

## Territorial integrity and the war on terror

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**Abstract.** This paper examines the use of the term ‘territorial integrity’, a term with two interlinked and usually compatible meanings. The first is that states should not seek to promote border changes or secessionist movements within other states, or attempt to seize territory by force. The second meaning is the standard idea that within its own borders, within its territory, a state is sovereign. The second of these two meanings has come under increased pressure in recent years, in part in relation to international intervention for ‘humanitarian’ reasons, and even more so since September 11 2001. And yet the other meaning is being stressed even more explicitly, often at the same time and in the same places that the second meaning is being challenged. This paper considers various historical and contemporary examples, and suggests that the two meanings of territorial integrity are increasingly in tension.

On 27 September 2001, George W Bush gave a speech in which he seemed to recognise that standard practice was no longer valid, and that new geographies needed to be thought for the ‘war on terror’.

“We’re also a nation that is adjusting to a new type of war. This isn’t a conventional war that we’re waging. Ours is a campaign that will have to reflect the new enemy. There’s no longer islands to conquer or beachheads to storm. We face a brand of evil, the likes of which we haven’t seen in a long time in the world. These are people who strike and hide, people who know no borders, people who are... people who depend upon others. And make no mistake about it, the new war is not only against the evildoers, themselves; the new war is against those who harbor them and finance them and feed them.” [Applause.] (Bush, 2001; see Agnew, 2003; Ó Tuathail, 2003).

In practice, though, the geographical challenges have been reduced to solutions that fall back on previous ways of doing things, on wars fought with a conventional sense of territory in mind. This has principally been against the second category, not the ‘evildoers’ themselves, but those who harbour. The principle of not harbouring terrorists is long standing in US foreign policy, with the USA abstaining in a UN censure motion against Israel’s bombing of Tunis in 1985, although the administration had condemned their earlier bombing of the Iraqi nuclear reactor in 1981 (see Maogoto, 2004, pages 5–6, 31–32). Terrorism and nuclear proliferation seemingly called for different responses. Following September 11 2001, though, there was an immediate struggle in the Bush administration as to whether Afghanistan should be the first target, because intelligence suggested Al-Qaeda was responsible and the Taliban regime supported it, or whether this provided the opportunity for outstanding scores to be settled with Iraq (see Clarke, 2004; Mann, 2004; Woodward, 2003; 2004). A deterritorialised threat—the network of networks of Al-Qaeda (Burke, 2004)—was reterritorialised in the sands of Afghanistan and Iraq. As Dick Cheney expressed it, “in some ways the states were easier targets than the shadowy terrorists” (reported in Woodward, 2003, page 48).

Analysis of the supposedly deterritorialised threat of Al-Qaeda and the issues around the role of the US military and the US state are, of course, crucial in understanding the territorial issues of the war on terror. The geographical spread of US bases; the map of their interventions in recent years; the new security strategies, such as the Pentagon's New Map (Barnett, 2003; 2004), the National Security Strategy of the United States of America (2002) and Project for the New American Century (2000; see 1997); the attempts to assert a new, global, Monroe Doctrine; and the tensions between capitalist accumulation and state-territorial constraints have, rightly, received sustained attention (see, for example, Elden, 2005; forthcoming; Gregory, 2004; Harvey, 2003; Kim, 2004; Leaman, 2004; Smith, 2003). Equally, the territorial aspects of the grievances of the enemies of the USA have been widely noted, and include the Israel/Palestine conflict, Russia/Chechnya, India and Kashmiri Muslims, the Philippines and ethnic Muslims, and the stationing of US troops on the Arabian peninsula. Indeed, Bin Laden has proposed a breakup of Saudi Arabia, with two new countries, Greater Yemen and Greater Hijaz, ending the reign of the al-Sauds (Coll, 2004, page 270; Teitelbaum, 2000). These, in part, as the 9/11 Commission Report recognises, are the answer to the question "Why do 'they' hate us?" (2004, page 51, see also pages 376–377), although this tellingly does not mention the stationing of US troops.

However, one of the most important territorial issues in Iraq particularly, but in the discourse of the war on terror more generally, is much less discussed. This is the notion of 'territorial integrity'. The two meanings of the term—that borders are fixed and territory should not be seized or secession encouraged; and within its own borders, within its territory, a state is sovereign—are central to an understanding of this conflict and the war on terror generally. The argument of this paper is that the term has a history which is worth examining in order to see why there is a tension in the contemporary understanding. This tension relates to the question of the geographical impasse highlighted by the disjunction between Bush's rhetoric and his practice, in that thinking beyond a sovereign sense of territory is perhaps the limit case of the war on terror.

### **Iraq and territorial integrity**

As is well known, modern Iraq is the artificial construction of a country out of three provinces of the Ottoman Empire which found themselves under British mandate following the First World War (for an analysis see Anderson and Stansfield, 2004). Baghdad and Basra were brought together in 1921, Mosul was a later addition in 1925, with a largely Kurdish population. This was without regard for contemporaneous ideals of self-determination, and yet today there is considered to be something inviolable about this territorial settlement. As Anderson and Stansfield note, "Iraq has maintained its territorial integrity as a state. What it has never succeeded in becoming is a nation" (2004, page 6). Indeed, the idea of protecting the territorial integrity of Iraq was an explicit war aim, proclaimed in the Azores Summit Statement on 16 March 2003 by George W Bush, Tony Blair, and José María Aznar:

"We envisage a unified Iraq with its territorial integrity respected. All the Iraqi people—its rich mix of Sunni and Shiite Arabs, Kurds, Turkomen, Assyrians, Chaldeans, and all others—should enjoy freedom, prosperity, and equality in a united country. We will support the Iraqi people's aspirations for a representative government that upholds human rights and the rule of law as cornerstones of democracy" (Bush et al, 2003).

Similarly, before the war, on 26 February 2003, Bush promised that "we will provide security against those who try to spread chaos, or settle scores, or threaten the territorial integrity of Iraq", and Blair's speech in the House of Commons on 18 March

2003 called for a UN resolution subsequent to the conflict (and its expected victory) that “should protect totally the territorial integrity of Iraq” (Bush, 2003; Blair, 2003; see Cater, 2003). In the “US and Coalition Objectives” presented to Bush and the National Security Council on 4 March by Douglas Feith, the first line stated that “Iraq’s territorial integrity is maintained and the quality of life in Iraq is improved visibly” (Woodward 2004, page 328).

