Where There's a Will, There's a Way

Ten Ways of Settling an Insoluble Territorial Dispute

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Abstract

Understanding 'sovereignty' as one and indivisible substance is very convenient for politicians and lawyers, but in the modern political reality it is hardly achievable. Alternative approaches to sovereignty, which imply the possibility of blending the legal systems of different states in the same territory, considerably expand opportunities for resolving territorial disputes. In this article vast historical material is used to illustrate the experience of implementing various models of territorial governance, such as an associated state, transboundary region, sovereign region, leased territory, free territory, no-man's territory, buffer zone, temporary administration, condominium, and commune. The described set of options may help break the deadlock in negotiations on almost any territorial dispute, provided the parties concerned have the political will to achieve a peaceful compromise.

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Territorial disputes are extremely difficult to resolve. It has been the custom to perceive territory as the most valuable asset and its significance has been sacralized over time. This is well seen in the latest Russia-Japan negotiations where both sides are clearly ready to meet each other halfway, but a mutually acceptable solution remains unachievable.

I believe the reason is that the idea of the "indivisibility of sovereignty," i.e. that territory may belong entirely to one state only, dominates in world politics. In reality, this postulate is wrong. History has seen many examples of mixed sovereignty, which helps to realize the national interests of two peoples in the same territory. This article is an attempt to scrutinize the historical examples of such forms of territorial governance in the hope that such a study will help diplomats and politicians expand the range of options for resolving territorial disputes.

MODERN THEORY OF SOVEREIGNTY

The issue of sovereignty has always been central to political geography, because the state, the main object of study in this science, is traditionally understood through sovereignty (Okunev, 2019). The normative understanding of sovereignty as a concept linking power and society by legitimation (both internal and external) in a certain territory stems, in fact, from a political-geographical factor. The concept of sovereignty was formulated in the 16th century by French lawyer Jean Bodin and enshrined in the 1648 Peace of Westphalia, a series of peace treaties that put an end to the Thirty Years' War in Europe (Ilyin, 2008). The Westphalian system of international relations, which remains the pillar of the modern world order, rests upon the idea that sovereign states exercising full power in their territory are equal participants in international relations.

There are two dominant approaches to sovereignty in modern political geography. According to one, *attributive* approach, sovereignty is realized through articulation and achievement of its interests by the state, and mainly through its foreign policy, in which case sovereignty is considered a stable characteristic of the state. The advocates of the other, *subject-based,* approach maintain that sovereignty is the result of political processes underway in a certain territory. In this case sovereignty has a dynamic (in terms of time and space) character. Thus, the first approach interprets sovereignty as an attribute of the state and its indispensable characteristic, while the second one, on the contrary, treats the state as the subject of sovereignty (Yack, 2001).

The first approach is based on the Westphalian understanding of sovereignty: the world consists of sovereign states that fully control their own territory. Despite the fact that this type of situation has never existed in reality, the advocates of this approach are adamant that full sovereignty is a necessary organizing principle of the state and a natural attribute of political power. In this case, states are understood as autonomous individuals, homogeneous points without spatial differentiation, whose behavior reflects certain homogenous internal interests and who act as subjects of international relations and fight with each other for survival, which brings about rigid dichotomies of "inside-outside" and "friend or foe" type (Sergunin, 2010).

The second, subject-based approach suggests that the state should be understood not as a source of power, but as a derivative of sovereignty, of the political processes taking place in the name of a given state in a certain territory, in which power and society are connected by internal and external legitimation and constitute a single identity. States become subjects of international relations, embedded in this system through their foreign policy (Okunev, 2011). Sovereignty ceases to be a specific construct embodied in different forms and different mechanisms, depending on the historical and geographical context. Therefore, the second approach allows us to see a new dimension of sovereignty as a discursive space-based phenomenon (Agnew, 2003).

The hypothesis of this paper is that the described *subject-based understanding of sovereignty expands the range of possible tools in*

resolving a territorial dispute. We will list such options of flexible attitude to sovereignty in combination with examples from world history.

1. Create a transborder region

A transboundary region is an integration association of contiguous regions of countries created for the institutionalization of border cooperation (Fedorov, 2010). Geographically, a transboundary region is the minimum unit of integration. However, this does not mean the least possible degree of integration of these entities: although sometimes they are created as supporting zones for future interstate integration (Chinese transboundary trade zones on the border with Russia and Central Asian countries). More often than not they already represent a stage of deeper interstate integration, transferring it to the regional and local level (Euroregions in the EU) (Nikitina, 2010).

The creation of transboundary regions resolves a set of interdependent problems: it eliminates historical barriers, contributes to the socio-economic development of border areas located at their countries' periphery, overcomes the barrier functions of the state border, enhances security, and improves the country's image (Kuznetsov, 2012).

Attempts to institutionalize transboundary cooperation have repeatedly occurred since the 19th century (for example, the Spanish-French commission for cooperation in the Pyrenees region), but they peaked in Europe after the war largely due to targeted policies by the European Union.

