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# What Are Enclaves and Exclaves?

### DEFINITIONS AND CRITERIA

The concept of enclaves as implicit phenomena exists in the history of humankind from the earliest times. The Treaty of Madrid of 1526 is probably the first document explicitly containing the word “enclave.” The term “enclave” entered the language of diplomacy rather late in English, in 1868, coming from French, the lingua franca of diplomacy, with a sense derived from the late Latin *inclavatus* meaning “shut in, locked up” and *clavis* meaning a “key.” The “exclave” is a logical extension created three decades later corresponding to the Latin *exclavo*. These words can now be found in most Indo-European languages—to give some examples: in German (*Enklave, Exklave*), in French, Spanish, and Italian (*enclave, exclave*), in Russian (*анклав, эксклав* [*anklav, exclav*]), in Swedish (*enclav, exclav*), and many other languages. There is no specific term in Chinese to describe an enclave so the expression to be used is *bèi bāo wéi dì líng tǔ* or *bèi bāo wéi dì líng tǔ*, meaning literally a “surrounded territory.”

The term “enclave” is widely used. It is commonly used to recognize the existence of a fragment enclosed in something of an alien nature. The term is typically used in geology to connote the existence of a rock fragment. In fact, scrolling through scientific databases one will find many more papers on enclaves in geology rather than political enclaves. Furthermore, as used in canon law, the term traditionally defines territories of one diocese enclosed in another one, which is not uncommon. In navigation, an enclave is a placement for a ship along the wall of a shipping lock. In economics, foreign-dominated industries within a national economy (such as, for instance, the sugar industry in South American and African countries) are

described by the same term. It is also widely used in sociology and other social sciences (meaning a compact settlement that significantly differs from its surrounding area—nationally, politically, socioculturally, or in some other way). One would also most certainly often hear the term “ethnic” or “religious” enclaves to describe compact settlements of a distinct ethnic or religious affiliation. These settlements, ranging from Chinatowns to ghettos, are an important object of contemporary urban study. The term is used in military science, in geology, in agriculture and land distribution, as well as in industry. Finally, the word “enclave” is widely used in fiction as well as in everyday conversation to characterize the state of secludedness of a subject, group, or some phenomenon from the surrounding world.

Territorial enclaves and territorial enclavity and exclavity in both the political and economic sense form the principal objects of investigation in this book. That is why I chose not to retain the restrictive definition given by international law which defines enclaves as land-locked territories separated from the mainland, as this definition comprises only so-called true enclaves, while not accounting for a large number of cases with similar political and economic characteristics. Contrary to the restrictive definition of international law, coastal enclaves (regions with access to the sea) are included in the scope of the investigation. To look at it from another point of view, our study of enclaves is focused on people and their lives rather than on legal norms and geographical configurations. Although a number of legal issues are necessarily discussed, the investigation’s main concern is primarily the areas of economy and politics. These issues lie deep in the heart of all inhabitants of enclaves around the world.

When it comes to defining the term “enclave,” one must keep in mind that there are many types of territories that can be classified as such. To fight against this is to tilt at windmills. We would do better by coming up with a fine interior gradation. I shall begin with some basic definitions.

An *enclave* is a part of the territory of a state that is enclosed within the territory of another state. To distinguish the parts of a state *entirely* enclosed in another state, they are called *true enclaves*.

The definition of a territory comprises both land territory and territorial waters. In the case of enclaves in territorial waters, they are called maritime (those surrounded by territorial sea) or lacustrine (if in a lake) enclaves. Five such island enclaves are known: two Malawian enclaves lying within the territorial waters of Mozambique in Lake Nyasa; the Argentinean Isla Martin Garcia, lying within the territorial waters of Uruguay in the Rio de la Plata; and the French islands St. Pierre and Miquelon, lying off Newfoundland within the 12-mile zone of Canada. The latter acquired access to the high seas through a decision of the International Court of Arbitration in 1992.

Two additional terms are introduced. A *mainland state* is the state to which an enclave belongs and of which it comprises a part. Other terms

used in literature are "central state" (Raton 1958), "home state" (Robinson 1959; Catudal 1979; Whyte 2002a, 2002b, 2004) or "motherland." In contrast, a *surrounding state* is, obviously enough from the wording of the term, the state that surrounds an enclave but to which an enclave does not belong. Other terms employed in literature are "host state" (Catudal 1979; Whyte 2002, 2004) and "neighbour country" (Robinson 1959).

Sovereignty over a specified territory is the decisive criterion. That is why the areas controlled by international organizations cannot be recognized as enclaves. This phenomenon, not new in itself, was widely spread in the 1990s, as the U.N. operated, for instance, the safe areas in Bosnia-Herzegovina and Kosovo (Bihac, Srebrenica, and Zepa). Although the U.N. temporarily administered safe areas, no principal transfer of sovereignty occurred.