The notion of territorial integrity is a mainstay of UN Security Council resolutions, so it is unsurprising that the unanimous resolution 1441—over which there was such debate as to whether a second resolution was needed to allow force to be used against Saddam Hussein—reaffirmed the “the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States.” The tension implicit in such declarations was explicitly noted by Senator John Cherry of Australia on 19 March 2003: “A fine way to commit to the territorial integrity of a nation is by invading it. That is what we are doing. We are in breach of 1441” (on 1441, see also Glennon, 2003).

It would appear that something is at stake in the term ‘territorial integrity’ which is not being explicitly recognised. On the one hand, Cherry is correct, because the UN definition of aggression, following General Assembly Resolution 3314 in 1974, would seem to preclude the actions taken by the USA and its ‘coalition of the willing’ in Spring 2003. This Resolution declares that “the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter.” The justification for the United States and United Kingdom would, in this instance, and assuming a legitimisation was sought under the UN Charter, be self-defence, or the enforcing of other aspects of Resolution 1441. As Sands (2005) has shown, however, such a legal defence is untenable (see also Hennessy, 2005). But, on the other hand, Iraq’s territorial integrity in the sense of the sanctity and preservation of its existing boundaries is indeed seemingly inviolable.

Iraq’s neighbours, including Turkey, Jordan, and Iran, for understandable reasons, have supported the retention of its territorial integrity in this second sense, but this has also been stressed by other less obvious countries such as the USA, China, India, and Pakistan. One of the few voices of dissent has, unsurprisingly, come from *The Kurdistan Observer*, which has suggested that the maintenance of the arbitrary unity is the root of the problem: proposing three states: Kurdish, Sunni, Shiite from north to south, with the Kurds and Shiites providing some kind of financial recompense to make up for the uneven distribution of oil reserves (Naqishbendi, 2004; see also Anderson and Stansfield, 2004, especially pages 213; O’Leary et al, 2005). Following the 1991 Gulf War Iraq was not split apart along ethnic lines in a punitive settlement, nor was it punished by loss of territory to Kuwait (Korman, 1996, pages 217, 300–301). Dismemberment was considered yet rejected because of the importance of territorial integrity (Hurrell, 2003, page 290), but territorial integrity was effectively challenged through the no-fly zones to the north and south, under which arrangement the Kurds enjoyed de facto “intermediate sovereignty” (Scharf, 2003, page 384).

Of course, any division of Iraq is more complicated than such a tripartite division would suggest. The crudest maps of ethnic grouping demonstrate that even the borders for a federal solution would be difficult to draw, and more subtle mappings demonstrate that a strictly majoritarian divide—in which more than 50% of a region is of a single ethnic group—is inadequate to the issues. Beyond the distribution of populations, the geographies of Iraq militate against a straightforward solution. Naqishbendi acknowledges the disparity in oil reserves, but equally we should note that the administrative areas are in the centre, and the ports to the south; the fertile land is between

the Tigris and the Euphrates, the south has marshland, and there are mountains to the north and desert to the west; federal regions would have more in common with neighbours than with the other parts of the federation, and full independence would likely lead to calls for wider redrawing of boundaries in the region. This would open up issues for Kurdish nationalism, the anomaly of great-power politics that is Kuwait (see Korman, 1996, page 293), and Saudi Arabia. Numerous issues also arise following the 2005 election, concerning the relations of Shia peoples to Iran and Saudi Arabia and the nonvoting of Sunnis. Given this, the stress dominant powers have put on Iraq's territorial integrity is unsurprising.

### **Territorial integrity within international law**

Territorial integrity is a term that is enshrined in the UN Charter. In "Chapter 1: Purposes and Principles", Article 2, paragraph 4 it declares

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Taken with Article 2, Paragraph 7, which prevents UN involvement in "matters which are essentially within the domestic jurisdiction of any state"; and Article 2, paragraph 1, which notes that "the Organization is based on the principle of the sovereign equality of all its Members", this provides a clear orientation of international law around three key principles: sovereign equality of all states; internal competence for domestic jurisdiction; and territorial preservation of existing boundaries. This is, in a sense, the necessary fiction inherent in the UN: that states are in control of, and therefore exercise sovereignty over, their entire territory. This is a point that is returned to below.

This is not confined to the founding charter, but can be found in many subsequent UN resolutions, both in terms of specific disputes in the Security Council but also in broader statements of purpose, such as the 1970 General Assembly "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations" [2625 (XXV)]. This continually stressed the three interrelated themes of territorial integrity, noninterference in domestic jurisdiction, and sovereign equality of all states. It similarly underlines that this is not simply pertaining to the violation of international boundaries, but also "international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect." Similarly, it notes that "no territorial acquisition resulting from the threat or use of force shall be recognised as legal."

The historical roots of the term go back somewhat further. The League of Nations Covenant (Article 10) made similar claims to the UN Charter; the 1928 Kellogg–Briand Pact which outlawed war as a means of international diplomacy; and the 1932 Stimson doctrine—in which the USA warned Japan and China that territorial changes through force would not be recognised—all helped to solidify the notion of territorial integrity as an ideal, even if it is really only since the end of the Second World War that the term has had any force (see Korman, 1996, pages 192–199, 238–239; Zacher, 2001, page 220).

The assertion of territorial integrity in the League of Nations Covenant may be somewhat surprising, as the Covenant and the Fourteen Points of Woodrow Wilson that informed the wider settlement are often looked at as promoting the idea of self-determination. Wilson certainly supported this idea. For example, in 1916 he listed the fundamental things that 'we' believe in: "First that every people have a right to choose the sovereignty under which they shall live"; but he followed this by the guarantee of territorial integrity for all states (Wilson, 1924, page 275). Equally, the points

themselves called for the “autonomous development” of the non-Turkish portions of the Ottoman Empire (Point 12), and for “the peoples of Austria – Hungary” (Point 10), but Point 14 suggested that “a general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.” Similarly Point 13, concerning Poland, brought together “the territories inhabited by indisputably Polish populations”, but follows this by stressing their “political and economic independence and territorial integrity” (Wilson, 1918). Even when the national self-determination cause was proposed, therefore, territorial integrity would ultimately prevail (see Zacher, 2001, page 219). Indeed, as is often pointed out, self-determination was much more concerned with wider geopolitical interests than with those of the people themselves (Hannum, 1989, page 7).

