Outcomes of Territorial Wars

Conflicts over territory are common, war prone, and difficult to solve.¹ According to one statistic, more than half of the wars that took place between 1816 and 1997 were territorial.² According to another study, there were 129 cases of states arguing over a particular piece of territory between 1950 and 1990.³ And 11 of the 30 wars that were being fought in 2010 were defined as territorial.⁴

The problem is not only that territorial conflicts are common, but also that they seem particularly war-prone—more than other issues, they lead to war. Summing up the results from a number of different studies on territory and conflict, John Vasquez says that adversaries are especially inclined to try to solve territorial issues with the use of military force.⁵ This territorial explanation of war “maintains that there is something about territory that makes states more willing to go to war.”⁶ Territorial issues also seem especially intractable. That is, once a territorial issue has led to a militarized dispute, it tends to recur. Adversaries fighting a territorial war are less likely to start peace negotiations, and if such negotiations do start, they often fail.⁷ What is more, once territorial disputes occur, they quickly escalate and tend to be more severe and more lethal than nonterritorial disputes.⁸

Scholars have offered several possible explanations for why territorial conflicts are so common and intractable. Political leaders, Barbara Walter reasons, might worry that if they give up on one territorial issue, there will be a slippery slope leading to losses in other territorial conflicts. Governments do not necessarily fight territorial wars because the territory has strategic or material value, but rather because they are concerned that if they make one territorial concession, they will have to make others as well. Governments
want to be perceived as unrelenting. Another explanation focuses on the moral and symbolic importance of territory. A given piece of territory is not just land. It is infused with cultural and historical significance, and can be thought of as the heart and soul of the national group. When symbolic and moral stakes are involved, political leaders tend to think in zero-sum terms: one adversary’s loss is the other’s gain.

Given the frequency and intractability of territorial disputes, it is not surprising that people find it difficult to see a simple solution to them. It is especially difficult perhaps, to see how we should solve territorial conflicts where two national groups lay claim to the same piece of territory. David Miller has expressed his frustration with these types of conflicts this way:

People of a liberal disposition . . . will throw up their hands in despair when asked to resolve the practical problems that arise when . . . two nationalities make claim to the same territory, as for instance in the case of the Jews and the Palestinians in Israel.

While it might be difficult to identify the ideal solution in many cases of territorial conflicts, some outcomes will clearly be better, that is, more stable and more just than others. In order to determine what these are, several kinds of considerations have to be taken into account. Most fundamentally, we have to ask what justifies territorial rights. What explains a state’s right to territorial sovereignty over a particular piece of land? I argue that a group of people develops a valid territorial claim when they live on a particular piece of land over a period of time, and establish both material and cultural bonds to it. This is the claim of settlement. If this group of people is governed by a minimally just state, that state has a prima facie right to territorial sovereignty. This implies that there are good reasons to assume that current borders are morally acceptable and that there consequently is a moral presumption against territorial change. There might, however, be other claims that can outweigh the settlement claim.

Are there situations in which a state has the right to take back territory that it has lost in a previous conflict? In the second part, I argue that the presumption against territorial change follows not only from a consideration of valid territorial claims but also from the norm of territorial integrity. But there will be situations in