If a territory is connected to the rest of the country by a single point, it will be considered an enclave, too. For all purposes, a connection at a single point does not mean anything. It is just like being completely separated. One cannot pass through a single point, nor is it possible to transport goods. It is not even possible to lay a telephone line. The Austrian municipality of Jungholz, located southeast of the German town of Kempten, is one of three known examples. It is almost completely surrounded by German territory. The only exception is a single point on top of Mount Sorgschrofens, 1,636 m, by which Jungholz is connected to the mainland. The other two single-point connections exist in Cooch Behar. Besides this, there is one case in the enclave complexes of Baarle, where two enclaves are connected to each other by a single point. They will be viewed as separate entities, too.

*Semi-enclave* is a part of a state enclosed within the land territory of another state, yet in possession of a sea border (that is, not fully surrounded). Enclaves of this type are also called *coastal enclaves*, both terms distinguish them from true enclaves as possessing the availability of sea access.

*Pene-enclaves* are territories that, although not separated from the mainland, are practically accessible only through the territory of another state. The etymology of the prefix "pene-" is from the Latin *paene* meaning "almost." Pene-enclaves are connected to the mainland by a virtually impassable neck of land. Most of them are located in the mountains. In such cases, the passage to the pene-enclave for all practical purposes is possible only through the territory of the surrounding country. The reason for taking the pene-enclaves into consideration despite the fact that they are not "real" enclaves is that they have similar problems and issues to other enclave types. A connection can be established by the construction of a costly road or a tunnel, which would effectively disenclave the territory, as happened with Val D'Aran in Spain and Samnaun in Switzerland.

It is possible to question whether the term "exclave" is necessary at all since we already have the term "enclave." The term "exclave" is necessary for

several reasons. First, there are regions that represent *mere exclaves*. Mere exclaves are such regions that, while being isolated from their mainland, are surrounded by more than one state. Thus, they are not enclaves in relation to other states but merely exclaves in relation to the mainland. Enclave-specific problems stemming from being embedded in a single state may be lacking in such cases (although not necessarily) but the exclave issues caused by isolation from the respective mainland remain. An interesting case in this respect is Kaliningrad. Because of the specific nature of the European Union, Kaliningrad can be technically described as a mere exclave since it borders two states, Poland and Lithuania. On the other hand, both states are members of the European Union so it is quite possible to say that Kaliningrad is a semi-enclave of the EU. This view is reinforced by the fact that the enclave-specific issues of the movement of goods and people lie within the competence of the EU. In general, this term is logically cogent when looked at from the mainland's side. Once a clear distinction on the points of view is made, the term is not ambiguous anymore. It is useful in understanding the nature of the enclave in the triangular relationship "mainland state–enclave–surrounding state."

In the majority of cases (true enclaves, coastal enclaves, pene-enclaves, with the exception of mere exclaves) the same region represents an enclave in relation to the surrounding state and an exclave in relation to its mainland. Although not directly interchangeable, there are occasions to use both terms, depending on whether one is stressing the relation to either its surrounding state or its mainland. In other words, the use of this or that term would depend on what aspect of an enclave's relations with the outside world are being discussed. In cases when such distinction is not crucial, the term "enclave" is normally used as a more general and familiar one.

Generally, there are three types of exclaves. First, there are a large number of exclaves that are simultaneously enclaves in relation to the state that surrounds them (type 2-1, true enclaves, and type 2-4, pene-enclaves). Second, there are exclaves that are simultaneously semi-enclaves (type 2-2, e.g., Gibraltar, Hong Kong). And, third, there are mere exclaves, that is, entities that are surrounded by more than one foreign state and, consequently, are not enclaves in relation to them (type 2-3, e.g. Nakhichevan, Cabinda). Mere exclaves may or may not have access to the sea though it is the fact of their separation from the mainland on land that is the decisive factor in deciding their status.

We need also to look deeper into the mainland-exclave relationship. This relationship is obvious in the absolute majority of cases since it is not difficult to indicate which of the two parts is a mainland and which is the related exclave. There are, however, several theoretical possibilities that make the answer less straightforward than it appears on the surface. It might be

possible that the part that we conventionally indicate as an exclave is either larger in territory than another part or possesses a larger population share. What would be then a decisive criterion to determine which part is a mainland and which part is an exclave? There are three theoretically possible criteria: first, the location of the national capital city; second, the relative size of the territory; and third, the relative size of the population. We chose to follow the convention of international law and indicate the part where the capital is located as a mainland, regardless of population figures and territory. The primary reason is the concentration of state power in the capital. As was already noted, such cases when doubts are possible are rare. However, they may appear. For example, East Bengal, which was a Pakistani exclave from the creation of the state in 1947 until its independence in 1971, had more than half of the nation's population (despite having less than half the land area of the country). Since the capital of the state was located in the western part, the western section is viewed as the mainland in relation to the smaller but populous exclaved eastern part.