It is worth underlining that, until the League set out these norms, a state that had won a war was able to annex territory either through occupation or through peace treaty (Korman 1996, page 17). Though there were territorial changes after World War I these were limited by two main issues: the Russian Revolution and Woodrow Wilson’s rhetoric (Korman 1996, pages 135–136; see generally Smith 2003, pages 139–180). Equally, of course, if boundaries are traced back long enough they are usually based on territorial acquisition of some kind, with border changes are common through history, and thus the acquisition of title by conquest is a necessary step for the later reinforcing of territorial integrity (Carley, 1996, page v; Castellino and Allen, 2003; Korman, 1996, page 26). Although there was debate about the scope of Article 10 in the League’s Charter, this was generally taken to be applicable even to states that were victorious but had not been the aggressor (Korman, 1996, pages 182–183). This necessarily safeguarded aggressor nations, which now had less to lose in launching wars of conquest.

In this context the extensive punitive territorial settlement at the end of the Second World War, with the redrawing of Germany’s borders and the territorial changes that benefited the Soviet Union to the east and west can be understood only by seeing it as falling between the League’s prohibitions and those of the UN. Article 2(4) applies only to the situation following its adoption (Korman, 1996, page 214). Since that date, though, as was noted in the case of Iraq, even aggressor countries have not been geographically punished by loss of their own territory.

The assertion of territorial integrity in the UN Charter therefore has two inter-linked and usually self-reinforcing meanings. On the one hand, it protects existing boundaries, with the aim of preventing nation-states from promoting secessionism or border changes in other states. On the other hand, respecting equal sovereignty, it protects states from interference in their internal affairs: the idea of nonintervention or domestic sovereignty. We could call these ‘territorial preservation’ and ‘territorial inviolability or sovereignty’.<sup>(1)</sup> These meanings have been widely recognised, both in the constitutions of individual states and in the founding charters of international organisations such as the Arab League (1945) and the Organization of Arab States (1948), the Organisation of African Unity (1963; see also Herbst, 1989, page 686), and the Treaty Establishing a Constitution for Europe (2004; see also Bialasiewicz et al, 2005). The North Atlantic Treaty Organisation (NATO) and the EU have insisted on all accession states having border agreements with their neighbours, and that all candidate countries should submit outstanding disputes to the International Court of Justice (Zacher, 2001, page 222).

<sup>(1)</sup> See, however, the claim that “territorial integrity—preserved so long as none of the territory of the state is taken from it—is not the same thing as territorial inviolability—“the right of the state to exercise exclusive jurisdiction within its own territory” (Vincent, 1974, page 234, citing Goodrich and Hambro, 1946, page 104).

Despite the widespread usage of the term, the explicit literature on it is limited. Perhaps part of the reason is the vagueness of the term. For Sakeus Akweenda, the term “denotes non-annexation, inviolability of boundaries and respect of sovereignty”, although “no general and exact definition” is possible (1997, page 6; see also 1989). Although there is therefore a large amount of literature that discusses the issues around the term, and to which this paper makes frequent reference, little deals with it as a stated topic. A good example is the recent collection *States, Nations and Borders* (Buchanan and Moore, 2003) which mentions the term only in passing, except in the chapter on international law and briefly in the conclusion (Hurrell, 2003; Moore, 2003, pages 334–335). This is mirrored in the wider literature. Bar some discussion in constructivist international relations (for example, Kornprobst, 2002; Zacher, 2001; see also Barnett and Finnemore 1999), the term itself has largely been examined only in international law. Political science, political theory, and political geography have been largely silent on territorial integrity, despite treatment of numerous related issues [for a recent exception, see Cairo (2004)]. And yet, as Jieli Li states, “if sovereignty concerns the way in which exclusive jurisdiction is exercised over respective territories of an empire or a nation-state, then the power of a sovereign state is more than the authority of bureaucratic administration; it hinges on territorial integrity” (2002, page 141).

Territorial integrity has long been asserted as a stabilising factor, where it allowed the decolonisation of a region with a degree of normalcy remaining. In other words, trading upon the idea of *uti possidetis*, states would inherit the boundaries of colonies or internal jurisdictions on independence. The status quo, for all its flaws, is preferred over the disorder that would likely result from a wholesale redrawing of boundaries. The Organisation of African Unity made this explicit in the Cairo declaration when they stated that “the borders of African States, on the day of their independence, constitute a tangible reality” (1964; Akweenda, 1997, pages 49–51; see also Jackson, 1987). Various reasons can be given for this stance, including the weak elites who wanted to minimise threats to their rule, the aim of avoiding chaos in recognition of the mosaic of racial and national distribution, and that states were, at least initially, intended to act as the motor of pan-African unity (Kornprobst, 2002; Zacher, 2001).

The notion of *uti possidetis*, deriving from Roman law, was pioneered in South America following Spanish decolonisation (see Akweenda, 1997, pages 47–49; Castellino and Allen, 2003; Ratner, 1996; and above all, Lalonde, 2002). As well as its use in Africa, it has also conditioned breakup of other empires. It is behind, for example, the different statuses of the constituent parts of the former Soviet Union. Satellite states or republics have gained independence along existing lines, but regions remain as part of the Russian Federation (see Carley, 1996, pages 1, 11–12; Griffith Prendergast, 2004; Kolossov, 1999; Li, 2002).

