to suffer from new secessionist and/or irredentist claims such as the one expressed by the Armenians in Nagorno-Karabakh.

And since its emergence in international diplomacy almost two centuries ago, the *uti possidetis* principle has transformed in its prescriptions on the territorial units legible for sovereign statehood. In its earlier forms, the principle did not fix which units should be maintained. In the process of decolonisation in Latin America, for example, it was within the local leaders' discretion to determine whether to create states from viceroalties, *audiencias*, *presidencias*, *provincias* or any combination of these. Yet this decision was in the 1960s not left to the African leaders, who saw all colonial boundaries upheld as international borders with a rare except when diplomats at the United Nations and/or the Ministry of Foreign Affairs of (former) colonial states believed that the existing states were unviable (Chem-Langhëë, 2004).³¹ In its post-colonial application, the practices associated with the *uti possidetis* principle only concern the boundaries of the highest administrative order. While the constituent republics of the Soviet Union and Yugoslavia were recognised as independent states in the early 1990s, territorial claims made to administer lower level units such as Kosovo and Chechnya were not accommodated in practice. Independence would have been possible for these units under the *uti possidetis* principle defined in the process of decolonisation in Latin America.

In addition to having transformed in meaning, the principle's prescriptions have gained significance as the principal guideline in boundary politics

the *uti possidetis* principle was in Latin America no more than "a rough description of a practice that has been variously followed when no supervening policy interposed".

³¹ The British administered trust territories of Northern and Southern Cameroon were united with Nigeria and the Republic of Cameroon respectively, the French island Mayotte seceded from the colony of Comoros and the British colony of the Gilbert and Ellice Islands partitioned on the basis of public votes against the practices prescribed by the *uti possidetis* principle.

since they were developed. In Latin America, adherence to colonial boundaries emerged from practice in the early days of independence;³² any outcome was thus to respect (post-)revolutionary activities (Hyde, 1945: 505-506). As a result, practices show multiple variations of the *uti possidetis* principle³³ and inconsistency in their application based on the republics' immediate needs³⁴ (Lalonde, 2002: 36; Fisher, 1933: 416), while international borders were often delimited on the basis of colonial boundaries at a critical date antedating independence. In the 1992 *El Salvador/Honduras* case, the judges at the International Court of Justice indeed pronounced that *uti possidetis* was “essentially a retrospective principle” (International Court of Justice, 1992: 388). Yet when the principle was reinforced in the decolonisation of Africa and Asia and in more recent cases of state secession, it no longer permitted such flexibility. Its prescriptions only concerned the *de jure* borders existing at the date of independence. Adherence to the *uti possidetis* principle now “stops the clock but does not put back the hands” the ICJ justices declared in the 1986 Burkina Faso/Mali case (International Court of Justice, 1986: 568). Local political leaders may hence be assigned control over territory that they effectively lost in the struggle for independence or its aftermath, which resulted in secessionist and/or irredentist conflicts for example in several former Yugoslav territories after 1991.

³² It was consolidated only at the first continent-wide congress meeting in Panama in 1826 (Castellino and Allen, 2003: 65).

³³ In Latin America, the *uti possidetis* principle was susceptible to divergent interpretations (Hyde, 1945: 509). While the Brazilian view of the principle consolidated the situation of fact *post bellum*, the Spanish American *uti possidetis* principle can be subdivided according to the critical dates adopted in the delimitation of boundaries: *uti possidetis* of 1810; *uti possidetis* of 1821; *uti possidetis* before independence; *uti possidetis* of 1826; *uti possidetis* of 1874; and *uti possidetis juris* of 1880.

³⁴ The particular variant of the *uti possidetis* principle adopted could differ from one treaty to another. Lalonde (2002: 34) points out that Peru, Venezuela and Bolivia each concluded a treaty with Brazil on the basis of effective possession while Peru defined its border with Ecuador on the basis of the *uti possidetis* principle. Similarly, Venezuela and Colombia refer to the *uti possidetis* of 1880 to determine their mutual border, while Article 8 of the *General Arbitration Treaty between Bolivia and Peru* instructed the arbitrator to resolve the boundary dispute in strict obedience with the principle of *uti possidetis* of 1810. Kohen (1997: 449-450) further mentions that the notion of effective possession was invoked by Paraguay in its dispute with Bolivia, by Guatemala in its boundary dispute with Honduras and by Salvador in the *Case Concerning the Land, Island and Maritime Frontier Dispute*. In these cases the factual situation on the ground was thus preferred over the juridical title to territory (Lalonde, 2002: 35).

A final development in practices is that although it has technically become easier to make territorial adjustments, deviations from the *uti possidetis* principle have become less common in the contemporary practice boundary politics. While the Latin American leaders agreed in 1848 that combining or separating states required the consent of *all* governments of the confederated republics (Castellino and Allen, 2003: 70), the consent of only the parties to a dispute is currently sufficient to trump the prescriptions of the *uti possidetis* principle. Still decolonisation in Latin America entailed more boundary changes. Boundary maintenance was here understood as a means to postpone the discussion of the precise location of the boundaries; both in discourse and in practice, the boundaries delimited upon independence were considered alterable.³⁵ Adjustments were made regularly after independence, with or without the assistance of arbiters, on the basis of principles of equity, ‘give-and-take’, or by referring to “effective occupation and natural, geographical features” (Lalonde, 2008: 58; Simmler, 1999: 68-69). Such deviations from the *de jure* boundaries delimited upon independence were never agreed upon in decolonisation in Africa or recent secessions. The *uti possidetis* principle is now the definitive guideline for delimiting new international borders, rendering secessionist or irredentist claims to territories that are not existing ‘units’ ineffectual.

These transformations in the practices associated with the *uti possidetis* principle are summarised in Table 4.1.

³⁵ Early constitutions and declarations of independence of the new republics contain this need to postpone the delimitation of boundaries to a more convenient time. Article 2 of the *Fundamental Law of the Sovereign Congress of Venezuela, for the Union of the Republics of New Granada and Venezuela, under the Title of the Republic of Colombia* (1819), for example, reads: “Its Territory shall be those comprehended in the former Captain-generalship of Venezuela and the Vice-royalty of the New Kingdom of Granada [...] whereof the exact boundaries shall be fixed at a more seasonable opportunity”. Similarly, Article 7 of the *Constitution of the Federal Republic of Central America* (1824) holds that “[t]he limits of the Territory of the State, shall be defined by a Constitutional Law, when the necessary information shall have been obtained”. Also the *Treaty of Perpetual Union, League and Confederation between Colombia and Mexico* (1823) and the *Treaty of Perpetual Union, League and Confederation between Colombia and the United Provinces of Central America* (1825) contain a clause on the postponement of boundary determination.

Table 4.1: Practices under the *uti possidetis* principle throughout history

	Decolonisation in the 1820s	Decolonisation in the 1960s	Secession the 1990s
<i>Use of the principle</i>			
Unanimous consent	x	x	x
Legal codification of the principle			x
<i>Practices associated with the principle</i>			
The principle as the principal guideline		x	x
Prescription on territorial units eligible for independence		x	x
Prescription on uniform critical date		x	x
Possibility of post-independence territorial changes		x	x
<i>Deviations from the principle</i>			
Boundary changes before independence	x		
Boundary changes for reasons other than legal title	x	x	

History does thus not reveal an established practice associated with the term *uti possidetis*. To the contrary, there is no standard of practices or expectations that constitutes a norm or lowest common denominator in the practice of boundary politics; the practices associated with the *uti possidetis* principle are regularly redefined in history so that that the contemporary practices contradict some of the early ones. This raises doubts about whether the contemporary practice of boundary maintenance actually originates in the Latin American process of decolonisation – doubts that are reinforced by a cursory glance at the history of the practice in Latin America. The states on the Latin American continent were not the first states to gain independence within their colonial boundaries. Rather,

boundary maintenance upon the withdrawal of the Spanish Crown in the nineteenth century mirrored the latest events of state formation in the Low Countries and the United States of America.³⁶ Also, and this is arguably more relevant for the origins of contemporary practices, the historical trajectory shows that the practice of boundary maintenance has been challenged at several points in time since it emerged in international law in the 1820s. It was abandoned in post-World War I Europe and the Near East, for example, to then be reinstated. This indicates that the origins of discourses and practices in contemporary boundary politics lie not in Latin America.

A genealogy of discourses and practices in boundary politics: conceptions of peace and order

Security maps in the practice of boundary politics

Boundary politics play out under circumstances of uncertainty about the future. This means that practices are fundamentally based on its actors' conceptualisations of the unknown. They are thus based on how negotiators assess, calculate and master peace and present uncertainties as risks in this order. Kessler and Daase (2008: 214) hold that "risk names both the very boundary of the unknown and the known and the particular mode in which the unknown is translated into knowledge and policies". The conceptualisation or 'securitisation' of uncertainties related to territories and populations – that is, the *anticipation* of catastrophes that are selected for treatment – essentially determine what negotiators define or understand as the most 'strategic' response in the practice of boundary politics. If they for example anticipate enduring conflict between peoples coexisting in a territorial unit, negotiators will prefer territorial adjustment

³⁶ In the case of the Low Countries, the Spanish recognised the independence of the seven provinces of the north in the 1648 Treaty of Munster and Britain agreed to American independence within the 1763 borders in 1776 (Hubbard, 2009: 43). The American Secretary of State confirmed and reinforced this practice in July 1856, in the midst of the process of decolonisation in Latin America, when he wrote to his Minister to Great Britain: "The United States regard it as an established principle of public law and of international rights, that when a European Colony in America becomes independent, it succeeds to the territorial limits of the Colony as it stood in the hands of the parent country. That is the doctrine which Great Britain and the United States concurred in adopting in the negotiations of Paris, which terminated this country's war of independence" (Ghebrewebet, 2006: 63).

rather than if they anticipate a spread of claims for land in and around the state. And if negotiators anticipate endless negotiations over delimitations, they will advocate the use of existing boundaries rather than if they predict difficulties to be reconcilable.

When managing the implications of sovereignty change for international boundaries, negotiators necessarily share the belief that post-independence peace and order are controllable through the definition of territorial arrangements. As an outcome of their negotiations, they pre-emptively introduce particular arrangements in order to address their – whether realistic or not – fears for instability. It is hence not the management of insecurity that shapes negotiators' strategies in border negotiations. This would entail concrete and identifiable or acute threats to stability while these are inherently tied to the future of independent statehood in the practice of boundary politics. Neither is it the distribution of the 'goods' associated with a practice such as a right to territorial statehood or good statesmanship that construct their stances on the practicability of particular arrangements. Rather, it is the negotiators' active management of uncertainty and desire to evade 'bads' that determine their stances in boundary politics. Conceptualised in these terms, boundary politics are a discursive practice by which people represent "a 'world' characterised by particular types of places, peoples and dramas" (Tuathail and Agnew, 1992: 190). Actors with different security maps identify different sources and characteristics of threats to different aspects of order, which subsequently inform their different preferences with regard to the practices in boundary politics.

The actors' different assessments of opportunities and risks for peace contain distinct truths and rationalities about the reality of sovereignty change. Most notably, they emerge within the space of boundary politics, where debates concern the definition of social facts such as borders and what their function is in (inter)national relations; 'nations' and how (nation-)states can and/or should be established; and the 'just' or 'sustainable' relationship between territory and population – that is, the criteria of legitimate statehood. Negotiators' rationalities on these issues may not be deliberate or even reflective, but they significantly impact reality because negotiators assess local facts in specific cases and thus the potential of particular paths to security on the basis of these rationalities. If negotiators for example consider borders separation lines between political entities, they are more likely to emphasise political and legal means of

representation than when they consider territorial delimitation a means of protecting nations' cultural heritage. And if they regard nations as hard and mutually exclusive groups, they are less likely to see successful intermarriage and mingling than if they consider communities to be fluid or relational in nature.

In doing so, negotiators do not only answer to a reality; they actively construct one. They make particular (sub)national communities and/or territorial delimitations 'problems' by defining what forms a threat to peace and order and what not, and what is fatality and what rather constitutes an opportunity for positive change. So while ethnic communities that straddle international borders may be defined as security threats in need of territorial recognition in some security maps, they may not be considered problems for states that can address their needs by law in another. And while territorial adjustments in accordance with lines of division between communities may be considered fatal for international territorial stability in some configurations of security, they may be seen an opportunity for (re)stabilisation of states in others. Historically, these variances in security maps meant that while negotiators' efforts at stabilisation upon the decolonisation of India in 1948 were directed at separating the Muslims from the non-Muslims in distinct states, communities with different origins or religions were united under the protection of law a few years later in the decolonisation of African states. And while boundaries were redrawn in Europe after the First World War, a similar territorial adjustment to accommodate communities straddling existing boundaries was considered dangerous in the recent outbreak of violence in eastern Ukraine.

A quick glance at history then reveals that the prevailing security map among negotiators tends to have enduring effects. Different episodes of territorial change are characterised by different standard practices in boundary politics. Shifts in the dominant conceptualisation of threats to peace and order tend to come out after violence breaks out upon a territorial delimitation in confrontation with the existing beliefs with regard to peaceful territorial change. Such violence turns uncertainty into insecurity, changing the environment from one in which it is unclear who, what, when and where stability will be threatened to one in which negotiators can identify specific actors and specific threats to post-independence peace and order. These identifiable insecurities may undermine the prevailing conceptions of peace and order and enable other (groups of) negotiators to gain recognition of their expertise and thus authority in the practice of

boundary politics, particularly when negotiators identify past practices as the cause of the crisis or as having been unable to address it satisfactorily. The dominant definition of the threat(s) related to territories and populations and thus the conception of a range of possible answers to border questions then generally changes in line with altered power relations in the practice of boundary politics, introducing the new (groups of) negotiators' security map in existing beliefs.

So transformations in discourses and practices in boundary politics do not happen randomly. It is indeed political breaks and revolutionary challenges to the existing security map that facilitate a redefinition of (social) reality. They enable a different set of actors with different conceptions of threats to peace and order to gain influence in the practice of boundary politics. A genealogy of these conceptions and related practices hence necessarily starts with the first change of an international border, which is early upon the foundation of the nation-state in the nineteenth century when the Latin American states gained independence from Spain and Portugal and states in Europe were redefined for the first time, and highlights the crises in which the differences come out.

Practices for security in a historical perspective

Nineteenth century practices: Territoriality

For sovereignty changes in Europe, practices were characterised by prioritisation of territory over population even though boundary maintenance was not absolute, resembling the practices in Latin America in the same era. When Belgium seceded from the Netherlands, for example, diplomats from the European states determined in the 'Bases Destined to Establish the Independence and Future Existence of Belgium' of 1831 that the territories of Holland and Belgium were to conform to those of the Dutch Republic in 1790 and Belgium in 1815, respectively, with minor adjustments for contiguity and existing communication lines (Fabry, 2010: 83). And even the counterclaim to the borders of the 1790 Austrian Netherlands stipulated in the new Belgian constitution ascribed to the notion of territorial stability. This practice was largely based on the negotiators' anticipation of instability in the international territorial order upon the sovereignty change. They underlined in Protocol No. 12 of 27 January 1831 the necessity of boundary maintenance in Belgium

“to offer to her an existence which at once guarantees her own happiness, and the security due to other states,” which the separation of Belgium from the Netherlands endangered, particularly if the Belgians fixed their states’ limits assuming control of neighbouring states’ (overseas or other) territories (*Papers Relative to the Affairs of Belgium, Volume 2*, 1833: 75-77).

And while the Greeks, who did not have prior territorial existence, were defined ethnically when they seceded from the Ottoman Empire, the peoples of Romania, Serbia and Montenegro also gained independence in their principalities’ borders that could be adjusted moderately to recognise *de facto* communal, economic or military developments. The inclination for territorial stability was again underpinned by assessments of events’ consequences for international security. The negotiators at the Berlin Conference of 1878 were reluctant to accept radical adjustments to territorial delimitations beyond the consensus that a break-up of the Ottoman Empire was unavoidable, which also shows from their rejection of the Greeks’ claim to Thessaly and Epirus, emphasising the mutual rivalries and the balance of power in the international system (Fabry, 2010: 105; Medlicott, 1963: 133-134).

This emphasis on territorial stability took shape in the old Western diplomatic order, in which negotiating rights were monopolised by state authority (Black, 2010: 152). To the exclusion of private or military interests, professional diplomats were as direct representatives of states in charge of asserting and acknowledging state independence. In line with the expectations of the political elites of which they were members, these professionals generally considered the European state as a model for statehood – a model that was adopted by diplomats entering the elite’s arena as representatives of newly independent states, who thus became increasingly insistent on precise frontiers (Winichakul, 1994).

Early twentieth century practices: Self-determination of populations

The character of diplomacy changed in the twentieth century with the emergence of new independent states. Repeated revolutions both in Latin America and on the European continent imposed challenges that forced diplomats to worry about their personal safety, inciting a trend of armed diplomacy and intelligence operations. And while military attachés gained prominence in increasingly systematic information-gathering processes,

international diplomacy was increasingly guided by public politics and liberal opinion because representation broadened beyond the existing social elites (Black, 2010: 166; 171-173). Jules Cambon (1931: 139), who was the French ambassador in Berlin in 1914, wrote: "We are living in an age of publicity. The diplomatists of today only faintly resemble their forerunners who took part in the Congress of Vienna". In a developing bureaucratic system of control and direction towards professionalism, professional diplomats were hence increasingly made to include the public.

In parallel with this change in international diplomacy, the emphasis on territorial stability was abandoned. Particularly after boundary maintenance had not been able to prevent (ethnic) nationalism from disrupting international peace and order in World War I, practices and discourses transformed. Borders were increasingly delimited based on markers of identity and communities' wishes, which meant a prioritisation of population over territory. Especially for communities expressing claims to land owned by parties that were defeated in World War I, American President Wilson's plea for national self-determination was significant. The members of the Commission on Polish Affairs, chaired by Jules Cambon who was a career lawyer that had served in the Franco-Prussian War before he entered the civil service, for example unanimously understood that their decisions on Poland's borders should be based "on ethnic factors and on Wilson's promise of access to the sea" (Macmillan, 2003: 225-226). And ascribing to this interpretation, the German representatives claimed territories on the basis of communal distributions even in their contestation of the Commission's decisions (Macmillan, 2003: 231). The participants at the 1919 Paris Peace Conference similarly aimed to establish borders along ethnic lines, then-junior British diplomat Nicolson (1933: 127) recounts. In the absence of clear lines of division between ethnic communities in Europe, they developed a settlement ensuring that far fewer Central and East Europeans lived under foreign rule than in 1914 and that the identities of all other communities were protected by law (Crampton, 1996: 37).

In their efforts to determine new boundaries' delimitations, the negotiators used various methods that attest to an emphasis on population over territory. They scheduled referenda to take place in a number of contested areas in Poland, in which also Polish residents who had fled the areas were invited to vote (Wiskemann, 1956: 28); they made Danzig and Fiume free cities with international personality; in a few cases, they drew borders

so as to include a matching number of minorities on both sides; and they demanded the local leaders to codify protection of minority rights (Fabry, 2010: 129). The negotiators also made use of an extensive set of techniques to map population distributions in particular territories, hence establishing where particular communities resided, including “population density, migration, longevity, as well as language or religious characteristics” (Crampton, 2006: 733). The members of the Commission on Polish Affairs, for example, used statistics and thematic mapping to award Upper Silesia to Poland, justifying their decision by stating that about sixty-five per cent of the area’s inhabitants were Polish-speaking. While census-data on language formed the dividing criterion in some cases, other areas were divided on the basis of (sometimes decade-old) information on ‘ethnic identity’ or plebiscite outcomes. These statistical underpinnings enabled the negotiators to put their decisions on a rational and scientific footing.

This rationality was based on the negotiators’ emphasis on intrastate peace and order, assuming divided communities to endanger the stability of states by splitting them internally. Although history and economic considerations at times superseded purely communal outcomes, particularly when disentangling communities proved difficult, negotiators generally associated the sustenance of peace with codification of communities’ demands. Notably the British Political Intelligence Department, whose staff was drawn from the Department of Information’s Intelligence Bureau, issued a memorandum already in November 1918 in which it urged that the ethnic boundaries were “more durable and afford a firmer support against aggression than the older form of state”³⁷ and that they were hence “a condition [for] permanent security to be established” in light of the intrastate balance of power and the defensibility of boundaries (Dockrill and Goold, 1981: 24). Career diplomats such as Nicolson, who increasingly accepted the need to engage with wider public audiences at home, yet supported the accommodation of communal demands based on an ideological reasoning for the distribution of rights and entitlements. It would allow for “scars [...] to heal,” which for career civil servants entailed that “many economic sinews, some arteries even, had [...] to be severed” to develop an equitable settlement (Nicolson, 1933: 126-127).

³⁷ The memorandum includes that the “older form of state” was “often a merely accidental congeries of territories without internal cohesion, necessary economic unity or clearly defined geographical frontiers” (Dockrill and Goold, 1981: 24).

Negotiators of the settlement for World War I thus reasoned that after a (nationalist) war had been waged in which communities had grown increasingly antagonistic, recognition of peoples' separation contributed to the re-establishment and maintenance of peace inside states. Being permitted space for themselves, peoples are more likely to subscribe to the terms of a peace settlement and thus less likely to (re-)enter into violence for "stirring up the spirit of patriotism, of justice or of fair play to achieve redress," British Prime Minister Lloyd George explains in the Fontainebleau Memorandum; peoples then "feel in [their] hearts that [they] have no right to complain" (Barnes and Feldman, 1982: 42).

A similar conceptualisation of territorially divided nations and minorities as a security problem underlay later settlements by professional diplomats assembled at the League of Nations. In the Åland Islands case, for example, negotiators from both conflicting parties claimed territory for the survival of their 'nation' (Brown, 1921: 268-269). And the members of the Commission of Inquiry, who were predominantly career diplomats trained and experienced in law,³⁸ then considered the principle of ethnic self-determination "relevant at all times and capable of displacing the principle of domestic jurisdiction" (Lalonde, 2002: 76-78). As such, the negotiators collectively attest to a prioritisation of population over territory. With regard to Upper Silesia and Vilnius and the Saar province, for example, they unanimously accorded status to the peoples' preferences expressed in plebiscites, and they made adjustments to the Albanian border in line with communal demands when they were asked to adjudicate disputes there. They did so based on an assessment of the stability inside the states involved in the territorial dispute, in line with the security map that prevailed in post-World War I Europe. As professionals of diplomacy, however, they ensured that the principle of self-determination would not gain the status of a universal international claim right. Such universality would have inflicted responsibilities on the League of Nations to accommodate any community's claim to territory, which threatens the international order with nationalism and state dissolution.

³⁸ The Commission of Inquiry was composed of president Baron Eugène Beyens, former Foreign Minister of Belgium, Mr. Felix Calonder, former President of the Swiss Republic, and Mr. Abram Isaac Elkus, former United States ambassador to Constantinople (Berkeley, 1922: 159).

Over the course of World War II, nationality remained prevalent over territory in the practice of boundary politics. Early in the war, American President Roosevelt praised communal self-determination and the plebiscite method as “the most substantial contribution made by the Versailles Treaty,” arguing for papal support that communities “should not be forced into a government [...] or compulsory independence by themselves, without an expression of their own views” (Russell, 1958: 33). He restated his commitment to self-determination later in the 1941 Atlantic Charter, where he and Churchill advocated territorial changes in accordance with peoples’ freely expressed wishes. Yet these discourses changed after the 1919 Treaty of Versailles was discredited for having “kindled new conflicts” and the League of Nation’s minority system proved failing to prevent another war, which stimulated changes in the negotiators’ security map in the practice of boundary politics (Wiewióra, 1959: 20-21).

In international diplomacy more broadly, the challenge from Nazi attitudes and practices put under pressure the conventional practices and views. Career diplomats only played a secondary role in the mounting international crisis, and they did not always help the prospect of peace because their alliances sometimes functioned as a restraint on action, Black (2010: 186) notes. State leaders meeting in summits took the key role in arbitrating during World War II.³⁹ This war reasserted the primacy of raw force. Politicians predominantly relied on intelligence officers to provide them with advice on the views of others and on how to pursue interests, allowing military officers increasing decision-making powers (Black, 2010: 210). At the same time, they often rejected diplomacy as a means of compromise because they considered diplomats influenced by a professional understanding of (and perhaps sympathy for) other points of view (Black, 2010: 210). As such, the war meant a break with diplomacy as a separate sphere; military considerations come to the fore in negotiators’ search for security.

³⁹ State leaders were able to take initiatives and to negotiate over a wide geographical span, in which they otherwise might have entrusted diplomats, due to technological developments in air transportation and communications.

This shift in power meant that discourses and practices in boundary politics increasingly concerned geopolitical strategic realities. While practices had been based on a largely ideological reasoning for communities' right to recognition and protection of their identities, the consideration of a boundary's defensibility increasingly complemented this reasoning as the military gained influence in boundary politics. Negotiators increasingly considered elements of infrastructure and industry and geography in the delimitation of boundaries that separate communities. As such, they conceptualised outbreaks of violence for military strategic gain as a major threat to intrastate security irrespective of the underlying communal demands.

Considerations of the military defensibility and balance of power rather than the distribution of rights hence determined the territorial delimitations. And although the negotiators still considered divided communities and minorities the main threat to peace and order, national homogenisation was no longer effectuated through plebiscites⁴⁰ but through *post facto* large-scale compulsory population transfers and minority exchanges. After peaceful relations had been established both within and between Greece and Turkey on the basis of their population exchange in 1923,⁴¹ President Roosevelt's closest adviser Harry Hopkins noted in a memorandum that the complete eradication of minorities was "the only way to maintain peace" (De Zayas, 1979: 8). It prevented the "mixture of populations to cause endless trouble as has been the case in Alsace-Lorraine" according to Churchill, who spoke in the House of Commons in 1944 (Wiewióra, 1959: 42-43). So at the 1943 Tehran Conference, American Secretary of State Stettinius (1949: 211) agreed with the other politicians that the Germans in future Polish territory would be repatriated, thence duly reflecting on calculations of population transfers associated with particular boundary

⁴⁰ The plebiscite method was ignored quite intentionally, particularly with regard to post-war Germany. Several politicians who subscribed to the Atlantic Charter noted explicitly that it was not applicable to Germany (Wiskemann, 1956: 75) and article 107 of the United Nations Charter excludes the possibility of invoking any of the Charter provisions, including the right to self-determination, to negate actions taken as a consequence of WWII in relation to the enemy states.

⁴¹ In his speech for the House of Commons on 15 December 1944, British Prime Minister Churchill said: "I am not alarmed by the prospect of the disentanglement of populations, nor even by these large transferences, which are more possible in modern conditions than they ever were before. The disentanglement of populations which took place between Greece and Turkey after the last war was in many ways successful and has produced friendly relations between Greece and Turkey ever since" (De Zayas, 1979: 11).

adjustments.⁴² In the end, the realigning of populations to conform to the new boundaries entailed a move of more than 18.3 million people in East Central Europe (Kordan, 1997: 704-705). This means that populations had become detached from territory, being perceived as movable objects, and that inter-communal separation was no longer a goal in itself but a means to ensure boundaries' defensibility in the post-WWII practice of boundary politics.⁴³

A similar security map prevailed in the first discussions on decolonisation in Europe. At the British Colonial Office, they notably contemplated national homogenisation by means of territorial adjustment and population transfers for their early decolonisation policies to be "consistent with the aspiration of nationhood" (Furedi, 1994: 88). Although inter-communal separation was trumped for territorial unity in assessments of the intrastate militarily balance in Burma (Selth, 1986: 505), it was the politicians' proclaimed objective in the independent British Mandate of Palestine and India. In 1937, a Commission headed by professional politician Lord Peel recommended territorial partition of Palestine. The Commission's members considered minorities "the most serious hindrance to the smooth and successful operation of partition," so they held that partition in combination with "as far as possible, an exchange of population" would offer "a chance of ultimate peace. No other plan does" (Palestine Royal Commission, 1937). Similarly, British Prime Minister Attlee addressed the possibility of partition "in the best interests of the Indian people" already in his first announcement of India's decolonisation on 20 February 1947 (Hodson, 1969: 199) – an option that became even more tangible after Viceroy Mountbatten concluded that rapprochement between the

⁴² When Anthony Eden and Edward Stettinius met in Malta to discuss Poland's future boundaries, for example, Eden summed up the results of the meeting: "The cession upon which we and the Americans are agreed would involve the transfer of some 2¼ million Germans. The Oder frontier without Breslau and Stettin would involve a further 2¼ million. The Western Neisse frontier with Breslau and Stettin would involve an additional 3¼ million making 8 million in all" (Wiskemann, 1956: 83) and at the 1945 Potsdam Conference, Churchill and Eden considered a transfer of at least seven million Germans for the delimitation of the Oder-Neisse line unacceptable while the Russians insisted on a transfer of all ethnic Poles out of the Soviet Union (Ennekens, 1998: 145-146).

⁴³ In contrast, territory without people had generally been considered useless particularly in agrarian pre-nationalist societies, where local leaders had spent considerable time trying to keep and attract settlers (e.g. Herbst, 2000). A noteworthy exception to this trend before nationalism rose in international politics is the forced expulsion of the Acadians from the Acadie area by the British, also known as *Le Grand Dérangement*.

parties was impossible and a potential catalyst of civil war upon his arrival in India in March 1947.⁴⁴ This indicates that with regard to the colonies, the negotiators from post-WWII Europe generally considered ethnic or religious minorities a major threat to post-conflict state security.

This policy for independence was shaped under a notably different understanding of race and nationalism than the earlier decolonisation of the Latin American states. European state diplomats and colonial governors had appropriated Imperial Rome as a model for statehood in the early nineteenth century, regarding themselves as bringers of civilisation and seeking to bring non-Western powers into the ambit of the Western worldview, but they were more open to the dynamic of growing state power and populist themes in the early twentieth century (Black, 2010: 155; 198). Coercion had been the principal response to instability in Latin America. Diplomats had moulded nationalist policies on the basis of their understanding of the views and the inherent value of peace and order. The continued dynamic of new states in the international system combined with the growth of nationalist warfare in Europe had however contributed to professional diplomats' sense of flux, which was capitalised in quests for recognition in the years following World War I. The representatives of aspiring states, who were often not professionals but found themselves supported outside the confines of imperial control in the League of Nations and by ideologues that had risen to power before the outbreak of World War II, were assertive in their rejection or partial accommodation of Western principles of statehood (Black, 2010: 197). It left some European state diplomats who proved unwilling to compromise finding their careers compromised or even ended to live in exile (Black, 2010: 197).

