

THIRTEEN

THE END OF CONQUEST

The revolution began on a cold November evening as twenty students milled about Kiev's central plaza and awaited the promised crowd. More trickled in over the next few hours, slowly responding to the call via Facebook and Twitter to gather in Maidan Nezalezhnosti—Independence Square. A man helping to lead the protest against pro-Russian president Viktor Yanukovich spoke to a gathering crowd through a bullhorn: “Ukraine should be part of Europe. No one—not even those in the highest offices—should have the right to take away the wishes of the majority of Ukrainians for European integration,” he blared. A woman wearing a blue and yellow ribbon in colors matching the European Union and Ukrainian flags waved by the protesters spoke next. She reassured the small crowd in the Maidan that more would come. “This is only beginning. We may get several hundred, even a thousand tonight, but tomorrow there will be ten thousand; after that will be a hundred thousand and then a million. This is our only chance to save this country!”¹

Indeed, within a few days, twenty thousand people had joined the demonstrations. Blue and yellow ribbons, a symbol of the growing movement, were everywhere. After Yanukovich ignored the protesters' complaints and signed a trade deal with Russian president Vladimir Putin, the protests boiled over into riots. The club-swinging security police sent to disperse the crowds only made them bigger. On February 20, 2014, the “Euromaidan” protesters, now more than a million strong, exploded in fury when snipers began picking off demonstrators from buildings that lined the square. In the face of such brutality, activists vowed armed resistance if

President Yanukovych did not step down. Fearing for their lives, Yanukovych and other leading members of his administration fled the country.

When jubilant activists stormed the president's abandoned residence, they discovered the outrageous excesses of Yanukovych's kleptocracy: gaudy chandelier-filled rooms reminiscent of Versailles, a private cinema with leather recliners, a lakeside bathhouse complete with hot tub, a private floating restaurant, a flock of ostriches, ornamental duck houses, gold-plated bathroom fixtures, a golf course, a helicopter pad, an aircraft hangar, bronze and marble statues galore, and bottles of brandy with the ousted president's face on the label.²

Still, not everyone was celebrating. Even as gawking activists explored the abandoned palace, opposition to the newly formed government was brewing in the eastern part of the country, where support for close ties with Russia ran highest. In Crimea, which the Russian Black Sea fleet had called home since the time of Catherine the Great, fierce agitation by pro-Russian demonstrators soon began. But the local counter-protesters were not alone. On February 27, unidentified troops believed (and later confirmed) to be Russian special forces seized the buildings that housed the Supreme Council of Crimea and the Council of Ministers, raising the Russian flag in a portent of what was to come.³ Within days "little green men"—countless professional soldiers in green camouflage but no identifying insignia—had occupied strategic points throughout the Crimean Peninsula.

The Crimean parliament hastily organized a referendum on independence under the watchful eyes of growing numbers of still unidentified soldiers. Ukraine's Constitutional Court declared the planned referendum unconstitutional,⁴ but it went forward nonetheless. To no one's surprise, the vote overwhelmingly favored independence. On March 17, the Supreme Council of Crimea declared the Republic of Crimea an independent nation. The republic then renounced its independence and requested admission into Russia.⁵ Russian president Vladimir Putin granted the request.⁶ The world responded with disbelief, followed by anger. Yet no country would use force to reverse the fait accompli.

On April 17, Putin acknowledged what the world already knew to be true: Russia had intervened in Crimea. Putin declared that the purpose of the invasion was "to ensure proper conditions for the people of Crimea to be able to freely express their will."⁷

These events seem to suggest that the outlawry of war was a failure. The signing of the Peace Pact was supposed to mark a new era. Conquest, once essential to establishing legal rights, had become a wrong—and in some cases a crime. But with a few lies and legal fictions, the Russian military flouted this legal prohibition, conquering a large portion of a sovereign state in the heart of Europe. Indeed, in a supreme irony, the territory Russia conquered, Crimea, was the very place in which the Allies of the Second World War finalized the agreement that became the United Nations Charter—the document that President Franklin Roosevelt had proclaimed would mark the “end of the beginning of all wars.”

But Roosevelt’s prophecy was not a false one. Yes, Putin violated the rules of the New World Order. But stark violations of this sort are far more the exception than the rule. If we view the annexation of Crimea in broader historical perspective, what is most remarkable is not that it happened. What is most remarkable is that events like it happen so rarely.

A BIRD’S-EYE VIEW

To see how unusual Russia’s invasion of Crimea is, we need to step back from the current headlines to look at how state behavior has changed over the long sweep of time. How common are cases of territorial acquisition during military conflict? More important, how has their frequency changed since the outlawry of war? To answer these questions, it’s not enough to cite a few high-profile examples (the temptation to cherry-pick is just too strong). We have to look at all known cases for a long period both before and after the 1928 Peace Pact.

Fortunately, a loose team of political scientists has assembled comprehensive data to help them study war. The resulting project, with the intentionally clinical name “Correlates of War,” hosts datasets on everything from “militarized interstate disputes” to “world religion data” to “bilateral trade.” Most relevant here, it includes extensive data on “territorial change”—a record of every single territorial exchange between states from 1816 to 2014, totaling over eight hundred entries.⁸ The dataset tracks which country won the territory, which lost it, the area of the territory transferred, the size of the population in that territory, and whether there was military

conflict at the time of the transfer. It is the best dataset of military conflict ever developed.

Even the best datasets are imperfect, however, and “Correlates of War” is no exception.⁹ Information on events that occurred over a century ago is not always reliable. For example, it is difficult to determine how many people and how much territory was transferred when the United Kingdom won Butwal and surrounding areas from Nepal at the close of the Anglo-Gorkha War in 1816. The “Correlates of War” dataset contains no estimate of population transfers due to this conflict, and it lists a territorial transfer of one square kilometer—certainly a vast underestimate. This problem is most pronounced in the early years covered by the dataset, about which precise information is more difficult to obtain.¹⁰ (This actually makes it harder for us to prove our argument that the seizure of territory through military conflict has declined, since it artificially depresses the number and size of conquests in the pre-Pact years of the data.) In short, the dataset offers a birds’-eye view: sweeping and thus invaluable for our purposes but also lacking nuance in some cases, especially as we peer further back in time.