Self-determination, in the narrowly circumscribed sense found in the UN Charter (Article 1) thus applies to colonies alone, to nonsovereign territories rather than peoples (see Carley, 1996, page v; Shaw, 1997, pages 354–355). Substate groups are not subjects of international law, but crucially, once nonsovereign territories have achieved independence and sovereignty, they too have territorial integrity. This is the clearly implied purpose of the UN General Assembly “Declaration of the Granting of Independence to Colonial Countries and Peoples” adopted by the General Assembly of the UN on 14th December 1960 [1514 (XV); see also 1541 (XV)]. Self-determination does not apply to independent countries, for which territorial integrity overrides claims individual peoples might make (see Herbst, 1989, page 686; Pellet, 1992, page 179). It therefore has not been successfully used on an international basis by indigenous

peoples within states such as Canada or Australia, despite the state-based or province-based settlements, nor by those peoples whose land has been colonised by a contiguous power such as Russia or China. In such cases, what has happened is limited 'territorial autonomy', rather than independence and full sovereignty. 'Territorial autonomy' is dependent on individual state practice, rather than provided for by the UN in any more than a limited way, although it is more widely welcomed as a means of allowing some measure of self-rule within the confines of state-territorial integrity (for an analysis, see Council of Europe, 1997, especially Eide 1997). Colonies, for self-determination to take effect fully, need to be separated from the coloniser by saltwater (see Scharf, 2003, page 381). Indeed, between the end of the Second World War and the Cold War only Bangladesh successfully seceded, and the self-declared states of Biafra and Katanga had only brief existences, without widespread recognition. The problem under international law is therefore one of protecting borders wherever they are, rather than recognising their artificial nature in many places.

Self-determination is therefore not only tightly circumscribed in international law, but in almost all cases territorial integrity can be asserted over and above it. Indeed, not only does self-determination allow colonial independence, it can also be used as a justification *for* an existing state's continued territorial integrity, where people within existing boundaries assert their wish to remain together. Such difficulties of who is within a disputed region and who therefore is allowed to vote on its future bedevil places such as Northern Ireland, Western Sahara, and Gibraltar. And yet indigenous peoples have claimed that

"The principle of territorial integrity has no special status or significance above a host of other international law principles—such as democracy, rule of law, respect for human rights, non-discrimination, and justice—which all apply in the context of self-determination. There is no hierarchy that would place the principle of territorial integrity above respect for human rights or other international law principles identified in international instruments" (American Indian Law Alliance et al, 2004).

This claim of no hierarchy does not seem to be the case, as territorial integrity is continually winning out in struggles with other principles of international law. In part this is because of its fundamental importance to any commonly conceived notion of statehood and its role in the international system. This is the necessary myth of territorial integrity and absolute sovereignty noted in the introduction. A recent example would be the EU's negotiations around the rights of minorities, such as the Framework Convention for the Protection of National Minorities formulated by the Council of Europe in Strasbourg in 1995 [on the situation before, see Williams (1993)]. The notion of territorial integrity is stressed three times in the Framework, notably in Article 21: "Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States." As Preece (1997, page 363) notes, this meant that "minority rights continued to be held in check by the traditional principles of international relations—state sovereignty, territorial integrity, inviolability of borders and the like." This principle was similarly stressed immediately after the Berlin Wall came down in the "Charter of Paris for a New Europe", and by the Conference for Security and Co-operation in Europe in Copenhagen earlier that same year (Conference on Security and Co-operation in Europe, 1990a; 1990b).

### The war on terror and secession

Such claims are continued today in the context of the war on terror. Territorial integrity is increasingly taking on a special status and significance. This is especially the case in the speeches of Tony Blair, in a way which makes the importance and the tension explicit. A key formulation was delivered at the George Bush Senior Presidential Library on 8 April 2002:

“The struggle is for stability, for the security within which progress can be made. Of course, countries want to protect their territorial integrity but few are into empire building. This is especially true of democracies whose people vote for higher living standards and punish governments who don’t deliver on them. For 2,000 years Europe fought over territory.

Today boundaries are virtually fixed. Governments and people know that any territorial ambition threatens stability, and instability threatens prosperity” (Blair, 2002).

What is striking here is how stability and prosperity are linked to territorial changes (see also Soros, 2004, page 97). It would be one thing if this was to rule out the grabbing of land from other countries, but this is potentially preventing independence movements and any changes to borders. Exactly the same argument has been used by Russia, especially with regard to Chechnya, and by China with Muslim separatists in Xinjiang. The East Turkestan Islamic Movement which seeks autonomy for this region was labelled as a terrorist group by US Deputy Secretary of State Richard Armitage in Beijing on 26 August 2002 (see Council of Foreign Relations, 2005). Although China had been insisting on the links between them and Al-Qaeda since September 11 2001, the USA finally accepted these claims around the time that China’s support was needed in the UN for the action against Iraq. China’s issues around its own territorial integrity extend beyond Xianjiang, of course, and include Mongols and Tibetans as well as Muslims (Li, 2002, page 153), but what we see here is the use of the war on terrorism as an excuse to suppress all separatists, and not just violent ones. More broadly, India has long insisted on its territorial integrity with respect to Kashmir, even going so far as to prosecute those who publish maps with its boundaries incorrectly shown, claiming that “the publication of maps of India depicting incorrect boundaries of the country indirectly questions the frontiers and challenges the territorial integrity of the nation” (Krishna 1996, pages 203–204).

Equally in Cyprus there have been claims that the North is acting as a base for terrorists, particularly Chechens. The North is constructed as a lawless space because it is not recognised except by Turkey, and maps produced in the South all have ‘area under Turkish occupation’ marked instead of any other form of annotation. The claim of terrorist training camps has been made by Cypriot Justice Minister Doros Theodorou, although it has been denied by Presidential Spokesman Marios Karoyian (*The Cyprus Mail* 2004; *The Russia Journal* 2004). It is worth considering whose interests might be served by such stories, although given its proximity to the Levant and its new membership of the EU, it is not surprising to find that the US Department of State notes that “the United States is working closely with Cyprus in the war on terrorism. A Mutual Legal Assistance Treaty, which has been in force since 18 September, 2002, facilitates bilateral cooperation” (US Department of State, 2004a; see Terrorism Research Center, 2004). Similar claims have been made by the USA that the Marxist group FARC (Revolutionary Armed Forces of Columbia) in Columbia had received training in Al-Qaeda camps, although these were later retracted (Stokes, 2005, page 106).