The following types of transboundary regions can be distinguished:
- transboundary working communities, which are a format of broad interregional cooperation that does not envisage creation of supranational governing agencies (the Association of the Alpine States, Barents Euro-Arctic Council, Mano River Union);
- transboundary movement zones, in which visas for short-term trips are not needed for residents of neighboring regions (for example, in the Russian-Norwegian, Russian-Polish, and Russian-Lithuanian borderlands);
- transboundary trade zones that stimulate transboundary trade relations and trade between regions (especially popular

in China, as they exist on the Russian-Chinese border in Blagoveshchensk-Heihe, Pogranichny-Suifenhe, Zabaikalsk-Manchuria, and Zarubino-Hunchun);

- transboundary agglomerations, where cooperation proceeds within the framework of cities divided by borders (for example, the Eurodistricts of Strasbourg-Ortenau, Freiburg-Alsace, Saar-Moselle, and Lille-Kortrijk);
- Integrated transboundary regions characterized by a high share of cooperation and multifactored cooperation, on the one hand, and consistency and independence of the management structure, on the other (Euroregions of the German-Dutch EUREGIO, Lake Constance Conference) (Strezhneva, 2011).

The degree of institutionalization and activity of transboundary regions varies from continent to continent. Whereas in Europe it is almost impossible to find a region that does not participate in such structures, in other continents this form of integration still remains an exception (Pestov, 2015).

2. Lease the territory

A leased territory is a sovereign territory temporarily transferred to another state for possession or use (Chernyshev, 2010). There are two types of leased areas:

- Sovereign rented territories: sovereignty over these regions was temporarily transferred by the lessor country to the lessee country (British Hong Kong in China in 1898-1997).
- Non-sovereign leased territories (concessions): the lessor country retains sovereignty over the territory, while the lessee country receives only temporary rights for using and applying its legislation (Russia's Baikonur in Kazakhstan in 1992–2050).

Leasing territories was extremely prevalent during the growing external influence in China in the second half of the 19th century. During that period, Hong Kong was leased to Britain, Macao to Portugal, Guangzhouwan to France, Jiaozhou to Germany, and Taiwan

to Japan (Baker, 1995). In 1898, Russia obtained a 25-year lease of the Kwantung territory on the southwestern tip of the Liaodong Peninsula, which included the naval port of Port Arthur, the trade port of Dalniy (now Dalian), and the region's old Chinese capital of Jinzhou. After Russia's defeat in the Russian-Japanese War, the territories were ceded to Japan, only to be taken back by the Soviet Union after World War II. The final transfer of the jurisdiction over this territory to China took place in 1955. The last leased territories—Hong Kong and Macao—returned to China in 1997 and 1999, respectively, with the status of special administrative regions.

Leased territories are also an important factor in Russian-Finnish relations. In the 1940s and 1950s, the Soviet Union rented from its northern neighbor the Hanko and Porkkala Udd peninsulas to deploy naval bases there (Filippini, 2016). In exchange, the section of the Saimaa Canal located in the Leningrad region was leased to Finland in 1962. This canal, connecting Lake Saimaa with the Baltic Sea in the area of the former Finnish city of Vyborg, is of strategic importance because it serves as a link between the country's internal economic regions and international shipping routes. In the post-Soviet period, the lease contract was extended until 2063. Finnish legislation, including navigation rules, is valid in the territory of the canal, while Russian customs restrictions are ineffective. At the same time, the canal cannot be used for the transportation of troops, armaments, or ammunition, and Russian ships are entitled to free passage through the Russian part of the canal (Okunev, 2014).

Rented by Russia from Kazakhstan since 1992, the city of Baikonur, along with the cosmodrome of the same name, is the largest leased territory in the world and has a unique political and legal status. While remaining a sovereign territory of Kazakhstan, it exists within the Russian legal space. Although it enjoys the status of a Russian city of federal significance (along with Moscow, St. Petersburg, and Sevastopol), Baikonur lacks the constitutional status of a territory of Russia. Its departments of legislative and executive power are not represented in Russia's Federation Council. The head of the city authorities is appointed by the presidents of the two countries and no

representative agencies of local self-government exist. Russian courts, police stations, schools, hospitals, and post offices are located in the territory of Baikonur.

3. Convert communities in the territory to free communes

A number of territorial communities in the world drop out from a common political space. In doing so, they form their own utopian, self-sustaining settlements called communes. Their residents, without laying claim to state sovereignty, establish their own rules of living together.

A typical commune has the following characteristics:
- a common utopian idea (of a sociopolitical, religious, or ecological nature), often associated with the intention to achieve an ideal society;
- collective ownership prevails;
- the commune's socio-economic and ecological seclusion from the outside world.

Usually a commune is home to several dozen to several hundred people—mostly middle-aged and elderly—engaged in common pursuits and undertakings (most often in agriculture). Communes that independently provide education for the children are now very scarce, so a majority of young people leave the communes when they grow up. Contrary to common gossip, most communes are heterosexual and monogamous, although "free love" communities (for example, ZEGG in Germany or Krista in the U.S.), or communes professing total abstinence from sexual intimacy still exist. Politically most communes are governed by democratic procedures, although there are also anarchic, authoritarian, and even totalitarian varieties. The international public association called Fellowship for Intentional Community (FIC) provides interaction among communities around the world.