The practices in boundary politics concerning colonies then mirrored the practices in Europe. Separation of communities was the expressed purpose, but it was not effectuated through plebiscites – a method that the last Viceroy of India Lord Mountbatten proposed⁴⁵ but that was rejected by politicians for the potential spread of separatism and military conflict (Chakravarty, 2003: 147). Rather, partition in India was primarily intended

⁴⁴ Viceroy Mountbatten described the situation as “breaking up under my hands. The reason was that neither side would cooperate with each other. I could feel the damn thing simmering” (Collins and Lapierre, 1999: 73).

⁴⁵ Mountbatten said that a referendum “would be a far better way of finding out the will of the people and removing weightage than under the system [...] whereby the decision is left in the hands of three persons” (Chakravarty, 2003: 147).

for “the existing Provincial Governments,”⁴⁶ based on votes by district representatives who did not meet separately to discuss their communities’ collective demands or desire for subdivisions (Hodson, 1969: 199). The boundaries in the mixed Punjab and Bengal provinces were then meant to delimit “the contiguous majority areas of Muslims and non-Muslims” as defined in the 1941 census (Kudaisya and Tan, 2000: 82).⁴⁷ The Boundary Commissions entrusted with the task of separating communities in these provinces each consisted of four High Court judges chaired by lawyer and experienced political adviser Cyril Radcliffe.⁴⁸ The chairman aimed to separate communities and equalise minority ratios on all sides in line with his mandate (Chatterji, 1999: 191), yet he embraced military strategic considerations as “other factors” in the territorial delimitation of this separation in accordance with the security map for ensuring boundaries’ defensibility and balance of power that was dominant among political professionals in Europe (Ahmed, 1998: 154-156). Claims put before him as well as his final delimitation respected natural boundaries and transportation systems, while Radcliffe further prioritised territory over population in his use of limited imperial maps to draw the final lines. These maps represented villages as blank spaces outlined by administrative boundaries, imposing existing lines on the final decision (Chester, 2009: 22).

Corrections to the separation between communities in this territorial delimitation were then made through *post facto* large-scale population transfers, mirroring the practices in post-WWII Europe. These exchanges of peoples were formally agreed upon by the state leaders only with the

⁴⁶ From the moment he arrived in India, Viceroy Mountbatten met regularly with the Provincial Governors, who informed him about the situation in their provinces. In fact, Mountbatten’s House was constructed so that the Viceroy was able to invite and host the stay of the eleven Governors, who he thought were often “too steeped in the old British Raj system and [...] trying to find a solution which would do the least possible violence to the system as it then existed” (Collins and Lapierre, 1999: 40-75). In his reports on negotiations, Mountbatten consequentially describes progress in terms of gaining support from the various ‘Provinces’ (Hodson, 1969: 291).

⁴⁷ This mandate of the Boundary Commissions was laid down in the 3 June Plan by Lord Mountbatten and Lord Ismay.

⁴⁸ With the consent of representatives of both conflicting parties, Sir Cyril Radcliffe was appointed the Chairman of both Commissions. The other members were Justices C.C. Biswas, B.K. Mukherji, Abu Saleh Mahomed Akram and S.A. Rahman for the Bengal Commission while the Punjab Commission was composed of Justices Mehr Chand Mahajan, Teja Singh, Din Mahomed and Muhammad Munir (Menon, 1957: 401).

1950 Agreement between India and Pakistan on Minorities, but both Pakistan's first Governor-General Muhammad Jinnah and first Prime Minister Jawaharlal Nehru wrote already in early 1947 to British Viceroy Mountbatten that their aim was to separate communities to ensure post-conflict security. Borders should be made "as complete and thorough as possible" by means of population transfers in order to leave no room for contention, they held (Menon, 1957: 355-356; Chester, 2009: 61-62). Hence practices in early decolonisation were guided by the negotiators' emphasis on population rather than territory, yet the need for inter-communal separation was treated as a means to increase the boundaries' defensibility rather than as a practice inspired by ideology for entitlement to recognition and protection of identity.

Practices after Palestine and India: Territoriality

Then conflict broke out in the early years of independence in both Palestine and India, and the British Colonial Office simultaneously faced rejection of Commonwealth membership by Burma, riots in Baghdad and disorder in Accra and Malaya. This political unrest inspired widespread transformations in ideas about legitimate sources of statehood. The failure of the League of Nations, followed by wartime, had disrupted relations in international diplomacy more broadly. Professional diplomacy had become a means to achieve global order through the enforcement of systemic rules. Under the intense pressure of the public to create a new and more benign international order, political leaders had developed a system of international organisations in which summits worked to reconceptualise rather than reject conventional diplomatic methods as a departure from practices during World War II. Summits or conferences now did not end the regular efforts of the professional diplomats, while they provided conventional diplomats with a greatly expanded sphere for activities, not the least because leaders received diplomatic advice on the views of others and on how to pursue interests (Black, 2010: 210). Technological developments had made it easier to recall envoys for policy advice and special diplomatic missions gained significance in efforts to establish alliances or negotiation despite failing international agencies. And as a continuation from the pre-war developments, this diplomacy was increasingly guided by public politics in interstate relations determined by a multiplicity of non-state actors.

When these developments affected the practice of boundary politics, they introduced a shift in the negotiators' focus back to international security consequences of territorial changes. Public politics introduced in practice a transition to the recognition of self-determination rights, but professional diplomatic representation continued to reflect the social and ethnic understandings associated with the pre-war era and Latin America's decolonisation in the nineteenth century.⁴⁹ In British memoranda and dispatches, nationalism was increasingly coupled with Nazism and communism,⁵⁰ to the extent that the two terms were even used interchangeably (Furedi, 1994: 100). The assumption in the statements of the British diplomats was that nationalism – and particularly ethnically defined nationalism – provoked political unrest and state break-ups, disrupting the international order (Furedi, 1994: 196-198). The professionals considered that although the claims to self-determination originated in the domestic arena, their effects in cross-border tensions and interstate armed conflict would “threaten the whole world order with what an older generation would have termed ‘balkanisation’,” as political adviser in Africa William Macmillan (1959: 231) anticipated just a few months before the decolonisation of much of the continent.

This assessment was particularly strong concerning Africa because of the large number of entities eligible for independence under national self-determination and the complexity of many demographic situations there (Fabry, 2010: 161). State dissolution and the emergence of small homogenous successor states was hence considered a major threat to international peace and order – a shift in perception that made the British politicians reluctant to concede powers,⁵¹ particularly to what they perceived as militarily and/or economically unviable states. British

⁴⁹ The small number of African Americans who were accepted into the United States Foreign Service exemplifies this pre-war understanding of society and race (Krenn, 1999).

⁵⁰ The idea that nationalist movements were manipulated by communists appears for example in the 1950 ‘Note on the aims, strategy and procedure of the communists in Africa’ by the British Chiefs of Staff, which reads “communist agitation seeks to stimulate and exploit nationalists like Nkrumah” and contains the assessment that to leave a colony piecemeal would fracture the fragile unity of the new states (Furedi, 1994: 103). Macmillan (1959: 231) similarly argues that “[w]orld communism [...] will now be standing by, ready to take every advantage of unstable conditions – like those arising from the unequal development of the Balkans fringe of the European family of nations which led directly to the war of 1914 and the disruption of a former European order”.

⁵¹ The British continued to deny systematic decolonisation policies even after they had been forced to transfer power in West Africa and the Caribbean (Shepard, 2006: 58).

politicians were convinced that “smaller territories could not exist on their own,” particularly in Africa because “[t]he Africans [...] were nothing like as civilised or advanced as the Asians” (Heinlein, 2002: 26).

In line with this transformation of the security map, practices of decolonisation ‘territorialised’, resulting in territorial unity and boundary maintenance rather than partition in the British colonial areas of Africa. The Colonial Office used to present decolonisation policies as consistent with local aspirations of nationhood, but its resources were increasingly used to discredit ethnic and religious claims of anti-colonial nationalists in the period after 1948 (Furedi, 1994: 88). In contrast with its practices of decolonisation in Asia, the representatives of the Colonial Office’s African Division chaired by Andrew Cohen, a colonial governor who had joined the Colonial Office in the early 1930s, ‘guided’ the decolonisation process in Africa. They believed that “[t]he weaker need the help of the stronger peoples” and transferred the existing administrative unity – and thus the administrations’ territorial delimitations – to the separate African colonies in an effort to ensure the new states’ sustainability (Cohen, 1959: 80).⁵² They allowed territorial adjustments through plebiscites only if the existing territorial units were considered unsustainable as independent states (Macmillan, 1959: 232).⁵³ Indeed, “[i]n British policy, independence was the horse and unity the cart: the one was meant to pull the other” (Darwin, 1988: 181).

The British aimed in this process to work with “the right kind of nationalists” that embraced the professional diplomats’ objectives rather than opposed them with (military) force and that were thus more likely to make “reasonable concessions” in the step-by-step decolonisation process (Hall and Malešević, 2013: 241; Heinlein, 2002: 24). They used counter-insurgency tactics and covert operations to strengthen the loyal locals, hence weakening ‘extremist’ nationalism and disintegration of their administrative unity (Furedi, 1994: 195, 229-231; Heinlein, 2002: 23-24).

⁵² In 1950, the Colonial Office’s report carried the preface: “The central purpose of British Colonial policy is simple. It is to guide the colonial territories to responsible self-government within the Commonwealth in conditions that ensure to the people both a fair standard of living and freedom from aggression from any quarter” (Macmillan, 1959: 209).

⁵³ Notably, the British administered trust territories of Northern and Southern Cameroon were united with Nigeria and the Republic of Cameroon respectively while the British colony of the Gilbert and Ellice Islands partitioned after public votes in the territories because the areas were considered (economically) unviable independent states in their existing delimitations.

Such attempts to divide and rule nationalist movements brought identity and shared experience to the fore in the development of decolonisation practices; they show the value negotiators themselves attached to who had influence in the practice of boundary politics and what their different beliefs were about territory and peoples.

The French developed decolonisation policies that similarly bolstered the colonial administrative divisions, thus prioritising territory over population in the practice of boundary politics. French policies had long denied any political rights to Africans, but when in 1956 neighbouring states Morocco and Tunisia became independent and the office of Overseas Minister was taken by former mayor of Marseilles Gaston Defferre, who had worked in Senegal and who had (literally) been close to the Algerian issue, French Africa's decolonisation became a tangible reality (Chafer, 2002: 93; 165). Defferre developed for French West Africa the *Loi cadre*, or 'enabling act'. His *chef de cabinet* Fernand Wibaux then adopted a 'territorialised' as opposed to a federalist approach to this area's decolonisation. This meant that the French devolved powers step-by-step to the territorial units constituting French West Africa, mirroring practices of 1955 in Togo. Aiming with the *Loi cadre* to maintain their foothold in the African colonies,⁵⁴ the French started by granting local government councils internal autonomy. They then advanced decolonisation via local control of budgetary matters to the eventual transfer of jurisdiction in areas such as foreign affairs and defence, as such gradually locking the local authorities into the (territorial) structures of the existing administrations (Chafer, 2002: 166-167; Kahler, 1984: 194). When a referendum on independence was finally scheduled in 1958, votes were counted on a territorial basis to further consolidate the separate territories as units legible for independence.

Just like the British, the French practices in decolonisation were supported by a conception of international peace and order as threatened by territorial dissolution. In France, the decolonisation and partition of India were generally considered "la grande débâcle coloniale" [the great colonial disaster], as the last governor of Chandernagor Georges Tailleur said, and a uniquely 'British narrative' that was not indicative of processes in French

⁵⁴ The French practices in the decolonisation process were generally inspired by a sturdy belief in what Chafer (2002: 85) calls the 'colonial myth' or "the belief in an indivisible republic composed on France and its overseas territories".

colonies (Tailleur, 1979: 19).⁵⁵ The French deemed the post-independence violence in South Asia proof of the “dangers of decolonisation” (Marsh, 2007: 66-67), hence arguing that it was necessary to continue France’s tutelage and to ‘guide nationalism’ in the colonies in order to avoid state break-ups into what the French representatives considered militarily and/or economically unviable new states (Marsh, 2007: 63-65; Martin, 1985).⁵⁶ In fact, the negotiators in French West Africa ensured the African *députés*’ support for territorial unity by exploiting the locals’ concerns about the economic and political consequences of a state break-up, which the French declared would leave the new states without their support (Chafer, 2002: 172; Kahler, 1984: 188). Hence territorial changes for accommodation of nationalist demands were increasingly discredited in the practice of boundary politics; boundary maintenance gained prominence, also among the African diplomats whose competitive efforts to build alliances with their European colleagues were incompatible with desires for territorial adjustment (Black, 2010: 215).

Indeed, the claims from African leaders who were bolstered in these guided processes of decolonisation increasingly contained the notion of territoriality. Prior to independence, several nationalists advocated boundary adjustments to accord with local realities. At the 1945 Pan-African Congress in Manchester, they adopted under the chairmanship of Kwame Nkrumah for the first time a resolution proclaiming that “the artificial divisions and territorial boundaries created by the imperialist powers are deliberate steps to obstruct the political unity of the West African peoples,” in line with the then-prevailing practices in boundary politics (Touval, 1972: 23).⁵⁷ Yet as decolonisation policies were implemented,

⁵⁵ In popular media, the events of 1947 were portrayed as the result of British rather than Indian actions (Marsh, 2007). Combined with repeatedly expressed scepticism with regard to the viability of the newly established states, this implicitly justified the continuation of French colonisation (Marsh, 2007: 63-65). The French colonies were rather represented as in need of France’s tutelage despite the act of decolonisation (Marsh, 2007: 65).

⁵⁶ In fact, even the one exception that the French made to their practice of boundary maintenance in the decolonisation process – that is, the secession of the island Mayotte from the colony of Comoros after a public vote in 1975 – was justified on the basis of the state’s viability, which the French generally considered permanently dependent on the maintenance of the island’s link with France (e.g. Martin, 1985).

⁵⁷ The clearest call for boundary revision was articulated at the 1958 All-African Peoples Conference held in Accra, where the representatives of the African colonies approved a resolution entitled ‘Frontiers, Boundaries, and Federations’, the third of the four parts of which read:

an increasing number of African state representatives considered territorial changes unacceptable in their effects on the international security situation.⁵⁸ They feared that their engagement with (sub)national communities' demands would "raise the spectre of endless conflict" (Lalonde, 2002: 116) and rather upheld a 'territorialised' interpretation of the communities legible for independence.⁵⁹ Ultimately, their anticipation of conflict and outside interference that would render the new states militarily and/or economically unsustainable led the African politicians to collectively accept the boundaries existing at the date of independence under the auspices of the Organisation of African Unity.⁶⁰

"Be it resolved and it is hereby resolved by the All-African Peoples Conference that the Conference:

- (a) denounces artificial frontiers drawn by imperialist Powers to divide the peoples of Africa, particularly those which cut across ethnic groups and divide the people of the same stock;
- (b) calls for the abolition or adjustment of such frontiers at an early date to this problem founded upon the true wishes of the people" (Legum, 1965: 153).

⁵⁸ At the 1958 All-African Peoples Conference in Accra, for example, the representatives of French Togo and the Ivory Coast deemed such changes to support the disruptive Moroccan, Tunisian and Egyptian territorial aspirations while the Ethiopians had misgivings about them in light of Somali efforts to control parts of its territory (Touval, 1972: 60). And a year later, at the 1959 Sanniquellie Conference, politicians further endorsed territorial stability when they judged any mention of boundaries disruptive of Liberia's renouncement of long-standing territorial claims against Guinea only a few months earlier (Touval, 1972: 61).

⁵⁹ This is evident in the Kenyan representatives' response at the 1963 Addis Ababa Conference to the question whether applying self-determination to the Somalis would mean transfer of territory or merely transfer of population. They said: "If they do not want to live with us in Kenya, they are perfectly free to leave us and our territory. [...] This is the only way they can legally exercise their right to self-determination" (Mazrui, 1967: 12), attesting to a conceptualisation of population as defined by territory rather than by national or communal background.

⁶⁰ The president of Mali declared at the founding summit of the OAU in 1963: "[W]e must take Africa as it is, and we must renounce any territorial claims, if we do not wish to introduce what we might call black imperialism in Africa. [...] African unity demands of each one of us complete respect for the legacy that we have received from the colonial system, that is to say: maintenance of the present frontiers of our respective states. [...] Indeed, if we take certain parts of Africa in the pre-colonial period, history teaches us that there existed a myriad kingdoms and empires [...] which today have transcended, in the case of certain states, tribal and ethnic differences to constitute a nation, a real nation [...] if we desire that our nations should be ethnic entities, speaking the same language and having the same psychology, then we shall find no single veritable nation in Africa" (Simmler, 1999: 84).

In line with these practices in decolonisation, the United Nations, which proved a forum for the integration of newly independent states in the international diplomatic arena, applied a 'territorialised' interpretation of the 'peoples' entitled to self-determination following its 1948 Charter. This is particularly evident in its members' failure to admit Mauritania as a member state independent from its annexation by Morocco at the fifteenth (1960) and sixteenth (1961) session of the UN General Assembly. The members of the Fourth Committee and the General Assembly also gave the Northern Cameroons only the option of joining the Federation of Nigeria upon decolonisation in the plebiscite they organised; they hence denied them the option of redrawing boundaries in accordance with the ethnically Ewe population's demands. With the conflict following India's partition still on the UN General Assembly's agenda and Afro-Asian representatives led by Indian Krishna Menon pressuring against the Cameroons' partition, the fear of leaving the Cameroons as unviable states that disrupt the international order which underlay the plebiscite was directly inspired by events in India (Chem-Langhëë, 2004: 131). The broader emphasis on territory over population can be traced to the United Nation's founding conference in 1945. An important reference point then was the "unhappy interwar history of Europe" that disrupted the prevailing security map, changing it for international peace and order following practices of territoriality in decolonisation (Fabry, 2010: 161).

Practices after decolonisation: Territoriality

The stability of boundaries endorsed by the 'territorialised' practices both in the decolonised areas and in the broader international order, at least in terms of large-scale interstate conflicts, then strengthened the assessment among negotiators that state break-up and (nation-)state creation are a threat to the international system. Since the surge of decolonisation in Africa and Asia in the 1960s, in an era that had seen a reaffirmation of diplomatic procedures and an increase in professional diplomacy combined with official visits from heads of state encouraged by the Cold War and technological developments in communications (Black, 2010: 218-219; 221), negotiators discouraged irredentism and secessionism in the Balkans and elsewhere by ensuring territorial unity upon Yugoslavia's dissolution in 1991. There was broad consensus among European state representatives that Yugoslavia's break-up in line with nationalist demands had unforeseeable and potentially disruptive effects on the international territorial order for opening a Pandora's box of contradicting claims (Owen,

1995: 33). The President of the European Community, Dutch Minister of Foreign Affairs Hans van den Broek, indeed notes his colleagues' fear of international disorder saying: "Imagine [...] that the whole of Europe would partition itself along ethnic lines. That was a nightmare scenario" (Both, 2000: 85). The concern that one state's break-up would stimulate territorial claims and the creation of small (ethnically homogenous) states elsewhere was considered particularly important in light of the growing unrest in the Soviet Union and the large number of entities expressing territorial claims in other European states, who would be eligible for independence under the recognition of national self-determination.

In line with this conceptualisation of peace and international order, the practice of boundary politics in the post-Cold War era has been characterised by a prioritisation of territory over population. Sovereignty changes are rare and recognised only when boundaries are maintained. State dissolutions occur only with the federations' highest order constituent units gaining recognition of their independence, and secessionist states are delimited within existing administrative boundaries. Indeed, claims to territory raised in communities that do not control existing territorial units have no place in contemporary boundary politics. While secessionist claims that are not tied to a defined territory remain ineffectual, peoples being unable to gain independence or autonomy on the basis of a definition of the 'community', representatives of conflicting parties always consolidate the administrative delimitation of the legible 'territorial unit' as independence becomes a tangible reality in cases of secession. International negotiators then appeal to those who already control a defined territory, strengthening their positions as politicians. European politicians for example convened meetings concerning Yugoslavia's dissolution with the republics' presidents as parties' representatives already in late 1990, establishing them as the relevant authorities in the negotiation process (Donia and Fine, 1994: 212-213; Castellino and Allen, 2003: 160).⁶¹ This practice excludes identity as an alternative for territorial distribution in present-day boundary politics. The shifts in the discourses and practices in boundary politics are summarised in Table 4.2. It displays the differences in five different eras,

⁶¹ Although various attempts were made to manage the events, ranging from the codification of a right to secession from multi-ethnic federal states to the creation of a specific European right to self-determination founded on the democratic principles of the CSCE and other European agreements, it was assumed in all practices that sovereignty would be transferred to the republics along their borders determined in 1945 (Simmler, 1999: 228; Lalonde, 2002: 194; Owen, 1995: 34).

particularly noting practices with regard to territories and populations and their underlying assumptions about the sources and threats to peace and order.

This alternative reading of history reveals that the implications of sovereignty change are fundamentally managed on the basis of actors' conceptualisations of peace and order. While security is always central in proceedings, the prevailing conceptualisation of what is a security problem and what is not, and thus how certain policies can impact (inter)national security, transformed several times over the course the twentieth century. In contrast with the leading understanding of history in which the practice of boundary maintenance has for nearly two centuries been connected with the phenomenon of state independence, this genealogy of discourses and practices in boundary politics shows that security scenarios are drawn after political breaks and revolutionary challenges to the existing security map enable a different set of actors with different conceptions of threats to peace and order to gain influence in the practice of boundary politics. This casts doubt on the idea of scholars like Coggins (2001) and Castellino and Allen that discourses and practices are shaped by politicians from powerful states. Other agents than politicians have influenced practices in the past. And it was not coercion, nor the focal function of boundaries, but their argument in light of a recent contradiction of existing beliefs with regard to peaceful territorial change violence that introduced shifts in practices. Following nationalist violence, public and military influences established accommodation of communal demands for independence or geopolitical strategic realities to prevent outbreaks of such crises in the future.

The origins of the contemporary practice of boundary maintenance notably lie in the post-WWII partition of India and Palestine and in the consolidation of administrative unity in Africa as a consequence of European politicians' desire to maintain their foothold in the continent. Territorial changes lost appeal after the failure of early twentieth century attempts to separate ethnic or religious communities peacefully. The stability following the 'channelled' African decolonisation process that imprinted the colonial maps onto the new states then secured practices in boundary politics that are based on the idea that prevailed among professionals of diplomacy that state break-ups and the emergence of small (ethnically homogenous) states were undesirable for international peace and order.

Too often, this origin of this practice of boundary maintenance is forgotten and people emphasise the adherence to the *uti possidetis* principle in the

Table 4.2: Key tenets of practices and discourses in boundary politics throughout history

	Nineteenth century	Early twentieth century
<i>Practices</i>		
Procedures for territory	Boundary maintenance with adjustments to accommodate additional <i>de facto</i> territorial control	Territorial partition, boundary adjustment to mirror communities' patterns of settlement
Procedures for populations	Communities are accommodated within existing territorial units	Population unification, legal protection (free cities, minority rights)
Tools	Geographic maps, codifications of <i>de facto</i> developments	Plebiscites, population statistics, thematic maps
<i>Discourses</i>		
Objective	Sustainable transfer of state independence	National self-determination
Threat to (inter)national security	(Re)occupation of territory that is under minimal <i>de facto</i> control by non-indigenous peoples forms threat to international security	Divided or intermingled communities form threat to national security

Post-World War II period	Second half of the twentieth century	Post-Cold War period
Territorial partition, boundary adjustment along geopolitical strategic lines of separation between communities	Maintenance of boundaries that are militarily and economically sustainable	Maintenance of highest-order territorial units
Population unification, population transfers	Communities are accommodated within existing territorial units	Communities are accommodated within existing territorial units
Population statistics and calculations, (historical) maps	Most recent geographic maps and their foundational agreements, occasional plebiscites	Most recent geographic maps and their foundational agreements
Defensibility	Sustainable transfer of state independence	Consolidation of state independence
Antagonistic communities able to make military strategic gains form threat to national security	State break-up in nation-states forms a threat to international security	State break-up in nation-states forms a threat to international security

decolonisation of Latin America in the early nineteenth century. Yet not only were the practices then importantly different from those associated with the principle's present-day manifestations, these practices were undergirded by notably distinct security considerations. Both in *opinio juris* and in the practice of boundary politics in Latin America, the new state leaders emphasised (re)occupation by non-indigenous peoples as the major threat to peace and order in the region and they thus consolidated state independence by discrediting existing territorial titles and excluding unclaimed territory or *terra nullius* on the continent. As such, boundary maintenance was not a goal in itself but a means to ensure national self-determination beyond local leaders' actual control over territory. In contrast, the practice of boundary maintenance contemporarily associated with the *uti possidetis* principle discredits nationalist claims to territory legally awarded to others. It thus restricts self-rule irrespective of local communities' actual control over land; peoples need to accommodate territorial stability.

Conclusion

Social history shows that practices in boundary politics are the outcome of (discursive) struggles for definition of the security threat(s) related to territories and populations. Political breaks and revolutionary crises enable different sets of actors with different conceptions of threats to peace and order to gain influence in the practice of boundary politics, particularly when the violence challenges existing beliefs with regard to peaceful territorial change. While professionals in diplomacy in the past defined practices in light of their fear of state break-ups into nation-states as disturbances of international order when violence followed efforts to separate communities in territorial units, outbreaks of nationalist war enabling trends in public or armed diplomacy to influence boundary politics introduced self-determination and defensibility as criteria for territorial delimitation. This indicates that realists such as Coggins (2011) mistake the principal actors for professional representatives of states, while both realists and liberal institutionalists like Carter and Goemans (2011) misrepresent the mechanism by which actors establish practices. Practices are not the outcome of coercion, nor a retreat to the existing boundaries as focal points in negotiations, but the result of a compelling logic or *doxa* that negotiators introduce in response to challenges of the prevailing security map.

In contrast with the conventional wisdom that boundary maintenance logically connects with state independence, this genealogy reveals that the principle of *uti possidetis* has not been fixed. Practices have been redefined regularly under the notion of *uti possidetis* and the principle was sidelined for consideration of strategic, military, economic, ethnographic, and political factors at various times. Hence the *uti possidetis* principle does not provide a standard of practices or expectations that could function as a focal point or norm for agents in boundary politics. In fact, the contemporary practices associated with the principle have rather recent origins. They do trace back to the decolonisation of Latin American states in the 1820s, as many in both theory and practice believe, but to post-WWII Europe and the early attempts at decolonisation in Asia and Africa, when professionals in diplomacy then established that nationalism was the main threat to the existing peace and order. Boundary maintenance is the response to the fear – whether realistic or not – that state break-ups and the creation of nation-states are dangerous, which has prevailed in the practice of boundary politics since conflict broke out following the territorial division of India in the early 1950s while stability prevailed upon the recognition of the African states' independence in accordance with their colonial maps.

Inconsistent with the variability of practices in the past, boundary maintenance has institutionalised since the mid-1970s. The last state was created in violation of the *uti possidetis* principle in 1975. In the most recent cases of state secession, notably Kosovo and South Sudan, and the annexation of Autonomous Republic of Crimea, negotiators hardly addressed the territorial definition of units beyond an identification of the existing administrative boundaries. The acceptance of boundary maintenance as common practice to delimit international borders is to authorise and forget the historical arbitrariness of its establishment and the hazards that played a part in discrediting its alternatives. Indeed, negotiators in the contemporary practice of boundary politics operate with an ahistorical model that forges a link between the term *uti possidetis* and the practice of boundary maintenance. This link between the principle and the practice is confirmed in contemporary theory and practice; the claim for the principle's origin in state independence wherever it occurred can be found in legal and academic accounts of developments in state creation, but this origin cannot be found in past practices of boundary politics.

Institutionalisation of boundary maintenance then freezes practices in boundary politics, which has permitted them to gain distance from other contemporary practices that concern the relationship between territory and

population. In many national and international legal systems, population and nationality have come to the foreground since the decolonisation of African states. Particularly since the end of the Cold War, individual human rights in international law have been supplemented by minority rights and (land) rights of indigenous communities. Subnational communities are increasingly empowered in their relation to the states they inhabit. This is also evident in recent transformations in the meaning of citizenship. While citizenship politics were territorialised in the early twentieth century with politicians seeking to 'populate the land' and to 'homogenise' populations, Ragazzi (2012) describes that citizenship has ethnicised. It is now common for citizens to gain dual citizenship and voting rights abroad, which are based on their nationality rather than on their place of residence, while non-nationals are increasingly excluded in practices of citizenship. This indicates a shift in the relationship between territory and population since the 1950s that renders practices associated with the *uti possidetis* principle incompatible with other practices in international diplomacy.

This social history of struggles to define the security map and thus practices in boundary politics leaves the situational conditions under which practices are shaped for further exploration. An in-depth study of international negotiations is necessary to understand how specific actors gain influence to define practices and how their logics are constituted in context on the basis of their social backgrounds. The following chapters hence examine negotiators and the strategies they use to legitimise their stances in the international negotiation process concerning the secession and subsequent internal territorial division of Bosnia and Herzegovina along the new Inter-Entity Boundary Line between 1991 and 1995. This analysis shows that different groups of negotiators anticipate different threats to security in territorial disputes, and hence differ in what they consider a 'strategic' or 'realistic' arrangement. Indeed, I conclude that the discourses and practices of boundary maintenance are not shared; it was exactly the contradiction of existing expectations of peace that created an opportunity for the military to settle disputes by codification of ethnic separation after politicians had insisted on boundary maintenance in 1991.