In the current climate therefore, secessionist movements (that is, those who want to challenge *any* notions of territorial integrity in the sense of existing borders) are



increasingly being recoded as terrorists, or, at the very least, as dangers to local, regional, and global stability. Despite their condemnation of many states in their prosecution of independence movements, it is worth noting that almost all of the groups on the US Department of State's list of terrorist organisations are self-determination movements (2004b; see also Congressional Research Service, 2004; Scharf, 2003, page 373). The UN General Assembly, in Resolution 49/60 from 1994, also made this link, stating that "the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States." Although I would not want to suggest that terrorists and self-determination movements are mutually exclusive, it is notable that sovereignty is all too often used as a defence for a crackdown on them (see also Williams et al, 2003). Indeed in 2002 Blair noted that "the truth is Russia today has as much interest in defeating terrorism as we have. In different ways, but compatibly, we can develop relations with China and India."

At this point it is worth recalling Max Weber's famous definition of the state: "The state is that human community, which within a certain area or territory [*Gebietes*]*—this 'area' belongs to the feature—has a (successful) monopoly of legitimate physical violence* (1971, page 510–511; 1994, page 311, translation modified). The point to be made here is not just that standard discussions of the state neglect the territorial aspect, although they undoubtedly do. Nor is it that this definition renders any use of violence by nonstate actors necessarily illegitimate, although that is equally the case (see Connolly 2002, pages 206–207). Rather the point is a geographical one: that any potential redrawing of the borders of a state *limits* the extent of the state's ability to use violence, and is therefore, *in itself*, necessarily violent and illegitimate.

This, it seems, is key to understanding the arguments being made. The argument is not simply in terms of the threat to a country's own borders, but to borders much more generally. Not only is the USA defining its interest in terms of territorial stability, but such a justification is being used by India in Kashmir; China in its northern provinces; Russia in Chechnya; the Republic of Cyprus against the North; the USA against FARC in Columbia; and Israel in the occupied territories.

On the one hand, this is not new, and the USA exhibited very similar behaviour in the endgame of the Cold War. In what widely became known as the 'Chicken Kiev' speech, the first President Bush cautioned the Ukrainians against too hastily declaring independence from the Soviet Union (see Bacevich, 2002, page 66). The status quo was, at that time, preferred over the risky future, until the collapse of the Soviet Union became inevitable. Twenty-three days later Ukraine declared its independence (see Allison and Blackwill, 1991). Now the territorial integrity of Ukraine is guaranteed by the USA, in a deal struck when the Ukraine demilitarised nuclear weapons. The 2004 Ukrainian elections were punctuated by calls from various US officials that the territorial integrity of the country should be respected, and that even discussing secession was dangerous (US Department of State, 2004c; 2004d), despite the clearly geographically polarised support for the two Victors.<sup>(2)</sup> It is surely not coincidental that Bush's speechwriter back in 1991 was Condeleeza Rice, now Secretary of State, and then in charge of the Soviet affairs directorate of the National Security Council (Coll, 2004, page 544; Monck and Hanley, 2004).

This was shared by the Council of European Communities, whose 16 November 1991 "Guidelines on the Recognition of New States in Eastern Europe and the Soviet

<sup>(2)</sup> Viktor Yanukovich won the first, disputed election. Viktor Yushenko won the rerun election.

Union” noted the importance of the “inviolability of all frontiers”, which were to be changed only “by peaceful means and by common agreement” (see Williams and Hooper, 2003, page 370). Some commentators have noted that the US default position of opposition to secessionist movements comes from its own history in the Civil War (Ganguly and Taras 2005; Paquin, 2004), to which we can add Thomas Jefferson’s aim of a continental empire that avoided the fractures of the Old World. As Paquin (2004) argues, the USA departs from this default position only when the status quo is a greater danger to stability. Such caution continued through the Clinton era (US Department of State, 2001), and was the policy behind treatment of Bosnia and Yugoslavia more generally (see Caplan, 2005). For example, the 1992 Badinter Arbitration Committee proclaimed that in all cases “the right to self-determination must not involve changes to existing frontiers (*uti possidetis juris*) except where the states concerned agree otherwise.” The Badinter ruling explicitly took its lead from the International Court of Justice 1986 judgment concerning Burkina Faso and Mali, which not only stressed the importance of *uti possidetis*, but also used it to inform their understanding of territorial integrity. For the International Court of Justice *uti possidetis* is “not a rule pertaining solely to one specific system of international law. It is a principle of general scope, logically connected with the phenomenon of the obtaining of independence, wherever it occurs” (International Court of Justice, 1986; see also Castellino and Allen, 2003, pages 125–130; Lalonde, 2002, pages 127–132). The Badinter Committee therefore declared that the notion “was invented in Latin America to deal with the problems of decolonialization, and then further applied in Africa has today acquired the character of a universal, and peremptory norm. The people of former colonial countries were wise to apply it; Europeans must not commit the folly of dispensing with it” (Pellet, 1992, page 180; see also Hensel et al, 2004; Warbrick, 2003).

### “Sovereignty entails obligations”

If the trepidation then has parallels to the caution now shown by the USA over Iraq’s borders, and its increasingly blind eye to Russian and Chinese actions, then the other side of the rhetoric of the war on terror breaks with precedent. As was suggested, the other meaning of the term ‘territorial integrity’ is that what goes on within the boundaries of the state is its own business and that international intervention is not permissible. This is the idea of ‘internal competence’. Internal competence is itself, of course, a limitation of an idea of absolute sovereignty because it acknowledges the idea of international competence or sovereignty (see Korowicz, 1964, pages 157; Milojević, 2000). One of the key statements on this is the 1965 General Assembly Declaration on “Inadmissibility of Interference in Internal Affairs of States and on Protection of Independence and Sovereignty” [2131 (XX); see also Vincent, 1974; Wright, 1960, page 63]. As R J Vincent puts it, “so long as international society is primarily composed of sovereign states, observance of a general rule of non-intervention can be regarded as a minimum condition for their orderly coexistence” (1974, page 331; see Shaw, 1997, pages 784–785).