Apparently, the oldest communes in the world are settlements of the Hutterites (for example, the commune Bon Homme, which has existed since 1874). The trend to defend the principle of common property emerged as a branch of the Anabaptists in Germany. After a period of wandering around Eastern Europe, they migrated to North

America. The Hutterites live by agriculture and petty handicraft, retain their native language called Hutterisch (which is close to German), are pacifists, do not serve in the army, and defend the right not to be photographed even for IDs, since this contradicts the first commandment. Religiously close to the communes of the Hutterites are the Bruderhof communities, scattered around the world from Britain to Paraguay. The Amish and the Mennonites (religiously close to the Hutterites, too), who reside in the U.S. and Canada and practice a traditional lifestyle (in particular, the former do not recognize modern technologies), are not typical communes, because they do not recognize common property.

Israel's agricultural kibbutzim are another example of old-type communes. The first of them, Degania, was founded in 1910. Today there are about 300 of them, accounting for about 2.5% of the country's population, which is the highest ratio of commune residents in the world. The largest number of communes is found in the United States—more than 2,000. Alongside the U.S. and Israel, communes are common in some countries of Western Europe and Latin America, Australia, New Zealand, and India. Some communes are so active in the political sphere that they even begin to be perceived as quasi-states (for example, Christiania in Denmark).

4. Make the disputed territory a sovereign region

Sovereign regions enjoy broader powers than all other types of territorial units of the state. Unlike other autonomies with separate powers, sovereign regions possess sovereignty and each of them is something like a state within a state. Their right to secession (unilateral pullout from the parent state) can be considered the greatest attribute of sovereignty. None of them has exercised this right yet, though. Such broad powers often cause a great deal of confusion and such entities are taken for states in their own right (for instance, the Monastic Republic of Mount Athos), non-self-governing territories (like the Åland Islands), or unrecognized states (like Azad Kashmir). It turns out that sovereign regions incorporate individual features of all these border terms. Let us consider these three examples in greater detail.

The Autonomous Monastic State of the Holy Mountain (Athos) is a sovereign region of Greece. Its status is significantly different from those of other territorial units of Greece. In fact, the region has complete autonomy and even some elements of sovereignty. With its secluded location on the same-name peninsula in Halkidiki, Athos is the world's largest cluster of Orthodox monasteries. The special sacral significance of the peninsula for Christianity (considered to be the earthly Garden of the Virgin Mary) means that predetermined prayer is the only permitted occupation on Athos. Therefore, tourists, non-Orthodox, and women (and even domesticated animals and pets) are not allowed into the territory of the state, while everyone else needs a blessing from the local church. In order to get to Athos a visitor needs to get a Diamonitirion (analogue of a visa) in Thessaloniki or Ouranoupolis in neighboring Greece and use a boat. In fact, this state has no political or economic system, because life proceeds according to monastic rules, and the administrative center of Karyes is endowed with exclusively coordinating functions. Dating back to the 7th century AD, the traditions of autonomous existence on Mount Athos are very old and were not interrupted by either the Ottomans or the Nazis. The current position inside Greece is determined by the fact that historically Orthodox states (mainly, Russia) claimed joint control of the territory and even brought troops there in 1917. The pro-Greek status serves as a safeguard against external interference (Basbanes, 1999).

The Åland Islands (literally, the "perch country") in the Baltic Sea are part of Finland. The Åland Islands are independent from Finland in matters of education, health, culture, transport, ecology, and communication (Deryabin, 2009). The islanders have separate citizenship and do not serve in the Finnish army. The only official language is Swedish and all Finns are required to study Swedish at school. During the 1918 Civil War in Finland, almost all the inhabitants of the Åland Islands voted in a referendum for reunification with Sweden, but the latter wanted everything to be arranged in conformity with international law, only to find no allies who would agree to spoil relations with the newly-emerged state following the breakup of the

Russian Empire. The Åland Islands held a referendum on joining the EU to gain a place outside the tax union (Stanvridge, 2003). For this reason, all Baltic ferries making a ten-minute stop on the islands can trade duty-free, thus making the islands a territory with one of the highest living standards in the world. There are eight consulates per 30,000 people in the Ålands. The region is a member of the Nordic Council. The Russian consulate in the Åland Islands (a former westernmost province of the Russian Empire) has served as a guarantee of the demilitarized status of the archipelago (since 1856) (Rotkirch, 1986).

Azad Kashmir emerged as a result of the Indo-Pakistani conflict over the territory of the northern principality of Jammu and Kashmir. Relying on the decision of the former leadership of a predominantly Muslim principality, India has laid claim to its entire territory, although Pakistan and China control some of its parts. Formally sovereign, Azad Kashmir was established in the western part of the former principality and is actually governed from Islamabad.

Sovereign regions are also common in the post-Soviet space. They are the legacy of the right of the Soviet republics to secede from the state. This provision contributed to the legal consolidation of this status by some autonomies of the newly independent states. Some of them were later abolished (as in Tatarstan and Chechnya in Russia), while others have been preserved de jure (as in Gagauzia in Moldova or Karakalpakstan in Uzbekistan).