Chapter 5

A Sociological Analysis of Practices in Boundary Politics: Professionals of Politics and Territoriality in the Yugoslav Federation

How do diplomatic actors manage the implications of sovereignty changes for international borders in the context of specific negotiations? The crisis in the Socialist Federal Republic of Yugoslavia in 1991 was a moment open to define practices in boundary politics. The *uti possidetis* principle prevailed; the state dissolved with its successor states maintaining the republican boundaries. But the territory of one of these successor states, the Republic of Bosnia and Herzegovina, was *de facto* divided between ethnic communities only five years later. This means that while boundaries were officially drawn in conformity with the *uti possidetis* principle, their effects contradict this prevailing practice. In order to understand this apparent anomaly, it is necessary to analyse the agents and the social processes through which they established these territorial arrangements in the negotiation process. It then appears that different groups of negotiators had different conceptions of peace and order. They identified different security threat(s) related to territories and populations for which they found alternative solutions. A particular set of professionals of politics supporting a *doxa* against the creation of nation-states gained authority first to define outcomes in the Yugoslav crisis without territorial changes. Yet military representatives influenced the practice of boundary politics after nationalist violence broke out challenging this territorial arrangement in Bosnia and Herzegovina. It was through the military justification of defensibility that the nationalist vision ultimately became acceptable as the 'feasible' or 'realistic' outcome.

In this chapter, I analyse how the possibilities to manage sovereignty change upon the emergence of the Yugoslav crisis were narrowed down

to one territorial arrangement in line with the *uti possidetis* principle. I argue that boundary maintenance was the outcome of an international negotiation process structured on the idea that creating nation-states by means of territorial adjustment was undesirable for international peace and order. This *doxa* prevailed among professionals of politics in the European Community as a response to the violence in the Yugoslav federation in July 1991. The hostilities foregrounded the association of boundary change with irredentism and a disruption of international order rather than dispute settlement. Particularly representatives facing aggressive nationalism in their home states then sided with Ministers of Foreign Affairs Gianni de Michelis and Hans-Dietrich Genscher in their early calls for boundary maintenance. De Michelis and Genscher had shown particular proponents of European integration in negotiations for the 1992 Maastricht Treaty. In line with this prioritisation of territory over population, they unequivocally rejected accommodating nations in the break-up of Yugoslavia. The belief that creating nation-states was 'out of date' and would open a 'Pandora's box' of territorial changes elsewhere then convinced their colleagues to abandon the idea of boundary redrawing in Yugoslavia after violence had broken out.

This response to violence in Yugoslavia definitively oriented the development of the territorial arrangement in the direction of boundary maintenance when the EC Ministers of Foreign Affairs established the EC Conference on Yugoslavia. Under the lead of German Minister of Foreign Affairs Hans-Dietrich Genscher, they mobilised a delegation of (former) politicians and civil servants to formulate a territorial arrangement, while they engaged a commission of lawyers trained in constitutional law at the initiative of French Minister of Foreign Affairs Roland Dumas (pressured by his President's former Minister of Justice and President of the Constitutional Council Robert Badinter). The procedures of selection by the EC Ministers of Foreign Affairs remain unclear. Participants prove unwilling to discuss the matter openly while minutes of deliberations are absent or classified. Yet it is clear in line with the principal-agent approach that these actors were all likely and sometimes demonstrated supporters of statehood defined by political unity, so detached from nationalist sentiments of territorial adjustment, in accordance with what the ministers had coordinated on. They then structured the negotiation process towards independence of the territorial units in the Yugoslav federation. They set boundary maintenance as a (legal) condition for negotiation and strictly controlled who spoke when and with whom to leave the option of

territorial adjustments off the table. This gave the EC Ministers of Foreign Affairs the opportunity in December 1991 to materialise maintenance of the republican boundaries despite continued objections raised by President Milošević of the republic of Serbia.

These findings are at odds with existing explanations. Realists in International Relations theory like Krasner (1999) and Coggins (2011) theorise accurately that boundary maintenance originates with powerful actors in international diplomacy, yet the international negotiations concerning Yugoslavia's dissolution show that they might be misguided on the underlying mechanism. A detailed analysis of the international negotiation process demonstrates that integrationist EC Ministers of Foreign Affairs did not change behaviours by means of tacit or explicit coercion; attitudinal changes were based in beliefs or *doxa* on to the creation of nation-states. Professionals of politics generally shared association that irredentism needed to be curtailed for international peace and order, so once violence broke out in Yugoslavia, they agreed to respond by maintaining boundaries. This security map remained largely unquestioned among the professionals of politics in Europe; it was not based on pure rational choice and refrained them from settling with the Serbs, who constituted the second-largest ethnic community in Bosnia and Herzegovina, in the territorial arrangement. The politicians believed in boundary stability as a remedy for state break-ups in nation-states.

Analysis of the negotiation process furthermore reveals that there was not initially the broad agreement on outcomes expected in norm-driven accounts of the practice of boundary politics. Many mainstream constructivist and English School theorists such as Fabry (2010) argue that norms of international legitimacy settled in the 1960s and early 1970s and extended into the post-Cold War era to guide behaviour. Hence "international diplomacy never seriously explored [change of borders] in any contentious cases prior to recognition of the new states," Fabry (2010: 205) writes. But boundary maintenance was in fact not the expected outcome from the start in diplomacy on the Yugoslav federation. Until violence escalated in mid-July 1991, a snapshot of the process included negotiations that could well have led to a reconsideration of republican boundaries in contrast with a norm on territorial stability. It was in fact only when the association with nationalism spread that adherence to the *uti possidetis* principle became the only possible outcome for European professionals of politics.

And boundary maintenance did not serve as a simple rule or ‘focal point’ or lowest common denominator for negotiators, as neoliberal institutionalists like Zacher (2001) and Carter and Goemans (2011) argue. “[U]ncertainty is minimised for both local actors and leaders when borders they have previously coordinated on become the new international borders,” Carter and Goemans (2011: 284) claim. Whether this is true or not, at close look at the international negotiation process reveals that the political leaders of the Yugoslav republics at no point all considered it true. The *uti possidetis* principle did hence not minimise uncertainty, nor did it reduce the transaction costs in the negotiation process. With the (former) politicians and civil servants and the commission of lawyers in the EC Conference on Yugoslavia, the EC Ministers of Foreign Affairs in fact invested significantly to set boundary stability as a precondition for negotiation between the Yugoslavs exactly because the president of the later Republic of Serbia did not subscribe to the principle.

My account fundamentally distinguishes from these existing explanations in its emphasis on actors in addition to context in order to develop how practices were constructed in boundary politics. A focus on context leads theorists in International Relations literature to consider as objective the effects of conflict in the international territorial order or the system of international norms on practices. Yet I find that these effects are interpreted in practice by negotiators on the basis of their socialisation in networks and practices. People with different social backgrounds tend to define different threats to peace and order and hence take different stances on territorial arrangements. This stance-taking can only be understood if one reconstructs the negotiators’ past experiences that are actualised in the context of particular negotiations. To then understand how particular stances shape practices, we need to consider their interactions in context, which means that we need to study the *agents* and the *social processes* through which they establish practices in managing a specific territorial dispute.

In this chapter, I analyse first how boundary maintenance became the only ‘realistic’ outcome in Yugoslavia’s dissolution for professionals of politics in the European Community. I find that consensus was reached first among directors general of political affairs. Quickly following the disruption of violence in the Yugoslav space, particularly representatives of states facing secessionism supported ‘integrationist’ Ministers of Foreign Affairs Gianni de Michelis and Hans-Dietrich Genscher in rejecting state break-

up in homogeneous nation-states as ‘outdated’ and dangerous for peace and order. I then continue in the second and third section by exploring how the professionals of politics mobilised this security map to pave the way for adherence to the *uti possidetis* principle. I trace that the Yugoslavs were offered territorial statehood by a team of civil servants, which was supported by a commission of constitutional lawyers. Legal traditionalism and occupational experience in politics positioned these actors in line with the EC Ministers of Foreign Affairs. This leads to the conclusion that boundary maintenance upon dissolution of the Yugoslav federation was fundamentally based in the *doxa* of EC Ministers of Foreign Affairs against the creation of nation-states, which was enforced in the negotiation process.

European professionals of politics and a threat to international order

Early discussion on boundary maintenance

Early international diplomacy concerning the crisis in Yugoslavia was characterised by attempts to prevent state break-up. Soviet Foreign Minister Bessmertnykh said during his April 1991 visit to Belgrade that he considered the territorial integrity of Yugoslavia “one of the essential preconditions for the stability of Europe,” while representatives of the Bush Administration steadfastly supported maintenance of the state’s territorial unity (Cohen, 1993: 215). And when Ministers of Foreign Affairs assembled in the EC Council of Ministers on 28 June in Luxembourg, Gianni de Michelis initiated a ‘Troika’ mediation mission to leave in the afternoon to resolve the crisis through revived presidential appointment of Croatian representative Stipe Mesić and suspended implementation of the declarations of independence in line with the June 8 ‘EC Statement on Yugoslavia’ (Tanner, 1997: 251).⁶² Scheduled the next day with rotation of the EC Presidency to lose his membership of this Troika,⁶³ De Michelis

⁶² The June 8 ‘EC Statement on Yugoslavia’ stipulates that “[t]he normal rotation of the federal Presidency, negotiations on the future constitutional structures, respect for human rights in all parts of the country, a strengthening of the democratic process as well as the pursuit of the economic reform programme of Prime Minister Marković, will permit a new dimension to relations between the Community and Yugoslavia in accordance with the traditional ties that unite them” (Trifunovska, 1994: 286).

⁶³ The Troika was traditionally composed of De Michelis himself as the past president of the European Council on Foreign Affairs and his colleagues Hans van den Broek and

used his last opportunity to mobilise a European Community diplomatic strategy to prevent territorial reconstruction of Yugoslavia.

Gianni de Michelis had as Minister of Foreign Affairs of Italy since 1989 invested in the foundations of the European integration process. He had towards the end of 1990 convened an Extraordinary European Council meeting and two Intergovernmental Conferences in Rome on political union and on monetary and economic union that launched the process towards the 1992 Maastricht Treaty (General Secretariat of the Council, 2012: 14). Thinking in terms of transfer of authority from the state to the supranational and intergovernmental level, he had little understanding of movements for the opposite fragmentation or ‘balkanisation’. For him and other fierce proponents of European integration like Jacques Poos, “it went against their whole philosophy” to see nationalism defeat a federation in the middle of Europe.⁶⁴ “The realities of global interdependence are a *fait accompli*,” De Michelis (1990) wrote in the *Los Angeles Times* in March 1990. And while he envisioned political integration to include the Eastern European states after the collapse of communism, he noted the end of nationalism or racism and fragmentation: “All that is certain for now is the obsolescence of the nation-state”.

As such, he was the first one who spoke out against a change of republican boundaries upon dissolution of the Yugoslav federation. In line with his prioritisation of territory over population in the negotiation process for integration into a European Union that would coordinate a common foreign and security policy between member states, he objected to accommodating nations in the fragmentation of a state in the Yugoslav space. His German colleague Hans-Dietrich Genscher, who had also proven a supporter of transferring powers further from populations in the European integration process, supported him on boundary maintenance. In a Berlin statement, the Serbian leadership was called upon to “finally come to the realisation that the world has changed. [...] Fighting for supremacy will not be accepted” (Jahn, 1991).

Some others proved more willing to explore whether the Yugoslavs could reach consensus on boundary changes in line with the expressed desires of President Slobodan Milošević of the republic of Serbia and President

Jacques Poos as the current and next EC presidents.

⁶⁴ Interview with Richard Lewis

Franjo Tuđman of the republic of Croatia. Preparing for formulation of the second phase of the EC intervention after the Troika mediation mission had failed, representative of the Dutch EC Presidency Director-General for Political Affairs Peter Van Walsum for example sent out a message to his colleagues on 13 July 1991 suggesting the voluntary redrawing of Yugoslavia's republican boundaries as "a possible solution" (Owen, 1995: 32).⁶⁵ This idea proved acceptable to Danish Director-General for Political Affairs Hans Henrik Bruun and was supported by bureaucrats under the lead of Christopher Hulse at the British Foreign Office Eastern European Department in earlier briefing papers. Hence while much of the existing literature understands maintenance of boundaries in the case of Yugoslavia's dissolution as paradigmatic of a trend towards territorial stability, the early phase of the international negotiation process shows a much more complex and contradictory pattern. The option of redrawing boundaries was in fact on the table until mid-July 1991 in contradiction with such a trend.

This opposition to the necessity of boundary maintenance claimed by Gianni de Michelis and Hans-Dietrich Genscher mirrored diverging stances on peoples' autonomy in European integration. The proponents of a voluntary redrawing of boundaries in Yugoslavia all worked for ministers that had proven hesitant to advance political integration along the lines set out by Gianni de Michelis. The British Foreign Secretary Douglas

⁶⁵ In a COREU (*Correspondence Européenne*, the telegram style through which professionals communicated in the European Community) message, Van Walsum wrote for developing "a common position which may serve as guidance for possible Troika involvement in the Yugoslav negotiation process":

1. We seem to agree that it is not possible for Yugoslavia to continue to exist with its present constitutional structure intact. The joint declaration of Brioni clearly states that a new situation has arisen in Yugoslavia.
2. It is equally difficult to imagine that Yugoslavia could peacefully dissolve into six independent republics within their present borders. Both Serbia and Serbian elements in the federal administration – not least the JNA – have made it plain that they will never tolerate the emergence of an independent Croatia with 11 per cent Serbs within its borders.
3. A loosely structured Yugoslavia consisting of six sovereign republics is not likely to assuage these Serbian concerns either. The higher the degree of sovereignty for Croatia, the greater the need for solid guarantees for the Serbian minority in Croatia. The looser the federal structure, the more difficult it will be to supply such guarantees.
4. The foregoing seems to point in the direction of a voluntary redrawing of internal borders as a possible solution (Owen, 1995: 31-33).

Hurd and Minister of State for Foreign and Commonwealth Affairs Douglas Hogg had said in June 1991 to fear the extended Community's competence under the 1992 Maastricht Treaty and maintained that supranational cooperation would not work for foreign and security policy (White, 2009: 128). Douglas Hurd expressed to his colleague EC Minister of Foreign Affairs that he feared the European Commission would penetrate the "nooks and crannies" of British life particularly through immigration policies (Oakley and Brock, 1991). The Danish Minister of Foreign Affairs Uffe Ellemann-Jensen then made sure that the final draft of the 1992 Maastricht Treaty contained a referendum in which the Danes voted 'no' a year later. Polls showed a great attachment to 'Danishness' and self-determination, which made a majority of voters sceptical of devolving sovereignty to Brussels (Barnes, 1992). Hence considerations of territorial changes in Yugoslavia were grounded in these ministers' more general prioritisation of population over territory.

Different conceptions of security threats

Their different understanding of the relationship between territory and peoples led the directors general of political affairs of Denmark and the United Kingdom to support Peter van Walsum in his initiative for a voluntary redrawing of Yugoslavia's republican boundaries. Peter van Walsum raised the idea of territorial adjustment seeing such changes in light of negotiation on a border that settled disputes prior to independence. Boundary changes were for him a way to provide stability and certainty in terms of (political) position and entitlements for the Yugoslavs, establishing "states where everyone knows where he stands" rather than ethnically pure states (Van Walsum, 2001: 77-78). In fact, having more than twenty years of experience being posted as a civil servant in South-Eastern Europe first in 1967, Van Walsum based his proposal exactly on the fear that "some other party" would unilaterally change boundaries to create nation-states after he read in the *Financial Times* that Milošević and Tuđman had talked about dividing up the territory of the republic of Bosnia and Herzegovina (NIOD, 2002: 63).

A similar understanding of boundary changes as dispute settlement had informed efforts by the British Douglas Hogg and his Assistant Under-Secretary of State for Soviet Union and Eastern Europe Michael Tait earlier that year when they visited Yugoslavia. Just like Peter van Walsum,

these professionals of politics had considered deliberation on territorial adjustments a means forestall nationalist aggression in Yugoslavia rather than to accommodate it. Redrawing boundaries “could prove a difficult and complicated exercise” and “the prospect of such an action made blood in Western Europe run cold” unless it was done by means of arbitration, they held, but they found the Yugoslav presidents “reasonable” people with whom they could do business to reconcile demands short of aggression for fragmentation in nation-states (Glaurdić, 2013: 555). They identified escalation of differences by the Yugoslav People’s Army as the “destabilising element,” particularly once it would act to unite the Yugoslavs (Glaurdić, 2013: 551).

Gianni de Michelis and Hans-Dietrich Genscher had in contrast associated calls for boundary changes in Yugoslavia with the creation of nation-states, which they considered in opposition to the peace and order in Europe. “Attempts at disintegration, or fragmentation out of fear and uncertainty, are negative reactions to interdependence, manifest as protectionism, ethnic nationalism and religious fundamentalism” that characterised the “Dark Ages”, De Michelis (1990) had written in the *Los Angeles Times* in March 1990. This association with aggressive forms of nationalism became more widely shared among professionals of politics in the European Community with images of tanks on the streets, refugee columns and attacks on civilian targets to ethnically cleanse specific territories towards the end of July 1991. The Director-General of Political Affairs from France Jacques Blot and his Spanish colleague then joined the Ministers of Foreign Affairs of Italy and Germany in rejecting the idea of redrawing boundaries in line with ethnic patterns of settlement (NIOD, 2002: 65). They faced secessionism in Corsica and in the Basque regions and Catalonia respectively and proved particularly inclined to oppose the creation of nation-states in the Yugoslav federation upon the outbreak of violence there.

That such creation of nation-states was ‘out of date’ and would open a Pandora’s box forcing a change of boundaries in response to nationalism in the Soviet Union, which was about to disintegrate, and perhaps destabilising regions in Africa or even in Europe with its “patchwork structure”⁶⁶ then convinced their colleagues to abandon Van Walsum’s idea of boundary redrawing in Yugoslavia (Tweede Kamer der Staten-Generaal,

⁶⁶ Interview with Christiaan Kröner

2000: 10). Van Walsum remembers that his message was “torpedoed” by his colleagues.⁶⁷ The professionals of politics were hence not coerced to change behaviours, nor were their attitudinal changes based on the pure rational choice, as both realists and neoliberal institutionalists theorise. Professionals of politics rather shared association that irredentism threatened international peace and order, so they agreed on the basis of beliefs or *doxa* to respond by maintaining boundaries once violence foregrounded this association in Yugoslavia. The directors general of political affairs and their Ministers of Foreign Affairs have indeed shown a largely unquestioned attitude against boundary changes. Territorial stability was what Van Walsum’s deputy Christiaan Kröner calls their “basic instinct”⁶⁸. Kröner found that many professionals of politics considered territorial changes to create states along ethnic patterns of settlement claimed in Yugoslavia “primitive,” which unified their stances against changes to the republican boundaries under nationalist war.⁶⁹

A final response to aggressive nationalism

The option of boundary changes was decisively discarded at the following meeting of EC Ministers of Foreign Affairs on 29 July 1991. In an effort to forestall aggressive nationalism, the Ministers of Foreign Affairs’ stances converged on boundary maintenance in Yugoslavia; there was little to no discussion on the alternative, which was discredited in the integrationist framework of the European Political Cooperation (EPC) where the ministers met to coordinate their policies (Tweede Kamer der Staten-Generaal, 2000: 22-23).⁷⁰ Neither the Dutch Minister of Foreign Affairs Hans van den Broek nor Deputy Director-General Political Affairs Christiaan Kröner, who attended the Ministerial Meeting in Peter van Walsum’s absence, raised their colleague’s note for a voluntary redrawing of the republican boundaries. The Danish Minister of Foreign Affairs Uffe

⁶⁷ Interview with Peter van Walsum

⁶⁸ Interview with Christiaan Kröner

⁶⁹ Interview with Christiaan Kröner

⁷⁰ The EPC was an independent body for intergovernmental coordination of foreign policies rather than an integral part of the European Community. The terms of cooperation in the EPC were stipulated in the 1986 Single European Act, which was integrationist also in its clause that representatives of the member states should “avoid any action or attitude which reduces their effectiveness as a cohesive force in international relations or within international organisations”.

Ellemann-Jensen or his British colleague Douglas Hurd also chose not to reiterate their colleagues' support for this idea. Rather, Ellemann-Jensen dismissed it as 'bureaucratic flexibility' that he considered unsustainable at the political level.⁷¹ "We have an enormously strong presumption in favour of existing boundaries," Douglas Hogg stated only a few months later (Simms, 2003: 11-12), while Van den Broek described Van Walsum's message as containing 'several options' to deny that it pointed in the direction of boundary change (Tweede Kamer der Staten-Generaal, 2000: 22). The idea had by then become "unrealistic," Kröner remarks, and "diplomacy is the art of the practical".⁷²

The ministers' engagement in the process of territorial integration in Europe contributed to reaching this eventual consensus on boundary maintenance. The EC President and Dutch Minister of Foreign Affairs Hans van den Broek in general subordinated management of the Yugoslav crisis to the integrative process in the European Community. With the development of the 1992 Maastricht Treaty on the table for completion within his term of presidency, Van den Broek had dismissed the disintegration of Yugoslavia in preparing for his time in office. The bureau for Eastern Europe that had to deal with both the Yugoslav federation and the Soviet Union in the Dutch Ministry of Foreign Affairs was reduced in size under his authority and counted no more than three officials in the summer of 1991 (De Graaff, 2004: 142). Van den Broek then often excluded this bureaucracy from interactions with his foreign counterparts (NIOD, 2002: 46), declaring later that he subordinated knowledge to keeping the standpoints of the EC Ministers of Foreign Affairs on the same line in preparation for the 1992 Maastricht Treaty (Tweede Kamer der Staten-Generaal, 2000: 23). In fact, by some accounts he "lost interest" when he realised that there was not going to be a diplomatic success concerning Yugoslavia during his term as EC President of Foreign Affairs and concentrated on the integration instead.⁷³

So the idea of redrawing boundaries in the Yugoslav federation was discarded on the basis of the unquestioned beliefs of EC Ministers of Foreign Affairs that creating nation-states by means of territorial adjustment threatened the international order. The ministers' interests differed when calls for

⁷¹ Interview with Uffe Ellemann-Jensen

⁷² Interview with Christiaan Kröner

⁷³ Interview with Richard Lewis

disintegration emerged in Yugoslavia, with EC Ministers of Foreign Affairs and their representatives who prioritised population over territory in European integration proving more willing to explore whether the Yugoslav political leaders could settle disputes through boundary changes than their colleagues. Yet the outbreak of violence in Yugoslavia in July 1991 foregrounded the beliefs already expressed by the integrationists among professionals of politics at the European Community. Calls for boundary change were increasingly associated with the creation of nation-states after unilateral actions had been taken for forced displacement and ethnic cleansing in the Yugoslav federation – an association that converged stances of professionals of politics in opposition to boundary changes. Boundary maintenance in Yugoslavia hence developed from a history of negotiations in which the option of redrawing boundaries was explored but discarded in responses to violence for territorial adjustment in correspondence with ethnic patterns of settlement in the Yugoslav federation.

European professionals of politics and their reinforcement through negotiations

Boundary maintenance in the EC Conference on Yugoslavia

After the European professionals of politics had agreed to disallow boundary changes in the Yugoslav federation, particularly President Milošević of the republic of Serbia maintained that secession in Yugoslavia necessarily entailed a redrawing of the republican boundaries. He considered nations and not republics subjects of the right to secession under the 1974 Constitution, which meant that Serb nationals living across the republican boundary would have the right to join the republic of Serbia upon independence (Wynaendts, 1993: 66). Also President Tuđman of the republic of Croatia, with whom Milošević allegedly met in the spring of 1991 to determine a boundary between the two republics that carved up the republic of Bosnia and Herzegovina, expressed discontent with the existing republican boundaries. Minister of Foreign Affairs Hans-Dietrich Genscher then prepared for the meeting with his colleagues on 27 August 1991 to initiate an EC-sponsored conference involving all the Yugoslav parties (Both, 2000: 113). As part of an effort to regulate the disintegrative process and to instil the need to maintain the administrative boundaries in the Yugoslav political leaders, the structure of this conference permitted

a choice between continuation as a Yugoslav federation and independence of the republics, leaving the option of territorial adjustments off the table.

The EC Conference on Yugoslavia opened on 7 September 1991 in The Hague. A month earlier, the EC Ministers of Foreign Affairs had issued a public statement stressing the inviolability of internal in addition to international boundaries in Yugoslavia (Trifunovska, 1994). EC President and Dutch Minister of Foreign Affairs Hans van den Broek reiterated this point at the end of the conference's opening session. He commented that there should be "no changes in existing Yugoslav borders by force or unilateral decree and the agreement of all Yugoslav parties to any such changes" and ensured as such that negotiations would evolve on this basis (Drozdiak, 1991: A31). After he met chairman of the conference Lord Carrington, President Tudman, President Milošević and Defence Minister of Yugoslavia Veljko Kadijević, he made public in a press conference on 4 October 1991 three principles that necessarily formed the basis of a solution, which the chairman repeated in his 'Statement to the Parties' at the tenth plenary session in Brussels on 9 March 1992: no unilateral border changes, protection of minority rights and full respect for all legitimate interest and aspirations in political pluralism (Ahrens, 2007: 47). These principles combined advanced the inviolability of borders while they underscored the need to accommodate peoples internally.

Boundary maintenance in the case of Yugoslavia was hence not a 'focal point' – that is, a simple and clear rule that minimises uncertainty and reduces the transaction costs in a negotiation process – that negotiators agreed upon as a lowest common denominator against the difficulty of redrawing boundaries, as Carter and Goemans (2011) argue. Political leaders in the conflict did not agree and a specific group of actors invested importantly to establish in their negotiations that the republican boundaries needed to be maintained. The EC Ministers of Foreign Affairs under the lead of President of the European Council of Foreign Affairs Hans van den Broek set boundary stability as a precondition for negotiation upon the founding of the EC Conference on Yugoslavia, in opposition to desires expressed particularly by President Milošević of the republic of Serbia to allow peoples rather than republics the right to secede from the Yugoslav federation.

In line with the prescriptions, the republican borders were not subject of discussion in this conference. "The only thing on the table at that phase

of the conference was an arrangement based on the existing borders,” the conference chairman’s personal secretary and the assistant to the chairman of the working group on minority rights recount. It was officially up to the international negotiators to translate the basic principles into a coherent and concrete proposal for a solution, and the Lord Carrington’s personal secretary confirms that they considered boundary maintenance “the starting point” of negotiations with the Yugoslav parties.⁷⁴ Conference coordinator Henry Wynaendts, who took the lead in drafting the proposal, also held that any agreement that he and his colleagues proposed needed to be a representation of this principle established by the EC Ministers of Foreign Affairs as a framework for the negotiations. Indeed, international negotiators at this stage tended to understand their task as assisting the parties by making substantive suggestions in line with their mandate rather than as mediating on the basis of ideas brought to the table by the representatives of the Yugoslav parties. Wynaendts captured this when he noted that he introduced a clause on minorities’ special status as an instrument to obviate discussion on boundary changes.⁷⁵ He hence considered himself a ‘formulator’ rather than a mere ‘mediator’ of a settlement for the crisis in Yugoslavia.

A configuration for territoriality and civic nationhood

The social constitution of the conference stimulated this dynamic for implementation of the ministers’ mandate. First of all, professionals of politics remained in charge by assigning coordination of the conference to Boutros Boutros Ghali, Cyrus Vance and Marrack Goulding as representatives of the United Nations and the EC Ministers of Foreign Affairs. Daily supervision was then delegated to chairman Lord Carrington and deputy chairman Thierry de Beaucé. They were not only in frequent contact with the politicians; they also shared professional experience in a European state’s politics and had proven to oppose the creation of nation-states in past assignments. Thierry de Beaucé had experience as Secretary of State attached to the French Minister of Foreign Affairs, where he was in charge of international cultural affairs and francophony, and he worked as special advisor in charge of African affairs for President François Mitterrand at the time of the Yugoslav crisis. Lord Carrington

⁷⁴ Interview with Paul Sizeland

⁷⁵ Interview with Henry Wynaendts

was a retired Minister of Foreign Affairs of the United Kingdom and he had in this position negotiated the terms of the independence constitution of Zimbabwe in 1980. He had overseen the transition from white-led Rhodesia to majority-led Zimbabwe. They had hence both worked to develop statehood characterised by political unity and civic bonds, so detached from nationalist sentiments of territorial adjustment. As such, they were likely candidates to support the European professionals of politics in boundary maintenance as a response to nationalist violence in the Yugoslav federation.

The task of negotiation under their chairmanship was delegated to civil servants who had demonstrated familiarity with the politicians' definitions of state- and nationhood in other processes of state formation. The chairmen of the working groups on succession issues and institutions and minority rights, Henry Darwin and Geert Ahrens respectively, both were constitutional lawyers that had worked for their Ministries of Foreign Affairs. They were hence acquainted with the constitutional processes of representation common in the European Community member states in contrast with the need to adjust boundaries for representation of ethnic communities. Henry Darwin had notably shown this before being assigned to the EC Conference on Yugoslavia in his role as legal adviser to a diplomatic mission concerning Cyprus' independence in the 1960s. He had been involved in drafting the 1960 London and Zürich Agreements that allocated government posts and public offices by ethnic quotas rather than permitted a change of boundaries to create nation-states in Cyprus. Also a lawyer by training, the chairman of the working group on economic relations, Jean-François Durieux, had notably been in a position to watch the effects of nationalism in refugee movements and policy as a Protection Officer for the United Nations High Commissioner for Refugees in amongst others Sudan, Djibouti and Canada. He had in this position proven committed to protect peoples by law rather than territorial separation (Durieux, 2008: 331).

These working group chairmen in the structure of the EC Conference on Yugoslavia responded to Henry Wynaendts, who was assigned the position of conference coordinator as a representative of the Dutch EC Presidency. Henry Wynaendts had a long career working for the Dutch Ministry of Foreign Affairs, gaining position as Van den Broek's confidant and trouble-shooter (Freriks, 1991). He had as a special envoy led negotiations prioritising relations with China over Taiwan and authorising a return of Tamil refugees to Sri Lanka in the 1980s. So just

like the working group chairmen, Henry Wynaendts was experienced in diplomatic representation of a European state in which position he had proven committed to constitutional processes of representation. Hence the international negotiators at the EC Conference on Yugoslavia as well as their chairman Lord Carrington and coordinators from the United Nations and the European Community were likely and often proven supporters of the idea that aggressive forms of nationalism needed to be addressed within existing state boundaries in line with ideas expressed by the EC Ministers of Foreign Affairs in July of 1991.