While we began with the “Correlates of War” data, we did not stop there. We narrowed down the dataset by looking at cases of territorial change that took place during a militarized conflict. This process eliminated hundreds of territorial transfers that took place peacefully, not as a result of a military campaign. To this, we added any instance that the “Correlates of War” project had coded as a “conquest” (cases where the transfer “took place with a bare minimum of force and no organized military resistance was encountered”). This sifting of the data produced a net total of 254 instances of territorial change that were possible conquests.

We then burrowed into these 254 cases with the help of eighteen brilliant Yale Law students who worked with us over the course of more than a year, investigating whether the intervention was carried out by, or with the approval of, a multinational organization (such as the United Nations, NATO, and the League of Nations); whether the state that gained territory occupied rather than conquered it (that is, did not claim sovereignty); and, last, whether the territorial change was the result of independence. If any of these were true, we did not consider the territorial change a conquest. Hence dissolution of a state is not a conquest if the state dissolves into independent units (for example, the breakup of the Soviet Union in 1991), but it does if the territory is seized by another state or states (for example,

much of what was taken from the Ottoman Empire). We similarly excluded territorial changes from “conquest” when it was simply a reversal of an earlier unrecognized seizure of the same territory—that is, when state A took back territory that state B had seized but sovereignty had never transferred because other states had never recognized it. For example, China’s seizure of Manchuria from Japan in 1945 is not recorded as a conquest because the initial seizure of Manchuria by Japan in 1931 was not broadly recognized by other states. China, in other words, was not conquering Japanese territory but merely regaining what the international community had considered to be Chinese territory all along.¹

Enough about the data. What do our 254 cases of territorial change tell us? They tell us something that is at once striking and surprising: Conquest, once common, has nearly disappeared. Even more unexpected, the switch point is that now familiar year when the world came together to outlaw war, 1928.

ONCE IN A LIFETIME TO ONCE OR TWICE A MILLENNIUM

From the time the data start in 1816 until the Peace Pact opened for signature in 1928, there was, on average, approximately one conquest every ten months (1.21 conquests per year). Put another way, the average state during this period had a 1.33 percent chance of being the victim of conquest in any given year.¹¹ Those may seem like pretty good odds. They are not: A state with a 1.33 percent annual chance of conquest can expect to lose territory in a conquest once in an ordinary human lifetime.¹²

And these conquests were not small. The average amount of territory conquered during this period was 295,486 square kilometers per year. That is roughly *eleven* Crimeas per year for more than a hundred years.¹³

As staggering as these numbers are, they are consistent with the legal order that Grotius helped construct—and that governed state behavior for hundreds of years. War was *the* mechanism for solving disagreements between states. When disputes arose, as they often did, states went to war seeking compensation. This compensation often came in the form of land.

At first, little changed when the Old World Order came to a close. During the two decades after the Pact went into effect, 1929–1948, the average annual number of conquests remained fairly constant—at 1.15 per

year, or one every ten months. The average annual amount of territory conquered during the twenty years following the ratification of the Peace Pact was 240,739 square kilometers—not so different from the 295,486 square kilometers per year in the preceding 113 years. Because more of the conquered territory was held by states rather than nonstate entities, the average state during this period had a 1.8 percent chance of being the victim of conquest in any given year, as compared to a 1.33 percent chance in the prior period.

Not until the end of the Second World War—which reaffirmed, consolidated, and institutionalized the transformation that began in 1928—do we see a clear decline in conquests in our data. And it was a steep decline indeed: When the chaos had settled and the United Nations had begun to meet, the average number of conquests per year fell dramatically—to .26 per year, or one every four years (3.9 to be exact). The average size of the territory conquered declined as well, to a mere 14,950 square kilometers per year. Given the increased number of states over this period, the likelihood that any individual state would suffer a conquest in an average year plummeted from 1.33 percent a year to .17 percent from 1949 on. Remember our estimate that an average state before 1928 could expect one conquest in a human lifespan? After 1948, the chance an average state would suffer a conquest fell from once in a lifetime to *once or twice a millennium*.¹⁴

“IT WOULD NOT . . . BE HIS CITY”

Thus far, the story told by our data doesn’t seem all that favorable to pinpointing 1928 as an important moment in the transformation of the international legal order. If we look simply at the frequency of conquest, the outlawry of war seems no more than a speed bump on the well-traveled road to conquest. Not until 1948, after a war in which seventy million people died, did the frequency of conquest decisively fall—a reflection of the new international institutions created after 1945 and, perhaps, the concurrent emergence of nuclear weapons. If 1928 was a speed bump, the Second World War was the stop sign.

But that is not the whole story. Yes, it took the Second World War to end conquest. But when it did, something startling took place. Conquest didn’t just stop. Prior conquest of an immense amount of territory was *reversed*.

That is, a huge expanse of land that had been seized by the close of the war was returned to the states that had originally held it. But here's the even more startling fact: The land returned was not simply territory seized after the formal beginning of the Second World War in 1939. Instead, the reversals went back to a particular year that predated the war by more than a decade. That year was 1928.

Recall that in advocating for the Peace Pact, Salmon Levinson had promised that a nation could no longer "establish right, justice or title by brute strength."¹⁵ Yes, the aggressor could still take a city by force, "but it would not, as a matter of law, be *his* city."¹⁶

Levinson proved right: If we examine the conquest numbers again, but separate out those recognized by a majority of countries from those that were not, the picture shifts: Territory continued to be conquered in the period between 1928 and 1949, but the majority of those transfers, beginning with Japan's seizure of Manchuria, *were not recognized by most states*. The change in the legal rules did not prevent states from seizing land, but possession was no longer sufficient to establish legal rights. Other states, knowing that the seizures were now illegal, rejected them as illegitimate. In doing so, they reaffirmed the break with the past represented by the Pact.