5. Make the disputed territory an associated state

UN GA Resolution 1541 (XV) defines the forms of self-determination for non-self-governing territories: conversion to a sovereign state, merger with another state and, finally, free unification with an independent state. The third option is implemented in the form of an associated state. An association with another state should be a free and voluntary choice of the country's population, made through clear and democratic procedures. While transferring some of its sovereignty to the other state and agreeing to dependence in certain domestic or foreign policy matters, the associated state retains, firstly, the right to determine its internal system (with the necessary consultations with

the partner state) and, secondly, the right to unilaterally withdraw from the association by means of democratic expression of the people's will.

The status of associated states was initially used as a transitional one on the path to decolonization. In 1967, the British West Indies (Antigua, Dominica, Grenada, Saint Kitts, Nevis, Anguilla, Saint Lucia, and Saint Vincent) concluded an association agreement with the UK. After a few years, all of them, except Anguilla, became independent states. Anguilla, on the other hand, is an example of involution: it abdicated the status of an associated state within Saint Kitts and Nevis to return to the position of a dependent territory of Great Britain.

However, the status of an associated state can be quite stable, which is clearly seen in the associated states of the U.S. (the Marshall Islands, Micronesia, and Palau) and New Zealand (the Cook Islands and Niue) still existing on the modern political map.

The Cook Islands and Niue have had the status of associated states of New Zealand since 1965 and 1974 respectively. This status allows these territories, on the one hand, to receive financial support from Wellington and delegate to it foreign and domestic policy matters that are not essential for the islands, and, on the other hand, to enforce the political interests where it is crucial. Despite the fact that neither territory is a member of the UN, this does not prevent them from establishing diplomatic relations with sovereign states, including the United States, the European Union, and China, open embassies and join international organizations without upsetting friendly relations with the parent country.

Niue, perhaps, has the world's highest ratio of diplomatic personnel per the country's total population. With a population of just over one and a half thousand people the island has three embassies abroad, diplomatic relations with a dozen states, and is affiliated with a couple of dozen international organizations.

The Free Association Agreement has secured the status of the U.S.-associated states for the Marshall Islands and Micronesia since 1986 and for Palau since 1994. All three oceanic states had been part of the U.S.-governed Trust Territory of the Pacific Islands. After the transitional period they decided to become associated states of the

former parent country. The countries have internal self-government, an opportunity to conduct their own foreign policy, and even hold seats in the UN, but within the association's framework they agreed to host military bases in their territory and delegate to the U.S. part of their sovereignty related to defense issues. In exchange they are entitled to financial support from the U.S. budget. If one traces the history of voting at the UN General Assembly, it turns out that these countries almost always agreed with their patron.

In Puerto Rico, yet another dependent territory of the United States, there is a movement for self-determination in the form of an associated state with the U.S. (known as sovereigntism) (Talbot, 1993), but recently it has ceded much of its influence to the movement for complete merger with the United States as the fifty-first state (Martinez, 1997). The Puerto Ricans have held referendums several times to confirm this choice, but the U.S. Congress has so far resisted such a decision, because it will entail significant financial costs and change the balance of power between the Republican and Democratic forces in federal elections in favor of the latter (Diaz, 1995).

6. Create a buffer zone

A buffer zone is a territory which separates conflicting parties and which remains under international administration. A buffer zone is a narrow strip of land, from several meters to several kilometers wide, that international institutions have created to control the line of demarcation between the conflicting parties for the period of the peace process. The population is usually evacuated from the zone and a demilitarized regime is established.

Buffer zones gained recognition after their establishment during civil conflicts in the Cold War era. Demilitarized zones several kilometers wide were created in 1953 along the 38th parallel between North Korea and South Korea, and in 1954 along the 17th parallel between North Vietnam and South Vietnam. Both zones were governed without international participation and proved to be extremely unstable. The Vietnamese zone was constantly a theater of military operations and was eventually abolished in 1976 after the unification of Vietnam. The

Korean demilitarized zone still exists today despite a series of border clashes, although its degree of demilitarization is questionable.

Later, buffer zones were created under the auspices of UN peacekeeping missions:

- The Green Line—the UN buffer zone in Cyprus (established in 1964 between Cyprus and partially recognized Northern Cyprus and controlled by the UN Peacekeeping Force in Cyprus (UNFICYP)) (Broome, 2004, Webster, 2006);
- The Purple Line—the UN buffer zone in the Golan Heights (established in 1974 between Israel and Syria and controlled by the UN Disengagement Observer Force (UNDOF));
- UN buffer zone in southern Lebanon (established in 1978 between Israel and Lebanon and controlled by the UN Interim Force in Lebanon (UNIFIL));
- UN buffer zone on the Iraq-Kuwait border (established in 1991, until 2003 was controlled by the UN Iraq-Kuwait Observation Mission (UNIKOM)).