In line with logics of principal-agent interaction developed by scholars such as Hawkins et al. (2006) and Pollack (2003; 2007), the ministers as such minimised the risk of losses where the negotiators would act independently of their mandate. Changing boundaries was indeed “a non-starter” in the negotiation process, member of the working group on minority rights Richard Lewis recounts. It was discarded as a proposition among themselves as international negotiators without much, if any, discussion in line with their principal ministers’ preferred outcome. “There was no discussion about boundary changes,” Lord Carrington’s personal secretary confirms.

As the conference coordinator, Henry Wynaendts associated calls for boundary change in Yugoslavia with the creation of nation-states, just like the EC Ministers of Foreign Affairs had done. President Milošević of the republic of Serbia wanted to establish a ‘Greater Serbia’, he explains, and thus fought to occupy all areas in the Yugoslav federation where Serbs were a majority.⁷⁶ In light of this development, he wrote to the Dutch Ministry of Foreign Affairs, “boundary changes must be excluded”.⁷⁷ Lord Carrington’s personal secretary similarly presented boundary changes in light of President Milošević’s desire to create a Greater Serbia. The anticipated threat of creating such nation-states to international peace and order convinced many of boundary maintenance in Yugoslavia. A change in the republican boundaries “would throw all the ethnic balls in the air,” Richard Lewis says, thereby expressing the association with irredentism and a disruption of international order that had paved the way to consensus among EC Ministers of Foreign Affairs a few months earlier. Lord Carrington confirmed during a visit to Italy in January 1992 that

⁷⁶ Interview with Henry Wynaendts

⁷⁷ ABZ, DDI/DEU/ARA/00081 Henry Wynaendts, 1991

accommodation of nationalism in Yugoslavia was dangerous in a Europe “inhabited by a host of nationalities and races, often crossed by artificial borders” (“Carrington Says Yugoslav Crisis”, 1992).

Lord Carrington rather believed in boundary stability as a remedy for nationalist violence. He stated the day after Hans van den Broek had made public that boundary maintenance was a condition for negotiation that this had removed the motive for fighting. “What we must hope is that now [...] good sense will prevail,” he said (“Documentation: A History”, 1992: 49). This means that the rejection of boundary changes in negotiations was not grounded in coercion, or in pure rational choice. The international negotiators generally shared beliefs against the creation of nation-states; they considered territorial changes to accommodate nationalists in Yugoslavia not really an option. “You could not choose anything else,” Richard Lewis says, capturing the absoluteness of their beliefs.

A structure of negotiations to discourage territorial change

Chairman Lord Carrington then tightly regulated negotiations with Yugoslavia’s federal and republican leaders and foreign ministers on this basis. He defused disputes by organising closed-door ‘tête-à-tête’ meetings, which formed the basis of negotiations in plenaries that never lasted more than two hours (Crnobrnja, 1996: 195). The Yugoslav political leaders did not have time and space to discuss among themselves and in the plenary sessions, they were managed in strict speaking time and alphabetical order to minimise discussion (International Criminal Tribunal for the Former Yugoslavia, 2002: 11223). Ambassador of the Federal Republic of Yugoslavia to the European Community Mihailo Crnobrnja sensed that “he carried out negotiations as if he was conducting them between British Lords,” expecting the Yugoslav political leaders to respect the boundaries of diplomatic interplay.⁷⁸ Indeed, both secretary of the EC Conference on Yugoslavia Jola Vollebregt and Richard Lewis capture this style of negotiations when they refer to the Yugoslavs as “gentlemen”⁷⁹ or “very

⁷⁸ Interview Mihailo Crnobrnja. José Cultieiro, who worked with Lord Carrington at the EC Conference on Yugoslavia after the federation’s dissolution, described Lord Carrington as an “old-fashioned Englishman” who organised negotiations where someone “keeps his word and expects others to do the same” in *The Spectator* of 11 September 1991.

⁷⁹ Interview with Jola Vollebregt

intelligent human beings, [not] Hitlers or that kind”⁸⁰. This shows again that boundary maintenance was not simply a ‘focal point’. If it had indeed been the lowest common denominator, these investments to manage both speakers and content in the negotiations would have been redundant against alternatives that were considered too complicated. The problem facing Lord Carrington was exactly that the Yugoslavs did not all believe territorial change was complicated.

Yet this structure of negotiations did as such not only diffuse disputes between Yugoslav politicians, it also denied others such as representatives of the armies and minority communities that were striving to change boundaries in the Balkans an opportunity to raise alternatives in the context of the conference. Representatives of Serbs in the Serb Autonomous Regions of Krajina and Slavonia, Baranja and Western Srem in the republic of Croatia, supported by officials from the Yugoslav National Army and the Serbian irregular forces in the republics of Croatia and Bosnia and Herzegovina, notably strived to change boundaries. Upon the failure to maintain the Yugoslav federation, they worked to establish a ‘mini-Yugoslavia’ of ‘federated Serbian state’ with borders around majority Serb areas and including areas that were strategic for territorial control (International Criminal Tribunal for the Former Yugoslavia, 1996: 282-283). Milan Babić, the unrecognised ‘president’ of the Krajina region, for example, held that autonomous regions should be given the status of a ‘free territory’ – a position that the representatives of the Bosnian Serbs like Radovan Karadžić would also adopt six months later (Wynaendts, 1993: 138-139). And spatial planners assembled in a working group in Sarajevo after the proclamation of the Serb Autonomous Regions in Croatia and Bosnia and Herzegovina explored the possibility of reorganising the Yugoslav space in functional regions centred on large towns near the end of 1991 (Klemenčić, 1994: 34). Yet these alternatives did not reach the negotiation table. The negotiations in the EC Conference on Yugoslavia revolved around the choice between survival of the Yugoslav federation and the republics’ sovereignty.

The outcome of the first round of negotiations in this setting was the 1991 Carrington Draft Convention, which Lord Carrington presented to the Yugoslav political leaders in the sixth plenary session on 18 October 1991. It contained the right to secession as Yugoslavia’s republics “within the

⁸⁰ Interview with Richard Lewis

existing borders, unless otherwise agreed” in line with what the EC Ministers of Foreign Affairs had agreed in July 1991. EC President of Foreign Affairs Hans van den Broek, who had engaged to make boundary maintenance a condition for negotiation from the opening of the conference, reiterated upon the proposal’s presentation that boundary changes “were not an option” (Gow, 1997: 57). National or ethnic groups were rather ensured protection under the international framework of human rights and minority rights. If they formed majorities in defined areas, such groups would under the 1991 Carrington Draft Convention enjoy a special status that permitted them to have national emblems, an autonomous political structure and an educational system that respected the values and needs of the group. This represents commitment under Lord Carrington’s chairmanship to states as political entities rather than organisations founded on nationalism. They establish multinational societies where minorities are represented and protected by the constitution, in line with the agenda that the ministers had agreed upon.

Hence after the EC Ministers of Foreign Affairs had agreed to disallow territorial changes in July 1991, they laboured under the lead of EC President and Dutch Minister of Foreign Affairs Hans van den Broek to structure international negotiations with the Yugoslav political leaders on this basis. Van den Broek announced boundary maintenance as a basic principle of negotiation and the ministers ensured reiteration of these principles in the process through maintaining both direct and indirect control in the EC Conference on Yugoslavia. They delegated the task of negotiating with the Yugoslavs to a team of (retired) politicians and civil servants who just like the EC Ministers of Foreign Affairs dismissed boundary changes immediately and definitively for association with irredentism and a disruption of international order. Chairman Lord Carrington then maintained tight control over the negotiation process and directed the draft peace agreement within the frame of boundary maintenance. Alternatives were denied on the table. Boundary maintenance in Yugoslavia hence developed from intense labour in support of the widespread belief among European politicians and civil servants that redrawing boundaries was dangerous in response to nationalist violence.

European professionals of politics and their reinforcement through law

An Arbitration Commission to settle internal disputes

Signing of the peace proposal failed. President Milošević of the republic of Serbia and eventually also President Bulatović of the republic of Montenegro maintained that Lord Carrington too easily accepted the dissolution of the Yugoslav federation with the secession of the republics of Slovenia and Croatia (Wynaendts, 1993: 135-136). He had agreed a few days earlier in The Hague “in the framework of a general settlement, recognition of the independence, within the existing borders, unless otherwise agreed, of those republics wishing it,” but he did not accept the federation’s dissolution unless the Yugoslav peoples expressed consent in accordance with the 1974 Constitution (Trifunovska, 1994: 363-365). Chairman of the EC Conference on Yugoslavia Lord Carrington then referred the delimitation of boundaries to a group of constitutional lawyers that were assembled in an Arbitration Commission commonly referred to as the ‘Badinter Commission’. French Minister of Foreign Affairs Roland Dumas had initiated the idea of an arbitration commission; he had exchanged it for support of the EC-sponsored conference with German Minister of Foreign Affairs Hans Dietrich-Genscher at the end of August 1991 to gain agreement by the EC Ministers of Foreign Affairs (Both, 2000: 113). As part of an effort to regulate the disintegrative process and to instil the need to maintain the administrative boundaries in the Yugoslav political leaders, the ministers put arbitration forward as a substitute to violence.

In the EPC Extraordinary Ministerial Meeting of 27 August 1991, Roland Dumas advanced the need to create an *ad hoc* organ to resolve legal and thereby political problems expected with the dissolution of the Yugoslav federation. In the absence of established mechanisms for dealing with intrastate conflicts, he wished to create a juridical body to which authorities of the EC Conference on Yugoslavia could submit their differences (Blockmans, 2013: 143-144). The idea of creating a permanent ‘European Court of Conciliation and Arbitration’ in the framework of the Commission on Security and Cooperation in Europe (CSCE) had then already been raised by Robert Badinter, who was the former Minister of Justice and President of the Constitutional Court under French President François Mitterrand. He had advocated in *Le Monde* on 21 June 1991

the need to found a European Court of Justice based on international law that could adjudicate on disputes concerning among others linguistic, religious and cultural issues (Badinter, 1991). Such a conflict management institution, he argued, could guarantee the safeguarding of peace and thus possibly prevent outbreaks of violent conflict like in Yugoslavia. His President François Mitterrand and Minister of Foreign Affairs Roland Dumas, who were both trained lawyers, had notably shown in favour of Badinter's idea of a European system of dispute settlement (Schneider and Müller-Wolf, 2007: 15). So when the opportunity came for Robert Badinter to 'legalise' the dispute settlement process concerning Yugoslavia, he pushed his involvement to advance his agenda of a European Court of Conciliation and Arbitration.⁸¹ He met with chairman of the EC Conference on Yugoslavia in Paris on several occasions too discuss while his assistant Dominique Rémy-Granger remained in close contact with the representative of the European Commission Richard Lewis at the EC Conference on Yugoslavia.⁸² Lord Carrington then asked the members of the Arbitration Commission in November 1991 to adjudicate on a number of issues including whether the republican boundaries could be regarded as borders in terms of public international law upon the dissolution of the Yugoslav federation.

Boundary maintenance in the Arbitration Commission

Several international lawyers found boundary maintenance not a legal principle for secession. Professor of international law Benedict Kingsbury for example argued in 1992 that such legalisation "exhibits an amalgam of often contradictory and unreconciled considerations about existing law, order, and justice" and "is not fully consistent with practice" (Kingsbury, 1992: 505; 507). His colleague Hurst Hannum similarly called it "dubious" to identify a rule of international law for boundary maintenance outside the colonial context and critiqued the reading of history underlying this legalisation (Hannum, 1993: 66). Yet these experts in the law related to recognition and succession were excluded from the negotiation process, even though the differences that were referred to the

⁸¹ The Court of Conciliation and Arbitration was eventually created under the Stockholm Convention on Conciliation and Arbitration of December 1992. Robert Badinter became the President of this court, which convened for the first time in May 1995.

⁸² Interviews with Paul Sizeland and Richard Lewis

Arbitration Commission in November 1991 concerned international law. The members of the Arbitration Commission referenced principles of international public law and peremptory norms of general international law as guidelines, and they included cases in international courts as legal precedents in their published Opinions (Pellet, 1992). But membership was restricted to “five members chosen from the Presidents of the Constitutional Courts existing in the Community countries” in line with the ‘Declaration on Yugoslavia’ adopted by the EC Ministers of Foreign Affairs on 27 August 1991 at the initiative of Roland Dumas (Trifunovska, 1994: 334). This again exemplifies the significant investment of the EC Ministers of Foreign Affairs to avoid agency losses and guide negotiations toward boundary stability.

The Arbitration Commission was composed of lawyers who were trained and experienced in constitutional law: Robert Badinter from France, Roman Herzog from Germany, Aldo Corasaniti from Italy, Francisco Tomás y Valiente from Spain and Irène Pétry from Belgium. Legal adviser to the Arbitration Commission Andrey Liakhov positions these five constitutional lawyers among legal traditionalists such as Alfred Verdross, Georg Jellinek and Hersch Lauterpacht. He explains that legal traditionalism compelled the members of the Arbitration Commission to consider state succession a political rather than a legal act.⁸³ International law did not guide processes of secession beyond codification of the conditions of statehood stipulated in the 1993 Montevideo Convention on Rights and Duties of States – that is, a territory, a permanent population and a government capable of entering into international relations (e.g. Lauterpacht, 1944; Jellinek, 1914). The republics of the Yugoslav federation by the end of 1991 all qualified as ‘states’ under this reading of international law, which meant that unilateral or violent changes to their boundaries were legally unacceptable. Changes to the republican boundaries under these circumstances required political agreement to be effectuated and was not guided in legal provisions. Andrey Liakhov describes that the members of the Arbitration Commission hence considered their principal task was “to help the politicians understand legal implications of their actions”.⁸⁴

Indeed taking politics rather than law as guiding in considerations, the Spanish member of the Arbitration Commission Francisco Tomás y

⁸³ Interview with Andrey Liakhov

⁸⁴ Interview with Andrey Liakhov

Valiente then introduced boundary maintenance. He was in charge of drafting Opinion No. 3 in response to Lord Carrington's question concerning the status of the republican boundaries and concluded that agreement on boundary adjustments was impossible to reach between the Yugoslav political leaders without a retreat to violence.⁸⁵ As the President of the Constitutional Court in Spain and professor in the history of law, he believed that states needed to be protected for law and rights to prosper over chaos (Gallego, 1996: 10). He saw the constitutional order threatened in Spain by nationalism in ethnic communities. Boundary maintenance would protect the states created upon dissolution of the Yugoslav federation against such nationalism, he held, and the other members of the Arbitration Commission agreed that this would thus calm tensions down. "If everyone enforces boundaries that have existed for some time, there is no reason to go to war," legal adviser Andrey Liakhov explains, while "if anything else was adopted, it would [have resulted] in another spark of violence". As such, the lawyers unanimously decided in affirmation of the definition of statehood reinforced by the EC Ministers of Foreign Affairs.

As such, they followed inspirer legal traditionalist Hersch Lauterpacht, who had under similar circumstances shown an opponent of accommodating nationalism with territorial adjustments. On 16 November 1938, less than two months after the Munich Agreement had been signed codifying Nazi Germany's annexation of portions of Czechoslovakia along the border that were inhabited by German-speaking populations, he gave a speech at the League of Nations Union of Cambridge University. He posited that "a comprehensive and professionally administered system of cosmopolitan law and order in the image of the liberal state" was the means to overcome aggressive nationalism and disorder of the *fin de siècle* (Koskenniemi, 1997: 217). Lauterpacht identified the First World War and the nationalism that had provoked it as a disturbance of peace and order advanced by the process of state integration in to a world federation (Koskenniemi, 1997: 217). In line with ideas that Gianni de Michelis and Hans-Dietrich Genscher had first claimed among EC Ministers of Foreign Affairs in early 1991, Hersch Lauterpacht had thus in his academic work proven critical of nationalism as a threat to international order.

⁸⁵ Interview with Alain Pellet

And this idea was advanced in the Arbitration Commission particularly by members who had professional experience in politics. Robert Badinter, Roman Herzog and Irène Pétry had “a very strong position” upholding boundary maintenance in response to nationalist violence as “bringing some sense of order” and removing territorial claims as a motive for war.⁸⁶ In contrast with the other two members of the Arbitration Commission, they had experience with political in addition to legal considerations of state functioning. President of the Constitutional Court in Belgium Irène Pétry had a long career striving for equality of rights as a member of the Socialist Party to become Secretary of State for Cooperation and Development in a multinational federated state in 1973, while Roman Herzog had taken tough stances in enforcing the rule of law as the Minister of Interior of Baden-Württemberg between 1980 and 1983. Roman Herzog had in the late 1980s demonstrated notable interest in state development with his book ‘Staaten der Frühzeit’ [loosely translated, ‘Primitive States’], in which he describes states characterised by central authority and limited popular freedom for defence. He then identified nationalism and fundamentalism as the main threat to peace and order in Europe in his speech before the 41st Meeting of Historians in Munich in 1996, when he referenced Ernest Renan and Ernest Gellner saying that “nations are not a God-given way of classifying men”.

Chairman Robert Badinter, who had acted to promote civil liberties as the Minister of Justice before he became the President of the Constitutional Court of France, had also demonstrated strong beliefs against the creation of nation-states. In his publication in *Le Monde* in June 1991, he (1991) identified nationalism as the principal threat in Europe. He considered Europeans to have entered a new stage of history in which they had overcome their ideological and political differences in favour of a shared belief in human rights and pluralist democracy. The peoples of Europe now for the first time saw their future from this ‘European’ perspective and that, Robert Badinter argued, needed to be protected from opposite forces of nationalism. As such, Robert Badinter, Roman Herzog and Irène Pétry were likely candidates to support boundary maintenance on the basis of a political assessment of the crisis situation in the deliberations with other members of the Arbitration Commission. Indeed, legal adviser Andrey Liakhov identifies them as having “very set views” against

⁸⁶ Interview with Andrey Liakhov

boundary changes.⁸⁷ These views of the constitutional lawyers were again not grounded in coercion, or in pure rational choice; rather, they were grounded in a belief that they shared with the principal EC Ministers of Foreign Affairs and the international negotiators in the EC Conference on Yugoslavia that boundaries should not be changed in light of aggressive nationalism.

Legal justification in the uti possidetis principle

In coordination with legal adviser Alain Pellet, Francisco Tomás y Valiente then moved beyond the mandate by connecting boundary maintenance to the international legal principle of *uti possidetis* that had been applied earlier in decolonisation. He described it in Opinion No. 3 as “a general principle, which is logically connected with the phenomenon of obtaining independence, wherever it occurs” (Pellet, 1992: 185). The members of the Arbitration Commission did not organise hearings with the Yugoslav parties, in spite of requests by among others President Milošević of the republic of Serbia, yet Alain Pellet recalls having “no doubt” about this decision to introduce the *uti possidetis* principle to maintain boundaries in Yugoslavia. He considered boundary change a “triumph of ethnic cleansing” while he held that maintenance of the republican boundaries created an opportunity for reason to prevail over aggressive nationalism or “ethnic hate”.⁸⁸ In agreement with the members of the Arbitration Commission, his assessment for referring to the *uti possidetis* principle was hence inspired by the desire to avoid war rather than an interpretation of international law.

By deciding to introduce the *uti possidetis* principle for stability of the republican boundaries upon Yugoslavia’s dissolution, the members of the Arbitration Commission positioned international law in support of the stance that professionals of politics had reinforced in the EC Conference on Yugoslavia. As such, they gave boundary maintenance a status beyond politics and outside the realm of Yugoslavia. Indeed, the principle gave a legal justification for the political assessment towards maintenance of boundaries not only within the Arbitration Commission. After the Opinions had been published, negotiators in the EC Conference on

⁸⁷ Interview with Andrey Liakhov

⁸⁸ Interview with Alain Pellet

Yugoslavia regularly invoked the authority of the *uti possidetis* principle or the Arbitration Commission to endorse respect for boundaries. This contrasts earlier practices of boundary politics in Latin America and Africa, where the *uti possidetis* principle had been referenced in relation to independence only after decolonisation within existing boundaries had taken effect. The legal justification gave the EC Ministers of Foreign Affairs the opportunity in December 1991 to materialise boundary maintenance. Under the lead of Hans-Dietrich Genscher, they recognised the republican boundaries as the international borders of the Republic of Croatia and Slovenia despite continued objections raised by President Milošević of the republic of Serbia. “We strongly objected to the decision of the Badinter Commission that internal boundaries would be international frontiers,” his Minister of Foreign Affairs Vladislav Jovanović recalls.

Constitutional lawyers thus provided legal legitimisation of boundary maintenance after politicians and civil servants had failed to negotiate an agreement between the Yugoslav political leaders. The EC Ministers of Foreign Affairs had upon founding of the EC Conference on Yugoslavia already agreed to create a commission of constitutional lawyers to settle internal disputes. When conference chairman Lord Carrington then asked them in November 1991 to formulate an opinion on the status of the republican boundaries in international law, they followed the EC Ministers of Foreign Affairs and their deputies in the conference in dismissing boundary changes based on a political assessment of the situation in the Yugoslav federation. Particularly those members who shared an occupational background in politics shared the belief widespread among European professionals of politics that territorial adjustment in response to nationalist violence threatened international order. But all members were legal traditionalists who understood politics rather than law as guiding in considerations, which led them to enforce boundary maintenance. Others were denied access to the Arbitration Commission under the authority of the ministers. This investment definitively discarded the option of redrawing boundaries and legitimated the EC Ministers of Foreign Affairs to recognise the Yugoslav republics within existing boundaries.

Conclusion

Boundary maintenance in Yugoslavia was hence the outcome of a negotiation process that the European professionals of politics structured

on the basis of their aversion of creating nation-states. After violence broke out in July 1991, the association with irredentism spread and the EC Ministers of Foreign Affairs increasingly shared the idea that territorial adjustments would disrupt the international peace and order. They hence concluded in their following meeting on maintenance of the republican boundaries to forestall aggressive nationalism in Yugoslavia. At the initiative of Hans-Dietrich Genscher and Roland Dumas, the EC Ministers of Foreign Affairs then invested to structure the international negotiations towards boundary stability. They established the EC Conference on Yugoslavia and the Arbitration Commission composed of likely and sometimes demonstrated supporters of statehood characterised by political unity, so detached from nationalist sentiments of territorial adjustment. Legal traditionalism and occupational experience in politics positioned the civil servants and constitutional lawyers in line with the EC Ministers of Foreign Affairs, minimising the principals' risk of losing their agents to actions in discord with their preferences in practice. They reinforced boundary maintenance in the negotiation process, ultimately legitimising the EC Ministers of Foreign Affairs to advance recognition on this basis in December 1991 despite President Milošević's objections.

Alternatives existed. Some representatives of Serb communities outside the republic of Serbia as well as officials from the Yugoslav National Army and experts of international law expressed opposition to boundary maintenance, while several less 'integrationist' professionals of politics in Europe explored boundary revision before large-scale violence erupted, yet their alternatives were discarded in the negotiation process. This indicates that boundary maintenance was not the outcome of an international norm, as Fabry (2010) argues, or a 'focal point' that negotiators subscribe to as a means to minimise uncertainty and reduce the transaction costs of secession, as Carter and Goemans (2011) hold. The EC Ministers of Foreign Affairs in fact invested significantly to set boundary stability as a precondition for negotiation. Their efforts were however not grounded in tacit or explicit coercion of advocates of the territorial alternatives, as Krasner (1999) and Coggins (2011) theorise. It was rather the outcome of the *doxa* on to the creation of nation-states, which ministers who prioritised territory over population also in the European integration process like Gianni de Michelis and Hans-Dietrich Genscher expressed early in the negotiations concerning Yugoslavia's dissolution. The professionals of politics in Europe generally shared beliefs against accommodating irredentism for its threat to international peace and order, so the association of violence

with irredentism in Yugoslavia inspired their agreement to respond by maintaining boundaries.

It thus matters in boundary politics who manages to control the process of negotiations. People with different social backgrounds tend to interpret context differently; they may define different threats to peace and order and hence take different stances on territorial arrangements. If in fact the spatial planners familiar with maps of geography and settlement patterns in the Yugoslav federation, the military experts experienced in managing violent disputes, or the lawyers knowledgeable of the international law related to recognition and succession had influenced in the negotiation process, different boundaries might have been drawn in the Yugoslav federation.

Despite this situational condition of the introduction of boundary maintenance in post-colonial practices of boundary politics, it set a precedent for more recent cases of territorial change. This implies that contemporary practices in line with the *uti possidetis* principle are grounded in a largely unquestioned association of territorial change with irredentism and a belief about the disruption of international peace and order that prevailed among professionals of politics in Europe in the early 1990s. These commonplaces may however misrepresent conditions in contemporary cases. Many territorial disputes have resulted in violence within the confines of existing states since the dissolution of Yugoslavia, which sometimes could arguably have been prevented or resolved by boundary changes. In fact, boundary maintenance in the Yugoslav federation itself did not calm nationalism down but rather preluded the outbreak of violence in the Republic of Bosnia and Herzegovina the following year. Disagreement over the boundaries continued among the Yugoslavs beyond the international recognition of republican boundaries in December 1991, with particularly President Milošević insisting to redraw boundaries. This violence contradicted the expectations of the professionals of politics in Europe. The next chapter explores how in Bosnia and Herzegovina this resulted *de facto* in abandonment of the republican boundaries for partition along ethnic lines five years later.

Chapter 6

A Sociological Analysis of Practices in Boundary Politics: Military Officers and Ethnic Division in Bosnia and Herzegovina

The republican boundaries were maintained upon the dissolution of the Socialist Federal Republic of Yugoslavia in accordance with the *uti possidetis* principle. The struggle to change these boundaries however continued in several independent republics. This demanded reinforcement of territoriality in the Republic of Bosnia and Herzegovina, yet the outcome of the negotiation process was *de facto* partition along ethnic lines. The 1995 Dayton Agreement ensured the continued international existence of Bosnia and Herzegovina on the one hand. It *de jure* endorsed the earlier decision to maintain Yugoslavia's republican boundaries, leaving the international borders of Bosnia and Herzegovina intact. Yet it codified an internal division of territory between the Federation of Bosnia and Herzegovina and the Republika Srpska on the other hand. The two ethnically organised entities share a central government, with a rotating State Presidency, but each entity has largely autonomous political power. They have their own political structures and even control over foreign affairs and the legitimate use of force rests in the entities rather than with the central government. Hence on the ground, the agreement contrasts the earlier decision and separates the peoples between territories on the basis of their ethnicity.

In this chapter, I analyse how possibilities to define the territorial arrangements for peace in Bosnia and Herzegovina were narrowed down to the outcome of internal division of territory between ethnic communities. I argue that it was the outcome of an international negotiation process in which nationalism was legitimised by the military's belief that antagonistic ethnic communities needed to be separated in territorial units for a

defensible peace and order. President Milošević of the Republic of Serbia continued upon dissolution his efforts to change borders through ethnic cleansing and forced migration with the leaders of the Serb community in Bosnia and Herzegovina. This contradicted the security map of the professionals of politics in Europe, who had insisted on boundary maintenance in negotiations concerning Yugoslavia's dissolution to discourage aggressive nationalism and prevent state break-ups in nation-states. It thus enabled a different set of actors to gain recognition of their expertise and thus influence in the practice of boundary politics. Military officers rose to power in the negotiations for a violent dispute in which they were professionally trained to operate. They had fundamentally different conceptions of security threats related to territories and populations than the professionals of politics in Europe.

Military professionals in the negotiation process concerning Bosnia and Herzegovina generally shared a *doxa* that the implementation of a peace accord required defensibility and they interpreted the situation on the ground such that this meant a division of territory between the ethnic communities. They considered under the hostilities that the ethnicities in Bosnia and Herzegovina were inherently antagonistic and would be inflexible in a process of reconciliation. Hence peace and order for them demanded the communities to be separated in territorial units that they could sustain militarily. Military officers of international forces represented by Colonel Colm Doyle on this basis established the need to accommodate the Bosnian Serb community in territorial separation early in the negotiation process. Quickly following the outbreak of violence at the end of February 1992, they were able to convince international negotiators as their trained representatives on the ground in Sarajevo. Yet many professionals of politics in the United Nations and the European Community remained convinced to reinforce territoriality and civic nationhood. They appointed (former) politicians and civil servants to negotiate in the International Conference on the Former Yugoslavia who were likely and often proven supporters of this idea. At the initiative of Dutch Minister of Foreign Affairs Hans van den Broek and his German colleague Klaus Kinkel, these negotiators indeed developed a territorial arrangement for integration of peoples in Bosnia and Herzegovina.

The military representatives regained influence in the negotiation process with the conflict's escalation. The 1992 Vance-Owen Peace Plan was rejected under the pressure of officials from the Army of the Republika

Srpska, while the international forces became permanently represented with the appointment of Major-General Graham Messervy-Whiting as an adviser to conference chairman Lord Owen in November 1992. The military representatives gained particular authority over the territorial solution to the conflict as map experts informed about the geopolitical strategic realities of war and the intricacies of implementing peace. And although they set out to prevent ethnic balkanisation, they endorsed a representation of the war as ethnic and intractable. Lord Owen and Thorvald Stoltenberg as well as the politicians assembled in the Contact Group no longer considered themselves 'formulators' of ideas trying to unite peoples in a single territory; they rather saw their task as mediating stances developed by representatives of the Bosnian Muslims, Croats and Serbs. Under these circumstances, the military representatives of the international forces justified a *de facto* ethnic division of territory as the only 'feasible' or 'realistic' solution to bring peace to Bosnia and Herzegovina. In their effort to separate the warring parties in defensible units, they hence served as a conduit for acceptability of their nationalist agendas.