This is coming under increased pressure. Events in the 1990s including those in Rwanda, Bosnia, and Somalia led to calls for a greater role for the international community, and reports such as “Preventing deadly conflict” (Carnegie Corporation, 1997) and “The responsibility to protect” (International Commission on Intervention and State Sovereignty, 2001). Kosovo was in a sense the test case. Although the “sovereignty and territorial integrity of Yugoslavia” were stressed in the Petersburg principles of the G8 of 6 May 1999, in Security Council Resolution 1244 (1999), and the Rambouillet Accords (1999), intervention, namely military action by NATO, was justified on humanitarian grounds (for example, Cook, 1999; for an analysis,

see Fabry, 2002; Williams, 2003). As Paul Williams notes, Resolution 1244 “cited the ritual affirmation of the commitment of all member states to the sovereignty and territorial integrity of the FRY [Former Republic of Yugoslavia]” (2003, page 411), but the actual substance of this resolution “significantly, and likely irreversibly, altered sovereign control over Kosovo... the chances of Kosovo returning to Yugoslav or Serbian sovereign control are quite slim” (page 410). Indeed, the violation of its territorial integrity was one of the key points of the Yugoslavian government’s protest to the UN following the NATO action (Yugoslav Government, 1999).

Resolution 1244 did not justify action in Kosovo, which was taken without Security Council support, but as Robin Cook pointed out, it was backed by NATO, the EU, and all of Serbia’s neighbours, three tests the 2003 invasion of Iraq did not pass (2004, page 354; see also his speech to the House of Commons, 17 March 2003, in 2004, page 378). For the French Foreign Minister Dominique de Villepin, action in Kosovo was part of a burgeoning tradition of humanitarian intervention, which could be traced to how “following the Gulf War, operation Provide Comfort stopped the flow of Kurdish refugees into Turkey and helped them to return to Northern Iraq. It paved the way for the right of humanitarian intervention and major UN operations: in Somalia, Haiti, Rwanda, Bosnia, East Timor and Sierra Leone” (2003). However, de Villepin cautions against a generalisation of military force on this basis. “At the end of the day, the operation in Kosovo was a legitimate enterprise and a political success. But it was also a source of divisions. Some saw it as the first instance of a customary right to intervene on humanitarian grounds without a UN mandate. We, however, saw it as an exception, justified by wide support and the threat of an imminent humanitarian disaster” (2003; see Heinze, 2003).

Actions in Sierra Leone, noted by de Villepin, were for Blair a test of his “new doctrine of international community.” In a speech in Chicago on 22 April 1999 Blair opined that Kosovo was a “just war, based not on any territorial ambitions but on values.” Just over a year later, in Tübingen on 30 June 2000 Blair elaborated the “doctrine of international community... a community based on the equal worth of all, on the foundation of mutual rights and mutual responsibilities.” At the time these pronouncements seemed to be part of the ‘ethical foreign policy’ initiative pursued by Cook and Blair (see Abrahamsen and Williams, 2001; Dixon and Williams, 2001), but it now seems clear that this is not the case in any straightforward way (for an analysis see Dunne, 2004; Kampfner, 2004). It is worth noting that the Security Council, in resolutions 1260, 1270, and 1562, among others, has continually stressed the “sovereignty, political independence and territorial integrity of Sierra Leone.”

With Afghanistan, following September 11, although its “territorial integrity” was continually stressed (in, for example the Bonn Agreement of the Afghan Government, 5 December 2001), it was what Afghanistan was doing—or allowing to be done—in its own territory that was perceived as the problem. For the neocons (neoconservatives) David Frum and Richard Perle it was simple maths:

“Plane fares, box cutters, petty cash: \$100,000. Recruiting, training, and protecting thousands of suicide bombers: millions. Acquiring ideological and territorial bases of your own: priceless” (Frum and Perle, 2004, page 197).<sup>(3)</sup>

As a lawyer who later provided advice for the legality of the invasion of Iraq suggested, though it was not the Taliban regime itself that was responsible for the

<sup>(3)</sup> See also Frum and Perle, 2004, page 245, where the last is “a secure piece of real estate”, and pages 198–199 where they note state backing of terrorism. “Indeed, of the most murderous attacks on America or Americans in the two decades before 9/11, only Timothy McVeigh’s was *not* directed or supported by a foreign state.” A note adds “At least, so far as we know.” The ambiguity is, of course, concerning McVeigh (Frum and Perle, 2004, page 199).

attacks on September 11th, it “had undoubtedly violated international law in permitting Al-Qa’ida to operate from its territory”, and had therefore “violated the general duty of a state under international law not to allow its territory to be used as a base for attacks on other states” (Greenwood, 2002, pages 311–313). This argument hinges on UN General Assembly Resolution 3314 (XXIX) which defines aggression, and therefore, for Christopher Greenwood, provides a US justification under international law. There is a clear ambiguity however, for the passage in the Resolution in question censors

“The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State... [or] the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.”

The question is, of course, to what extent Al-Qaeda can be understood as “another State”, or if it is more accurately described as “armed bands, groups, irregulars or mercenaries” whether they are sent “by or on behalf of a State”.

Blair himself has been quite explicit in suggesting that UN law may be inadequate, and that it should be developed to avoid situations in which “a regime can systematically brutalise and oppress its people and there is nothing anyone can do, when dialogue, diplomacy and even sanctions fail, unless it comes within the definition of a humanitarian catastrophe” (2004a; see also Reynolds, 2004). In this speech, given in his Sedgefield constituency on 5 March 2004, Blair declared:

“But the notion of intervening on humanitarian grounds had been gaining currency. I set this out, following the Kosovo war, in a speech in Chicago in 1999, where I called for a doctrine of international community, where in certain clear circumstances, we do intervene, even though we are not directly threatened.... So, for me, before September 11th, I was already reaching for a different philosophy in international relations from a traditional one that has held sway since the treaty of Westphalia in 1648; namely that a country’s internal affairs are for it and you don’t interfere unless it threatens you, or breaches a treaty, or triggers an obligation of alliance” (2004a).