The enclave, semi-enclaves, and exclaves that were discussed above represent parts of a territory of a sovereign state. There are, however, also sovereign states surrounded by another single state. In such cases, the application of the term "enclave" is justified as well. In order to distinguish them from their nonsovereign counterparts, they are called "enclaved states" and "semi-enclaved states."

An *enclaved state* is a state entirely enclosed within the territory of another state. "Enclaved states" in international law are sovereign states landlocked within another state. There are currently three such states: Lesotho, San Marino, and the Vatican. Free ports with direct entrance to the sea or an international river (international waters) are already, therefore, not enclaves, because they lack the characteristic of inclusion. The establishment of free ports causes, however, no transition of sovereignty to the favored state, only its economic restriction. The same is true for extraterritorial properties such as embassy buildings, since the sovereignty of the respective state remains, despite some restrictions. Additional confusion results from calling states without sea access "enclaved countries." The correct term in this respect would be a "landlocked country." There are currently 42 landlocked states in the world. Two of these, Uzbekistan and Liechtenstein, are doubly landlocked, in that they can access the sea only by passing through two other states in any direction. In addition, three of the 42 landlocked states are enclaved states.

*Semi-enclaved state* is a state enclosed within the land territory of another state, yet in possession of a sea coastline (that is, not fully surrounded). While the situation regarding an enclaved state is clear, the status of the semi-enclaved state can be ambiguous. We start from the qualitative idea

that enclaves are characterized by being enclosed by an alien territory. The notion of enclavity is crucial for the definition of an enclave. It means that inclusion is a determining characteristic of an enclave. Further, I apply the notion of *enclavity* to account for enclave-specific inclusion. Cases such as Lesotho or San Marino are evident as these states are fully enclosed within another state. However, it becomes more confusing with semi-enclaves. Does the possession of access to the sea eliminate the enclavity of these states? Technically, Portugal, Denmark, and Canada (!) also border only one foreign state, but they are not enclosed in the geographical, political, or economic sense. They have vast access to international waters. At the same time, there are states that, although in possession of sea access, are still enclosed by the territories of a foreign state. Gambia can be taken as an example. Although it possesses a coastline, its length is minimal in comparison with its land border with Senegal: 80 and 740 km, respectively. One look at the map is enough to see that Gambia is in fact enclaved by Senegal. It is quite apparent that this geographic relation would have profound economic and political implications on their bilateral relations as well as on internal developments in Gambia. If we go to the limit and interpret the notion of enclavity strictly, then such states as Gambia or Monaco are not enclaves in the strict sense of the word. In reality, however, they are still enclaved, encapsulated, surrounded. We see that the criterion of being enclosed by an alien territory is crucial for the definition of an enclave. This criterion is qualitative. As such, it is difficult to apply. In order to make it workable, we introduce a quantitative criterion: the land boundary must be longer than the coastline.

The quantitative criterion for sovereign semi-enclaves:

$$L_l/L_s > 1,$$

Where  $L_l$  is the length of the land boundary, and  $L_s$  is the length of the sea coastline.

Therefore, a state is classified as a sovereign semi-enclave if it borders on just one state, and its land boundary is longer than its sea coastline. According to this principle East Timor, Ireland, Portugal, Denmark, and Canada are excluded. On the other hand, Monaco, Brunei, and Gambia qualify.

On the other hand, no similar quantitative criterion is needed to define the scope of nonsovereign semi-enclaves/exclaves and pure exclaves. The simple notion of *exclavity* in a strict sense would suffice for the classification. Regardless of the land boundary/sea coastline ratio, we list territories as enclaves/exclaves of a certain kind. For example, the land boundary of Dubrovnik (Croatia) is significantly shorter than its sea border. Nevertheless, Dubrovnik is defined as a mere exclave. The fact that such territories are separated from their respective motherlands suffices.