There are some buffer zones managed by other international organizations. In 1982, without receiving a mandate from the United Nations, the United States, Israel, and Egypt created their own mission of international forces and observers to administer the multilevel buffer zone on the Sinai Peninsula.

Since 1999, there has been a zone on the border of Serbia and Kosovo under the leadership of the NATO Kosovo Force (KFOR). In 2013, it was decided to create a ten-kilometer buffer zone controlled by the African Union on the border of Sudan and South Sudan.

7. Transfer the territory in interim trust of an external administration

A temporary administration is established by international organizations (usually the UN) in sovereign territories for peacemaking and state-building purposes (Korhonen, 2001). For a certain period, part of authority, including legislative, executive, and judicial powers, is transferred to a special international mission formed for this

purpose. Usually, an interim administration is established during a post-conflict period in order to set up new institutions of state power and hold democratic elections.

A number of UN missions were created with the aim of establishing temporary administration for various regions of the world:

- United Nations Temporary Authority in West New Guinea (West Irian) in 1962-63, created for the peaceful transfer of territory from the Netherlands to Indonesia (UN Temporary Executive Authority (UNTEA));
- United Nations Transitional Authority in Cambodia in 1992–93, established to end the Vietnamese occupation of Cambodia, adopt a constitution, and hold elections to executive bodies of power ((UNTAC operation by the United Nations Transitional Authority in Cambodia);
- United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in 1996-98, created to reintegrate these regions into Croatia after the elimination of the self-proclaimed Republic of Serbian Krajina;
- United Nations Transitional Administration in East Timor (UNTAET) in 1999-2002, created for the period of the formation of government agencies after the referendum on the independence of East Timor from Indonesia.

Today, Kosovo and the Brčko District (Bosnia and Herzegovina) are under partial international control.

The United Nations Interim Administration Mission in Kosovo (UNMIK) was established in 1999 to form a government in the context of the region's wide autonomy within Serbia. After the declaration of Kosovo's independence, the mission's tasks were significantly revised. In 2012, the external control functions were terminated, but the mission continues to work, focusing on security, stability, and human rights issues. Some of the mission's tasks were redistributed among other organizations—NATO (security), the OSCE (democratization and institution building), and the EU (law, order, reconstruction, and economic development).

The United Nations Mission in Bosnia-Herzegovina (UNMIBH) operated in the country from 1995 to 2002. Its task was to coordinate the implementation of the Dayton Peace Agreement after the Bosnian War, in particular, the transfer of power to the Peace Implementation Council. The Council decided to introduce the High Representative's provisional administration for the Brčko District, which holds a strategic position to ensure communication between the fragmented parts of the Republika Srpska and the Muslim-Croat Federation within one country.

8. Make the disputed territory free

Free territories drop out of the established system of international relations where the status of spaces is defined through the concept of sovereignty. These are separate political entities (a sovereign state or part of it) under international administration. Free territories are not fully sovereign, since in key matters, primarily related to security and foreign policy, they are governed by the international community, but at the same time they are not international, since they do not belong to the entire world community and retain their independence in matters of self-government. Free territories should also be distinguished from the types of dependent territories under international administration—mandated and trust territories. Free territories were initially sovereign, while mandated and trust territories were created with the aim of giving them sovereignty or putting them under the control of another sovereign state.

As a rule, free territories are created to freeze territorial claims and ease tensions in interstate relations. For example, the status of a UN-governed free territory was proposed for Jerusalem and Bethlehem according to the 1947 UN Partition Plan for Palestine, not destined to be realized due to the start of the Arab-Israeli war. Most often this tool was used in the first half of the 20th century.

The Tangier International Zone (1912-1956) was established on the southern coast of the Strait of Gibraltar. The international status of the city was established by the League of Nations: nominally it remained under the control of Morocco, but the actual control was exercised by France, Spain, and the United Kingdom. Tangier was administered by

the legislative assembly consisting of four delegates from France, four from Spain, three from Britain, two from Italy, one from the U.S., one from Belgium, one from Denmark, and one from Portugal, appointed by the consuls of their respective countries, and nine subjects of the Sultan. The zone was eliminated after the decolonization of Morocco.

The free city of Fiume (1920-1924) received its status after the signing of the Treaty of Rapallo between Italy and Yugoslavia. An important port in the Adriatic Sea, Fiume caused a territorial dispute between the two countries after the collapse of the Austro-Hungarian Empire. Formally an independent city-state, Fiume was recognized by the United States, Great Britain, and France, but starting in 1922, it was actually ruled by Italy and officially joined Italy two years later. After World War II, the territory became part of Yugoslavia, and today the city called Rijeka is part of Croatia (Kiselnikov, 2013).

The free city of Danzig (1920-1939) on the Baltic Sea was founded after World War I under the Treaty of Versailles. It was placed under the control of the League of Nations and had to enter into a customs union with Poland, which represented it in foreign policy relations. In this self-governing city, pro-Nazi sentiment was very strong, and it was Berlin's attack on Danzig on September 1, 1939 that launched World War II. After the war the city became part of Poland and is now Gdansk (Zubachevsky, 2015).