These findings are in contrast with existing explanations. Groups of negotiators disagreed on the territorial solution, and one needs to consider actors in addition to context in order to find that the different conceptualisations of peace and order correspond to different past experiences and practices. It was indeed the interplay and sequencing between professionals of politics and the military that ensured maintenance of the republican boundaries of Bosnia and Herzegovina; professionals of politics in Europe defined the international borders before the latter entered to settle disputes by territorial division within these bounds. This contradicts much constructivist and English School theorisation in International Relations literature on norm-driven behaviour towards territorial stability in boundary politics. While Fabry (2010: 205) cites Lord Owen in saying that international diplomacy "stuck unyieldingly to the internal boundaries of the six republics within the former Yugoslavia," a detailed analysis of the negotiations shows that various actors in the negotiation process did not subscribe to the republican boundaries. Particularly the military officers did not share this norm, but also civil servants in the end found their exploration of territorial arrangements not limited by an international norm. In fact, the outbreak of conflict in Bosnia and Herzegovina itself is evidence of a contested practice in line with the *uti possidetis* principle in the Yugoslav space.

This also means that the *uti possidetis* principle did not function as a lowest common denominator or 'focal point' for negotiators. Indeed, boundary maintenance did not bring certainty in the Balkans and was not taken as a guiding principle in negotiations concerning Bosnia and Herzegovina. Neoliberal institutionalists like Zacher (2001) and Carter and Goemans (2011: 284) argue that borders that do not follow administrative boundaries are uncertain and thus "likely to greatly slow or even prevent that border from becoming a stable institution". Yet the deliberations for drawing the Inter-Entity Boundary Line reveal the military representatives contrarily considered the existing administrative borders unstable and hence costly to maintain. They thought that these borders were indefensible in Bosnia and Herzegovina because they did not represent the situation on the ground.

This logic is based on belief or *doxa* that sustainable peace requires defensible provisions. The military officers took ethnic separation in the conflict for granted and thus considered the war intractable and in need of defensible territorial divisions. Yet Gagnon (2004: 1-5) finds that this is at odds with evidence from on the ground, where many did not mobilise for their ethnic community while communities remained internally divided. He argues that ethnicity in Bosnia and Herzegovina was fluid in fact, but that political leaders reconceptualised it to demobilise opposition for economic and political liberalisation in the state. Campbell (1999; 2000) similarly finds that the war was not between three fixed ethnic communities. With local forces contesting the nationalist imaginary and all parties to the conflict agreeing to multi-ethnicity with the signing of the 1992 London Principles, the military logic of what was and was not possible was not purely rational (Campbell, 1999: 424). It was based on a contestable representation of reality that was hardly questioned among military officers in the negotiation process and refrained them from comprehensively pursuing alternative territorial arrangements. They believed in codification of the geopolitical strategic realities of ethnic separation to prevent violence in the future.

It was then not the professionals of politics from powerful states who defined outcomes in the negotiation process concerning Bosnia and Herzegovina, as realists in International Relations literature presume. Coggins (2011: 449) finds that "Great Powers" determine how and when new states are formed while Castellino and Allen (2003: 112) maintain that "the European powers" ensure territorial sovereignty. Yet particularly army officers shared the security map for an ethnic solution in Bosnia

and Herzegovina, which military representatives of the international forces then 'sold' in the negotiation process. Professionals of politics intervened several times to reinforce territoriality and civic nationhood, but their ideas were rejected because the military had an alternative understanding of their 'national interest' on the basis of a desire not to get (militarily) captured in an escalatory dispute rather than to maintain the international territorial order. Indeed, realists do not account for the fact that success in negotiations depended on implementation, which gave representatives of the warring parties and especially army officials a position of power to determine outcomes. This power rested not in coercion, as realists presume, but depended on relations with representatives of international forces, whose influence in the negotiation process in turn resulted from their authority as informed experts in map-making. Analysis of the negotiations concerning Bosnia and Herzegovina demonstrates that the military was key in transporting the ethnic solution from the battleground to the negotiation table.

In this chapter, I first analyse how the parameters were set for the territorial division of Bosnia and Herzegovina. I find that as representatives trained to operate in violent disputes, army officers from international forces introduced accommodation of the Bosnian Serb pursuit of separation early in the negotiation process. They generally considered the hostilities a dispute between ethnic communities that was in need of a defensible territorial arrangement. I then continue by exploring how this security map was mobilised to pave the way for internal division of territory. I trace that it met opposition initially from a number of professionals of politics, which developed in an effort to codify territorial unity and integration in the 1992 Vance-Owen Peace Plan. When this proved unacceptable particularly to General Ratko Mladić from the Army of the Republika Srpska, the conflict had escalated to reestablish the influence of military officers from international forces in the negotiation process. They endorsed the military logic for ethnic separation, gaining particular control over the territorial arrangement. This leads to the conclusion that the acceptance of an internal territorial division of Bosnia and Herzegovina was fundamentally based in the *doxa* of military officers for pacification through defensibility, which added a layer of military justification to the nationalist agenda that made the unacceptable ethnic solution acceptable in the negotiation process.

Military officers in international forces and a threat to order

The military's logic for territorial division

The first republics of the Socialist Federal Republic of Yugoslavia gained recognition of their independence in December 1991. As chairman of the EC Conference on Yugoslavia that had hosted international negotiations for boundary maintenance on dissolution of the federation, Lord Carrington then asked conference coordinator José Cutileiro two months later to lead a first round of negotiations in Bosnia and Herzegovina on future constitutional arrangements involving the Muslim, Serb and Croat parties that formed the coalition government (Cutileiro, 1992). José Cutileiro had been tasked coordinator of the negotiation process since Minister of Foreign Affairs João de Deus Pinheiro took over the seat of EC President in January 1992. But when he arrived with Lord Carrington to begin talks on 13-14 February 1992 at Villa Konak in Sarajevo, military officers were already present in Bosnia and Herzegovina as part of the European Community Monitor Mission to foreground the need to accommodate the Bosnian Serb community in its desire to create a separate territorial entity (International Criminal Tribunal for the Former Yugoslavia, 2012).

The EC Monitor Mission had been established with the 1991 Brioni Agreement to observe and report on the withdrawal of the Yugoslav National Army from the republic of Slovenia. President Slobodan Milošević of the Republic of Serbia however continued after dissolution of the Yugoslav federation his struggle to change the republican borders in Croatia and Bosnia and Herzegovina. He wished to accommodate unification of the Serb nationals, which incited violent strategies to cleanse certain areas in Bosnia and Herzegovina for the Bosnian Serbs. Indeed, political leaders of the Bosnian Serb community started to organise in autonomous oblasts – that is, areas which they had declared autonomous as part of the ‘Republic of Serb Bosnia and Herzegovina’ or ‘Republika Srpska’ – months before international recognition of the republican borders in April 1992. “[The current] borders do not really exist. We should follow ethnic principles in establishing new borders,” said Radovan Karadžić, President of the Republika Srpska and close political ally of President Milošević, illustrating the nationalist intentions of territorial separation (Harden, 1991: A08).

International forces were then also sent to Bosnia and Herzegovina. As a military officer trying to carry out the mandate, head of the EC Monitor Mission Colonel Colm Doyle considered hostilities inspired by the Bosnian

Serb “determination to take control over territory that suited the purpose to adjoin the Republic of Serbia”.⁸⁹ He believed under this violence that ethnicities would be inflexible in a process of reconciliation. “There is a lot of ethnic violence,” he reported in *Associated Press* on 14 January 1992. “A great many people here are armed” (Rosenblum, 1992). Three months later, a few days before the international recognition of the state of Bosnia and Herzegovina, he told journalists from *The Hamilton Spectator* that “[t]he ethnic divisions are so wide now that the implementation may be impossible because these people want to fight” (‘World Digest’, 1992). Colm Doyle thus followed intelligence reporting in characterising tensions as grounded in ethnic solidarities and hatreds, rather than a reality of fluid alliances (NIOD, 2002: 48). Viewing the situation from the battlefield, he thought that relations between groups were inevitably mutually exclusive and segregated in the state Bosnia and Herzegovina.⁹⁰

This representation of order in Bosnia and Herzegovina was grounded in his background as a military officer. Colonel Doyle had experience in a Foreign Service mission with the 11th infantry Group of the United Nations Forces in Cyprus. Ten years later, he served in Lebanon with the United Nations Interim Force after which he was a military observer with the United Nations Truce Supervision Organisation in the Middle East monitoring the separation of armies behind the ‘Green Line’ drawn in the 1949 Armistice Agreements. Colm Doyle considered particularly the latter experience of “considerable benefit” to work in Bosnia and Herzegovina. With this experience in enforcing territorial separation between warring factions, he was likely to endorse a division in the violent circumstances in Bosnia and Herzegovina. Indeed, he considered that if the Bosnian Serb community was not accommodated with a separate entity after people had been displaced, “[t]here would be war, period”.⁹¹ “The situation is very dangerous,” he explained to reporters of *The Irish Times* (Hegarty, 1992); the Bosnian Serbs would continue a policy of ethnic cleansing to join the Republic of Serbia.⁹²

⁸⁹ Interview with Colm Doyle

⁹⁰ Interview with Colm Doyle

⁹¹ Interview with Colm Doyle

⁹² Interview with Colm Doyle

Within his EC Monitor Mission army troops, this association of a territorial separation with defensibility in Bosnia and Herzegovina was widespread. Officers regularly expressed the need to separate armed forces to ensure the safety of the local citizens and soldiers as well as their own troops (Vulliamy, 1992: 1). Also among military officers in the United Nations peacekeeping forces, there was a felt need for territorial division between ethnic communities to establish peace in Bosnia and Herzegovina. Representative General John MacKenzie for example said in August 1992 in the *Kitchener-Waterloo Record* that the most promising solution was the “cantonisation of Bosnia and Herzegovina along ethnic lines,” which would give regional governments a high level of autonomy. “My personal opinion is that there will be borders and I hope pretty bloody soon,” he said (“Partition of Bosnia”, 1992). Experiencing its violence on the ground, the international officers were hence inclined to repeat the idea of the warring army commanders that the conflict was intractable and in need of a resolution that recognised a physical separation of the ethnic communities for order.

A response for integration from professionals of politics

The military’s acceptance of ethnic separation in the conflict met opposition among the (former) politicians and civil servants that assembled to negotiate in the EC Conference on Yugoslavia. Former consul-general in Paris José Tadeu Soares, who had joined José Cutileiro as the Portuguese secretary of the EC-sponsored talks, objected that “[w]hat existed in Bosnia and Herzegovina was not ethnic division at all”.⁹³ Conference coordinator José Cutileiro similarly saw no differences between the communities, which had lived intermixed in the past.⁹⁴ They rather considered the dispute an outcome of power politics, just like their colleague civil servants had done when they chaired negotiations before the dissolution of Yugoslavia. José Tadeu Soares thus upheld the alternative territorial arrangement of a ‘Swiss-like’ confederation with many cantons of which none was ethnically delimited.⁹⁵ As a civil servant with twenty years of experience in the Portuguese Ministry of Foreign Affairs, serving amongst others in East Berlin and Paris, he believed in statehood defined by unity and

⁹³ Interview with José Tadeu Soares

⁹⁴ Interview with José Cutileiro

⁹⁵ Interview with José Tadeu Soares

civic nationhood. He found that particularly with his experience at the Permanent Mission to the United Nations, he could “grasp the problems [of aggressive nationalism and territorial disintegration they] faced at the time”.⁹⁶

Chairman of the EC Conference on Yugoslavia and retired Minister of Foreign Affairs of the United Kingdom Lord Carrington similarly expressed desire to avoid disintegration into ethnically defined territorial units. He said in his speech on 26 August 1992 that cantons could not be “geographical entities, in the sense of consisting of only one nationality” nor “distinct self-contained blocks”. Just like José Cutileiro in his position as special adviser to Portuguese Minister of Foreign Affairs João de Deus Pinheiro, Lord Carrington had as chairman of the conference been at the forefront of the decision to maintain the republican borders upon Yugoslavia’s dissolution and subscribed to this effort to curtail irredentism. He had worked to enforce territoriality rather than ethnic division, just like during his period as Minister of Foreign Affairs of the United Kingdom in the 1980s when he oversaw the transition from white-led Rhodesia to majority-led Zimbabwe. This indicates that particularly military officers did not share a norm or ‘focal point’ that prescribed territorial stability in Bosnia and Herzegovina, nor did the team of negotiators from the European Community cohere around a common understanding of their stakes in the negotiation process. In contrast with the (former) politicians and civil servants in the negotiation process, the military officers in fact associated division of territory with order as a codification of the geopolitical strategic realities of ethnic separation in the war.

The military’s influence in early negotiations

The outbreak of violence in Bosnia and Herzegovina at the end of February 1992 then challenged the political representatives’ expectation of order. They had considered integration in shared territory possible upon the dissolution of the Yugoslav federation in line with the *uti possidetis* principle. José Tadeu Soares says about the violence in Bosnia and Herzegovina: “It was strange to us. [...] It is like today you cannot think of people fighting in Britain”. His colleague civil servant Henry Wynaendts confirms that in the earlier negotiations under chairmanship

⁹⁶ Interview with José Tadeu Soares

of Lord Carrington, the main challenge had been dealing with the war between the republics of Croatia and Serbia. The professionals of politics in Europe had insisted that boundary maintenance would calm nationalist tensions down, eliminating irredentist motives for conflict, while minority issues could be dealt with by means of a law mirroring the agreement on the Alto Adige between Italy and Austria.⁹⁷ German Director-General of Political Affairs Jürgen Chrobog captures this when he says that at the time, he thought that “the fragility [of Bosnia and Herzegovina], we had stalled in the past”.

The fighting leading up to the referendum on independence then offered an opportunity for representatives of the military to influence conceptions of reality in the negotiation process. Rather than through coercion, this influence derived from the military’s position as their permanent representatives who were professionally trained to operate in violent disputes. Lord Carrington remained chairman of Christie’s Auction House throughout his term as chairman of the EC Conference on Yugoslavia, and he shuttled with the other international negotiators in-and-out of Bosnia and Herzegovina. Colonel Colm Doyle, as head of the EC Monitor Mission and then Lord Carrington’s personal envoy, became for them an important source of information when violence erupted. Being constrained by the war, they relied on him for briefings on the political and military situation. “I remember coming to Sarajevo and being informed that a huge number of the population had been expelled from the region,” José Tadeu Soares recounts. These briefings generally followed the military’s shared beliefs. “I was able to tell [the negotiators] that the Muslims were worried in areas where the Serbs were a majority and that the Serbs were trying to move out of places where the Muslims were a majority,” Colm Doyle says. He notes his effort to instil in them that populations were moving and that the Bosnian Serbs would not halt until territories were cleansed.⁹⁸ And he felt that “overall, [...] there was little doubt on that”.⁹⁹

⁹⁷ Interview with Henry Wynaendts; Legal adviser Andrey Liakhov supports that in deliberations for the Arbitration Commission, “we paid little attention to Bosnia and Herzegovina” and focused on tensions between the republics of Croatia and Serbia and Croatia instead. “We did not expect a conflict there,” he says.

⁹⁸ Interview with Colm Doyle

⁹⁹ Interview with Colm Doyle

As such, the armed officers established the need to accommodate the Bosnian Serb community among the (former) politicians and civil servants in the EC Conference on Yugoslavia. Acting independently of their principals in a broad mandate to “promote dialogue” and to reach “a constitutional solution which must take into consideration the legitimate concerns of all peoples involved within the inviolable frontiers of [Bosnia and Herzegovina]” (Trifunovska, 1994: 514-515), José Cutileiro indeed believed after a while that coexistence could not be restored in Bosnia and Herzegovina. He deemed it an “illusion”¹⁰⁰ that it would remerge after peoples had been separated. His colleague José Tadeu Soares was also convinced that the violence made codification of the ethnic separation in territories necessary for peace in Bosnia and Herzegovina.¹⁰¹ “New arrangements were needed because Bosnian Serbs did not wish to belong to an independent Bosnia,” José Cutileiro wrote in *The New York Times* in August 1992 (Cutileiro, 1992). Not the professionals of politics but representatives of armed forces hence developed the idea of a territorial division between communities in the negotiation process. After violence had erupted to separate peoples by displacement in Bosnia and Herzegovina, they ‘sold’ the need to codify this geopolitical strategic reality to international negotiators in the EC Conference on Yugoslavia, who then slipped, shifting policy away from their principals’ desired outcome of integration.

On 22 February 1992, conference coordinator José Cutileiro indeed reported to journalists from *Reuters News* that representatives of the Bosnian Muslim, Serb and Croat communities considered “internal arrangements based on ‘several national constituent units to be defined’” while agreeing to recognise the republican border (Pontes, 1992). The ‘Statement of Principles for a New Constitutional Arrangement for Bosnia and Herzegovina’ that was presented on 18 March 1992 then codified that the state would be “composed on three constituent units, based on national principles and taking into account economic, geographic and other criteria” (Ramcharan, 1997: 24). The negotiators hence established a possibility for the Bosnian Muslim, Croat and Serb communities to be given self-determination, albeit without complete sovereignty. The statement did not offer a final map, but it contained that territory would be divided along ethnic lines. The territory of each unit would be decided

¹⁰⁰ Interview with José Cutileiro

¹⁰¹ Interview with José Tadeu Soares

with “a map based on the national absolute or relative majority in each municipality” (Ramcharan, 1997: 26). A map recording the 1991 census figures and depicted the ethnic structure of each municipality would thus be the basis for the territorial division.

So after violence broke out in Bosnia and Herzegovina, the nationalist vision of an internal territorial division along ethnic lines was introduced and legitimised among international negotiators by representatives of the military personnel on the ground. The armed forces at war were fighting to homogenise communities in the declared autonomous oblasts in Bosnia and Herzegovina. Army officers generally interpreted this violence as intractable for its basis in ethnic solidarities and hatreds. Sharing the belief that peace and order required defensibility of the provisions of a peace accord, the international military officers were then inclined to support territorial codification of the physical separation between the ethnic communities. The members of his negotiation team initially objected to endorsement of the territorial division. As civil servants and (former) politicians under the auspices of the European Community, they upheld reinforcement of statehood characterised by political unity and civic bonds. Yet the violence increased the influence of military officers as negotiators’ trained representatives on the ground in Sarajevo, who then established acceptance of territorial separation in the negotiation process.

Professionals of politics and their attempt to reinforce territoriality

A territorial alternative in the International Conference on the Former Yugoslavia

As negotiations developed for territorial separation in the EC Conference on Yugoslavia, professionals of politics intervened in the negotiation process to secure integration of peoples in Bosnia and Herzegovina. In disregard of continuing efforts to negotiate under the leadership of Lord Carrington, British Minister of Foreign Affairs and President of the European Council of Foreign Affairs Douglas Hurd announced on 25 July an international conference under United Nations aegis (NIOD, 2002: 435). In line with the earlier efforts by professionals of politics in Europe to regulate the disintegrative process in the Yugoslav federation, where they invested significantly to uphold the republican boundaries, Douglas Hurd hence created an opportunity for professionals of politics to reinforce statehood defined by political unity detached from nationalist sentiments

of territorial adjustment. They structured the negotiation process towards a territorial solution based on integration of peoples for it to be rejected under the pressure of military officers from the Army of the Republika Srpska.

With the founding of a wider conference on Yugoslavia, Douglas Hurd accepted the proposal by French President François Mitterrand at the Group of Seven (G7) Conference in Munich two weeks earlier. Since Douglas Hurd became EC President of Foreign Affairs in July 1992, he had experienced the lacking communication between himself and UN Secretary-General Boutros Boutros-Ghali. A row in which the latter expressed that he “was not just going to be steamrolled by the British” led Douglas Hurd to attempt improving relations with an enlargement of the European Community Conference on Yugoslavia (NIOD, 2002: 435). In this light, he set out to develop a set of principles for negotiation under the International Conference on the Former Yugoslavia. He requested adherence to international law, suggesting that borders could be changed upon mutual agreement, which British director of Political Affairs Leonard Appleyard communicated to his colleagues in the European Community (NIOD, 2002: 436).¹⁰²

Yet the same set of professionals of politics who had enforced boundary maintenance upon the dissolution of the Yugoslav federation now invested to establish a stricter adherence to the republican boundaries in Bosnia and Herzegovina. Dutch Minister of Foreign Affairs Hans van den Broek particularly asserted that peace in Bosnia and Herzegovina should not be based on a division into ethnic areas. He had set boundary stability as a precondition for negotiation in the EC Conference on Yugoslavia in 1991 and wanted the International Conference on the Former Yugoslavia to endorse this. His preference for territoriality can be found for example in his statement at the opening of the conference in London on 26 August 1992,¹⁰³ in which he expressed that discussions on borders and minority

¹⁰² Marrack Goulding, the Under-Secretary-General of the United Nations in charge of peacekeeping who attended the opening of the International Conference on the Former Yugoslavia in London with Secretary-General Boutros Boutros Ghali, in his memoirs *Peacemonger* (2002) writes that most of the drafting was done by staff from the host country rather than the United Nations.

¹⁰³ The opening session assembled 34 representatives of states and international organisations including the United Nations and the European Community, as well as the Conference on Security and Cooperation in Europe and the Organisation of the Islamic Conference.

rights “lose credibility and become counter-productive when certain parties use them as a cover in order to continue their policy of creeping expansionism” (Ramcharan, 1997: 146). Van den Broek could count for support on his German colleague Klaus Kinkel, whose predecessor had sided with him in his earlier efforts as EC President of Foreign Affairs in Yugoslavia. Klaus Kinkel said at the opening session in London: “The international community will never accept the acquisition of territory through force and terror” (Crossette, 1992).

These professionals of politics managed to import their stances in the negotiation process. The ‘Statement of Principles’ in the end denoted thirteen principles to guide development of a peace proposal that included not only respect for the integrity of state borders, but also non-recognition of all advantages gained by force (Owen, 2013).¹⁰⁴ The political leaders of all parties to the conflict Alijah Izetbegović, Radovan Karadžić and Mate Boban signed for agreement with the 1992 London Principles. This indicates that there was at this stage an opening for unity in Bosnia and Herzegovina. In contrast with the military’s representation of reality earlier in the negotiation process, alternatives to territorial separation of communities were in practice possible. Representation of the war as intractable and belief in the codification of the geopolitical strategic realities for defensibility had refrained the military representatives of the international forces from comprehensively pursuing these alternatives, but they were foregrounded by professionals of politics in the International Conference on the Former Yugoslavia. Indeed, boundary changes were treated “very delicately” in the conference, with international negotiators trying to explore agreement between the Yugoslavs.¹⁰⁵ Spokesman Frederic Eckhard recounts that the explicit aim was integration of peoples, or to “stitch this new country back together,” in refutation of any ethnic separation.

A configuration for territoriality and civic nationhood

The conference was designed “to hold all the Yugoslav parties to the commitments made at the London session” (Secretary-General, 1992:

¹⁰⁴ The ‘Statement on Bosnia’ contained in support that “[t]he negotiations will need to cover [...] a genuine and lasting end to the conflict throughout the Republic, and return of territory taken by force” (Owen, 2013).

¹⁰⁵ Interviews with Graham Messervy-Whiting and Lord Owen

1552). International negotiators were thus to establish an arrangement for integration of the Bosnian Muslims, Croats and Serbs peoples in a single Bosnia and Herzegovina. The professionals of politics then invested significantly in the social constitution of the conference to minimise the risk of agency losses and hence ensure implementation of their mandate, mirroring the practices they had used to regulate the disintegrative process of the Yugoslav federation in the EC Conference in 1991. First of all, politicians remained in charge by assigning coordination of the conference to the President of the European Council John Major and the Secretary-General of the United Nations Boutros Boutros-Ghali. Daily supervision was then delegated to two chairmen who were in frequent contact with these politicians and a Steering Committee made up of representatives of the European Community, the Commission on Security and Cooperation in Europe (CSCE), the United Nations Security Council, the Organisation of the Islamic Conference, neighbouring states, and Lord Carrington. The professionals of politics thus adopted key positions of control in the negotiation process.

They also assigned the task of negotiation to proven supporters of their shared beliefs against division in ethnically homogeneous territories, in line with logics of interaction between principals and agents theorised by for example Hawkins et al. (2006). Co-chairmen Lord Owen and Cyrus Vance had professional experience in common with the politicians and they had shown committed to oppose the creation of nation-states in past assignments. Lord Owen had served as British Foreign Secretary between 1977 and 1979, when he worked with then-US Secretary of State Cyrus Vance to endorse an Anglo-American plan for the transition from white-led Rhodesia to majority-led Zimbabwe upon independence. Cyrus Vance had as Deputy Secretary of Defence been at the centre of the escalating Vietnam conflict, and he helped negotiate the 1977 Panama Canal Treaty by which the United States returned control of the canal zone to Panama and the 1979 Israel-Egypt Peace Treaty that meant the Israelis withdrew armed forces from the annexed Sinai peninsula before representing the UN Secretary-General on fact-finding missions to South Africa and the Nagorno-Karabakh dispute between Azerbaijan and Armenia. They had hence both worked to avoid expansionism and return territory instead. As such, they were likely candidates to support the professionals of politics in reinforcing territoriality in Bosnia and Herzegovina.

Convening for the first time on 3 September 1992 at the Palais des Nations in Geneva,¹⁰⁶ the co-chairmen brought their own personal staff that had demonstrated reluctance to accommodate nationalism with territorial changes in past assignments. Cyrus Vance brought senior civil servant Herbert Okun and aide from his own law firm in New York Peter Beshar. Herbert Okun was a Soviet specialist that had spent much of his diplomatic career confronting the politics of the Cold War in amongst others East Germany and at the United Nations when the Berlin Wall fell. He told journalist David Binder from *The New York Times* in 1993 that he became a diplomat to enforce the strategy of containment for resistance to Soviet expansionism recommended by George F. Kennan in 'The Sources of Soviet Conduct' in *Foreign Affairs* in 1947 (Binder, 1993). Lord Owen's staff initially comprised the senior British civil servant and former ambassador in Belgrade Peter Hall and David Ludlow, a private secretary supplied by the Foreign Office. As British Ambassador to Yugoslavia between 1989 and 1991, Sir Peter Hall had represented policy of containment and unwillingness to accept boundary changes in Europe (Simms, 2003: 11-12). He had objected to President Milošević's irredentism. "He was a man addicted to power and that was the route he took," he later explained to Jimmy Jamieson for the British Diplomatic Oral History Programme. Hence the negotiators as well as their coordinators from the United Nations and the European Community were likely and often proven supporters of the ideas expressed by the professionals of politics in London.

The international negotiators indeed subscribed to territoriality and civic nationhood in Bosnia and Herzegovina. Chairman Lord Owen holds that he aimed at integration; it was his intention to unite peoples in Bosnia and Herzegovina.¹⁰⁷ Just days before the presentation of the 1992 Vance-Owen Peace Plan, he confirmed in *Reuters News* that the principles agreed in London "still hold, will hold, and will apply" (Naughton, 1992). In accordance with the mandate formulated by Ministers of Foreign Affairs Hans van den

¹⁰⁶ In Geneva, the International Conference on the Former Yugoslavia had a small secretariat run by executive director Bertrand Ramcharan, a United Nations official who had previously worked as a Director in the United Nations Political Department, focusing on conflicts in Africa (Ahrens, 2007: 58).

¹⁰⁷ Interview with Lord Owen; Lord Owen in a meeting with Sir Peter Inge, Chief of the General Staff of the Ministry of Defence in London on 24 November 1992 confirmed: "Rolling back ethnic cleansing might not be a bad long-term aim. The parties did end up living together after WWII" (Owen, 2013: 138).

Broek and Klaus Kinkel, he hence wished to avoid the territorial separation endorsed in negotiations earlier by military representatives. Just like their colleagues who had invested in boundary maintenance upon dissolution in the EC Conference on Yugoslavia, many (former) politicians and civil servants who led negotiations between the Yugoslavs in the International Conference on the Former Yugoslavia associated boundary changes with irredentism. They shared the belief in territorial adjustment as a threat to international peace and order that professionals of politics in London had coordinated on. "President Milošević of the Republic of Serbia had a plan to carve up Bosnia and Herzegovina," Lord Owen says, which made the conflict a "war on aggression" that could not be awarded with territorial adjustment. Lord Owen's envoy in Sarajevo Jeremy Brade similarly viewed changes in territorial distribution in light of President Milošević's desire to create a Greater Serbia. Speeches were "inflammatory and nationalist," he held, so he aimed to uphold the principle of territoriality in response.¹⁰⁸

A structure of negotiations to discourage territorial division

The international negotiators then regulated deliberations with the Bosnian Muslim, Croat and Serb representatives on this basis. They generally took instructions from the principal professionals of politics in the European Community and the United Nations; they understood their task not as facilitating ideas brought to the table by representatives of different parties to the conflict, but as assisting the Yugoslavs in devising an agreement by making substantive suggestions on the basis of the 1992 London Principles. Chairman Lord Owen captures this when he describes his role as "try[ing] a position," hence preparing a plan for conflict resolution, and "hav[ing] to adjust it and modify it" after learning what the different parties' representatives would accept. His envoy in Sarajevo Jeremy Brade confirms that the negotiators were committed to a role as 'formulators' of a territorial solution. "They were always attempting to act in good faith, which meant upholding the principles," he says. Indeed, under the lead of Lord Owen and Cyrus Vance, the negotiators took considerable time to devise a plan before presenting it to the Yugoslavs.

In line with this directive approach, head of the Working Group of Bosnia and Herzegovina Martti Ahtisaari gave the Yugoslav delegation heads a

¹⁰⁸ Interview with Jeremy Brade

‘Checklist of London Principles in Relation to the Future Constitution of BH’ and reminded them that they were meant to negotiate an agreement on the basis of these principles when he started negotiations in the second half of September 1992 (Ramcharan, 2011: 54).¹⁰⁹ He requested legal expert Paul Szasz to brief each delegation on human rights (Ramcharan, 2011: 56). Martti Ahtisaari and Paul Szasz had cooperated on drafting the constitution for independent Namibia just three years earlier. As head and legal adviser in the United Nations Transition Assistance Group, they had structured statehood where many suffered from “racial discrimination and the practice and ideology of apartheid,” as article 23 of the Namibian constitution reads. In this line, Paul Szasz argued in a memorandum ‘Problems in Basing Institutions on National or Ethnic Status’ that constitutional provisions related to ethnic groupings were “against the entire trend of international human rights developments of the past several decades (e.g., in particular, the firm rejection of apartheid)” and could be the pretext for resorting to ethnic cleansing (Ramcharan, 2011: 55-56). As such, he supported Ahtisaari in a quest to ensure that the parties’ contributions met the principles of territoriality and civic nationhood.