## FURTHER QUALIFICATIONS

There have been four big waves of enclave creation in world history. The first wave was connected to the specifics of pre-Westphalian state building in Europe in the Middle Ages. The state was tied not to a certain territory but to a certain lord. It made possible the building of “patchwork states” via means of purchase, inheritance, war, donations to the Church and so on. There were hundreds and thousands of territorial enclaves and exclaves based on their possession by a certain lord or a ruling dynasty/family. Then came the consolidation of territory as nation states began to arise in Europe. The process of consolidation removed the majority of pre-Westphalian enclaves. Some, however, remained as either nonsovereign enclaves (Baarle, Buesingen, Llivia, etc.) or enclaved states (Monaco, San Marino, Vatican). The second wave came with the building of European colonial empires, when Spain, Portugal, France, Britain, the Netherlands, and later Germany built up their empires overseas. Technically speaking, the majority of colonies overseas (those that were not located on an island or islands) in the sixteenth to twentieth centuries could be described as exclaves in relation to their *métropole*, the centers of their respective empires. The majority of the second wave of enclaves disappeared from the map in the break-up of the colonial system. Some of them survived. Ceuta and Melilla represent well-known examples.

The third wave is connected directly to the process of the breakup of the European colonial empires. First, these are exclaves of European states that emerged from the ruins of these empires. Second, there are independent enclaved states and nonsovereign enclaves, which emerged as borders were set between the former colonies. Sovereign Lesotho, Brunei, and Gambia and nonsovereign Cooch Behar and Temburong are classic examples of this type. The breakup of the socialist multinational states, the Soviet Union and Yugoslavia, caused the fourth enclave wave, as about 20 enclaves appeared on the map in 1990–1991. In fact, the absolute majority of them appeared in 1991; only Kaliningrad and Pogiry had already become exclaves in 1990, as Lithuania proclaimed independence. Similarly to the post-Soviet enclaves, the breakup of another socialist multinational state, Yugoslavia, called into being the enclave Sastavci and the exclave Dubrovnik.

The enclaves of the third and fourth waves, that is, the enclaves of the modern post-Westphalian and postcolonial world of nation states, are the main focus of the current investigation. I differentiate between colonial and postcolonial enclaves. Some postcolonial enclaves emerged as European colonial empires were built. However, over the course of time, they lost their colonial status (or never fully acquired it as such). The reason is that

they are seen as an integral part of the respective state and not as subordinate territory. In fact, some of them had never been seen as colonies to begin with, as they were populated by the nationals of the mainland. For example, Ceuta and Melilla have always been populated by Spaniards rather than Moroccans.

World history provides hundreds of cases of enclaves. It is impossible to collect information on all of them. Nevertheless, historical analysis is important and thus unavoidable. History provides us with an opportunity to analyze completed cases, that is, to study an enclave all the way from its emergence to its disappearance (much like the complete biography of a person, which can be written only after his or her death). History provides us with precious material for analysis—analysis that we then apply to existing enclaves. In each category, I point to several historical cases that are either typical or possess significant historical importance. No theory of enclaves and exclaves would be complete without Hong Kong, Macao, West Berlin, or East Prussia.

Another important qualification is whether the theory includes only *de jure* enclaves or also *de facto* ones. There are quite a few cases in which the existence of an enclave has not been recognized formally although the enclave existed “*de facto*” over a long period of time. In such cases, more weight is put on the factual side of the question, asking whether this or that territory operated as an enclave/exclave in political and economic reality. Instead of holding to the formal rules of international law, the enclave’s citizens are made the focus of the study. From this point of view, factual enclavity in terms of, in particular, political relations with the surrounding state and the mainland is the decisive factor leading to the acknowledgment of an enclave. The following two examples will illustrate the point. Macao was never formally recognized by China as a Portuguese territory, since it was leased to Portugal. Neither did Portugal stress its rights over the enclave in the last decades of its existence. Nevertheless, Macao existed as a *de facto* Portuguese exclave on the Chinese coast over four centuries. Furthermore, the German Democratic Republic and the Federal Republic of Germany were not recognized as states until 1949. Even after that time, the FRG did not recognize the GDR until the end of the 1960s. Nevertheless, West Berlin was an enclave within the Soviet occupation zone from 1945 until 1949. After 1949, it was recognized as an exclave of the FRG within the GDR, despite the lack of formal recognition of the latter by the former, and vice versa.

An opposite case is also possible when an enclave is still recognized *de jure* but has ceased to exist *de facto*. Such is the case with Nagorno-Karabakh and several small enclaves of Armenia in Azerbaijan and vice versa. The existence of such enclaves will be recognized, however, with the proviso that these enclaves do not function as such for all practical matters.



There is at least one supplementary reason, in addition to formal international law, to include such enclaves in the scope of consideration. Their vulnerability may well cause the return of their enclave status at a later stage.

