

Why Borders Matter

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Events in the Middle East seem to make some commentators and officials forget the fact that borders matter—everywhere, including the Middle East. Most borders reflect the vagaries and irrationalities of history. Sometimes they look arbitrary—history does not usually produce straight lines. Borders frame states, and states are the constituents of the international system and order. Borders bound sovereignty. Their recognition implies acceptance of power within boundaries. For these reasons alone, governments and commentators should take them seriously and be wary of too-easy calls to change them. Just look at the Balkan bloodbaths of the last 150 years for examples other than those in Iraq and Syria of what can happen when borders are torn up or control of borders becomes a politico-military issue. In short, borders are at the heart of international peace, order, and prosperity.



The successful attack on, and rearrangement of, borders should give every state pause. That is what *Soviet* Foreign Minister Maxim Litvinov meant when, in the 1930s, he said that peace was “indivisible.” The UN Charter emphasizes the sovereign equality of states. The corollary is the prohibition on the threat or use of force against the territorial integrity or political independence of any state. Neither of these core principles of our world depends on how the state came to be or how its borders were drawn. If the international boundaries of the Middle East are up for grabs, why shouldn’t the same be true of law-of-the-sea maritime boundaries or long-accepted land boundaries like those of Ukraine, Poland, and African states?

Of course the borders of Iraq, Syria, and other states reflect arbitrary decisions and they may not be immutable. There is no universal norm for how one makes a state be a state. International community acceptance is decisive. So is process. Internationally acceptable process allowed for the emergence of Eritrea and South Sudan as new states in Africa despite the long-standing taboo on tampering with the arbitrary boundaries inherited from colonial days. The Islamic State lacks a claim even as strong as Taiwan’s to international acceptance and has eschewed all non-violent process. Taiwan possesses objective attributes of statehood—territory, people, government, and the

ability to conduct foreign relations and implement international agreements—but few recognize it as an independent country. And mere recognition is not enough, as the Palestinian Authority has discovered. The process for establishing the Palestinian Authority as a state is diplomatic. Efforts to circumvent that process may succeed but success is not certain unlike those pursuant to a diplomatic process. Economic and social viability is a practical test. Micro-states, although ethnically homogenous, may meet objective tests of statehood and fail to be other than basket-cases. Most borders that do not reflect geography do, even if the arbitrary decision is the result of war. Now we have the Islamic State claiming to be a new Caliphate and running roughshod over long-standing boundaries it does not like or wants to control. Should those who are inclined to fight the Islamic State accept this point of view? Why? Because civil wars are messy, and it is difficult to put countries back together after internal bloodletting? Those who zero in on the Middle East seem to ignore tensions over borders everywhere else. But those tensions exist, and, therefore, it is timely to recall the importance of borders to international peace and security.

Most important rules of international law—those governing the international use of force and military operations come to mind—are directed at states. Most international law originates in treaties between or among states: international commercial law, international criminal law, international human rights law, and the like. However one understands the function of law in the international system, one role for the law is the definition of a state. Disregard for these realities endangers more than the immediate victim of attack. For example, Russia's seizure of Crimea and *coups de main* in Ukraine threaten far more than Ukraine. That is why Moscow has been the most important stimulant for continued belief in the importance of NATO in recent years. China's assault on the maritime order in the western Pacific is no less significant. Where will island building and claims based on anything but law end? With the biggest bully in a neighborhood getting its way?

We do not want a world in which governments think that *sauve qui peut* is the order of the day. A coalition based on self-interest in borders could form and address the Islamic State challenge. At the moment, there isn't enough fear to galvanize such a coalition or to provoke the kind of action that might restore a measure of equilibrium to the Middle East (much less address the human catastrophe unfolding in the region). Similar coalitions in the western Pacific and eastern Europe are equally essential if the world is going to emerge from present tribulations with anything resembling international law and order.

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