Ahtisaari then developed the guiding principles further in the negotiations for a future constitution. He presented a paper to the co-chairmen on 4 October 1992 in which he argued that “[a] centralised federal state but with significant functions (especially in fields of education and culture) carried by 4-10 ‘regions’ whose boundaries would take into account ethnic and other considerations” was the “apparent position of ICFY”. He embraced integration, but found that a centralised state was strongly opposed within the Bosnian Croat and Serb delegations. Martti Ahtisaari thus argued in his paper for a compromise where regions would not be autonomous or homogeneous enough to secede. He subsequently distributed among the delegations a questionnaire on the responsibilities of a central government and ‘constituent units’ that led him to conclude that “each of the parties desired a state in which the central powers would be minimised and those of the regional units maximised” (Owen, 2013:

¹⁰⁹ The International Conference on the Former Yugoslavia additionally incorporated the working groups on ethnic and national communities and minorities, succession issues and economic issues from the EC Conference on Yugoslavia, which remained chaired by Geert Ahrens, Henry Darwin (who was succeeded by Jorgen Bojer after his passing in September 1992) and Jean-François Durieux respectively, and comprised the working groups on humanitarian issues and confidence and security-building and verification measures under Sadako Ogata and Vicente Berasategui (Ramcharan, 1997: 1210).

85). Yet he did not concede on the ethnic basis of territorial separation. He discussed with the Bosnian Muslims, Croats and Serbs on 28/29 October a final plan to create seven to ten provinces taking into account ethnic as well as geographic, historical, communication and other features in order not to acquiesce in already accomplished ethnic cleansing.

Political representatives of the Bosnian Muslims and Croats Haris Silajdžić and Mate Boban accepted the general outline of the proposal for a division of territory into ethnically mixed provinces; only the head of the Bosnian Serb delegation Nikola Koljević insisted on the three ethnic areas enforced by the military representatives. Officials of the Army of the Republika Srpska indeed proved particularly unwilling to compromise on territorial control in Bosnia and Herzegovina. They tied stability to the liberation of the Bosnian Serbs in an area that they could defend. “In Bosnia and Herzegovina, protection of the Serbs was a key issue,” Colonel Duško Četković says. And in a meeting with NATO Permanent Representatives on 4 December 1992, Lord Owen described his colleague General Ratko Mladić as “not joking when he talked about Greater Serbia”; “I did not believe that anyone would stop him” to secure an area for the Bosnian Serbs, Owen (2013: 157) said. These military officials insisted on the creation of an ethnically pure area in Bosnia and Herzegovina. As the deputy commander forces, General Milan Gvero told journalist John Burns from *The New York Times* in May 1993: “We say everybody has to live on his own territory, Muslims on Muslim territory, Serbs on Serbian” (Burns, 1993), while Duško Četković describes motivation to preserve the Serb identity that the army had fought to defend after “over a million Serbs [had been] brutally murdered, cleansed” during the Second World War.¹¹⁰

The military's rejection of a territorial alternative

Military officers did not have a place at the negotiation table in the International Conference on the Former Yugoslavia. Just like chairman Lord Carrington in the earlier negotiations concerning Yugoslavia, chairman Cyrus Vance insisted on restricting attendance to heads of delegation Haris Silajdžić, Mate Boban and Nikola Koljević plus one (Owen, 2013: 85). Yet representatives of the military proved decisive in the rejection

¹¹⁰ Interview with Duško Četković

of territorial unity and integration as a solution. In the co-chairmen's final efforts to convince the Bosnian Serbs to sign the 1992 Vance-Owen Peace Plan, President Krajišnik of the Republika Srpska conditioned signing on ratification by the Bosnian Serb Assembly. Lord Owen proved contemptuous in his dismissal of these representatives. In line with his earlier efforts to restrict participation in the negotiation process to political leaders, he assumed others to have little authority to shape outcomes. "I am telling you," he said to the journalists who assembled to report on development in negotiations, "and believe me I have been in politics a long time, I know that Milošević is on board and that is what counts" (Silber and Little, 1995: 314). But as soon as the debate in the Bosnian Serb Assembly began, his optimism proved misguided.

The "decisive speaker" in the Bosnian Serb Assembly was General Ratko Mladić, correspondent for *Financial Times* Laura Silber and *BBC* journalist Allan Little find (Silber and Little: 1995: 316). He showed a map of the geopolitical strategic realities on the ground and used a transparency of the territorial arrangement in the 1992 Vance-Owen Peace Plan to illustrate how much conquered territory would be isolated or returned to the Bosnian Muslims. This would leave the Serb population in these territories vulnerable to future violence. The General's strictly military logic carried weight among the political representatives gathered in the Bosnian Serb Assembly, Momir Bulatović found (Silber and Little, 1995: 316). Indeed, a majority of fifty-one representatives out of sixty-five who cast a vote decided to organise a referendum on the 1992 Vance-Owen Peace Plan – a referendum in which ninety-six per cent of the voters said 'no'.

Political representatives of the Bosnian Serbs and Croats were more generally susceptible to a military representation of reality. They tended to distrust politicians from the Republic of Serbia or Croatia to negotiate, considering that they would outbid desires for territorial separation in a political manoeuvre, but they acknowledge the military's contribution to their negotiation strategies. While politicians like the Serbian Minister of Foreign Affairs Vladislav Jovanović hold that military representatives had no influence on their negotiation strategies, members of the Bosnian Serb delegation aimed to facilitate the army in its potentials. Maksim Stanišić captures this when he says that they meant to "never sacrifice army units in a negotiation".¹¹¹ Negotiator for the Bosnian Croats Vitomir Miles

¹¹¹ United Nations Chief Political Officer in Bosnia and Herzegovina Phillip Corwin (1999:

Raguž confirms that it was their main responsibility to take their military's assessment into account. Negotiations were for him not guided by "knowledge and skill, or fairness" but determined by "the rule of applied power," which implied for him that "the party with most military strength can dictate the terms". Unlike politicians from the neighbouring republics, these representatives agreed with their army officers that autonomy would have little meaning without territorial demarcation,¹¹² and they were unwilling to compromise on territory for a political deal.

The peace settlement demanding their agreement, the military hence had a position of power in the negotiation process. In fact, exactly the army officials controlled the strategic means to upset a settlement that they considered unfair in terms of the territorial distribution. They had a different understanding of their national interest in the negotiations, yet their influence tends to be disregarded in realist theories of International Relations literature. Scholars such as Coggins (2011) emphasise the role of "Great Powers" represented by professionals of politics rather than local actors, let alone military officers. But in the case of Bosnia and Herzegovina, professionals of politics representing the most powerful institutions of the European Community and the United Nations proved unable to impose statehood defined by political unity and civic bonds. Not even allied politicians from the Republic of Serbia were able to convince political representatives of the Bosnian Serbs to accept the 1992 Vance-Owen Peace Plan. President Slobodan Milošević of the Republic of Serbia had signed the settlement. Minister of Foreign Affairs Vladislav Jovanović then called the Bosnian Serb insistence on an ethnic solution "unfortunate," while it led Chris Spirou, a confidant of President Milošević, to describe them as "zealots". Still they refused to sign it as their military rather than their political allies influenced their stances.

So military officers from the Army of the Republika Srpska notably pressed to discard territorial unity in the negotiation process. When officers from the international forces had introduced and legitimised the demand for territorial division between ethnic communities in negotiations, professionals of politics intervened to pursue the alternative. At the initiative of EC Ministers of Foreign Affairs Hans van den Broek and Klaus

89) confirms in his memoirs that with regard to the Bosnian Serb delegation, "everyone knew who was in charge: the military. [...] General Ratko Mladić gave the orders".

¹¹² Interview with Maksim Stanišić

Kinkel, politicians assembled at the opening session of the International Conference on the Former Yugoslavia foregrounded integration in shared territory. They gained agreement by the political representatives of all parties to the conflict and structured negotiations towards implementation of this agreement. In line with practices in boundary politics concerning the dissolution of Yugoslavia, they maintained both direct and indirect control in the conference, delegating the task of negotiation to a team of (former) politicians and civil servants who shared their rejection of ethnic separation for association with irredentism and disruption of international order. Yet the territorial arrangement the international negotiators then developed proved unacceptable for army officers under the lead of General Ratko Mladić, who the chairmen had excluded from the negotiation process. They informed rejection of the draft peace agreement by the Bosnian Serbs for creation of an ethnically pure territory in Bosnia and Herzegovina.

Military officers in international forces and their reinforcement through negotiations

Military advisers in the negotiation process

The escalation of the conflict offered an opportunity for the military officers from international forces to regain influence in the negotiation process. The structure of the International Conference on the Former Yugoslavia set up by professionals of politics in London had not included representation of the military. But in October 1992, when fierce fighting had broken out with the Bosnian Croats who until then had sided with the Bosnian Muslims, chairman Lord Owen suggested to have in-house military advice in a meeting with the British Chiefs of the Defence and General Staff. “There was an on-going battle,” Lord Owen clarifies. “A breakdown of structures. A breakdown of trust. A breakdown of the whole society – It was a terrible mess”.¹¹³ He hence brought representatives of the international armed forces back into the negotiation process. He gave military officers permanent representation on the team and they only gained strength of position with progression of the war, being able to establish among negotiators the need to delimit ethnic separation territorially to end the war.

¹¹³ Interview with Lord Owen

Major-General Graham Messervy-Whiting became the military adviser to Lord Owen in November of 1992. He had served intelligence and counter-intelligence duties in amongst others Germany, Libya and Cyprus, after which he was appointed the plans staff officer in Northern Ireland responsible for the armed forces estate. He then became the Briefing Officer for NATO's Supreme Allied Commander Europe General John Galvin during the ending of the Cold War and the extending of military contacts to the former Warsaw Pact countries before entering the International Conference on the Former Yugoslavia. So just like Colonel Colm Doyle, Major-General Graham Messervy-Whiting had experience defending boundaries of separation between warring communities. And he shared his perception that the ethnic communities in Bosnia and Herzegovina were irreconcilable under the hostilities. In line with the representation of the conflict foregrounded by nationalists, Graham Messervy-Whiting considered that ethnicity was "a factor we had to take into account"¹¹⁴. He saw his task as identifying where armies were fighting and what their longer-term territorial aims were (Messervy-Whiting, 1993: 30). Accommodating these aims in the distribution of particular areas and villages among the ethnic communities, he thought, was essential for pacification of the situation (Messervy-Whiting, 1993: 31).

The military gained particular authority in developing the territorial arrangement for conflict resolution in Bosnia and Herzegovina. The volatile situation in Bosnia and Herzegovina foregrounded among negotiators concerns about the implementation of the peace accord, on which army officers are experts in charge. They were on the ground and professionally trained to operate in violent disputes, so they knew the geography of the war zone and understood how it related to military strategy. Their representatives controlled information on the locations and movements of army units, particularly because officers on the battlefield tended not to communicate directly with the negotiators (Corwin, 1999: 42-43). As the liaison between the various troops and forces in international diplomacy, Major-General Graham Messervy-Whiting then knew what international services were likely to be made available and what they could achieve to implement a plan. He was hence in a unique position to inform international negotiators on the practical challenges in enforcing certain territorial solutions; as the chairman's military adviser, Graham Messervy-Whiting made it known what he considered possible in terms of moving the various warring armies to a particular situation and what he thought

¹¹⁴ Interview with Graham Messervy-Whiting

the armies were capable of violating. He captures this when he declares that his role was to “inject into the decision-making process what the art of the practical would be”. He accounts his ability to give ‘realistic’ advice about the sustainability of ideas for a territorial solution.

Authority over the territorial arrangement additionally developed from his military training in reading geographic maps. In a team of international negotiators where some were “incurably map-dyslectic” while he instructed others, Major-General Graham Messervy-Whiting was educated in the identification and analysis of geopolitical strategic elements on maps for drawing a defensible boundaries (Messervy-Whiting, 1993: 33). A boundary, he thought, needed to take into account geographic and economic elements on land such as ports, rivers, factories, mines, mineral resources, and railways.¹¹⁵ In this situation, the military adviser notes that he was left in charge of producing maps for territorial arrangements. Exactly these maps were instrumental in justifying the territorial separation of ethnic communities in Bosnia and Herzegovina, Campbell (1999) finds. They created an image that confirmed the divisibility of territory along ethnic lines while excluding alternatives for a territorial arrangement. So it was the position in the negotiation process as map experts informed about the geopolitical strategic realities of war and the intricacies of implementing peace that gave the military influence among international negotiators, in contrast with assumptions about coercion in realist theories in International Relations.

A military justification for territorial division

To learn what the ‘art of the possible’ was for a territorial arrangement, Graham Messervy-Whiting exchanged views primarily with commanders of the Bosnian Muslim, Croat and Serb armies. They shared his understanding of geography, he found. They could read maps and subscribed to the idea that a sustainable settlement required due consideration of the lines of confrontation and the military balance on the ground.¹¹⁶ “We could talk the same language,” Messervy-Whiting says. In contrast, he found many of the political representatives of the warring parties lacked experience with geographic maps. Such maps had been treated as military secrets in the communist era, when they were closely controlled by the Yugoslav National

¹¹⁵ Interview with Graham Messervy-Whiting

¹¹⁶ Interview with Graham Messervy-Whiting

Army, so many political leaders considered them misrepresentations; they brought out sociological maps instead that showed population distribution within administrative boundaries (Messervy-Whiting, 1993: 33). The local army commanders' power in negotiations then developed from their relations with representatives of the international forces, who could insert their views in the draft territorial arrangement for Bosnia and Herzegovina.

But the army officials on the sides of the conflicting parties were generally intransigent interlocutors. Their aim was to liberate and defend their peoples. "It was necessary to preserve the [Bosnian Serb] population," Colonel Duško Četković from the Army of the Republika Srpska says. "The citizens of Bosnia and Herzegovina had the right to defend their homeland," Deputy Commander of the Headquarters of the Army of Bosnia and Herzegovina General Jovan Divjak maintained on the other side of the battlefield. They both considered the war intractable and divisive, occurring between communities that would be separated in future relations because they could not live together peacefully, and considered their armies capable of military defeat. This made them generally reluctant to compromise in political settlement. Commander in the Army of Bosnia and Herzegovina Selmo Cikotić captures this when he said: "There was no reason for our attitude to be changed; quite the opposite, the situation on the ground developed in our favour". The armies rather fought to maintain and, if possible, increase the territory that they occupied in order to safeguard their communities. "It was not in their mind-set to give up territories," deputy to the President of the Committee for the Relations with the United Nations Amir Hadžiomerađić says in confirmation of the military's intransigence in negotiations. "They had spent much energy and lives to control it".

This informed Graham Messervy-Whiting to consider an internal territorial division "a necessary step" for pacification in Bosnia and Herzegovina.¹¹⁷ Just like military representatives of international forces in earlier negotiation, he took for granted ethnic separation in the conflict and interpreted the situation such that the Bosnian Serbs needed to be accommodated in their desire for a territorial entity. He believed that the settlement needed to be defensible for the safety of locals and the international troops, in accordance with the military's shared conception of peace and order, and justified the territorial codification of ethnic

¹¹⁷ Interview with Graham Messervy-Whiting

separation as the strategically 'feasible' or 'realistic' solution on this basis. Viewing the situation from perspectives on the battlefield, he thought that peace without recognition of the territorial advancements of the Army of the Republika Srpska would be unsustainable. This army, he held, was with the support of the Serbian army capable of overthrowing such an unsatisfying settlement. "The Bosnian Serbs, without a doubt, were the most powerful from a military point of view because they were *de facto* the remnants of the Yugoslav National Army," Major-General Graham Messervy-Whiting says. This meant that they had heavy weapons and professional army officers, while the Bosnian Muslims "were starting from an almost zero baseline".¹¹⁸ He thus deemed maintenance of existing boundaries costly. As a military officer, he rather associated peace with the territorial delimitation of geopolitical strategic realities. He sought to establish a boundary that separated ethnic communities so that particularly the Bosnian Serb armed forces would find limited reason to upset the arrangement.

So following the 1992 Vance-Owen Peace Plan, which was "not heavily influenced by implementation factors" according to Lord Owen's military adviser, the 1993 Union of Three Republics Plan returned to the ethnic solution introduced in the 1992 Statement of Principles of the EC Conference on Yugoslavia. Drafted under the co-chairmanship of Lord Owen and Norwegian Minister of Foreign Affairs Thorvald Stoltenberg, who had replaced Cyrus Vance on 1 May 1993 as representative of the United Nations Secretary-General in the International Conference on the Former Yugoslavia, the 1993 Union of Three Republics Plan presented a territorial division of Bosnia and Herzegovina into three units that was explicitly ethnic in nature. Article 1 reads: "The Union of Republics of Bosnia and Herzegovina is composed of three constituent republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples" (Trifunovska, 1994: 1032). These constituent republics, which are referred to as the 'Muslim', 'Croat' and 'Serb' majority republics, could not withdraw from the union in violation of the territorial integrity of Bosnia and Herzegovina.

¹¹⁸ Interview with Graham Messervy-Whiting

The departure from the principle of territoriality was a source of disillusionment for many professionals of politics in Europe. Notably objections came from the Dutch and German Ministers of Foreign Affairs, who had at the opening session of the International Conference on the Former Yugoslavia in London insisted on endorsement of peace based on integration. In a letter to his Belgian colleague on 29 July 1993, Dutch Minister of Foreign Affairs Pieter Kooijmans opposed the 1993 Union of Three Republics Plan saying that he was “concerned that the negotiations in Geneva could lead to a settlement, which would in many respects be at odds with the basic principles subscribed to in London and Copenhagen” (Both, 2000: 162). “It is the division of Bosnia and Herzegovina that worries us,” his spokesman said in *Reuters News* a month later, that is, “whether a Muslim state can survive and whether the Muslims will accept it voluntarily” (‘Dutch to Voice Doubts’, 1993). A week later, German Minister of Foreign Affairs Klaus Kinkel made it known to his colleagues in the European Community that he shared Kooijmans’ reservations about the negotiations.¹¹⁹ He held that peace should not impose a territorial division of Bosnia and Herzegovina on the Bosnian Muslims, who he characterised as the main victims of the conflict, and he expressed concerns about whether the plan for a Union of Three Republics could produce a fair and equitable outcome on the basis of the London principles (‘Kinkel Skeptisch Zu Bosnien-Friedensplan’, 1993).

Co-chairmen Lord Owen and Thorvald Stoltenberg discarded the politicians’ claim for integration in shared territory. In visits to Frankfurt and The Hague on 25 August, they said that they were pursuing the best possible settlement under the constraints of the war and needed full support from the European Community Ministers of Foreign Affairs. Lord Owen argued that the plan for ethnic separation had emerged in negotiations where he and Thorvald Stoltenberg had been forced to accept what was on offer, thence discursively positioning their political principals at distance in an asymmetry of knowledge and ‘grasp’ of the situation (Williams, 1993). He specialised to the point where he felt no longer bound and acted independently of his mandate. The London principles had “died with the ditching of the Vance-Owen Peace Plan,” Lord Owen asserted,

¹¹⁹ ABZ, DEU/ 05238 Memorandum, Chef DEU, 12/08/1993

confirming slippage from his principals' preferred outcome.¹²⁰

In the circumstances of uncertainty about outcomes, Lord Owen and Thorvald Stoltenberg were influenced by context and negotiators with different social backgrounds; they accepted the representation of the conflict in Bosnia and Herzegovina as intractable that had been foregrounded by their military adviser. Lord Owen no longer categorised tensions as irredentism, which could not be awarded with territorial adjustments, but found that "as the war developed, the ethnic element became stronger". Both he and Thorvald Stoltenberg hence believed in the need to accommodate the Bosnian Serbs in their quest for territory.¹²¹ Lord Owen was convinced that forcing back territorial gains would prolong the conflict and increasingly considered it an "illusion, and hence bad policy" to insist on population resettlement for integration in shared territory (Owen, 2013: 262).¹²² Co-chairman Thorvald Stoltenberg, who was as the representative of the Secretary-General also head of the United Nations military forces, says: "territorial separation was necessary for future peace".

Professionals of politics hence proved unable to enforce territoriality in the negotiation process. Military officers rather established among members of the international negotiation team that the peoples were separated on the ground, and that it was necessary under the circumstances of violence to codify this geopolitical strategic reality. Dutch Minister of Foreign Affairs Pieter Kooijmans warned the co-chairmen of the conference for the military's influence in the negotiation process. He believed that their emphasis on 'realism' and 'negotiability' led the 1993 Union of Three Republics Plan to be determined largely by the military superiority of the Bosnian Serbs at the cost of the principles laid down in London.¹²³ But the negotiators moved around their mandate. They did notably not find a norm on boundary maintenance in international diplomacy that limited their exploration of this territorial arrangement. They accepted that the republican borders of Bosnia and Herzegovina did not represent the *de facto* situation and that sustainable peace and order therefore required an alternative allocation of territory.

¹²⁰ ABZ, DEU/ 05239 ICFY/Briefing Lord Owen, 20/01/1994

¹²¹ Interviews with Lord Owen and Thorvald Stoltenberg

¹²² ABZ, DEU/ 05239 ICFY/Briefing Lord Owen, 20/01/1994

¹²³ ABZ, DEU/ 05238 Memorandum, Chef DEU, 24/08/1993

The continued intensification of the fighting only strengthened the position of the military officials in the negotiation process. Acceptance of the ethnic division of territory increased with the number of military representatives. By the end of 1993, Vigleik Eide, a retired Norwegian general and former Chairman of NATO's Military Committee who was assisted by a Finnish colonel and major, reported from Zagreb and an UNPROFOR liaison team in Geneva included Finnish Major Pasi Karonen and his French colleague as assistants to Australian brigadier John Wilson. So when the Contact Group was established to intervene after President Alijah Izetbegović of the Republic of Bosnia and Herzegovina had rejected the 1993 Union of Three Republics Plan, its members according to British representative David Manning agreed without much discussion that peace required an arrangement that recognised areas for the different ethnic communities.

The Contact Group was composed of the directors general of political affairs from the United States, the Russian Federation, France, the United Kingdom and Germany and their representatives Charles Redman, Vitaly Churkin, Jacques-Alain de Sedouy, David Manning and Michael Steiner. These professionals of politics came to accept the ethnic solution upon their engagement in the negotiation process. While German Director-General of Political Affairs Jürgen Chrobog had objected to recognition of the *fait accompli* of ethnic cleansing still in November 1992, he and his British colleague Pauline Neville-Jones hold that their efforts in the Contact Group were aimed at identifying areas for ethnic communities to live separated (NIOD, 2002: 479). "We had to accept facts on the ground otherwise we would not have stopped the war," Jürgen Chrobog says, echoing the military's shared association of territorial division with the codification of the geopolitical strategic realities of ethnic separation. David Manning strikingly distances himself from the division that the members of the Contact Group as such endorsed by calling it a "rather old-fashioned sort of solution". This indicates his disappointment with the negotiators' inability under the constraints of the war to attain the ideal of in statehood defined by unity and civic nationhood.

The politicians and civil servants on the Contact Group more generally dissociate from the ethnic separation codified in the 1994 Contact Group Plan by denying a role as 'formulators' in the drafting process. They considered themselves mediators of stances developed by representatives of the Bosnian Muslims, Croats and Serbs. "We were trying to find out

what might work, where the difficulties lay, [...] and see whether there were ways forward,” British representative David Manning says. For him, “[t]he whole point of the Contact Group was to make contact, that is, to find out what people felt and then to come back and report”. So just like Lord Owen and Thorvald Stoltenberg half a year earlier, they identified themselves as ‘facilitators’ of dialogue between the conflicting parties. Lord Owen had insisted on not attaching his name to the peace process, unlike in earlier negotiations for integration in the 1992 Vance-Owen Peace Plan.¹²⁴ United States representative Charles Redman then reported in May 1994 that the members of the Contact Group were “*not* prepared to define a map” and impose it on the peoples of Bosnia and Herzegovina.¹²⁵ His colleagues Pauline Neville-Jones and Jürgen Chrobog confirm that they came in without images of a settlement. They considered the representatives of the warring parties responsible for formulating it.¹²⁶ These professionals of politics as such distance themselves from the outcome they authorised, which contrasts integration in shared territory.

A combined politico-military intervention in negotiations

When negotiations finally came to the Wright-Patterson Air Force Base in Dayton on 1 November 1995, “[t]he centre of gravity was getting an agreement,” the Political Deputy to Special Envoy of the European Union to the Former Yugoslavia Carl Bildt says. At the initiative of United States National Security Advisor Anthony Lake, who spent more time with President Clinton than any other senior foreign policy official by virtue of his job, President Clinton had agreed to a major American intervention in the negotiation process (Chollet, 2005: 19). This intervention brought military officers to the front in the negotiation process. In a combined politico-military mission, representatives of the international forces became equal members in the international negotiation team after (former) politicians and civil servants had composed the Contact Group. Anthony Lake had indeed in late June asked his senior adviser on European affairs Alexander Vershbow to develop an ‘endgame’ strategy paper for levelling the military playing field, which he combined with Robert Frasure’s earlier

¹²⁴ ABZ, DEU/ 05239 ICFY/Briefing Lord Owen, 20/01/1994

¹²⁵ ABZ, DEU/ARA/05240 Former Yugoslavia, 16/05/1994

¹²⁶ A report on the Contact Group meeting in Geneva of 13 May 1994 confirms that enforcement of a territorial solution was “not an option” (ABZ, DEU/ARA/05240 Bosnia, 17/05/1994).

proposal for diplomacy with the political leaders of the warring parties (Chollet, 2005: 20; 26-27).¹²⁷

Support for this politico-military intervention in the negotiation process increased after July 1995, when the war in Bosnia and Herzegovina escalated. Bosnian Serb army units then overran two of the United Nations safe areas, Zepa and Srebrenica, and the Croats commenced offensives in the Krajina and in western Slavonia regions of the Republic of Croatia in order to reverse Serb territorial gains from the beginning of the war in Yugoslavia. "This is an extremely escalatory step," United Nations spokesman Alexander Ivanko said in the *Los Angeles Times* when Croatian forces attacked to lift the siege of Bihać on the border of Bosnia and Herzegovina. "We have an attack across an international border. We have basically three warring factions taking part in this attack ...[and] might see more factions drawn in," which could mean an escalation of the war to draw in Croatian forces that had pledged to support the Bosnian Muslims against the Serbs (Wilkinson, 1995). US President Clinton then brought the negotiation process to the United States. He agreed to the mission, saying: "We must commit to a unified Bosnia. And if we cannot get that at the bargaining table, we have to help the Bosnians on the battlefield" (Chollet, 2005: 40).

The negotiations were shaped under the lead of politicians and civil servants. The chairman was US Assistant Secretary of State for Europe and Ambassador to Germany Richard Holbrooke, who had in 1993 already volunteered to be a special envoy. Richard Holbrooke had proven to support integration in shared territory in Bosnia and Herzegovina. Just like his colleagues earlier in the negotiation process, and in line with US President Clinton's expressed commitment, he had objected to the creation of nation-states in *Foreign Affairs* in April/May 1995. "Local conflicts, internal political and economic instability, and the return of historical grievances [are] the greatest threat to peace in Europe," he wrote. With "democracy, stability, and free-market economies," states are vulnerable to the "most dangerous [problems of] territorial and ethnic disputes" (Holbrooke, 1995). Indeed, Richard Holbrooke describes in his

¹²⁷ Robert Frasure was the Principal Deputy Assistant Secretary of State for European Affairs and the United States representative to the Contact Group since July 1994. He had in this position proposed "one more roll of the diplomatic dice," aiming to negotiate with President Milošević of the Republic of Serbia as the negotiator for the Bosnian Serbs in return for sanctions relief (Chollet, 2005: 22).

memoirs *To End a War* that his goal for the negotiations in Dayton was to gain agreement for a multi-ethnic state. “We would not legitimise Serb aggression or encourage Croat annexation,” he writes in objection to a division of territory in Bosnia and Herzegovina between the three ethnic communities (Holbrooke, 1999: 232-233).

Yet representatives of the military gained authority in the development of the territorial arrangement. Principal US National Security Advisor Anthony Lake, who had objected to Richard Holbrooke’s assignment as head of the mission, set the conditions for negotiation. He did not share the politicians’ understanding of their interest to maintain the international territorial order, as realists would argue, but considered it their national interest not to get (militarily) trapped in a dispute that could easily escalate into another war (Chollet, 2005: 20). He instructed the agent negotiators that Bosnia and Herzegovina “would be composed of two highly autonomous entities (one majority-Serb and another majority-Muslim/Croat)” on the basis of the 51-49 territorial division endorsed by the members of the Contact Group (Chollet, 2005: 42-43). His talking points had been drafted by Alexander Vershbow, the Senior Director for European Affairs at the National Security Council who had proven to accommodate ethnicities in his dealing with Soviet Union affairs between 1988 and 1991 (Meyer, 2014: 6; Friedman, 1992: 1). An emphasis on separation of ethnic communities also underlay Alexander Vershbow’s ‘endgame’ strategy paper in 1995. “[W]e will need to have a heart-to-heart discussion with the [Bosnian Muslims] aimed at eliciting greater flexibility on the map, constitutional arrangements, and possibly the Bosnian Serbs’ right to secede from the Union after an initial period,” it reads.

The military’s influence in the final negotiations

The military representatives then advanced the instructions on territorial division in the negotiations. James Pardew from the US Department of Defence, Lieutenant General Wesley Clark from the US Joint Chiefs of Staff, supported by Executive Assistant Daniel Gerstein, and the Director of European Affairs at the US National Security Council Lieutenant General Donald Kerrick were members of the inter-agency negotiation team headed by Richard Holbrooke. These trained and experienced military officers, United Nations Chief Political Officer in Bosnia and Herzegovina Phillip Corwin confirms, had in negotiations a primary allegiance to military commanders. “Once a soldier, always a soldier,” he writes in

his memoirs (Corwin, 1999: 55). They indeed followed the military representing the war as intractable for its origins in ethnic differences. Daniel Gerstein describes how he considered that “it was not possible to bring these peoples together and to make them want to live together”. Just like the representatives of international armed forces in earlier rounds of negotiations, they did hence not deem reconciliation in shared territory possible. They shared the belief that the ethnic communities in Bosnia and Herzegovina were and would have to remain separated in territorial units to ensure defensibility and thus peace. “That was just the nature of the ties,” Donald Kerrick says.