But James Shotwell, Levinson's rival in the outlawry movement, proved right, too. Outlawry rendered transfers brought about through force illegitimate. But with "no teeth" behind outlawry—no mechanism to force states to release illegitimate seizures—there was no way to undo them. Yes, economic sanctions reduced the benefits a state could gain from conquered land—as Japan discovered in Manchuria. But the system of international economic sanctions outside of war was in its infancy in the early decades after 1928, and the tools needed to make it a powerful instrument of statecraft were yet to be invented. When the nations of the world signed the Peace Pact outlawing war, they took the first step toward transforming the legal order. But it would take more than simply rejecting the Old World Order to make a new one. The project of the Internationalists remained incomplete.

Levinson's prediction would nonetheless prove prophetic. At the close of the Second World War, forceful transfers that had been made after the Peace Pact were reversed. Might still produced *military* victories. But it could no longer provide lasting *legal* victories. And the failure of the Axis challenge ensured that these illegal territorial seizures would not stand. As a

result, the conquests between 1928 and 1949 left almost no long-term imprint on the distribution of territory across states. Indeed, only a single one of the unrecognized transfers during this period—the Chinese claim to Taiwan in 1945—remained in place after 1948. Even this seizure remained effective only a short time—in 1949, the fleeing nationalist army declared Taiwan an independent state (a declaration China still does not recognize, leaving Taiwan in legal limbo today).

Figure 1 illustrates the point. It divides the total amount of conquered territory per year, as defined above, into four categories: (1) Transfers recognized by a majority of other states that were “sticky”—that is, not later reversed (we count a transfer as having reversed if the same or nearly the same territory returned to the state that lost it).¹⁷ (2) Transfers that were recognized by a majority of other states but where the territory later transferred back (sometimes decades later). (3) Transfers not recognized by a majority of other states but that were nonetheless sticky. (4) Transfers that were not recognized by a majority of other states and later reversed.

In the early 1800s, the amount of territory seized ranged between 810,000 and 1.77 million square kilometers a decade. After a brief slowdown in the 1850s and 1860s, that number shot up to between 5.9 million and 8.8 million square kilometers a decade for the rest of the century—a good deal of it caused by the European scramble for Africa.

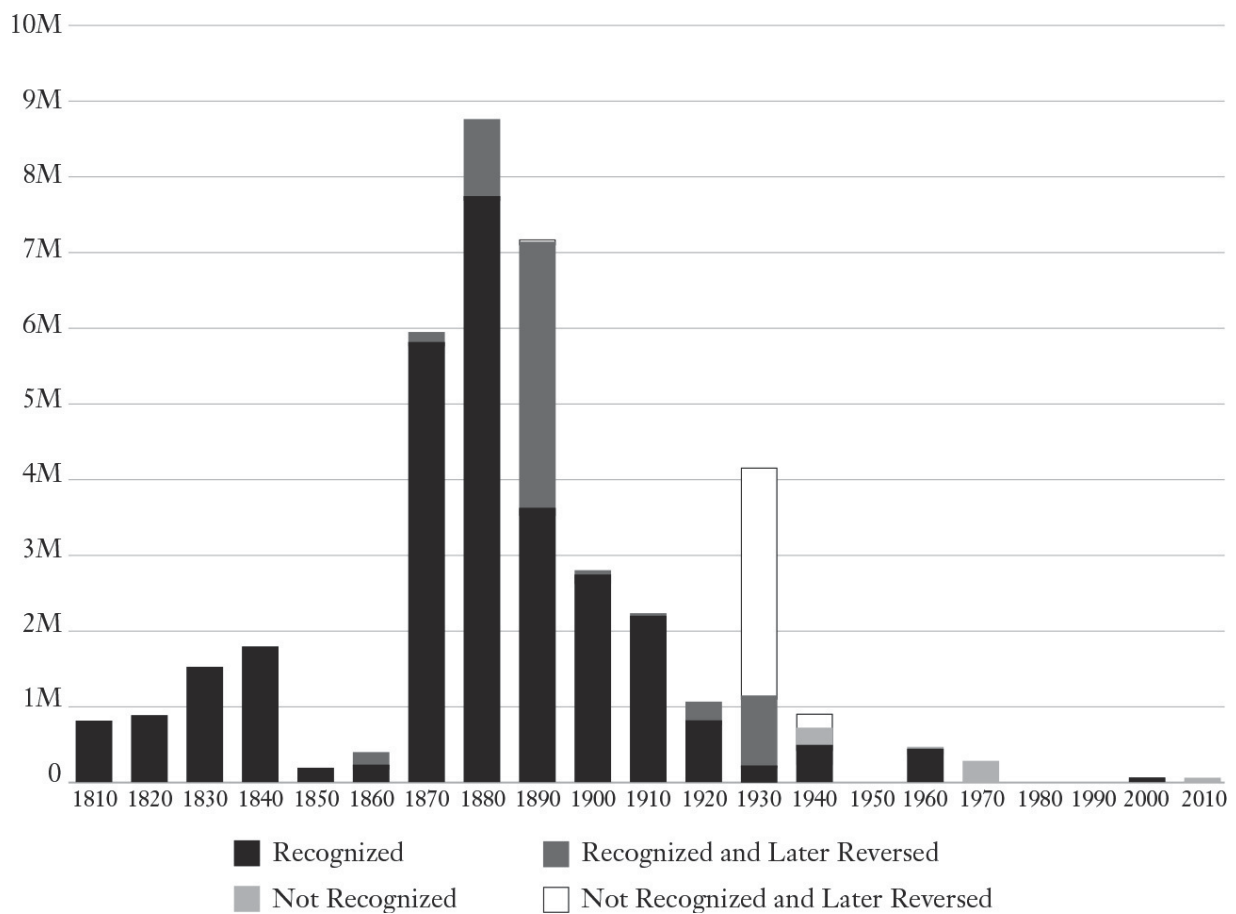


Figure 1: Territory Conquered Per Decade (in Square Kilometers)

The pace of conquest slowed in the early 1900s, but only relative to the acquisitiveness of the late 1800s. Military seizure of land remained both common and legally sanctioned. This was true during the continuing colonization of Africa by the United Kingdom and France. It was true when an emergent Japan launched aggressions against Korea and Russia. And it was true during the First World War, which ended with the forced dissolution and transfer of territory from the defeated Central Powers.