The territory of the Saar Basin (1920–1935) and the Saar Protectorate (1947-1956) emerged as a result of the Franco-German confrontation over the possession of the Saar coal basin during the two world wars. After World War I, the League of Nations governed Saar for fifteen years. The district was ruled by a commission of representatives from the Anglo-French force of occupation, but in the 1935 referendum it came out for reunification with Nazi Germany. History repeated itself after World War II. Saar became part of the French zone of occupation. France wanted to create a buffer state there under the joint control of the West European Union, but again its residents demanded reunification with Germany. However, it was precisely in Saar that the coal and steel industries of two eternal rivals were merged for the first time, heralding the first step towards the creation of the European Union (Lloyd, 1995).

The Memel Territory (1920–1923) in East Prussia was also separated from Germany in the Treaty of Versailles and placed under the League of Nations mandate. In fact, it was under French administration. However, plans for creating a free city collapsed when the city's Lithuanian majority rose in revolt. This city on the Baltic Sea went to Lithuania and since then has been known as Klaipeda.

The Free Territory of Trieste (1947-1954) in the northern Adriatic was placed under direct UN responsibility in the aftermath of World War II with the aim to resolve the territorial conflict with Yugoslavia over Istria (Kunz, 1948). Soon the territory was divided between the two countries. The city itself remained part of Italy, but Yugoslavia was promised free access to the port. After the collapse of Yugoslavia, the Slovenian and Croatian parts of Istria saw an upsurge in irredentist sentiment.

On the modern political map of the world, perhaps, the only example of a free territory is Spitsbergen. The Spitsbergen Archipelago, together with Bear Island in the Arctic Ocean, had remained no-man's territory until the 20th century. Economic activity there was limited, but the primary players were Russia and Sweden. The Spitsbergen Treaty was concluded in 1920. The territory was taken over by Norway following its breakaway from Sweden, but an international legal regime was established, with all the signatories enjoying equal rights to use its benefits. The archipelago's demilitarized status was proclaimed and all parties to the treaty gained equal rights to economic activity, navigation, and scientific research in the archipelago. Currently only Norway and Russia are economically active on the island. In the only remaining Russian community of Barentsburg, the Russian state-owned coal company Arktikugol still operates today. It does not pay Norwegian taxes and uses only the Russian language and the Russian national currency. Russians can visit Spitsbergen without a visa, provided that they arrive there by direct charter flight from the territory of Russia. The strategic significance of Spitsbergen for Russia stems from the importance of monitoring the demilitarized status of the archipelago that is part of a NATO country and located in an area adjacent to the Russian Arctic sector (Stagestad, 1975).

9. Make the disputed territory no man's land

No man's land (terra nullius) is a space that is neither under someone's sovereignty, nor an international territory (Buchkovsky, 2017). Initially, this term was applied to unexplored territories with a not yet determined legal status. In the 20th century there are no territories of this type left. Therefore, the term is used only in the narrow sense to designate territories over which all other states have refused to exercise their sovereignty. A territory is relinquished for one of three reasons: (1) under pressure from the international community, for instance, following a military defeat; (2) with the aim of arranging for a swap of territories, or (3) because it is impossible to govern the territory effectively. In all cases, after abdication by one country the territory in question has not been taken over by any other recognized state, nor has the international community recognized this territory as common.

For example, the colonial possessions of Japan, which it ceded under the San Francisco Peace Treaty, could have become no-man's territory.

Tokyo surrendered some territories without their transfer to a specific state (from the Kuril Islands and the Japanese sector of Antarctica (Marie Byrd Land and Ellsworth Land). Nevertheless, the status of these territories was determined by other countries: the Kurils are part of Russia, and the status of an international territory is recognized for Antarctica. The former Japanese sector of Antarctica is still the only unclaimed piece of land by any power in the world, which makes it similar to no-man's land.

The appearance of no-man's territories, called neutral zones, was characteristic of defining the border between the British colonies in Mesopotamia and Saudi Arabia (then the Sultanate of Nejd). The definition of such zones under the 1922 border treaty was associated with the inability to effectively manage the border in the desert, which nomadic tribes regularly crossed either way in search of rare oases. The neutral zone on the Saudi-Kuwaiti border existed until 1970, and on the Saudi-Iraqi border, until 1991.

Rare examples of no-man's territories on the present-day political map of the world are Gornja Siga on the Serbo-Croatian border and Bir-

Tawil on the Sudanese-Egyptian border. Both appeared as a result of un-successful attempts to resolve territorial disputes between the countries.

Since the breakup of Yugoslavia and the war for Serbian Krajina, Serbia and Croatia have had mutual territorial claims to some of the disputed border territories, which, however, do not concern the uninhabited wooded territory Gornja Siga, seven square kilometers in size on the bank of the Danube. Neither country lays claim to it so as to avoid the risk of losing other more important disputed territories.

The Bir Tawil sector appeared on the map when the British Empire in 1902 redrew the border between two dependent territories: Egypt and Sudan. The Hala'ib Triangle, with its access to the Red Sea, was transferred to Sudan in exchange for the uninhabited sector of Bir Tawil in the desert. Today, Egypt does not recognize the 1902 treaty and, accordingly, its own sovereignty over Bir Tawil, while maintaining control of Hala'ib. On the contrary, Sudan recognizes the border established by the British, thus renouncing any claim to Bir Tawil. As a result, both states have given up their sovereign rights to the given territory where no legislation is in force.