The representation of the conflict as intractable was widespread in the United States military. The idea that age-old ethnic tensions underlay the war, and that the war reflected the violent history of the region, can be found for example in public statements by former Chairman of the Joint Chiefs of Staff General Colin Powell and in studies by analysts like Elihu Root Chair of Military Studies at the US Army War College William Johnsen. Johnsen found that “substantial time – perhaps decades or generations” was necessary for integration in the Balkans (Johnsen, 1995: 63). He thus found maintenance of the existing borders in Bosnia and Herzegovina inconceivable; “the price would be considerable,” he claimed (Johnsen, 1995: 63; 72). The military representatives on the negotiation team supported the essence of this policy brief. They considered the war in Bosnia and Herzegovina the result of ancient hatreds between ethnic communities, unlike the professionals of politics that had pursued integration. The (former) politicians and civil servants chaired by Lord Owen and Cyrus Vance had associated violence with power politics by the Yugoslav political leaders, while Donald Kerrick says: “They have long memories in this area”. James Pardew also found that “the resentment in Bosnia and Herzegovina was extreme”. “I do not think that you can go in and expect to change cultures,” Daniel Gerstein says capturing the same representation of the conflict, which had been foregrounded by nationalists in the war.¹²⁸

Seeing the situation thence from perspectives on the battlefield, the military representatives were inclined to reason that peace and order required a

¹²⁸ The book *Balkan Ghosts* (1993) by Robert Kaplan may have been a factor in the evaluation of the situation. Daniel Gerstein at least read it in preparation for the negotiations. Scholars of the region like Noel Malcolm (1993) criticised the book for overemphasising violence and ignoring traditions of coexistence in Bosnia and Herzegovina.

territorial delimitation of ethnic separation. Just like Major-General Graham Messervy-Whiting in the International Conference on the Former Yugoslavia, they intended to assess the positioning and capabilities of the various armed forces in order to codify their lines of confrontation in a way that discourages the use of further violence. With great reluctance in the principal US Joint Chiefs of Staff to deploy significant ground forces in Bosnia and Herzegovina for enforcement,¹²⁹ this meant that the agents needed to appease particularly the militarily capable in their demands. Lieutenant General Donald Kerrick says: “There had to be an agreement that [the Bosnian Serbs] could accept, which meant accepting a republic as part of the larger country”. The Bosnian Serbs had to be accommodated in order to get them to the negotiation table, James Pardew confirms in support of his Department of Defence’s written contribution to the ‘endgame’ strategy in July 1995 (Chollet, 2005: 39). As military officers, they thus considered enforcement of existing boundaries costly, in contrast with what neoliberal institutionalist scholars like Carter and Goemans (2011) find. They thought that this required deployment of considerable ground forces to establish a military balance; they instead sought to freeze the conflict and ensure defensibility with a standoff zone that outreached the max-effective range of a standard gun of attack.¹³⁰

Their shared association of territorial separation with defensibility refrained the army officers from comprehensively pursuing alternative territorial arrangements in the final rounds of negotiations. They took the ethnic separation in the conflict for granted and did not question that the peace accord thus needed to codify this separation in territorial units that armies could defend upon agreement. Yet several civil servants deployed in Bosnia and Herzegovina challenged the military representation of the Army of the Republika Srpska as a threat. “What I saw was an army of thugs and often drugs,” United States Ambassador to Croatia Peter Galbraith accounts. Having the benefit of permanent representation over shuttle diplomacy by the military representatives in the negotiation process, he and United Nations Chief Political Officer Phillip Corwin were convinced after visiting the frontlines that the army’s ability to counter attacks and hence to undermine a peace settlement was hugely overestimated (Corwin, 1999:

¹²⁹ Lieutenant General Wesley Clark writes in his memoirs *Waging Modern War* that he “sensed a lot of truth in what Holbrooke was saying” when Richard Holbrooke asked him during the negotiations if he understood “that there are members of the Joint Chiefs who want our effort to fail” (Clark, 2002: 65).

¹³⁰ Interview with Daniel Gerstein

127).¹³¹ At the same time, United States Special Envoy for the Bosnian Federation Daniel Serwer argues, the military representatives failed to acknowledge that the Army of the Republic of Bosnia and Herzegovina was “a military force that had been shaped by the war. [It] was a serious military force”.

On the basis of their shared conception of peace and order, however, military officers James Pardew, Donald Kerrick and Daniel Gerstein unequivocally rejected support for the Bosnian Muslims in efforts to recover lost territory in the context of the ongoing violence. Daniel Serwer describes in his memoirs being treated as a “threat to [the] broader enterprise” (Serwer, 1999: 570). After objecting to the territorial division of Bosnia and Herzegovina as an award for strategies of ethnic cleansing, he describes that both he and his colleague Peter Galbraith were excluded from the negotiation process. Territorial division of ethnic communities is “a centuries old program” that is more commonly applied than trying to “solve ethnic issues through law,” James Pardew says, as such exemplifying that his rejection of integration was based on strong beliefs about peaceful territorial change rather than pure rational choice. “The other million voices out there,” he finds, “were not in the game, so to speak”.

The military representatives were then able to insert the territorial division into the settlement for Bosnia and Herzegovina. United States Ambassador to Croatia Peter Galbraith illustrates the extent of their influence when he says that “they certainly played a big role in the instructions”. As representatives of the international forces on the ground who were trained to operate in violent disputes, they delivered their reflections on the situation and its prospects, making it known to the negotiation team members what the minimum conditions were for a territorial arrangement to be sustainable. Particularly Lieutenant General Wesley Clark and his Executive Assistant Daniel Gerstein, who were educated in analysis of geopolitical strategic elements on maps, then drew the Inter-Entity Boundary Line. “Military representatives are good at that kind of stuff,” US Under Secretary of Defence for Policy Walter Slocombe explains. “They know what a defensible line is”. They developed it in a small group

¹³¹ In his memoirs *Dubious Mandate*, Phillip Corwin describes that “[t]he common perception of [the Army of the Republika Srpska] as a ruthless and effective military machine, much like the Nazis of World War II, was hardly accurate. Ruthless, yes, but efficient and well-trained, not necessarily” (Corwin, 1999: 202).

composed of mainly military officers.¹³² Daniel Gerstein recounts: “There were probably no more than ten people in the room when we drew the border”.

Indeed, their team member representing the US Department of State Christopher Hill acknowledges that the territorial arrangement was under the circumstances of war a ‘military matter’ and “the militaries understood each other”. “We all knew the destructive power of weapons and ammunition,” military attaché to the Bosnian Muslim delegation at Dayton Selmo Cikotić confirms. Christopher Hill then mirrors practices by Lord Owen and Thorvald Stoltenberg, who discursively positioned their political principals at distance after interaction with context and negotiators with different social backgrounds. He declares that he found his colleagues in the US Department of State in Washington had strong views that were “ideology-driven” and “out of proportion to their actual knowledge,” establishing an asymmetry of knowledge and ‘grasp’ of the situation. His ideas for the territorial settlement developed in the negotiation process, he holds, attesting to a decreasing orientation on instructions from his professional field. He even used his autonomy to influence decisions by his principals; his knowledge of what was going on in the negotiation process strengthened his position “as someone who knew what [he] was talking about,” he sensed.

When the 1995 Dayton Accords were concluded, they hence codified an ethnic division of the territory of Bosnia and Herzegovina. Not professionals of politics from the European Community or the United States but military officers shaped this outcome of the international negotiation process; after territorial unity had been rejected under the lead of military officer from the Army of the Republika Srpska General Ratko Mladić, the escalation of the conflict provided the military representatives of the international forces with an opportunity to establish the need to codify the geopolitical strategic reality of ethnic separation in the negotiation process. First General-Major Graham Messervy-Whiting and then James Pardew from the US Department of Defence and Lieutenants General Donald Kerrick and Wesley Clark mastered development of the territorial solution as map experts informed about the geopolitical strategic realities of war and their implications for implementation of peace. They relied on commanders of the Bosnian Muslim, Croat and Serb armies to learn what the ‘art of the possible’ and justified codification of their

¹³² Interview with Daniel Gerstein

divisions on the basis of the military's shared conception of peace and order, although this was against the interests of many (former) politicians and civil servants who intervened to reinforce integration. It was through the military justification of defensibility that the ethnic was ultimately accepted as an outcome.

Conclusion

The division of Bosnia and Herzegovina in ethnic areas was hence the outcome of a negotiation process in which nationalism was legitimised by a need to create defensible territorial units for antagonistic communities separated in war. After armies had started to homogenise areas in contrast with the security map of the professionals of politics in Europe, who had insisted that boundary maintenance would discourage such irredentism upon Yugoslavia's dissolution, military officers gained influence to shape outcomes in negotiations. They developed authority as professionals trained to operate in violent disputes. In the context of the violence, the military representatives of the international forces then endorsed a representation of the war as intractable, being based in ancient ethnic hatreds, and they established among negotiators the need to accommodate geopolitical strategic realities of ethnic separation to prevent crises in the future. As such, they added a layer of military justification to what was essentially a nationalist outcome. With this acceptable justification for an essentially unacceptable outcome, they defined in the negotiation process that a *de facto* division of territory between the ethnic communities was the only 'feasible' or 'realistic' territorial arrangement for peace and order in Bosnia and Herzegovina.

Professionals of politics intervened regularly in the negotiation process to pursue territorial alternatives for integration. After they had insisted on boundary maintenance upon the dissolution of the Yugoslav federation, they sought to avoid a division of territory along ethnic lines in Bosnia and Herzegovina. Yet military officers were strengthened in their position by the escalation of violence and they rejected the alternatives. In fact, representation of the war as intractable and a *doxa* on the defensibility of a peace accord refrained the military representatives from comprehensively pursuing them, and they established support among the international negotiators in interaction with their political principals. Viewing the situation from the battlefield, they tended to believe as trained and

experienced military officers that integration was costly in implementation where the existing borders did not represent the situation on the ground.

The military representatives did hence not subscribe to existing boundaries as 'focal points' in the negotiations concerning Bosnia and Herzegovina, as Carter and Goemans (2011) note, and they did not regard a universal norm on boundary maintenance, as many constructivists and English School theorists argue. They rather shaped negotiations towards acceptance of ethnic division of territory. Under the constraints of an ongoing war, the outcome foregrounded by army officials fighting on the ground thus prevailed over the alternatives desired by professionals of politics. Their power developed not from tacit or explicit coercion, as for example Krasner (1999) argues, but from relations with representatives of international forces. Commanders in the conflict, who were in a powerful position to undermine peace, shared assumptions with colleagues among the international negotiators, who could insert their logic into the territorial arrangement when drafting instructions and maps for negotiation. These military representatives did not share an understanding of their national interest with the professionals of politics, as realists assume. They emphasised the risk of conflict re-escalation rather than the disruption of the international territorial order.

In order to understand how outcomes are constructed in the practice of boundary politics, it is hence important to understand where power to interpret reality lies – that is, it is necessary to consider who takes control of the negotiation process and how they are influenced by their different backgrounds. It was the interplay and sequencing between professionals of politics and the military that shaped outcomes in the Yugoslav space. Professionals of politics in Europe assumed authority to pressure boundary maintenance upon dissolution of the Yugoslav federation in order to discourage the aggressive nationalism that threatened international order. When violence escalated in Bosnia and Herzegovina in contrast with this understanding of peaceful territorial change, the military entered the negotiation process to settle disputes within these confines. They sought to codify the geopolitical strategic realities of war and as such, legitimised an internal division of territory along ethnic lines. So it was not the strength of a principle like *uti possidetis* or even the quality of existing boundaries that ensured that the borders of the republic of Bosnia and Herzegovina were left intact; specific agents with particular backgrounds managed to structure the process for these practices in boundary politics in line with their conceptions of security threats related to territories and populations.

Chapter 7

Conclusion

This dissertation takes on the widespread acceptance of boundary fixity in sovereignty change and asks how diplomatic actors manage the implications of changes in state sovereignty for international borders. I argued that we must shift the study's focus to the social space of boundary politics, historicising practices and locating them in their social structures to analyse the *social processes* and *agents* that develop outcomes.

The findings challenge a number of conventional wisdoms. Existing boundaries have no inherent value for peace and order upon territorial change. Over the course of the twentieth century, maintaining international and administrative boundaries in territorial change has been followed by domestic, regional and interstate unrest more often than drawing original borders. Adherence to the *uti possidetis* principle has thus proven considerably more volatile than most in the theory and practice of international diplomacy suggest. The historical background of this practice is similarly surprising. Boundary maintenance does not have its origins in Roman law, as is widely reported, and it has not been adhered to as a practice 'logically connected' to sovereignty change since the process of decolonisation in Latin America in the nineteenth century in line with what the judges of the International Court of Justice declared in the 1986 Burkina Faso/Mali case. Adherence to existing boundaries rather originates in the outbreak of violence in partitioned India and Palestine in the 1950s. This inspired a reintroduction of the practice in a 'channelled' African decolonisation process. The stability of boundaries there, at least in terms of large-scale interstate conflicts, strengthened the position of boundary maintenance in the practice of boundary politics. Boundary maintenance is thus related to significantly more recent events than many in both theory and practice believe.

The practice developed from the shared opinions and unquestioned beliefs that prevailed when professional state representatives gained authority

in international diplomacy. The violence following attempts to separate ethnic or religious communities peacefully in Asia and the Middle East disrupted the existing security map. It permitted professionals in diplomacy to redefine practices of boundary politics on the basis of a fear of nationalism and state dissolution. They reintroduced border fixity in the drawing of new international borders. They then enforced it with the assistance of lawyers after decolonisation in the dissolution process of the Yugoslav federation in what is best understood as a strategic move to discredit calls for territorial change that they associated with aggressive nationalism and irredentism that contrast political integration.

Yet neither territoriality nor integration is the shared stance of agents involved in boundary politics. When war broke out in Bosnia and Herzegovina following its secession from the Yugoslav federation, military officers gained influence in diplomacy as map experts informed about the geopolitical strategic realities of war and the intricacies of implementing peace. They believed that boundaries primarily needed to be defensible in implementation, which culminated in a division of the state's territory between ethnic communities as a representation of the geopolitical strategic realities of war. And throughout history, trends in armed diplomacy and intelligence operations paralleled abandonment of territoriality when boundary maintenance failed to prevent outbreaks of nationalist violence in contrast with the security map of the professionals in diplomacy. So it matters who takes control of the negotiation process and how they are influenced by their different backgrounds; territoriality may be much less fixed as a practice than is commonly assumed.

If indeed practices tend to vary with agency and groups of negotiators generally take typical stances on their development in practice, this suggests that boundary politics are shaped in a social space where people from different established fields interact for the common purpose of drafting an agreement.

The practice of boundary politics as a social space of interaction

Practices in boundary politics are constructed in negotiation processes characterised by limited autonomy. In addition to being subject to external forces of notably conflict and politics, relations are divided internally by the logics of the military and politics or diplomacy because individual

negotiators are primarily invested in these professional arenas. The negotiators' socialisation and models for action are largely structured and defined outside the negotiation process. The pathways by which agents gain authority in negotiations reveal that seniority and the degree of investment in the process are important. In the negotiations concerning Bosnia and Herzegovina, for example, knowledge of the conflict and its leading parties' strategies gave the military representatives of the international forces influence among negotiators while the configuration under the auspices of the European Community was characterised by continuity despite failure to conclude an agreement. Yet previously acquired capitals and extra-diplomatic assets remain a critical factor for influence. Negotiators tend to be drawn from high positions in their professional fields. Access to the central positions in the practice of boundary politics hence remains heavily dependent on resources of which the value is defined outside it.

And the negotiators tend to maintain their professional networks in the negotiation process; in fact, their position derives to a significant extent from these networks with their status as representatives of a professional tradition (i.e. a representative of a state or international organisation or the armed forces on the ground). This means that they not only report back to their represented institutions, but they remain oriented on the professional fields to which they return after their assignment in the negotiation process. The negotiations are not an endpoint for its participants; participation is often a detour in their professional careers or a passage to another job at home. In Bosnia and Herzegovina, many representatives of the warring parties stayed in power upon conflict resolution. And for chairmen of international negotiations like José Cutileiro or Richard Holbrooke, their positions were an assignment in employment by national civil services, while Lord Owen continued public life as a member of the Carnegie Commission on Preventing Deadly Conflict after he resigned. Acceptability of outcomes at home thus remains the focus of many professionals of politics, whether it concerns constituencies or colleagues in international diplomacy, while representatives of the armies are rather inclined to focus on the conditions under which their forces are left to implement an agreement.

Negotiators in fact tend to develop and maintain relations with their colleagues in the negotiation process. Sharing an understanding of what is necessary for an arrangement to be workable or stable in terms of codifying the relationship between 'territories' and 'nations', they relate as agents with

a similar professional background across national and cultural bounds. On arrangements for conflict management in the Yugoslav federation and Bosnia and Herzegovina, politicians indeed structured negotiations to exclude others. They secured control over discussions particularly related to issues of political power distribution and the movement and protection of minorities, labouring to reinforce integration through civic nationhood and shared territory. To the same effect of excluding alternatives from their deliberations, military representatives of the international forces relied on army officials to provide them information for producing the territorial arrangement. "We could talk the same language," Major-General Graham Messervy-Whiting says, confirming the military-to-military association in practice. As such, the different groups of negotiators tended to be affirmed rather than confronted in their prevailing conceptions of reality.

So in many ways, the international negotiation processes in which new borders are drawn are crossroads of different interests. And it is exactly this characteristic of the negotiations that accounts for outcomes in boundary politics that are contradictory in nature – that is, the weak connection between groups of negotiators helps to explain why territorial arrangements may vary at instance between opposites of border fixity or territoriality and ethnic division. The practice of boundary politics has no settled end goal and negotiation processes are not undisputedly dominated by agents from any particular profession, so agents in strategically important positions are critical forces driving the importation, legitimation and enactment of their logics. They advance their ideas in the process of negotiations, convincing negotiators from other professional fields, and as such help to make outcomes in line with their commonplaces meaningful in boundary politics.

The limited cohesion of negotiators is not a sign of imperfection or incompleteness in the practice of boundary politics; the findings in this dissertation reveal that it is a hallmark of the standard mode of operation in this practice. Throughout history, outcomes have been distributed across different logics in line with trends of professionalisation and popularisation or militarisation in international diplomacy. Under the contemporary institutionalisation of the practice of boundary maintenance, professionals of politics tend to assume authority to provide instructions on the basis of what they consider acceptable for international peace and order. Yet an outbreak of violence that contradicts this security map, as with the outbreak of nationalist war in Bosnia and Herzegovina after the republic's

boundaries were maintained in line with the *uti possidetis* principle in 1991, generates opportunities for army officials to gain recognition of their expertise and thus influence. This violence discredits existing beliefs about peaceful territorial change and foregrounds militaries in negotiations concerning the situations of armed dispute in which they are trained to work.

It is hence important to know where power lies in the practice of boundary politics to understand outcomes. One needs to learn who takes control of the negotiation process and how these negotiators are influenced by their backgrounds. Yet barriers exist for 'outsiders' to analyse negotiation processes. Exactly the interior structures and their influence on specific elements of the outcomes are covered by what Bourdieu (1977: 79) calls 'genesis amnesia', which literally means the forgetting of conditions and reasons for their origin. I find that negotiators share mystification of the terms of their appointment as well as the historical conditions and social relations by which critical decisions were taken. Not only the introduction of a territorial division in Bosnia and Herzegovina for example remains unspoken, also the setting in which 49 per cent of the territory was assigned to the Republika Srpska is guarded. According to chairman of the International Conference on the Former Yugoslavia Thorvald Stoltenberg, "[i]t came from the skies". "Whenever we talked about the future of this area, we talked about a 51-49 partition," he says, capturing the amnesia of its origins.

The genesis amnesia obstructs scrutiny of origins and their underlying power relations and thus induces acceptance of the outcome as a *fait accompli*. It produces twofold arbitrariness concerning the process of international negotiations, i.e. recognition of the negotiators as legitimate representatives of a community and recognition of the legitimacy of the outcome that it offers. This legitimacy is underscored by a taboo on disagreement. Its manifestation depends on the negotiators' subscription to a notion of harmony among negotiators within different delegations. Discussion on individual negotiators' separate opinions opens roads for examination of outcomes on the basis of their objections. Negotiators thus tend to emphasise unanimity in the process. "We had no major internal differences of perception on the issue," Major-General Graham Messervy-Whiting says about negotiators with whom he did not share principles for the territorial arrangement of Bosnia and Herzegovina. And despite his personal objections, José Cutileiro stresses: "We, on the side of the

negotiators, were in good faith”. By this means, negotiators obstruct intervention in the process and reinforce for themselves and others that outcomes were pursued independent of social origins.

In the remainder of this concluding chapter, I assess the findings of this dissertation by considering the theoretical and policy implications that emerge from the analysis. I then discuss questions raised here that open avenues for future research and finally consider the normative implications of my conclusion that practices in boundary politics are constructed on the basis of negotiators’ conceptions of peace and order, raising the issue whether the practice of boundary maintenance should be altered or maintained today.

Implications for theory and practice

This dissertation generates the conclusion that the implications of sovereignty change are managed on the basis of shared opinions and unquestioned beliefs instilled in (groups of) negotiators who gain influence in boundary politics. This conclusion speaks to the need for an inclusive ontological framework addressing both agents and context. It suggests that practices, and particularly changes in practices, have to be explained in light of both challenges and opportunities in the context of a territorial dispute and the preferences and habits of the agents involved in international negotiations.

In the academic debate on boundary politics, we see the limits of focusing on structural factors, assuming negotiators to be neutral actors, to explain outcomes. The argument is that borders are drawn in accordance with strategic interests of the materially capable (e.g. Coggins, 2011), or on the basis of border fixity as a shared interests (e.g. Zacher, 2001; Carter and Goemans, 2011; Prorok and Huth, forthcoming) or an international norm (e.g. Jackson, 1990; Fabry, 2005). The genealogy however shows a durability of practices in boundary politics that incompatible with the realist premise that principles and established practices such as boundary maintenance are abandoned whenever it pleases the powerful in their national interest. At the same time, it is wrong to consider the practice of boundary maintenance without variations over time and space from a liberal institutionalist or constructivist and English School perspective. The sociological analysis of the international negotiation process in which

borders were drawn for the dissolution of the Yugoslav federation and the internal territorial division of Bosnia and Herzegovina shows that actors engage actively to foreground varying practices, which is in contrast with structure-oriented explanations of practices in boundary politics.

Evidence furthermore shows that the causal mechanisms in boundary politics are different. The in-depth sociological analysis suggests that not necessarily representatives of the materially capable states shape outcomes, nor that negotiators are necessarily compelled by its logic. The decision to maintain the administrative boundaries upon Yugoslavia's dissolution remained disputed by President Milošević as a representative of the republic of Serbia, which contrasts the theoretical notion that negotiators considered it in their interests or in accordance with prevailing norms to accept them. And in the subsequent negotiations concerning Bosnia and Herzegovina, military representatives of the international forces were the key agents that introduced and legitimised a territorial division along ethnic lines. They generally considered it in their national interest to prevent re-escalation of war with their involvement, while politicians more often thought about their interest in terms of maintaining the international territorial order. Territorial division was indeed against the expressed interest of politicians from powerful states. In fact, the politicians that intervened in this process, like for example Cyrus Vance and Lord Owen did under a mandate from the joined United Nations and European Community, failed to conclude outcomes in line with territoriality and civic nationhood.

By focusing on structure or context, theorists in International Relations hence arrive at an unsatisfactory explanation of outcomes in boundary politics; I find that the influence of context is in practice mediated by the agents involved in international negotiation processes, who import it and interpret the effects for peace and order. Scholars in mediation studies emphasise agency in negotiation processes. They have come a long way in identifying specific traits (e.g. Walter, 1997; Kleiboer, 2002; Svensson, 2007) and behaviours (e.g. Kressel, 1972; Touval and Zartman, 1985) that influence the work of negotiators. But they follow theorists in International Relations in treating agents as interchangeable when they describe them as direct representatives of the state or as actors using rational strategies to influence the negotiation process. My findings show, however, that preferences and habits are rooted in negotiators' various social backgrounds, which are activated in the specific contexts of war and international negotiation in the practice of boundary politics. In the past as

well as in the recent negotiation process concerning Yugoslavia and Bosnia and Herzegovina, variation in the socialisations of negotiators generally introduced variation in the territorial arrangements. These variations are black boxed particularly when negotiators are approached as collectives, like 'the mediators' and 'the disputants', 'the international community' or 'the United States' and 'the separatists', or even as communities under a chairman in for example 'Richard Holbrooke's team'.

What we are missing regardless of whether negotiators are considered neutral or influenced by cultural or professional backgrounds (e.g. Salacuse, 1998; Banai, 2013; Neumann, 2002; 2005; 2007) is an understanding of how specific negotiators interact to shape the outlook of the peace settlement – that is, we lack the agents and social processes through which they gain control in the negotiations. My argument is therefore based on how (groups of) negotiators interact to produce the knowledge that underlies outcomes in boundary politics. I find that (groups of) negotiators' ability to shape outcomes depends on the recognition of their authority in practice; it is socially established in the context of specific negotiations rather than predetermined for example for politicians or representatives of 'great power' states or institutions.

Scholars such as Hawkins et al. (2006) and Pollack (2003; 2007) give a meaningful account of how negotiators manage constraints by mandates to establish their stances in practice, but they do not provide how negotiators formulate preferences in discord with their principals and move in practice to establish themselves as authorities on the negotiated outcome. Indeed, my findings show that principals seek to reduce agent slack by selecting agents who share their preferences. But negotiators are in practice open to influences from context or (groups of) negotiators with different social backgrounds. Negotiators with different backgrounds tend to establish different systems of beliefs about peace and order. And while negotiators assume authority on the basis of previous practices, events that contradict the existing system of beliefs provide opportunities for other sets of negotiators to gain influence and introduce their ideas about peaceful territorial change. They can then move in interactions within and across fields to strengthen their position, specialising on specific discussions to create an asymmetry of knowledge or 'grasp' and 'appreciation' of the situation that increases their authority in practice. As such, the negotiators may construct practices in boundary politics, blurring the hierarchy between principal and agent.

This means in practice that partiality is not necessarily strategic choice, as for example Maoz and Terris (2006), Rauchhaus (2006) and Kydd (2003) debate, but may be an unconscious outcome of structure influencing agency through social backgrounds. If we take this logic to the present-day practice of boundary politics, it suggests that the international negotiations concerning Ukraine of February 2015 are unlikely to result in a recognised secession of the eastern part of the state. Professionals of politics Chancellor Angela Merkel from Germany and President François Hollande from France took the lead in these negotiations, ensuring that international borders would be maintained. “If we give up this principle of territorial integrity of countries, then we will not be able to maintain the peaceful order of Europe,” Angela Merkel attested when she stood besides President of the United States Barack Obama on the 9th of February (Sabin and Gander, 2015). She thus confirms in the practice of boundary politics the existing belief by professionals of politics in territoriality and civic nationhood, which is grounded in a widespread fear for disturbance of international order by nationalism and state dissolution.

We face many crises in the world today that emerged as a consequence of upholding this belief. The most recent secessions of the Republic of South Sudan, which gained recognised statehood within the borders of the ten southern states of Sudan in 2011, and Kosovo three years earlier were followed by unrest. The former provincial boundaries of Kosovo have left minorities unsatisfied and uncertain about their status in the new state, while maintenance of the poorly demarcated 1/1/56 boundary to separate South Sudan and Sudan has kept many fighting for authority within and between the states. This unrest is unsurprising in light of my findings, which suggest that adherence to the *uti possidetis* principle may be more volatile for domestic, regional and international relations than renegotiating existing boundaries. And if maintenance of the international borders of Ukraine leaves internal boundaries to be drawn by the militaries, we may be creating another trouble spot. We may see another cycle of war or a territorial arrangement mirroring the one codified in the 1995 Dayton Accords for Bosnia and Herzegovina, which internationally confirms the existence of the state but internally divides its territory between ethnic communities.

So what needs to be done in international negotiations concerning a territorial arrangement? For one, we need to be mindful of who we send, invite and meet at the negotiation table as representatives. Practices in

boundary politics heavily depend on the specific (group of) negotiators entitled to speak in the name of a party. In order to reach comprehensive agreement, negotiators then need to invest in a deep understanding of the different partners' needs, trade-offs and uncertainties and do justice to their different perspectives. Diversity may under these circumstances offer new routes for resolution of the conflict. Negotiators with different backgrounds can break an impasse by bringing alternatives into an ongoing negotiation process.

Future research

This dissertation's contributions to theory and practice in challenging the conventional wisdom about boundary maintenance and the role of negotiators in establishing practices in contemporary boundary politics raises further questions and issues. First, it would be interesting to study the genesis of negotiation processes. The current analysis is restricted to negotiators and their interactions in the process, but how were negotiators selected for interaction in the process? What were the criteria for their appointment? Were their social backgrounds and experiences at all relevant for participation? And perhaps even more importantly, who defined the criteria for selection and what were their interests? This information remains hidden if at all present in archives on the negotiations for Yugoslavia and Bosnia and Herzegovina while negotiators themselves tend to mystify the conditions of their appointment. Input remains limited to current occupational positions – that is, negotiators announce that they were 'available' or 'in the neighbourhood' to explain their roles in international negotiations. Analysis of selection procedures drawing on the sociological approaches to 'professionals of (in)security' as well as other transnational networks would be an interesting avenue for research (e.g. Bigo, 2002; 2006; Kauppi and Madsen, 2013).

