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

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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 (Ghebrewebet, 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 king[30] – 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 viceroyalties, *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

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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* principle[33] and inconsistency in their application based on the republics' immediate needs[34] (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.

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[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 Guatamala 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 American 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.

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[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 Republick 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 Republick 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
Use of the principle			
Unanimous consent	x	x	x
Legal codification of the principle			x
Practices associated with the principle			
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
Deviations from the principle			
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 endurable 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).

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[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 Eugéne 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).

Practices after WWII: Defensible separation of populations

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 plebiscites[40] 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

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[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

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[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 if India Lord Mountbatten proposed[45] 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

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[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

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[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

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[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).

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[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,

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[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
Practices		
Procedures for territory	Boundary maintenance with adjustments to accommodate additional *de facto* 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 *de facto* developments	Plebiscites, population statistics, thematic maps
Discourses		
Objective	Sustainable transfer of state independence	National self-determination
Threat to (inter)national security	(Re)occupation of territory that is under minimal *de facto* 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.