After the war, the Ottoman Empire collapsed, and its territory divided among many states, with its successor, Turkey, retaining only a fraction of the empire's prewar territory. The Austro-Hungarian empire, too, was dissolved. Its successor states—Austria and Hungary—also lost substantial territory to Italy, Poland, Czechoslovakia, Romania, and the Kingdom of Serbs, Croats, and Slovenes. Germany lost territory to Belgium, France, Poland, and Portugal. Bulgaria lost territory to Greece and the Kingdom of Serbs, Croats, and Slovenes. Romania received Bessarabia and Bukovina

from Russia, as payment on a promise by the Allies to induce its support in the war. Then, in 1920, post-revolutionary Russia went on the offensive. It succeeded in seizing Azerbaijan, Georgia, and Armenia, consolidating them into the Transcaucasian Soviet Federated Socialist Republic, a republic of the newly formed Soviet Union, in 1922. Meanwhile, the Polish-Soviet war ended with a peace treaty at Riga in March 1921 that divided disputed territory in Byelorussia (Belarus) and Western Ukraine between Poland and the Soviet Union.¹⁸

Nearly all of these transfers were recognized by other states. And while some were later reversed, most of these reversals did not occur until well into the twentieth century. Russia's seizure of Tajikistan in 1868, for example, was not reversed until the unraveling of the USSR in 1991. Similarly, the U.K.'s seizure of present-day Nigeria in 1885 was not reversed until 1960.¹⁹ Throughout the nineteenth and early twentieth centuries, land that was seized was generally recognized as legally obtained and retained by the conquering state. Might, after all, made Right.

Then, in 1931, states began to refuse to recognize conquests. Forceful transfers of land still occurred, but for the first time they went unrecognized. Even more remarkable, with the exception of Taiwan, all the unrecognized transfers of territory between 1928 and 1949 were later reversed.

Most notably, all of the territorial gains made by the Axis powers since 1928 were reversed. Germany lost territory it had gained throughout Europe, including Poland, Czechoslovakia, and Austria. Japan's seizures of Manchuria and other parts of mainland China—over 1,304,292 square kilometers in 1932, 173,960 in 1933, and 1,500,000 in 1937—were also undone. Led by Secretary of State Henry Stimson, the world refused to recognize the conquests. The seizures of land were reversed as soon as the war was over. Similarly, in 1938, Hungary seized 11,826 square kilometers from Czechoslovakia, and in 1939, it seized 11,094 square kilometers more. Neither seizure was widely recognized, and they, too, were returned to Czechoslovakia at the close of the war.

Three other transfers between 1928 and 1949 were not recognized by other states but were not reversed until much later. In June 1940, the Molotov-Ribbentrop Pact between Nazi Germany and the Soviet Union awarded the Soviet Union control of Estonia, Lithuania, and Latvia. Many states, including the United States, refused to recognize the transfer. In a forceful statement drafted by Sumner Welles, who as acting secretary of

state worked closely with FDR in crafting the response,²⁰ the United States issued what became known as the “Welles Declaration” on July 23, 1940. In an echo of Stimson’s notes to China and Japan after the Japanese invasion of Manchuria, the letter condemned the “predatory activities . . . carried on by the use of force or by the threat of force” and refused to recognize the legitimacy of Soviet control over the states. Welles continued, “These principles constitute the very foundations upon which the existing relationship between the twenty-one sovereign republics of the New World rests.”²¹ The U.S. maintained that position for more than five decades—until the eventual release of the Baltic states from Soviet control in 1991.²²

Italy’s seizure of Ethiopia in 1935 did not spark the same condemnation, though it, too, was eventually reversed. Despite great consternation in the League of Nations after Italy’s takeover of Ethiopia, the League ultimately failed to take effective action, precipitating the collapse of the institution. Japan recognized Italy’s seizure in November 1936 in exchange for Italy’s recognition of Japan’s occupation of Manchuria. France and Britain followed in 1938. Six countries continued to object, including the United States, which never recognized the transfer.²³ After the war ended, the illegal seizure was undone and Ethiopia regained its independence from Italy.

In short, while territory continued to be seized after the Peace Pact went into effect, the Pact meant that transfers of control over territory did not, except in rare cases, translate into legal rights over that territory. *Might was no longer Right.*

STICKY CONQUESTS

One way to see how much the world changed after the Peace Pact is to examine those conquests that stuck. Sticky conquests, recall, are those territorial changes wrought by military conflict that remain in place, reshaping the global map.

Figure 2 shows how much territory changed hands between states because of sticky conquests in our now familiar eras: 1816–1928 (before the Peace Pact), 1929–1948 (between the Pact and the end of the peace process for the Second World War^{II}), and 1949–2014 (after the Second World War). The message is clear. Conquests made after 1928 were much less likely to stick than those of the prior era. To put it more precisely, between 1816–1928

and 1929–1948, the average amount of land that was permanently seized each year declined by 86 percent. After 1948, it fell another 59 percent. Together, these dramatic declines brought the total amount of land that was acquired through sticky conquest to 6 percent of its original level. In other words, for every 100 square kilometers taken through sticky conquests before 1929, just 6 square kilometers were thus obtained after 1948.