## PRINCIPAL TYPOLOGY OF TERRITORIAL ENCLAVES

The following typology of enclaves and exclaves (Figure 2.1) combines the legal criterion at the higher level with the geographical criterion at the lower level. The first level is legal, as territories are first divided into sovereign states, international enclaves, and subnational enclaves. I proceed to the lower second level by looking at, first, the criterion of the practical (im)possibility of access. While several remarks are made on enclaved states and subnational enclaves, international enclaves form the exclusive object of investigation further on.

## LISTS OF ENCLAVES ACCORDING TO TYPE

### Enclaved states

The list of former enclaves is naturally incomplete. I tried, however, to be as complete as possible in listing the enclaves of the third and the fourth waves, that is, the enclaves of the modern post-Westphalian and postcolonial world of nation states, which stay at the center of the present investigation. Regional maps locating all the cases listed below can be accessed at [www.vinokurov.info/enclaves.htm](http://www.vinokurov.info/enclaves.htm) as supplementary materials to this book.

The data for population and territory given in the table is for the year 2003 where that data were available. For the historical cases, the table employs data from the last years of an enclave's existence (if available). For

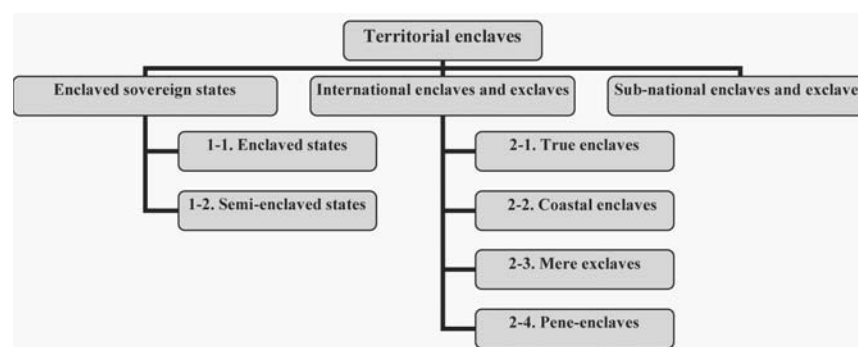


Figure 2.1. Main typology of enclaves and exclaves

example, 1996 data are used for Hong Kong and 1998 data are used for Macau. The list of present enclaves is as full as possible. The list of former enclaves is large, although I would not profess it to be complete and would be glad to receive any further relevant information. Furthermore, different opinions are possible in some disputable cases, especially those of enclaves that have already ceased to exist as such. The following abbreviations are used here and throughout the text: E—enclave and/or exclave; ES—enclaved state; M—mainland; S—surrounding state.

Type 1-1: enclaved state. This is the classic form of a sovereign enclaved state in international law that represents a state entirely enclosed within another state.

### Semi-enclaved States

Type 1-2: Semi-enclaved state. Sovereign state surrounded by another state on land but in possession of seashore.