There are, of course, many problems with this, but it demonstrates clearly Blair’s wish to dispense with the support for the internal competence aspect of territorial integrity, and, with it, the principle of sovereign equality. Indeed, in the Guildhall speech of 16 November 2004 he suggested that transatlantic cooperation could be used to insist on “a greater role of leadership for the UN on the responsibility of states to protect not injure their own citizens” (2004b). Given that the existing Charter, Article 2, paragraph 7 makes internal competence outside the remit of the UN, subject to Chapter VII which deals with external aggression, this would be a profound reshifting of the balance of sovereignty.

In the USA, similar claims have been made. Richard Haass, Director of Policy in the State Department, declared in April 2002 that

“Sovereignty entails obligations. One is not to massacre your own people. Another is not to support terrorism in any way. If a government fails to meet these obligations, then it forfeits some of the normal advantages of sovereignty, including the right to be left alone inside your own territory. Other governments, including the United States, gain the right to intervene. In the case of terrorism, this can even lead to a right of preventive, or preemptory, self-defense. You essentially can act in anticipation if you have grounds to think it’s a question of when, and not if, you’re going to be attacked” (Lemann, 2002; see also Young, 2002).

Such sentiments have been echoed in the neocon statement of purpose *An End to Evil* cowritten by the author of the phrase ‘Axis of Evil’: “National sovereignty

is an obligation as well as an entitlement. A government that will not perform the role of a government forfeits the rights of a government” (Frum and Perle, 2004, page 102). They continue to suggest this has ever been the case for the USA and that the USA has often had to intervene where other states have been unable to live up to their expectations. They suggest, however, that this now has wider implications: “The United Nations system was founded upon the fiction of the equal competence of all the world’s governments... these hopes crumbled to dust a long, long time ago” (Frum and Perle, 2004, pages 102–103; see also Phillips, 2004, 60–61, 224–226; Soros 2004, pages 102–103).

Although the call for wider intervention in domestic affairs and a recognition of the limits to the UN is shared, and although the “sovereignty entails obligations” claim parallels Blair’s domestic mantra that “with rights come responsibilities”, there is one key difference between Blair and the neocons. The Blair doctrine of international community is—at least in its ideal form—a multilateral strategy, whereas the US policy enshrined in these examples and more broadly in the National Security Strategy of 20 September 2002 is avowedly unilateral (see Kampfner, 2004, pages 216–217). Blair’s attempts to provide multilateral support for the USA’s unilateralism failed to deliver the second Security Council resolution on Iraq, and yet he still went along with the USA. This is the unresolved tension at the heart of Blair’s foreign policy.

### **The tension in territorial integrity**

The two meanings of the term ‘territorial integrity’ are thus increasingly in tension, and no more so than in the context of the war on terror. Blair has repeatedly stressed the territorial integrity of countries that are being targeted: Yugoslavia, Sierra Leone, Afghanistan, and Iraq. Territorial integrity in the sense of protection of existing boundaries is the partner to the violation of territorial integrity in the sense of territorial sovereignty or internal competence. This is not confined to Iraq and Afghanistan, or outside the temporal scope of the war on terror (but clearly part of the pattern), Kosovo and Sierra Leone. Rather it is being extended to other theatres of this war, including the two other members of its Axis of Evil—Iran and North Korea—as well as other states of concern.

With North Korea, Russian Defence Minister Sergey Ivanov has stressed that they should accept the introduction of foreign observers of the International Atomic Energy Agency “only if the DPRK [Democratic People’s Republic of Korea] receives absolute guarantees that its security, independence and territorial integrity will be preserved and that it will not come under attack” (Radio Russia, 2003). With regard to Iran, for Frum and Perle it is clear that “today, what survives of the senior leadership of al-Qaeda is hiding in Iran, again obviously with the permission of the Iranian government, as Iranian officials themselves confirm” (2004, page 245; see also 9/11 Commission 2004, pages 241, 330). For Bush, “Iran remains the world’s primary state sponsor of terror—pursuing nuclear weapons while depriving its people of the freedom they seek and deserve” (2005a).

With Syria the case is rather different. It too has come under considerable pressure recently, but in large part this has been for it to respect the territorial integrity of Lebanon. UN Security Council Resolution 1559 (2004) reaffirms “strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders”, is “gravely concerned at the continued presence of armed militias in Lebanon, which prevent the Lebanese Government from exercising its full sovereignty over all Lebanese territory” and notes “the importance of the extension of the control of the Government of Lebanon over all Lebanese territory.” In his recent “State of the Union” address, Bush noted that “Syria still allows its territory and parts of Lebanon to be used by terrorists who seek to destroy every chance of peace in the region” (2005a; see 2005b). Events such as the assassination

of former Lebanese prime minister Rafik Hariri, and the responsibility of Islamic Jihad for the 26 February 2005 bomb in Tel Aviv, and the resignation of the Lebanese government only intensified the pressure. This has led to the withdrawal of the US ambassador from Syria, the mutual defence pact between Syria and Iran, the withdrawal of Syrian troops (although doubts remain over its intelligence forces) and the election of an anti-Syrian alliance in Lebanon.

An interesting issue arises over the handover of Sabawi Ibrahim al-Hassan al-Tikriti to the USA. A half-brother of Saddam Hussein, the USA had long been looking for his capture claiming he was directing the insurgency from Syria, and he was six of diamonds in the infamous pack of cards. Although initial news reports suggested he had been apprehended in Iraq (Saadi, 2005), it was quickly claimed that he had actually been handed over by Syria, in part as a gesture of goodwill (BBC News, 2005; MacAskill et al, 2005; Philp, 2005). However, Hazim al-Shalaan, the Iraqi defence minister, has said he was actually captured by Iraqi and allied soldiers, but refused to state where (Worth, 2005). However, most reports agree that he was captured in northeast Syria, at Hasakah (see, for example, Nasrawi, 2005). This is near the Iraqi border, but within another state. Is this more proof that Syria has been infiltrated by allied troops or, more likely, special forces? (Parry, 2005; see Hersch, 2005, 333–334).