Related to this research on the selection of negotiators, additional research may be conducted on the social constitution of negotiation teams throughout history. I find that shifts in the practice of boundary politics follow trends of professionalisation and popularisation or militarisation in international diplomacy, yet the in-depth sociological analysis in this dissertation is restricted to the international negotiation process in which borders were drawn for the dissolution of the Yugoslav federation and the internal division of Bosnia and Herzegovina. A similar detailed analysis of

negotiation processes at critical moments of transformation in discourses and practices can provide insight in how different (groups of) negotiators introduced and legitimised their logics to set durable practices in boundary politics.

Second, scholarship could develop on the reasons for disorder following boundary maintenance in practice. I have proven adherence to existing boundaries to be more volatile than drawing original borders, yet an element that has been willingly left out of the analysis in this dissertation is what constitutes a stable border. It would be interesting to examine the territorial adjustments that contribute to future domestic, regional and/or interstate peace. Do territorial changes need to address communities' patterns of settlement to lower the risk of war, or do modifications rather need to address the defensibility of geographies? Are international borders that follow lines of communication and trade stable, or do existing boundaries need to be adjusted where there are oilfields and mines? Examination of the effects of specific territorial adjustments is difficult; it requires analysis of the totality of territory exchanged and the source of their contestation, which is often multidimensional. How would we separate for example language barriers from other cultural aspects and what would make an oil field a strategic rather than an economic interest? Analysis of contested areas with geographical information system (GIS) software to map the sources of dispute would however provide a fruitful start for this research.

The study of International Relations on discarded practices may finally build on the framework that this dissertation creates for this new focus. It is inherently difficult to study events that contradict common or institutionalised practices in international politics. I have addressed border adjustment here by considering practices in boundary politics over a long timespan and including internal as well as international borders for the test of observable implications drawn from my own sociological and existing alternative explanations. This framework may however be further developed for the general problem of studying discarded practices in international relations.

Conclusion

I began this dissertation by noting the practical and moral nature of the dilemma whether to draw the map in accordance with lines already sketched or to take into consideration altered realities on the ground. Conventional wisdoms on the territorial order reinforcing effects of the *uti possidetis* principle or the origins of practices in the earliest processes of international territorial change in nineteenth century Latin America serve to legitimise adherence of existing boundaries. They represent events in such a way that they support the contemporary institutionalisation of the *uti possidetis* principle. My findings however reveal an alternative story; boundary maintenance is in fact the outcome of a history and context of mixed practices and it may negatively impact the domestic, regional and interstate order. Still practices in boundary politics are constructed on the basis of such wisdoms captured in specific negotiators' conceptions of peace and order. Professionals of politics particularly tend to support adherence to the *uti possidetis* principle to secure international order and prevent the creation of nation-states in contrast with integration.

This casts doubt on the maintenance of existing boundaries in practice. But does it mean that boundaries should be redrawn to accommodate the complex reality of overlapping or absent effective authorities, divided and moving populations, and diverging accounts of history and historical rights to territory? Do peoples have a right to attempt to establish a new state, as Birch (1984) and Buchanan (2004) for example argue, and do they then have a right to be recognised as having a state delimiting their own territorial space? Beran (1998) sketches a normative theory for political borders, which means that borders represent the wishes of groups of people that express to be united in statehood. And history reveals practices to establish international borders by means of plebiscites, population statistics, and thematic maps. Should negotiators involved in boundary politics take this direction, perhaps sometimes permitting borders to be drawn in violation of the *uti possidetis* principle?

The challenge in the future will be to deal with territorial disputes without encouraging aggression to create alternative boundaries. Dutch diplomat Peter van Walsum proposed before the outbreak of violence in the Yugoslav federation to create states where specific ethnic communities rule. He argues in his memoirs that although borders do then not delimit states based on the principle of equality, the positions and entitlements of

all citizens in for example political participation are clearly defined in such states – that is, they are “states where everyone knows where he stands” (Van Walsum, 2001: 77-78). But accommodating nations is particularly problematic after the event of war, because nations are socially constructed and aggressors can create nations and their homogeneity with violence and the framing of that violence. But should we not strive for practices that ensure local acceptance of boundaries without opening the door to nationalists and armies?

The normative questions surrounding practices in boundary politics are undeniable and may remain unresolved for some time. For the most part, I have in this dissertation addressed a narrower question: how do negotiators manage the implications of sovereignty change for international borders? I have argued that we have to emphasise both the *agents* and the *social processes* through which they establish stances on managing territorial disputes in order to understand outcomes in boundary politics. My argument upsets basic notions in International Relations theory about the reason or ‘sense’ in social reality and limits assumptions about power and actor neutrality and thus interchangeability in mediation studies. It generates conclusions for contemporary practices shaping the world map. Indeed, this first step towards understanding the practice of boundary politics should serve as a reminder that no principle that fixes peoples’ futures should be guaranteed a place in practice.

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Appendices

Table 2.4: Outcomes ten years after state independence in the twentieth century

State	Year	Existing boundaries	Separatism	Interstate dispute	Civil war
Cuba	1902	x		x	
Panama	1903	x			
Norway	1905	x		x	
Bulgaria	1908	x		x	
Albania	1912	x		x	
Najd	1914	x			
Qatar	1915	x			
Finland	1917			x	x
Poland	1918			x	x
Czech Republic	1918	x		x	
Estonia	1918			x	x
Latvia	1918			x	x
Lithuania	1918			x	x
Ukraine	1918	x		x	x
Armenia	1918	x		x	x
Georgia	1918			x	x
Azerbaijan	1918	x		x	x
Yemen Arab Republic	1918	x			
Danzig	1919				
Hungary	1919	x		x	x
Canada	1920	x			
Newfoundland	1920	x			
South Africa	1920	x			
Hijaz	1920	x			
Australia	1920	x			
New Zealand	1920	x			
Mongolia	1921	x			x
Ireland	1922	x			
Egypt	1922	x			
Iraq	1932			x	

State	Year	Existing boundaries	Separatism	Interstate dispute	Civil war
Slovenia	1939	x			
Ethiopia	1941	x		x	
Czechoslovakia	1945	x	x	x	
Albania	1945	x		x	
Syria	1946	x		x	
Lebanon	1946	x		x	
Jordan	1946	x		x	
Philippines	1946	x	x	x	x
India	1947		x	x	
Pakistan	1947		x	x	
Israel	1948			x	
North Korea	1948	x	x	x	
South Korea	1948	x		x	
Myanmar	1948	x	x	x	x
Sri Lanka	1948	x	x		
Taiwan	1949	x	x	x	x
Bhutan	1949		x	x	
Indonesia	1949	x	x	x	x
Libya	1951	x			
Japan	1952	x	x	x	
Cambodia	1953	x	x	x	
Laos	1953	x	x	x	x
East Germany	1954	x		x	
Vietnam	1954		x	x	
Republic of Vietnam	1954		x	x	x
Morocco	1956	x		x	
Tunisia	1956	x	x	x	
Sudan	1956	x	x	x	x
Ghana	1957	x		x	
Malaysia	1957	x	x	x	

State	Year	Existing boundaries	Separatism	Interstate dispute	Civil war
Guinea	1958	x		x	
Cyprus	1960	x	x	x	
Mali	1960	x	x	x	
Senegal	1960	x	x	x	
Benin	1960	x	x	x	
Mauritania	1960	x		x	
Niger	1960	x	x	x	
Ivory Coast	1960	x		x	
Burkina Faso	1960	x	x		
Togo	1960	x	x	x	
Cameroon	1960	x	x		
Nigeria	1960	x			x
Gabon	1960	x	x	x	
Central African Republic	1960	x	x	x	
Chad	1960	x	x	x	x
Congo	1960	x	x	x	
Dem. Republic of Congo	1960	x		x	x
Somalia	1960	x	x	x	
Madagascar	1960	x		x	
Sierra Leone	1961	x			
Tanzania	1961	x		x	
Syria	1961	x	x	x	x
Kuwait	1961	x		x	
Jamaica	1962	x			
Trinidad and Tobago	1962	x			
Uganda	1962	x		x	x
Burundi	1962	x		x	x
Rwanda	1962	x	x	x	x
Algeria	1962	x	x	x	x
Kenya	1963	x	x	x	
Zanzibar	1963	x			
Zambia	1964	x		x	

State	Year	Existing boundaries	Separatism	Interstate dispute	Civil war
Malawi	1964				
Gambia	1965	x		x	
Guyana	1966	x		x	
Lesotho	1966	x	x		
Botswana	1966	x	x	x	
Yemen People's Rep.	1967	x	x	x	
Eq. Guinea	1968	x		x	
Swaziland	1968	x			
Mauritius	1968	x			
Fiji	1970	x			
Qatar	1971	x	x		
Bangladesh	1971		x	x	x
Guinea-Bissau	1974	x	x		
Cape Verde	1975	x	x		
Angola	1975	x		x	x
Mozambique	1975	x		x	x
Comoros	1975				
Papua New Guinea	1975	x	x	x	
Djibouti	1977	x		x	
Solomon Islands	1978	x	x		
Zimbabwe	1980	x		x	x
Namibia	1990	x		x	
Georgia	1991	x	x	x	x
Croatia	1991	x	x	x	x
Slovenia	1991	x	x	x	x
Moldova	1991	x	x	x	x
Belarus	1991	x	x	x	x
Azerbaijan	1991	x	x	x	x
Kyrgyzstan	1991	x	x	x	x
Uzbekistan	1991	x	x	x	x
Estonia	1991	x	x	x	x
Latvia	1991	x	x	x	x

State	Year	Existing boundaries	Separatism	Interstate dispute	Civil war
Lithuania	1991	x	x	x	x
Armenia	1991	x	x	x	x
Tajikistan	1991	x	x	x	x
Turkmenistan	1991	x	x	x	x
Ukraine	1991	x	x	x	x
Kazakhstan	1991	x	x	x	x
Bosnia	1992	x	x	x	x
Macedonia	1993	x	x	x	
Czech Republic	1993	x		x	
Slovenia	1993	x		x	
Eritrea	1993	x	x	x	

Table 3.1: List of interviewees

Name	Occupational position during negotiations
Boyle, Francis A.	Legal adviser to Alija Izetbegović, the President of the Republic of Bosnia and Herzegovina, 1992-4; General Agent for Bosnia and Herzegovina with Extraordinary and Plenipotentiary Powers before the International Court of Justice 1993-4
Brade, Jeremy	Monitor in the European Community Monitoring Mission for Bosnia 1992; Representative of Lord Carrington, the Chairman of the European Community Peace Conference on Yugoslavia, in Bosnia and Herzegovina 1992; Representative of Lord Owen, the Co-Chairman of the International Conference on the Former Yugoslavia, in Bosnia and Herzegovina 1992-4
Četković Duško	Colonel in the Army of the Republika Srpska (VRS) 1992-5
Chrobog, Jürgen	Director and Chief of Staff at the Foreign Office of Germany 1984-91; Political Director at the Foreign Office of Germany 1991-5
Cikotić, Selmo	Commander in the 3 rd Corps of the Army of Bosnia and Herzegovina 1993; Military attaché at the Embassy of Bosnia and Herzegovina to the United States 1994-7
Crnobrnja, Mihailo	Ambassador of the Federal Republic of Yugoslavia to the European Community 1989-92
Cutileiro, José	Deputy to Lord Carrington, the Chairman of the European Community Peace Conference on Yugoslavia, 1992
Divjak, Jovan	Deputy Commander of the Territorial Defence forces of Bosnia and Herzegovina 1992; Deputy Commander of the Headquarters of the Army of Bosnia and Herzegovina 1993-7
Doyle, Colm	Head of the European Community Monitoring Mission for Bosnia 1991-2; Representative of Lord Carrington, the Chairman of the European Community Peace Conference on Yugoslavia, in Bosnia and Herzegovina 1992
Eckhard, Frederic	Spokesman for the United Nations Protection Force in Sarajevo 1992; Spokesman for Lord Owen and Cyrus Vance, the Co-Chairmen of the International Conference for the Former Yugoslavia, 1992-3
Ellemann-Jensen, Uffe	Foreign Minister of Denmark, 1982-93
Feith, Douglas	Legal and military adviser to Alija Izetbegović, the President of the Republic of Bosnia and Herzegovina, 1995

Galbraith, Peter	Ambassador of the United States to Croatia 1993-8
Gallucci, Robert	Ambassador at Large at the Department of State of the United States 1994-8
Gerstein, Daniel	Executive Assistant to General Wesley Clark, the Director for Strategic Plans and Policy (J5) at the Joint Chiefs of Staff of the United States, 1994-6
Granić, Mate	Foreign Minister of Croatia 1993-2000
Hadžiomerađić, Amir	Deputy to Hasan Muratović, the President of the Committee for the Relations with the United Nations in the Republic of Bosnia and Herzegovina, 1992-6
Hill, Christopher	Deputy to Richard Holbrooke, the principal negotiator of the Dayton Accords, 1995
Hoh, Christopher	Desk Officer for the Balkans at the Department of State of the United States, 1994-6
Jovanović, Vladislav	Former Foreign Minister of Federal Republic of Yugoslavia (Serbia and Montenegro) 1992; Foreign Minister of Serbia and Montenegro 1993-5
Kerrick, Don	Director of European Affairs at the National Security Council of the United States 1994-5
Kröner, Christiaan	Deputy Director General Political Affairs at the Ministry of Foreign Affairs of the Netherlands 1990-3
Lewis, Richard	Representative of the European Commission to the European Community Peace Conference on Yugoslavia 1991-2
Liakhov, Andrey	Consultant-Expert to the Arbitration Commission of the International Conference on Yugoslavia (Badinter Commission) 1991-4
Lukić, Vladimir	Prime Minister of the Republic of Srpska 1993-4; Map adviser to Radovan Karadžić, the President of the Republic of Srpska, 1994-5
Manning, David	Representative of the United Kingdom to the International Conference on the Former Yugoslavia 1994
Messervy-Whiting, Graham	Military adviser to Lord Owen, the Co-Chairman of the International Conference on the Former Yugoslavia 1992-3
Muratović, Hasan	President of the Committee for the Relations with the United Nations in the Republic of Bosnia and Herzegovina 1992-6
Murphy, Colum	Deputy Head of Political Affairs of the United Nations in Bosnia and Herzegovina 1994-5
Neville-Jones, Pauline	Political Director at the Foreign and Commonwealth Office 1994-6

Owen, David	Co-Chairman of the International Conference on the Former Yugoslavia 1992-5
Pardew, James	Senior Executive Service and Chief of the Balkan Force in the Office of the Under Secretary of Defense for Policy at the Department of Defense of the United States 1995-6
Pellet, Alain	Consultant-Expert to the Arbitration Commission of the International Conference on Yugoslavia (Badinter Commission) 1991-3
Raguž, Vitomir Miles	Special Adviser to the Permanent Representative of Bosnia and Herzegovina to the United Nations and staff member of the Bosnian Croat delegation, 1992-8
Roberts, Ivor	Chargé d'Affaires and Consul-General of the United Kingdom to the Federal Republic of Yugoslavia (Serbia and Montenegro) 1994; Ambassador of the United Kingdom to the Federal Republic of Yugoslavia (Serbia and Montenegro) 1994-7
Sabrihafizović, Džemil	Legal adviser to the Government of the Republic of Bosnia and Herzegovina 1989-92; Legal adviser to Haris Silajdžić, the Prime Minister of the Republic of Bosnia and Herzegovina, 1993-6
Sacirbey, Muhamed	Permanent Representative of Bosnia and Herzegovina to the United Nations 1992-5; General Agent for Bosnia and Herzegovina with Extraordinary and Plenipotentiary Powers before the International Court of Justice 1993-2001; Foreign Minister of the Republic of Bosnia and Herzegovina 1995
Sadović, Bakir	Clerk in the Intelligence Agency of the Republic of Bosnia and Herzegovina 1991-4; Private Secretary of Alija Izetbegovic, the President of the Republic of Bosnia and Herzegovina, 1994-5
Sell, Louis	Political Deputy to Carl Bildt, the Special Envoy of the European Union to the Former Yugoslavia, 1995-6
Serwer, Daniel	Minister-Counsellor at the Department of State of the United States, serving as special envoy and coordinator for the Bosnian Federation, 1994-6
Shattuck, John	Assistant Secretary of State for Democracy, Human Rights and Labour at the Department of State of the United States 1993-8
Simonović, Ivan	Assistant Minister of Foreign Affairs in charge of Multilateral Affairs in the Ministry of Foreign Affairs of Croatia 1994-5
Sizeland, Paul	Private Secretary of Lord Carrington, the Chairman of the European Community Peace Conference on Yugoslavia, 1991-2

Slocombe, Walter	Under Secretary of Defence for Policy in the Department of Defence of the United States from 1994-2001
Spirou, Chris	Special adviser to the Slobodan Milosevic, the President of the Federal Republic of Yugoslavia (Serbia and Montenegro), 1994-5
Stanišić, Maksim	President of the Sarajevo Executive Committee (the executive organ of the city council) for the Serb Democratic Party (SDS) 1990-5
Stoltenberg, Thorvald	Co-Chairman of the International Conference on the Former Yugoslavia 1993-5
Tadeu Soares, José	Secretary of the European Community Peace Conference on Yugoslavia 1992
Van Walsum, Peter	Director-General for Political Affairs at the Ministry of Foreign Affairs of the Netherlands, 1989-1993
Vollebregt, Jola	Secretary of the European Community Peace Conference on Yugoslavia 1991-2
Wynaendts, Henry	Special Envoy from the European Community to Yugoslavia 1991-2
Yee, Hoyt	Special Assistant to Charles Redman, the Special Envoy of the United States for the Former Yugoslavia, 1993-4

Nederlandse samenvatting

Hoe worden grenzen bepaald? Of beter gezegd, hoe komen onderhandelaars bij een afscheiding of annexatie tot het besluit om bestaande grenzen te behouden, of juist om bezette gebieden te begrenzen? In de huidige internationale diplomatie is het regel om landsgrenzen te bepalen volgens het *uti possidetis* principe. Het *uti possidetis* principe voorschrijft dat de bestaande internationale en administratieve grenzen als uitgangspunt dienen voor nieuwe internationale grenzen, zoals die recentelijk getrokken zijn in Kosovo en Zuid Soedan. Het *uti possidetis* principe onderschrijft het principe van territoriale stabiliteit in internationaal recht. Maar het legt een nieuwe context van sociale en politieke verhoudingen vast zonder inachtneming van factoren zoals etniciteit of religie en vaak in tegenspraak met geografische en economische patronen. In alle recente gevallen van secessie en annexatie heeft dit geleid tot onrecht en instabiliteit. Veel minderheden zijn onzeker of ontevreden over hun status binnen de grenzen van Kosovo en de begrenzing van Soedan en Zuid Soedan is van beide zijden bevochten. Elders, of het nu in Transnistrië is of in Nagorno-Karabakh, zorgt het behoud van grenzen ervoor dat gemeenschappen geen externe zelfbeschikking hebben, omdat zij geen aanspraak maken op een gebied binnen bestaande administratieve grenzen.

In het tweede hoofdstuk van dit proefschrift staat dan ook de vraag centraal of grensbehoud bijdraagt aan vrede en veiligheid. Onder academici en onderhandelaars is het idee wijdverspreid dat behoud van bestaande grenzen volgens het *uti possidetis* principe het risico beperkt op verspreiding van separatisme in de regio, internationaal conflict en onrust in de getroffen staten. Grootschalige kwantitatieve analyse van gebeurtenissen volgend op veranderingen van soevereine macht in de twintigste eeuw wijst echter uit dat deze aanname niet gewaarborgd is. Het tegenovergestelde blijkt waar. Na een grenswijziging ontstonden in de twintigste eeuw juist minder vaak internationale, regionale en interne conflicten dan in situaties waarin de grenzen werden behouden. Dit roept vragen op over de redenen van onderhandelaars om het *uti possidetis* principe te volgen.

Mijn stelling is dat grenzen in internationale onderhandelingen worden bepaald op basis van de gedeelde meningen en nauwelijks betwiste overtuigingen van de (groepen) onderhandelaars die invloed krijgen in grenspolitiek. In het derde hoofdstuk beschrijf ik internationale onderhandelingen als sociale ruimtes waar mensen met verschillende sociale en professionele achtergronden samenkomen. Zij verschillen in hun opvattingen over 'land' en 'natie', en de relatie daartussen, bij het bepalen van een grens. Ik beargumenteer dat de relatieve invloed van deze opvattingen bepaald wordt door de strijd voor erkenning van expertise tussen de onderhandelaars. Iemands positie in deze strijd wordt in eerste instantie grotendeels bepaald door de hiërarchie van vertegenwoordigde instituties, maar onderhandelaars bewegen strategisch in internationale onderhandelingen om hun positie ten opzichte van anderen te behouden of verbeteren. Zij proberen discussies over staat en natie te beheersen waardoor het voor anderen steeds moeilijker wordt om hun standpunten te bestrijden. Dit betekent dat grensbehoud, net als grenswijziging, de uitkomst is van interactie tussen verschillende ideeën die een (groep) onderhandelaar(s) vestigt als de 'haalbare' of zelfs de enige 'realistische' grensbepaling in de context van de onderhandelingen.

De analyse van *actoren* en de *sociale processen* die ten grondslag liggen aan hoe zij grenzen bepalen op basis van hun overtuigingen of *doxa* stoelt in de eerste plaats op Pierre Bourdieu's 'theorie van de praktijk' (Bourdieu, 1977). Deze theorie is in de studie van internationale betrekkingen gebracht door auteurs zoals Kauppi (2003; 2010), Bigo (2005; 2006; 2011), Kauppi en Erkkilä (2011) en Madsen (2007; 2011). Mijn onderzoek richt zich op ontwikkeling van de theorie voor ontmoetingen tussen mensen met verschillende achtergronden, in navolging van academici zoals Dezalay en Garth (2002), Vauchez (2008) en Kauppi en Madsen (2013).

Dit levert bevindingen op die in tegenspraak zijn met conclusies in bestaande theorieën over internationale betrekkingen waarin academici grenzen zien als bepaald onder dwang (bijv. Krasner, 1999; Coggins, 2011), eigenbelang (bijv. Zacher, 2001; Carter en Goemans, 2011) of legitimiteit (bijv. Fabry, 2010). Vanuit het beginsel dat principes worden losgelaten zodra het de machten dient, kunnen realisten niet verklaren dat het *uti possidetis* principe wijdverspreid is. Zelfs als dit empirisch te onderbouwen zou zijn, is dit beginsel nog een ontkenning van de veelzijdigheid van macht. Het ontkent de invloed van degenen die de vrede moeten verdedigen na internationale onderhandelingen zoals

militairen en politieke vertegenwoordigers van de strijdende partijen. Bovendien, als nationaal belang inderdaad doorslaggevend was, zouden onderhandelaars van eenzelfde staat of organisatie overeenkomstige ideeën hebben. In werkelijkheid verschillen hun standpunten echter in lijn met hun sociale en professionele achtergronden. Onderhandelaars hebben dan ook geen gezamenlijk belang of socialisatie in het *uti possidetis* principe, zoals neoliberale institutionalisten en sociaal constructivisten stellen. Zij zoeken een verklaring de structuur of context van grenspolitiek en veinzen daarmee dat onderhandelaars inwisselbaar zijn en dat grenzen bepaald worden in een rechtlijnig en onbetwist (historisch) proces. Zij nemen dus aan dat grensbehoud 'logisch' is in de huidige internationale diplomatie.

Academici in internationale diplomatie benadrukken weliswaar de rol van onderhandelaars, maar ook zij ontkennen variaties in hun handelen en de onderliggende discoursen. Zij hebben de neiging onderhandelaars te zien als directe en rationele vertegenwoordigers (bijv. Kydd, 2003; Maoz en Terris, 2006; Rauchhaus, 2006) en stellen de partijen voor als collectieven van vertegenwoordigers met een gezamenlijk standpunt dat verschilt van de standpunten van andere partijen (bijv. Touval en Zartman, 1985; Fearon, 1995; Powell, 1999). Mijn bevinding is echter dat de verschillende sociale achtergronden van onderhandelaars hun voorkeuren en gedragingen ingeven. Een enkele auteur concludeert inderdaad dat gedrag in internationale onderhandelingen beïnvloed wordt door cultuur (bijv. Salacuse, 1998) of ambt (bijv. Neumann, 2002; 2005; 2007), maar zij geven geen inzicht in hoe verschillende (groepen) onderhandelaars zich tot elkaar verhouden. Met andere woorden, zij stellen onvoldoende vast waar de macht ligt in onderhandelingsprocessen.

De principaal-agent theorie beschrijft machtsverhoudingen tussen degenen die een onderhandelingsmandaat uitschrijven (principaal) en degenen die het uitvoeren (agent). Het klopt dat onderhandelaars soms andere belangen nastreven dan hun opdrachtgevers voor ogen hadden, maar de theorie laat de mechanismes achter deze 'ambtelijke ongehoorzaamheid' onbesproken. Ik breng in hoe onderhandelaars hun standpunten vormgeven en strategisch handelen in zowel verticale als horizontale verhoudingen om de uitkomst van internationale onderhandelingen te beïnvloeden.

De theorie van de praktijk volgend, analyseer ik in hoofdstuk 4 de historie van grensbepalingen en hun onderliggende discoursen. Met gebruik van juridische en beleidsdocumenten en secundaire bronnen onderzoek ik de

totstandkoming van wijdverspreide aannames. Deze genealogie laat zien dat grensbehoud het resultaat is van een geschiedenis waarin veelvuldig en voor diverse redenen gekozen is voor grenswijziging; grensbehoud heeft geen wortels in Romeins recht, zoals velen berichten, en het is niet 'logisch verbonden' met het verkrijgen van onafhankelijkheid in Latijns Amerika in the 19^e eeuw. Dit laatste is in tegenspraak met hetgeen rechters beweerden in de 1986 Burkina Faso/Mali zaak voor het Internationaal Gerechtshof. Grensbehoud is de 'strategische' reactie op een angst voor nationalisme en staatontbinding als verstoring van de internationale orde die heerst onder politici sinds de geweldsuitbraken in India en Palestina in the jaren '50. Land was hier verdeeld tussen etnische of religieuze gemeenschappen. Nadat over deze verdeling onrust ontstond, werd grensbehoud opnieuw geïntroduceerd om soortgelijk geweld in de toekomst te voorkomen.

Hoe onderhandelaars tot een dergelijk besluit over grenzen komen is het onderwerp van een sociologische analyse van internationale onderhandelingen over de afscheiding en daaropvolgende interne opdeling van Bosnië en Herzegovina tussen 1991 en 1995 in het vijfde en zesde hoofdstuk van dit proefschrift. Internationale onderhandelingen over een grensregeling vinden plaats in de extreme onzekerheid die machtsverschuiving teweegbrengt. Op basis van historisch en literatuuronderzoek en analyse van interviews met betrokken onderhandelaars stel ik vast dat verschillende onderhandelaars onder deze omstandigheden verschillende bedreigingen van vrede en veiligheid voorzien, die zij bedwingbaar achten met verschillende 'strategische' reacties in grenspolitiek. Deze opvattingen zijn grotendeels ingegeven door verschillende sociale achtergronden; politici en hun afgezanten hebben de neiging grenswijziging te zien als tegemoetkomingen aan agressie en nationalisme, terwijl militairen het over het algemeen nodig achten in een territoriaal conflict om grenzen te wijzigen. Zij zien grenswijziging als een voorwaarde voor de verdediging van vrede omdat alternatieve grenzen de geopolitieke strategische realiteit weerspiegelen.

Deze studies laten zien dat variaties in standpunten uiteindelijk gebaseerd zijn op opvattingen over vrede en veiligheid. Deze onderliggende opvattingen blijven vaak onbesproken en boven twijfel verheven. Wanneer (groepen) onderhandelaars de relevantie hiervan in onderhandelingen erkennen, zijn zij beperkt op basis van hun achtergrond – dat wil zeggen, hun socialisatie in netwerk en ervaring – in de diversiteit aan reacties die zij effectief of zelfs 'haalbaar' of 'mogelijk' achten in grenspolitiek.

De onderlinge strijd voor erkenning van expertise bepaalt vervolgens de invloed van diverse opvattingen in onderhandelingen. Vooral wanneer geweld uitbreekt in tegenspraak met heersende opvattingen over vreedzame territoriale verandering schept dit mogelijkheden voor onderhandelaars met andere ideeën om hun expertise erkend te krijgen en aldus grensbepalingen te beïnvloeden. Het geweld dat volgde op grenswijzigingen voor etnische of religieuze eenwording in Azië en het Midden Oosten stelde politici in staat om grensbehoud te herintroduceren. Politici handhaafden vervolgens samen met juristen naleving van het *uti possidetis* principe bij het uiteenvallen van Joegoslavië om nationalisme en staatontbinding te ontmoedigen. Maar toen in Bosnië en Herzegovina geweld uitbrak, stelde dit net als tijdens de Eerste Wereldoorlog anderen in staat om de heersende opvattingen te beïnvloeden. Militairen werden in internationale onderhandelingen erkend als experts in cartografie die op de hoogte waren van de oorlogssituatie en de te verwachten moeilijkheden bij het behoud van vrede. Zij beheersten in toenemende mate discussies over interne grenzen en bepaalden grotendeels dat deze getrokken werden ter scheiding van de strijdende partijen.

Grenzen worden dan dus bepaald in onderhandelingen waarin mensen een ‘wereld’ voorstellen – en uiteindelijk vormen – van plaatsen en de mensen die er (mogen) verblijven op basis van de opvattingen over veiligheid van degenen die invloed krijgen in grenspolitiek.

Curriculum vitae

Cris Anne Boonen (Amsterdam, 23 November 1988) attended secondary school at Philips van Horne sg. in Weert, the Netherlands, from 2001 to 2007. She graduated *summa cum laude* from University College Roosevelt in 2010 and obtained her master's degree in International Governance and Diplomacy from Oxford University with an *upper second class with honours (2:1)* accreditation a year later. She has worked as research assistant for Prof. Corneliu Bjola (Oxford University) and Marietje Schaake (European Parliament) and she wrote policy analyses for amongst others the International Commission of Jurists and Hiteq Research Centre. From 2011 to 2015, Cris Anne Boonen was a PhD candidate at the Department of Political Science of Leiden University. She worked with academics from a range of different universities and presented her work at several international conferences, including the 2013 ABORNE Winter School in Senegal. Her teaching included introductory courses in international relations and more specialised courses on security.