10. Establish a joint governance regime

As a rule, a territory falls under the sovereignty of one state. However, historically there have been examples of joint administration of territories by two, three, or even four states. Condominiums are a very effective way of resolving territorial conflicts.

Condominiums should not be confused with international territories (for example, Antarctica), which belong to all countries of the world, since in condominiums there is always a clearly defined list of governing countries. In some cases, condominiums are very close to free territories and the rules of administering land-locked seas, international rivers, and lakes (the Caspian Sea, Lake Constance, and such rivers as the Danube, the Rhine, and the Moselle). However, in the described cases the point at issue is not that contracting states agree to control only certain types of activity (peaceful transit, freedom of economic activity), whereas in condominiums, the administering states spread their sovereignty over all aspects of the territory's functioning. Condominiums also differ from

temporary administrations (the Brčko district in Bosnia-Herzegovina), since their creation has no chronological restrictions.

Condominiums have existed in three forms:

- Feudal condominiums—de facto independent microstates co-governed by the heads of the neighboring major powers that emerged in the era of feudal fragmentation (Spanish-Portuguese Couto Misto in 1139-1868, Maastricht in 1204-1794 under the rule of Bishop of Liege and Duke of Brabant;
- Border condominiums—communities under common administration, established for the settlement of territorial disputes (Russian-Danish Fælles Distrikt (common district) on the Kola Peninsula in 1684-1826, the Belgian-German Moresnet in 1816-1919);
- Colonial condominiums—joint dependent territories that could not be governed alone (Russian-Japanese Sakhalin in 1855-1875, Anglo-Egyptian Sudan in 1899-1956 (Willis, 2003), Anglo-French New Hebrides (present Vanuatu) in 1906-1980).

Co-government by three states is extremely rare. The very short list of *tridominiums* includes the Britain-Australia-New Zealand-administered Nauru in 1923-1968, the British-U.S.-Germany-ruled Samoa in 1889-1899, and the Prussia-Austria-Russia-governed Free City of Krakow in 1815-1846. At least one example of a quatrodominum is known—the Principality of Samos in the Aegean Sea in 1834-1912. Administered by Turkey, Russia, Britain, and France, it eventually became part of Greece.

The only existing example of a feudal condominium is Andorra, established in 1278. Its heads of state are the President of France (after the French Revolution the post was passed over to him from the Counts de Foix) and the Archbishop of Urgell, from Spain. In fact, the country is a parliamentary republic, but formally all documents are still approved in Paris and Urgell. In 1993, the co-rulers expanded the sovereignty of Andorra: it was granted the right to independently engage in foreign policy (after which it was admitted to UN membership) and, for example, was given the choice not to arrange an annual feast with obligatory local cheeses, roosters, and partridges,

clearly stipulated by the original contract. The only attempt in the centuries-old history to achieve full independence was undertaken by the Andorrans in 1934 under the leadership of Russian émigré and adventurer B. M. Skosyrev, who declared himself King Boris I of Andorra. Several days later, after issuing a decree to open a casino in the capital, he was arrested by the Spanish gendarmerie.

Condominiums do not have to be a form of governing dependent territories. Today there are examples of co-administration of parts of the country's incorporated territory that are very similar to the transboundary type of historical condominiums. The oldest existing condominium in the world —the tiny Pheasant Island—emerged after the signing of the Treaty of the Pyrenees between Spain and France in 1659. This condominium is a unique example not only of joint administration, but also of alternate administration by the two countries: for six months the island is run by the Spanish municipality of Irun, and for another six months by the French municipality of Hendaye. During the war, the condominium was declared a neutral territory, where monarchs met and prisoners were exchanged. Another example is the village of Hadt, located between Oman and Masfout in the Emirate of Ajman (UAE), which is under the joint control of the Sultan and the Emir.

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The presented list of solutions and examples is not exhaustive, perhaps, but it is sufficient to understand that international experience has accumulated enough tools to resolve any territorial dispute. Success depends only on the competence of the negotiators and the political will of the leadership.

References

Agnew, J.A., 2003. *Geopolitics: Re-Visioning World Politics.* London, New York: Routledge.

Baker, H.D.R., 1995. Hong Kong: A View from Both Sides. *Asian Affairs,* 26(1), pp. 10-19.

Basbanes, N., 1999. Mount Athos Where "Every Stine Breaths Prayers". *Smithsonian,* 30(5), pp. 90-99.

Broome, B.J., 2004. Reaching across the Dividing Line: Building a Collective Vision for Peace in Cypris. *Journal of Peace Research,* 41(2), pp. 191-209.

Buchkovsky, A., 2017. Questions "Terra Nullius" in International Legal Aspects. *International scientific journal "Internauka",* 2(18(40)), pp. 82-84.