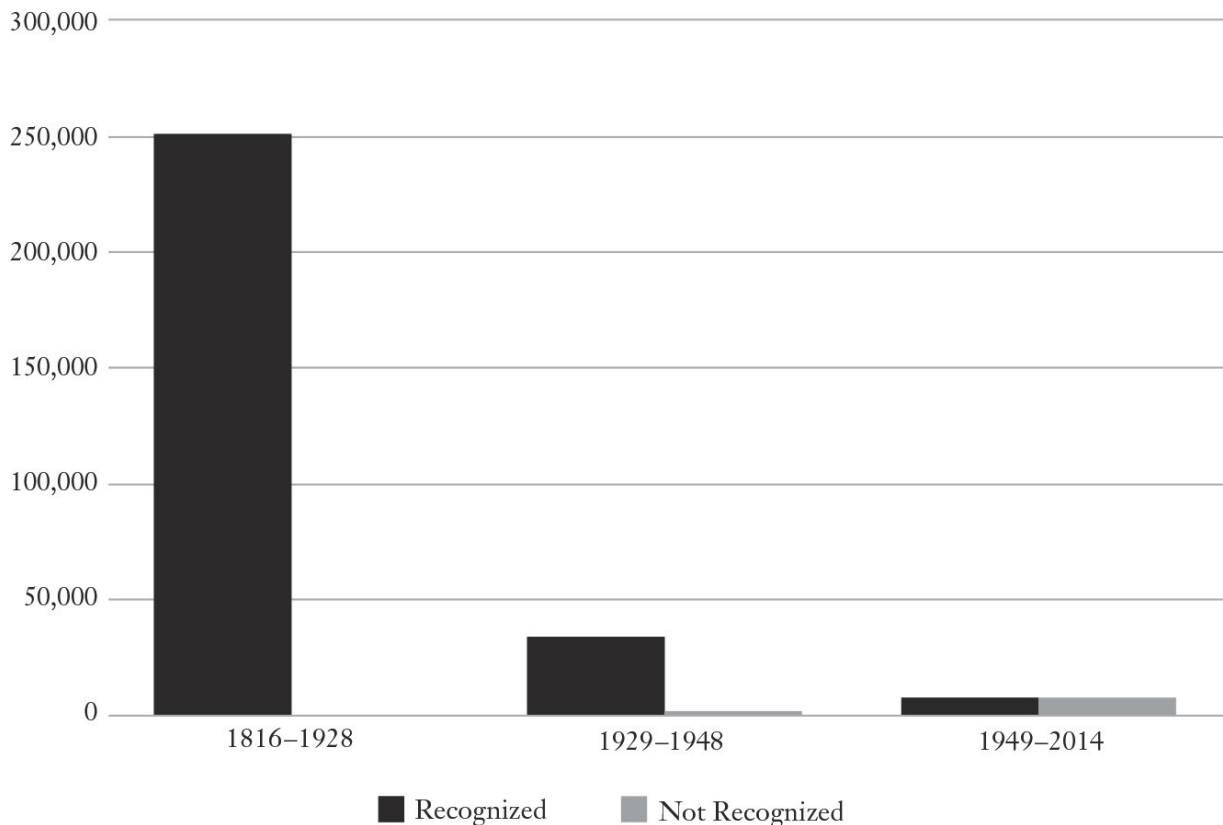


Figure 2: Sticky Conquests (Average Square Kilometers Per Year).

These numbers reflect the very different world orders that prevailed at the end of the two great wars of the twentieth century. The First and the Second World Wars were both horrific conflicts originating in Europe. But what happened in their wake reflected the legal transformation that occurred between. In contrast to the end of the First World War (and most wars before it), the losing states of the Second World War were not carved up and parceled out to the victors. Germany and Japan, both of which unconditionally surrendered, were occupied, but not for the purpose of establishing territorial claims.

As [Figure 2](#) shows, the amount of territory seized in sticky conquests was dramatically lower in the period between 1928 and 1949, but such conquests did not disappear altogether. At the close of the Second World War, Germany, Italy, and Japan did lose some territory they had held before 1928. But the amounts did not begin to approach those of previous wars. In 1945, the Allies made Germany cede territory in its east to Poland. This land—referred to in Polish as “Ziemie Odzyskane,” or “Regained Lands,” because it was once part of the traditional Polish homeland—was ceded to Poland in significant part to make up for the loss of the Polish territory of Kresy to the Soviets in 1945 after Roosevelt and Churchill capitulated to Stalin’s demands at Yalta.

As for Italy, its biggest losses were not conquests but instead the liberation of prior colonial holdings—particularly Libya, Somaliland, and Eritrea, which were put under Allied administration. However, it suffered some noncolonial losses as well. The 1947 Paris Treaty of Peace contained a small border adjustment with France that gave Italy’s northern neighbor the towns of Tenda (Tende) and Birga (La Brigue). Italy lost the long-contested Dodecanese islands to Greece, part of the Free Territory of Trieste and the Island of Pelagosa to Yugoslavia, and Saseno Island (Sazan, as it is known in Albania) to now independent Albania. Even taken together, however, these losses were small: Italy’s noncolonial losses totaled just over 7,000 square kilometers—a small sliver of what was forfeited by those vanquished in the First World War.

Japan, meanwhile, lost its colony of Korea, which it had held since 1910 and which became an independent state under joint U.S. and Soviet administration. Japan also withdrew its claims to a number of islands in the South China Sea (claims that had long been contested by its neighbors).

Japan and Italy were far from alone in losing their colonial holdings, of course. Shortly after the war, France relinquished its claims to Syria. As the mandate that had been granted to the United Kingdom expired, Israel declared its independence—the first of what would soon become a tidal wave of such declarations by former colonies.

Most telling of all from a historical perspective, the United States, United Kingdom, and France—three of the four leading Allied powers—took no new territory after the war (aside from the aforementioned minor adjustment of the border between France and Italy). Consistent with their pledge in the Atlantic Charter to resist territorial aggrandizement, they won

the war yet took no land.²⁴ When the war was over, they vacated the land they had liberated from the Axis powers, transferring power to local governmental authorities. The Allies not only transferred authority back to the states that they had liberated, but they also transferred authority over the defeated powers back to the defeated powers.^{III} In the Old World Order, this was not how winners behaved.

The only ally to gain any significant territory after the war was the Soviet Union. More than twenty million of the nation's citizens had died in the course of the war, and Stalin insisted on several territorial gains as the price of peace—many, but not all, of them in areas previously contested. These included part of East Prussia previously held by Germany along with part of Poland, the southern part of the island of Sakhalin from Japan (which it had lost to Japan in 1905), Bessarabia and Northern Bukovina from Romania (some of which Romania had won from Russia in 1920), and border territories from Finland (some of which had been ceded by Russia in 1917). These concessions to Stalin were seen by the other Allied powers as regrettable deviations from accepted law, not precedents to be followed in the future.