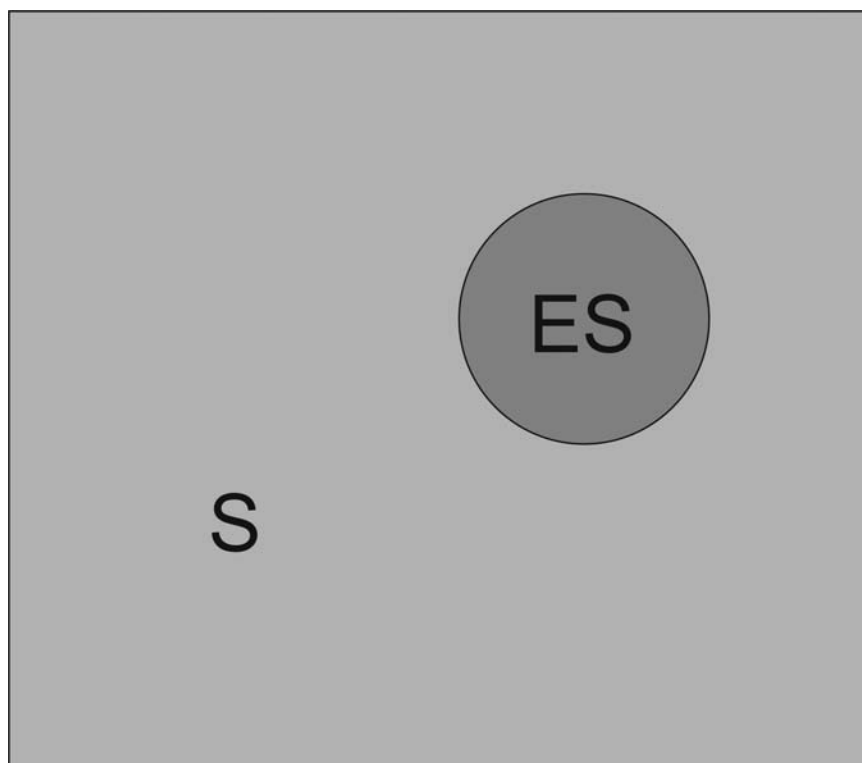


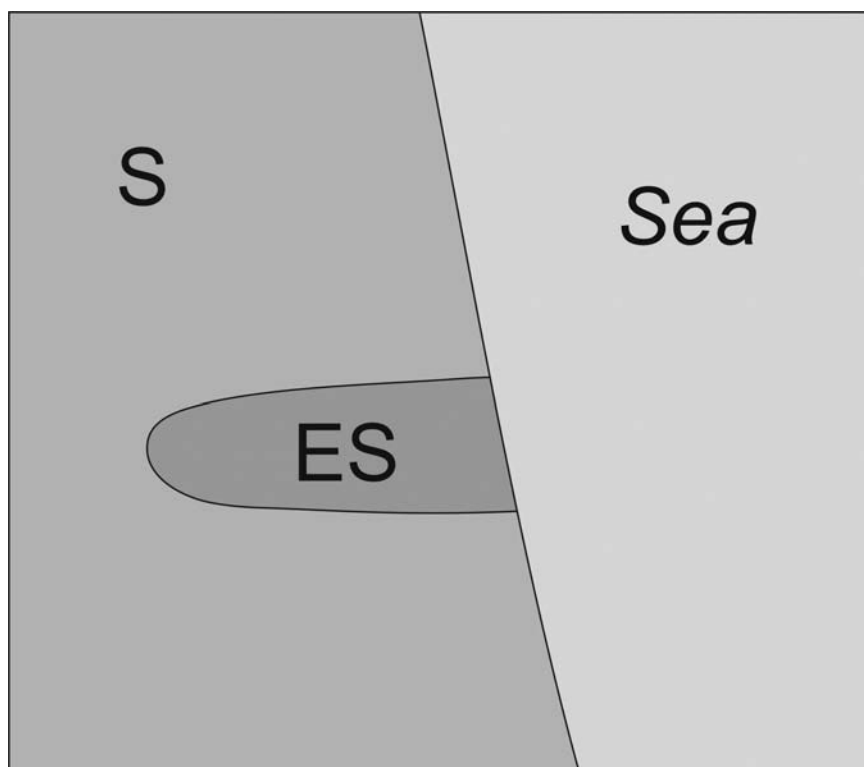
Figure 2.2. Enclaved state, type 1-1 (ES—enclaved state, S—surrounding state).



Figure 2.3. Lesotho and South Africa.

Table 2.1. Enclaved states (type 1-1)

<i>Enclaved state</i>	<i>Year</i>	<i>Population, Thousands</i>	<i>Territory, km<sup>2</sup></i>	<i>Surrounding state</i>
The Kingdom of Lesotho	1966	1,865	30,555	South Africa
San Marino	301	28.5	61.2	Italy
Vatican	1929	0.92	0.44	Italy



**Figure 2.4.** Sovereign semi-enclave, type 1-2 (ES—enclaved state, S—surrounding state).

**Table 2.2.** Semi-enclaved states (type 1-2)

<i>Enclave</i>	<i>Year</i>	<i>Population, thousands</i>	<i>Territory, km<sup>2</sup></i>	<i>Surrounding state</i>
Brunei	1984	365.3	5,570	Malaysia
Gambia	1965	1,546.8	11,300	Senegal
Monaco	1419 <sup>1</sup>	32.3	1.96	France

<sup>1</sup> Monaco initially bordered on France as well as Savoy.



Figure 2.5. Gambia and Senegal.

### True Enclaves

Type 2-1: true enclaves (nonsovereign enclaves/exclaves). A territory separated from the principal part of the state by the territory of another state or states.

As was already mentioned while defining an enclave, if a territory is connected to the rest of the country by a single point, it will be considered an enclave as well. In addition, two enclaves that are connected to each other by a single point will be viewed as separate entities.