Chernyshev, D.N., 2010. International Lease of State Territory with the Goal to Facilitate Transportation. *Concise Compilation of Articles from Representative Power – 21st Century,* 5-8, p. 9a.

Deryabin, Yu. S., 2009. Alanskiye ostrova: osobaya avtonomia potomkov vikingov [Åland Islands: A Special Autonomy of Viking Descendants]. *Sovremennaya Evropa* [Modern Europe], 1(37), pp. 124-131.

Diaz, J.O., 1995. Puerto Rico, the United States, and the 1993 Referendum on Political Status. *Latin American Research Review,* 30(1), pp. 203-211.

Fedorov, G. and Korneevets, V. (2010). Transborder Regionalization in the Conditions of Globalization. *Baltic Region,* 4(6), pp. 92-102.

Filippini, C., 2016. Constitutions and Territorial Claims: Lessons from the Former Soviet Space. *Studies in Territorial and Cultural Diversity Governance,* 6, pp. 174-193.

Ilyin, M.V. and Kudryashova, I.V. (eds.), 2008. *Suverenitet. Transformatsia ponyatii i praktik* [Sovereignty. Transformation of Notions and Practices]. Moscow: MGIMO University Press

Kiselnikova, N.V., 2013. Istoki "problemy Fiume" v mezhdunarodnyh otnosheniyah posle zavershenia Pervoi mirovoi voiny [The origin of "the Fiume problem" in international affairs after the end of WWI]. *Nauchny dialog,* 1(13), pp. 55-65.

Korhonen, O., 2001. International Governance in Post-Conflict Situations. *Leiden Journal of International Law,* 14(3), pp. 495-529.

Kunz, J.L., 1948. The Free Territory of Trieste. *Political Research Quarterly,* 1(2), pp. 99-112.

Kuznetsov, A.V., 2012. Transborder Corporate Integration in the Baltic Sea Region. *Baltic Region,* 1(11), pp. 11-18.

Lloyd, L., 1995. The League of Nations and the Settlement of Disputes. *World Affairs,* 157(4), pp. 160-174.

Martinez, R.B., 1997. Puerto Rico's Decolonization. *Foreign Affairs,* 76(6), pp. 100-114.

Nikitina, Yu. A., 2010. Ot integratsii k regionalizmu: evolyutsia teorij reginal'nogo mezhgosudarstvennogo sotrudnichestva [From Integration to

Regionalism: Evolution of the Theories of Regional Interstate Cooperation]. *Vestnik MGIMO,* 6(15), pp. 134-140.

Okunev, I.Yu., 2011). Politiko-geograficheskiye aspekty gosudarstvennosti (analiz opyta mikrogosudarstv [Political-Geographical Aspects of Statehood (An Analysis of the Experience of Micro-States)]. *Politicheskaya nayka,* 4, pp. 162-174.

Okunev, I. and Domanov, A., 2014. Space Imagination and Mixed Identity in Russian Towns Bordering on Finland. *Human Geographies,* 8(2), pp. 101-110.

Pestsov, S.K., 2015. Border and Transborder Regions. In: Sevastianov, S.V, Laine, J.P. and Kireev, A.A. (eds.) *Introduction to Border Studies.* Vladivostok: Dalnauka, pp. 139-154.

Rotkirch, H., 1986. The Demilitarization and Neutralization of the Aland Islands: A Regime "In European Interests" Withstanding Changing Circumstances. *Journal of Peace Research,* 23(4), pp. 357-376.

Sergunin, A.A., 2010. Suverenitet: evoltyutsia kontsepta [Sovereignty: Evolution of the Concept]. *Politeks,* 6(4), pp. 5-21.

Stagestad, G., 1975. The frozen frontier: models for international cooperation. *Cooperation and Conflict,* 10(3), pp. 167-187.

Stanvridge, K., 2003. Master Frames, Political Opportunities, and Self-Determination: The Åland Islands in the Post-WWI Period. *The Sociological Quarterly,* 43(4), pp. 527-552.

Strezhneva, M.V., (ed.), 2011. *Transnatsional'nye politicheskie prostranstva: yavlenie i praktika* [Transnational Political Spaces: Phenomenon and Practice]. Moscow: Ves' Mir.

Talbot, J.F., 1993. Puerto Rico Says 'Yes' to Commonwealth Status. *America*, 169(20), p. 4.

Webster, C. and Timothy, D.J., 2006. Travelling to the 'Other Side': The Occupied Zone and Greek Cypriot Views of Crossing the Green Line. *Tourism Geographies,* 8(2), pp. 162-181.

Willis, J., 2003. Violence, Authority, and the State in the Nuba Mountains of Condominium Sudan. *The Historical Journal,* 46(1), pp. 89-114.

Yack, B., 2001. Popular Sovereignty and Nationalism. *Political Theory,* 29(4), pp. 517–536.

Zubachevsky, V.A., 2015. Problema Dantsiga i pol'skogo koridora v germane-pol'skih otnosheniyah v 1929-1933 godah [The Problem of Danzig and of the Polish Corridor in German-Polish Relations in 1929-1933]. *Voyenno-istorichesky zhurnal,* 7, pp. 14-19.