Aside from these postwar transfers, the only other recognized transfers of territory in the period from 1929 to 1948 not later reversed were the result of border disputes over territory that had been brewing since before 1928. For the most part, these were modest: Saudi Arabia seized a small portion of previously disputed territory from Yemen in 1934 in an area where the border between the two countries had not been delineated during decolonization (the area is recorded in the “Correlates of War” dataset as comprising a single square kilometer). In 1935, the Chaco War between Paraguay and Bolivia over land that had been in dispute ever since Spanish decolonization of the region in the early nineteenth century also left an uncertain border. After a cease-fire and international mediation, Paraguay gained control over the majority of the contested territory. And, last, in 1942, Peru gained previously disputed border territory, known as “the Oriente,” from Ecuador—a dispute that also arose from ambiguities in the borders between Spain's former colonies. In all three cases, the territory had been disputed for years—a point to which we will return.^{IV}

MAPPING A NEW WORLD ORDER

We can see this transformation not just by looking at the numbers but also by examining maps of the world. A map of 1910 shows a sprawling Ottoman Empire and immense Austria-Hungary; Germany is much larger than it is today; Africa is a patchwork of colonial empires.

The map of 1928—after the upheaval of the First World War and before the ratification of the Peace Pact—shows a different world. The Austro-Hungarian Empire had been severed into pieces. Germany, too, lost immense amounts of territory. The Ottoman Empire, meanwhile, was obliterated, with just a small portion of what had once been the territory governed by the Ottoman regime now designated the new state of Turkey.





If you look at a comparable map of 1950, it does not look terribly different from the map of 1928. The overall picture is one of continuity. This map looks familiar to the modern eye. Indeed, the basic outlines have

changed little in more than a half century. The most significant change, which we will discuss in more detail in the next chapter, has been the fracturing of larger units into smaller ones. But the outlines are otherwise almost entirely the same.

The contrast with the previous global conflagration is even starker when comparing land lost with lives lost. Even though the Second World War destroyed four times as many lives as the first (approximately seventy million versus fifteen million), the amount of territory transferred was radically less. The First World War reshaped Europe; the Second made only small shifts on the margins, principally between the Soviet Union, on the one hand, and Poland and Germany, on the other. The spoils of war went way down even as the costs of war went way up—the opposite of what would have been expected in a Grotian world.

What the maps cannot show is that the change in the practice of conquest was not just quantitative—the dwindling of territorial changes through military conflict to near-zero—but also qualitative. For the conquests that did occur after the start of the New World Order bear little resemblance to the seizures that Grotius had so brilliantly justified as legitimate legal behavior. They did not result from the classic wars of aggression that defined conquest for thousands of years. In every case, they arose from a civil war, the messy process of decolonization, or some combination of the two.

That was the case with Taiwan. In 1949, upon losing the internal struggle against the communists led by Mao Zedong, Chiang Kai-shek fled to the island and proclaimed the Republic of China, establishing it as an entity separate from mainland China. A dozen years later, Benin forced Portugal to vacate the small colonial city of Ouidah in 1961. Similarly, in the same year, India seized the Portuguese colony of Goa from Portugal, after Portugal refused demands to grant the territory independence. In 1963, Indonesia asserted control over West Papua, which had been held by the Netherlands even after Indonesia won its independence in 1949 (indeed, the transfer of West Papua, which is 412,781 square kilometers, almost entirely accounts for the recognized conquest in the 1960s in [Figure 1](#)). In 1971, in the war over Bangladeshi independence, Pakistan won back a small amount of territory from India, even as it lost the entirety of Bangladesh to independence. In 2004, Yemen gained some territory from Saudi Arabia when the two countries signed a treaty settling a border dispute that had

raged for decades. And in 2008, Cameroon won 665 square kilometers from Nigeria when the two settled their own long-standing border dispute.²⁵

These lasting transfers of territory were all recognized by the rest of the world. Yet there have been sticky conquests since 1928 that have not been so recognized—ten of them, in fact. These sticky conquests involved a tiny amount of territory compared with the huge chunks of land seized through such conquests before 1929. They include transfers between Pakistan and India during the war over Kashmir; China's seizure of the Yijiangshan Islands from Taiwan in 1955; Israel's seizure of control of East Jerusalem from Jordan during the Six Day War in 1967; Libya's seizure of the Aouzou Strip from Chad in 1973; the defeat of the Republic of Vietnam by the Democratic Republic of Vietnam in 1975; Indonesia's seizure of East Timor from Portuguese colonial control in 1976; Egypt's seizure of control from Sudan in 2000 of long-disputed border territory; and Russia's seizure of Crimea in 2014. In an eleventh case, Jordan seized control over the West Bank in 1949, but this seizure was reversed.

These were all events of great significance to those involved. Still, they plainly do not make for the vivid narrative of conquest that the Old World Order provided. And that is the point. In surveying the territories taken through military conflict in the New World Order—a border adjustment here, a disputed island there—the observer risks missing the forest for the trees, or more accurately failing to see that the forest *has so few trees*. Reading a litany of conquests since 1948 may be tedious, but a comparable list from the last several decades of the Old World Order would be a true slog. Instead of a number of cases that can be counted on two or three hands, that list would have encompassed over a hundred cases with far greater territory at stake.

The woods of the Old World Order were deep and dark, nothing like the light bramble of the New World Order. Moreover, these ancient growth forests were populated by mighty sequoias, such as Egypt's conquest of Darfur in 1874 (2.65 million square kilometers), the conquest of Sudan by the United Kingdom in 1899 (2.51 million square kilometers), and Italy's conquest of Turkey in 1912 (1.05 million square kilometers). The largest conquest of the New World Order—the seizure by Indonesia of West Papua from the Netherlands in 1963 (412,781 square kilometers)—would not even make the top twenty of the Old World Order.