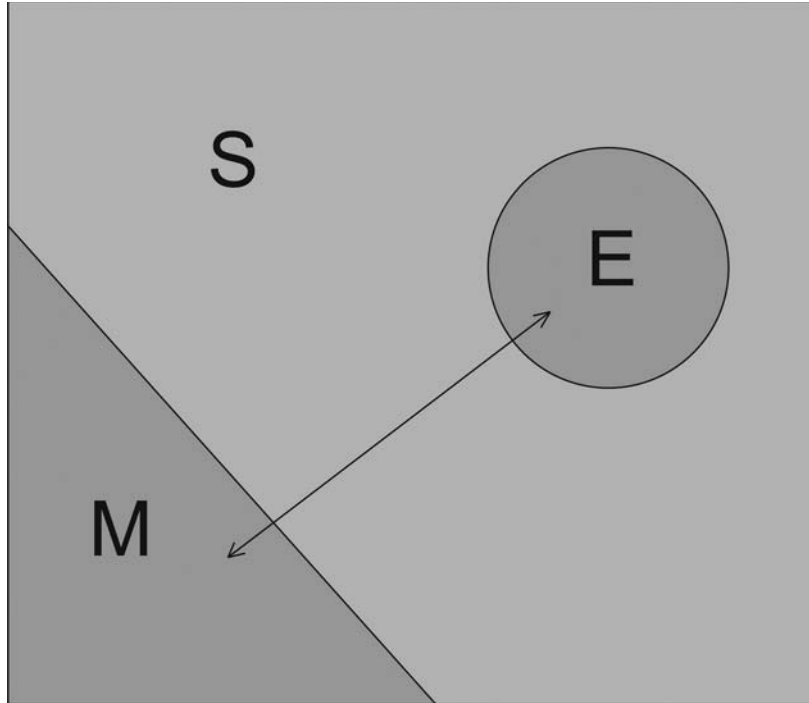


Figure 2.6. True enclave, type 2-1 (E—enclave, M—mainland, S—surrounding state).

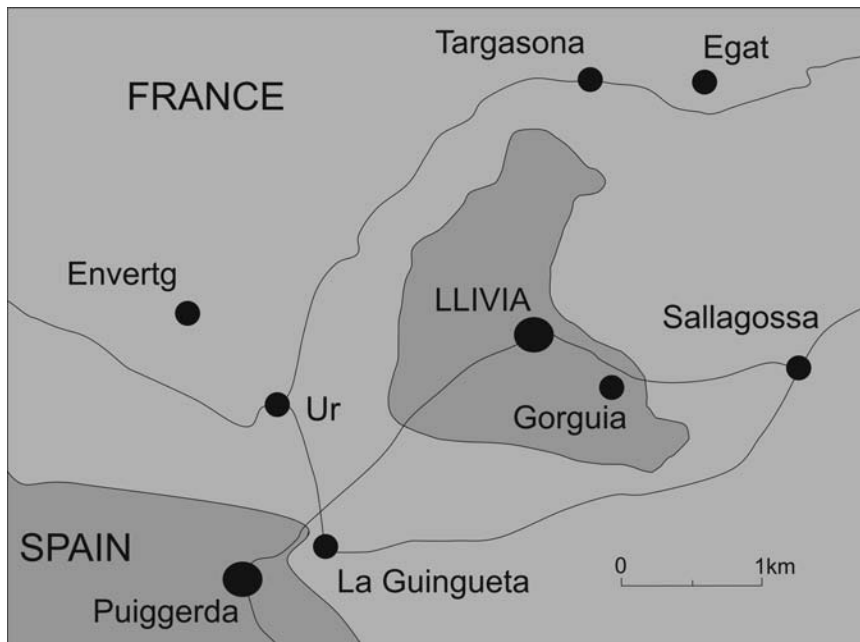


Figure 2.7. Llivia, Spain, and France.