Pakistan is a good example of this more general use of US forces. The seven demands made of Musharraf's regime on behalf of the USA by Richard Armitage on 14 September 2001 included such obvious steps as condemning the terrorist acts (5), stopping al Qaeda operatives at the border and ending all logistical support for Bin Laden and the Taliban (1 and 6), providing intelligence information (4) and the key deal breaker of cutting relations with the Taliban if they continued to harbour Bin Laden (7). It also included giving the "United States blanket overflight and landing rights for all necessary military and intelligence operations" (2) and to "provide territorial access to U.S. and allied military intelligence and other personnel to conduct operations against al Qaeda" (3) (Department of State cable, State 158711; cited in 9/11 Commission, 2004, page 331). Pakistan's response that day granted all these concessions, but wanted to stress its "substantial concessions in allowing use of its territory" (Department of State cable, Islamabad 5123; cited in 9/11 Commission, 2004, page 331; see also Woodward, 2003, pages 42–43, 58–59).

Generally the point being made by the USA and its allies is the same as was made regarding Afghanistan and Iraq: what goes on (or is believed to go on) in their territories is of wider concern, be it the harbouring of terrorists or the pursuit of weapons of mass destruction. In the 9/11 Commission Report the scope is broadened still further. It identifies several places where they think terrorists would be likely to locate, on the dubious premise of asking "American and foreign government officials and military officers on the front lines fighting terrorists today" the question "if you were a terrorist leader today, where would you locate your base?" The answers feed US prejudices and strategies at the same time:

- western Pakistan and the Pakistan–Afghanistan border region;
- southern or western Afghanistan;
- the Arabian peninsula, especially Saudi Arabia and Yemen, and the nearby Horn of Africa, including Somalia and extending southwest into Kenya;
- Southeast Asia, from Thailand to the southern Philippines to Indonesia;
- West Africa, including Nigeria and Mali;
- European cities with expatriate Muslim communities, especially cities in Central and Eastern Europe where security forces and border controls are less effective (9/11 Commission, 2004, pages 366–367).

On one level these places are not entirely surprising, being many of those areas some writers on globalisation have noted that have fallen outside of the world economy. These places are inherently characterised as dangerous, as threatening (see, for example, Barnett, 2004). But what is striking about this list is that the majority of places are not individual states but substate regions, or broader geopolitical theatres. Iraq and Afghanistan may have therefore been exceptions in the broader war. As the report contends,

“In the post-9/11 world, threats are defined more by the fault lines within societies than by the territorial boundaries between them. From terrorism to global disease to environmental degradation, the challenges have become transnational rather than international. That is the defining quality of world politics in the twenty-first century....

In the twentieth century, strategists focused on the world’s great industrial heartlands. In the twenty-first, the focus is in the opposite direction, toward remote regions and failing states. The United States has had to find ways to extend its reach, straining the limits of its influence” (9/11 Commission, 2004, pages 361 – 362, 367).

This is a point that some state theorists have noted: that the ideal of a monopoly of violence in a Weberian sense is actually *not* enjoyed by all states, such as many in Africa including Sudan, Somalia, and the Democratic Republic of Congo. As Dunn (2004, page 148) puts it, “government claims of territorial integrity are highly dubious, as vast sections of territory remain outside the control of many African regimes.” There is therefore a debate as to whether some of these are actually states at all, with different designations “such as *failed, collapsing, quasi-, soft and post-state*” (Dunn, 2004, page 148; see also Jackson, 1987; 1990), and indeed there are many functioning ‘states’ that are unrecognised in these and other places. For British Foreign Secretary Jack Straw, states such as Somalia, Liberia, and the DR Congo are modern versions of Hobbes’s state of nature, “where the central authority of the state has collapsed, law and order is non-existent and territory is controlled by competing fiefdoms and gangs” (2002).

In this we see the reason why territorial integrity is such an important issue in international politics, but particularly in the context of the war on terror. Although the geographical aspects of this ‘war’ extend in a number of directions, the concept of territorial integrity is more than simply another lens through which to view them. Territorial integrity is not being asserted simply by dominant powers in terms of their own security, but because of the destabilising nature of secessionist or other territorial claims, and because of the dangers of a state not being in control of its territory.

For Straw, the inability of a state “to control its territory and guarantee the security of its citizens” is the first sign of a failed state (2002). Such a lack of control is not merely of concern for the state itself, but for regional stability, and, potentially, for global security (see Abrahamsen, 2005). Territorial preservation is important for the region, as was seen in the case of Iraq. Throwing open the question of Kurdish self-determination would have led, it was argued, to wider claims in neighbouring states. Territorial control is important, because a state that is not fully in control of its territory is by definition a lawless zone that can be a ‘breeding ground’ for nonstate power. As well as the African states usually analysed, it is clear that both Afghanistan and Iraq, after the invasions and overthrow of the Taliban and Baathist regimes, are in this category. And yet, it was what their sovereign governments were perceived to be allowing within their state territory that provided the justification for the violation of territorial sovereignty.

If territorial preservation and control are part of a much larger concern with stability, now linked explicitly to prosperity and the successful working of the global market, the putative legitimation for the challenges to territorial sovereignty is the tension becoming explicit. Whereas Communism provided a justification for US involvement in other countries throughout the Cold War, and the war on drugs a basis for involvement at least in Central America immediately afterwards (Stokes, 2005), there was a widespread difficulty in providing a reason in other areas. As Ronald Steel noted in 1995, “only in Kuwait, where oil was involved, has a president been able to rouse the public with a post-communist threat. Bandit clans in Somalia, rampaging Serbs in Bosnia, evil colonels in Haiti, genocidal militias in Rwanda—none of these can be portrayed as a threat in the way communism was” (1995, page 115). Humanitarian intervention, or Blair’s “international community”, was the key in Kosovo and Sierra Leone. Today the discourse of the war on terror can be seen to be filling that void. Although the norm of territorial integrity was never really accepted by dominant powers, the difference now is that they are being explicit about the challenge to internal competence or territorial sovereignty while simultaneously stressing the notion of territorial inviolability. The tension is becoming explicit precisely because of the collapse of the sovereign fiction that states have a monopoly of legitimate violence within their territory. An attempt to cling to that fiction is found in the assertion of inviolability; its unravelling is found in the practice of violation. The question of territorial integrity is therefore worthy of sustained investigation by political geographers, both in terms of its conceptual history and in terms of its current uses.

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