War is never minor, and many of these conquests visited horrors on the populations of the territories involved. Although the transfer of West Papua to Indonesia did not involve lengthy military conflict, the next two largest transfers, Vietnam and Kashmir, involved conflicts that went on for years and caused terrible destruction and suffering (and, in the case of Kashmir, still remains unsettled). Without minimizing this pain and distress, the broad perspective provided by our data makes clear that these conquests were, in historical terms, both relatively rare and comparatively small. From our bird's-eye view, it is possible to see what observers on the ground too often miss: that what was once frighteningly common is now thankfully infrequent, because what was once seen as the embodiment of international law is now understood as its repudiation.

We should be clear about what our data show and do not show. They show that conquest, once the rule, has become the exception. But they reveal nothing about whether strong states use or threaten force to dominate weaker ones without actually conquering them. Indeed, we can point to cases when states have used their militaries to exert significant pressure on—and, occasionally, domination over—other states. True puppet governments (such as the Polish Committee of National Liberation, established by the Soviets, or Manchukuo, established by the Japanese) are rare and have generally been rejected as illegitimate by the international community. But in several cases, states have forced a change in regime, or prevented one. Most famously, the CIA orchestrated a coup to remove Mohammad Mossadegh and reinstall the Shah of Iran in 1953, the Soviet Union crushed the Hungarian Revolution in 1956 and invaded Czechoslovakia in 1968. Much more recently, the United States invaded Iraq in 2003, toppled Sadaam Hussein, and installed the Coalition Provisional Authority to govern the country. But what's most notable about these “nonconquests” is how ineffective and unstable they usually are. Exerting influence indirectly is inefficient and expensive. What's more, influence often wanes as soon as the threat disappears. Shaky coercion and sticky conquests are not the same.

CONQUEST'S END

We have argued that the transformation to a world in which conquest is exceptional was set in motion by the Peace Pact of 1928. The data strongly

support our claim, showing that few conquests have stuck since the Pact went into effect. This did not happen because the Peace Pact suddenly caused all nations to play by a new set of rules. The Pact declared a break with the Old World Order, but it would take years for the new legal order that would replace it to take shape.

That the tumultuous events discussed at length in Part II of this book resulted at least in part from the Pact is evident from what those involved said. After the Japanese invasion of Manchuria in 1931, for example, Secretary of State Henry Stimson declared that the United States “does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928.”²⁶ His later speech, which became the touchstone of the Stimson Doctrine—nonrecognition of international territorial changes executed by force—was entitled “The Pact of Paris—Three Years of Development.” The League of Nations followed the United States’ lead by declaring that it is “incumbent upon the Members of the League not to recognize any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.”²⁷ Though the Atlantic Charter, and the subsequent Declaration of the United Nations (signed by forty-seven countries), did not specifically reference the Peace Pact, it premised its rejection of conquest as a mode of territorial acquisition both in the principle of self-determination and “the abandonment of the use of force.”²⁸

But more important than what states said is *what they did*. And what they did was invest in the vision of the Internationalists, who fought to outlaw war through the Pact, and worked over the course of two decades to make the promise of the Pact a reality. Once the war was over, the Allies reaffirmed and reinforced the Pact’s principles. The new United Nations Charter placed the prohibition on the “use of force” at its core and created an institutional structure to maintain international peace and security.

State behavior did not change the moment the Pact was signed. Nor was the change that followed inevitable. Indeed, much of this book has been devoted to showing how contested the transformation from the Old to the New World Order was. The outlawry revolution would have failed had the Allies not won the war, reversed nearly every single conquest made since 1928, and enshrined the prohibition on war and territorial conquest in the United Nations Charter.

That the Pact was not sufficient by itself should come as no surprise. When seeking change, it is simply not enough to pass a law and expect everyone to comply. No political endeavor escapes the need to make laws binding through governmental power. Legal revolutions do not end with the passing of a law. They begin with them.

So it has been from the beginning of American history. It took the Revolutionary War to make the independence declared in 1776 a reality, and not one but two attempts at creating a constitution to ensure it would last. It took the Civil War to give full force to the emancipation of the slaves, and over a century for the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution to end state-enforced racial discrimination. Similarly, the Americans with Disabilities Act, the Social Security Act, and the Clean Water Act did not achieve their ambitious goals overnight. It took years, indeed decades, of dedicated effort to turn these legal reforms into meaningful change: more equal access for persons with disabilities, increased standards of living, cleaner water—in short, all the profound promises the new laws embodied.

Countless other changes occurred after 1945, of course, and many thoughtful analysts have offered theories to explain the relatively peaceful postwar order—including the advent of nuclear weapons, the spread of democracy, and more robust global trade. While each of these changes likely played a role in creating and sustaining postwar peace, each leaves crucial aspects of the shift unexplained. None of these explanations offers a convincing answer to a basic question raised by our data: Why did most of the borders after the Second World War snap back to the lines that had existed when the Peace Pact was signed? After all, in previous wars, it was rare for the winners to return territory to the losers without at least exacting a price. Part of the reason is that the winners had just fought a war in which the rallying cry was the rejection of territorial aggrandizement by force. That rallying cry was rooted in the Pact.

Indeed, the phenomenon highlighted by our data did not occur in isolation. The Allies did not simply return land they won by force. They also prosecuted Axis leaders for waging a war of aggression. They also rejected gunboat diplomacy. They also altered the rules of neutrality giving states the right to impose economic sanctions against aggressors. And they also built a network of institutions that replaced war as a way to acquire power with free trade and global cooperation.

This shared internationalist commitment also helps explain why, after the war, nuclear weapons were used to keep the peace rather than to establish territorial dominance. The threat of nuclear attack has *never* been used for territorial aggrandizement, not even against a state too small or inconsequential for other nuclear states to care who controls it. The rule against conquest prohibits it. And powerful states can usually be counted on to police that rule even when they are not directly affected (as Saddam Hussein learned after he invaded Kuwait in 1991).²⁹

The spread of democracy, too, has played a role in reducing the incidence of interstate violence (though in what situations and by how much remains a matter of intense scholarly debate).³⁰ But this is true at least in part because democratic leaders must justify their reasons for going to war, and conquest no longer “counts” as a legitimate reason. It *used to* count. Sovereigns proudly declared their just causes for war in elaborate manifestos. President Polk celebrated the conquest of Mexican territory and justified it by claiming that the U.S. Army was collecting unpaid debts. After 1928, however, such wars were no longer considered just. Instead, democratic leaders feel compelled to make reference to a much more limited set of reasons for war that are legally permissible—most commonly self-defense.

Last, some might claim that conquest has declined because it is unprofitable. Waging war has always been very expensive, but the costs of trading have precipitously declined and the value of mobile resources, such as knowledge and technology, has increased. From a purely economic point of view, conquest no longer pays. Perhaps. But even if conquest is no longer profitable, this explanation does not account for why this is so. Surely a major reason why conquest no longer pays is that wars of conquest are illegal. States cannot fully enjoy the fruits of their victories now that conquests are not recognized by other states. Moreover, as we will explain at greater length in the next chapter, the rise of global free trade was at least as much a consequence as a cause of the outlawry of war. The end of conquest helped unleash greater economic cooperation by making it safe to trade even when the other side might do better in the bargain. That, in turn, helped generate more trade. In this way, global trade and the outlawry of war reinforced each other. With aggressive war illegal, trade flourished, and as trade flourished, aggressive war became more costly and peace more valuable. Finally, the “territory is less valuable” account would only explain

why states prefer trade and technology to war. It would not explain why conquests, when attempted, are no longer *recognized* by other states.

Each of these explanations is at least partially correct. Nuclear weapons, democracy, and free trade have all contributed to the decline in conquest. But though correct, these explanations are nevertheless incomplete. They work only because they assume an idea that they never make explicit, namely, that Might no longer makes Right. The missing element in all of these explanations, in other words, is the outlawry of war that began with the Peace Pact.

THE END OF INTERSTATE WAR

The outlawry of war not only led to the end of conquest. It precipitated the end of international war itself. Many have noticed that international wars—that is, wars between states—are now rare (more on wars *inside* states later). Scholars who observe these changes are sometimes called “declinists.”³¹ Declinists note, for example, that the major powers of the world have not fought a war against each other directly since the Second World War.³² Over the last several decades, the total number of conflicts has dropped by 40 percent.³³ The deadliest, those that kill at least 1,000 people, have declined even further—by half.³⁴

Several declinists argue that the decline in war has led to a decline in war deaths. Proving this claim, however, is difficult. Unfortunately, the available historical data on war deaths are much less complete and reliable than the data on territorial change.³⁵ Combining data and narrative history, Steven Pinker concludes that though wars have become more deadly, they are less frequent, yielding fewer war-related deaths overall.³⁶

The decline in interstate war is so widely accepted and well documented as to have almost become conventional wisdom.³⁷ There is far less agreement, however, on its *cause*. Pinker points to a gradual evolution in human empathy, self-control, morality, and reason—the “better angels of our nature.” Many political scientists point instead to the reasons discussed above for the decline of conquest—the invention of nuclear weapons, the spread of democracy, the rise of global trade.

What these accounts miss, however, is the decision to outlaw war in 1928. Outlawing war did not immediately stop interstate war, as the Second World

War makes all too clear. But it helped set in motion a series of events that would eventually lead to an unprecedented period of peace between states. The legal prohibition on war operated as a direct constraint on states committed to the Peace Pact. But it did not constrain all states—some disputed the meaning of the Pact and others simply ignored it. Those states discovered that violating the law eventually brought consequences: Their illegal conquests would no longer be recognized and would be reversed as soon as possible. Indeed, the reversal of nearly all the post-Pact conquests at the end of the Second World War established that states could take the territory of other states, but they could not benefit from it if they did. And they would never be entirely secure in their ownership. If states could not keep what they took in war, then what was the point of going to war in the first place?

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For hundreds of years, war shaped and reshaped the world's borders, moving the lines back and forth, causing states to grow and shrink. It created and destroyed empires. It generated new countries out of the ashes. It ravaged populations, razed property, decimated lives, destroyed livelihoods. And it was accepted not just as unavoidable but as the appropriate legal means of resolving disputes.

After 1928, that changed. For the first time in history, states refused to recognize conquests. Once the Second World War had ended, all but one of the unrecognized conquests were reversed. And after 1948, conquests and international wars dwindled to a small fraction of what they had once been.

In short, the Peace Pact formed the background of rules and assumptions against which the rest of the new system operated. As states adapted to the transformed legal order, their adaptations helped reinforce those new rules and became *reasons of their own* for playing by them. The Pact did not bring about the end of conquest and interstate war on its own; no treaty, no law could have. But it was a necessary start, the beginning of the end of the Old World Order.

I. For those who want to look at the underlying data, our dataset is posted online at www.theinternationalistsbook.com.

II. We extend the middle period through 1948, because the postwar territorial transfers did not wrap up until then. The Paris Peace Treaties between the Allied powers and most of the Axis powers were signed on February 10, 1947, but did not enter into force until September 15, 1947. The treaties provided the parties an additional year to meet many of the treaty obligations. The peace treaty with Japan was not signed until September 8, 1951 (and entered into force on April 28, 1952), but the territories seized by Japan during the war had all been returned by that point. The Potsdam Agreement, promulgated on August 2, 1945, specified the initial terms under which the Allies would govern Germany. The Federal Republic of Germany became an independent state in May 1949, but the postwar territorial transfers had already been settled.

III. The Allies established the Allied Military Government for Occupied Territories in Germany, Italy, Austria, and Japan, transferring authority to local civilian government in each country by the mid-1950s.

IV. If anything, figures 1 and 2 understate the transformation that took place in 1928. The “Correlates of War” database on which we relied does not record any transfer of land that occurs during a war until the war is over. This makes a good deal of sense, since the toing-and-froing on the battlefield could lead to an endless number of territorial transfer events that last only a short while. But this makes it impossible to tell whether the losers gave up the winners’ territory or the winners gave up the losers’ territory. At the end of the First World War, the losers gave up the territory they had won. When Germany signed the Armistice in November 1918, it occupied vast areas of Allied territory. By contrast, at the end of the Second World War, the victorious Allies occupied much of Axis territory—a gain they almost entirely released. This difference is not reflected in the figures.