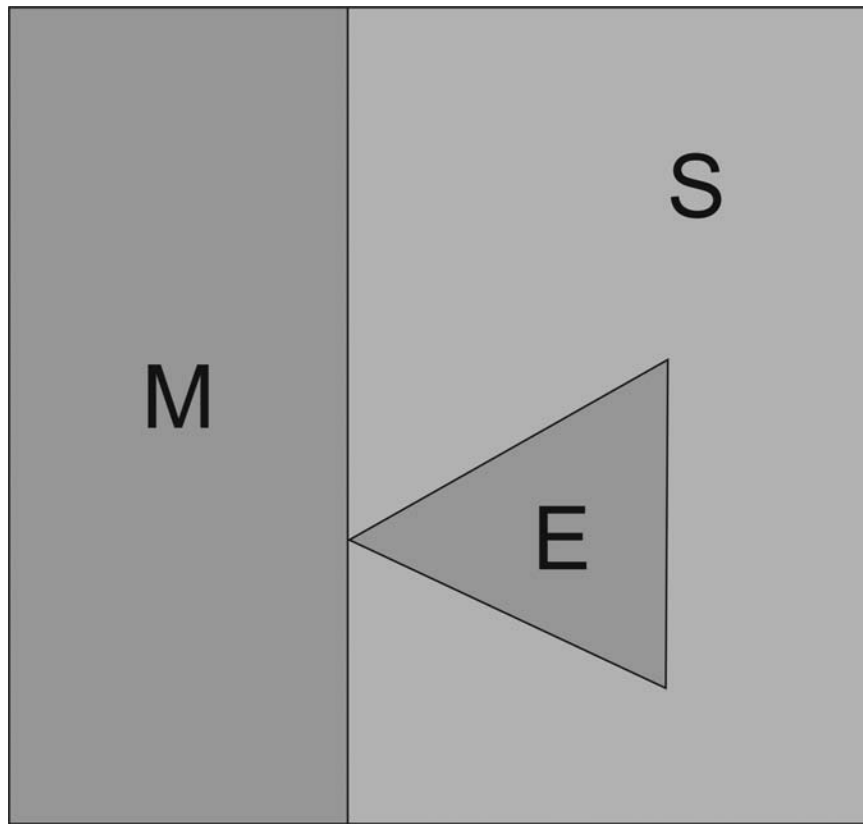


Figure 2.8. Single-point connection (Jungholz).

### Coastal Enclaves (Semi-enclaves)

Type 2-2: coastal enclaves (semi-enclaves)

### Mere Exclaves

Type 2-3. Mere exclaves. A mere exclave is a nonsovereign region separated from the mainland and surrounded by more than one state (that is, an entity of this type is not an enclave).

Table 2.3. True enclaves (nonsovereign enclaves/exclaves)

Enclave	Years	Population, thousands	Territory, km <sup>2</sup>	M	S
Artzvasheh	1991—(de jure) unilaterally annexed by Azerbaijan	—	—	Armenia	Azerbaijan
5 Azerbaijani in Armenia (Barkhudarly, Kiarky, 2 unnamed enclaves south of Taly', Upper Askipara)	1991—unilaterally annexed by Armenia	—	0.06–0.12	Azerbaijan	Armenia
Baarle enclave complex	1198—	2.2	2.34	Belgium	Netherlands
22 Baarle-Hertog		0.13	0.15	Netherlands	Belgium
8 Baarle-Nassau		0.6		Kyrgyzstan	Uzbekistan
Barak	1991—	1.5	7.6	Germany	Switzerland
Buesingen-am-Hochrhein	1465–1770 Austrian (1661–1698 Swiss), German from 1770 onward				
Campione	1512–	3	1.7	Italy	Switzerland
Chisamula and Likoma Islands	1953–	8.1	18	Malawi	Mozambique
Cooch Behar enclave complex	1713—	30	69.7	India	Bangladesh
106 Indian enclaves		25	49	Bangladesh	India
92 Bangladeshi enclaves					
Dheketa power station (2), Ormidhia, & Xyloymbou <sup>2</sup>	1960—	Two villages	—		
Dzhangail	1991—	—	—		Kyrgyzstan
Isla Martin Garcia	19th century, 1973 agreement	0.2	2	Uzbekistan	Uruguay
Jungholz (single-point connection)	1368 (border treaty of 1844) (annexed by Germany in 1938–1945)	0.3	7	Argentina	Germany
Kairagach	1991—		<1	Tajikistan	Kyrgyzstan
Kalachach	1991—	0	<1	Uzbekistan	Kyrgyzstan
Llivia	1660 (1797–1815)—	1.2	12.84	Spain	France
Madha	1969—	—	75	Oman	UAE
Nagorno-Karabakh	1991—(1993 de facto)	200	4,400	Armenia	Azerbaijan
Nahwa	1971—	<1	few km <sup>2</sup>	UAE	Oman



Sankovo-Medvezhye	1991–	0	4.5	Russia	Belarus
Sarvaksoi (Sarvaki-bolo)	1991–	—	8	Tajikistan	Uzbekistan
Sastavci <sup>3</sup>	1991–(2001–2002)	0.27	4	Bosnia-Herzegovina	Serbia
Shakhimardan	1991–	—	—	Uzbekistan	Kyrgyzstan
Sokh	1991	40	236	Uzbekistan	Kyrgyzstan
Vorukh	1991–	23–29	97	Tajikistan	Kyrgyzstan
5 Vennbahn enclaves (Roetgen I, Roetgen II, Mützenich, Ruizhof, Call family)	1922–	4 (total)	<10 (total)	Germany	Belgium
Presently non-existent: Comtat Venaissin and Avignon	1348–1791	—	—	Papal territory	France
Darchen and others	1640s–1959	1–10	—	Bhutan	China (Tibet)
Dobta and Chumbi	?–1959	<1	—	Sikkim	China (Tibet)
(few) East Berlin in West Berlin	1945–1972, 1988, 1990	—	—	GDR	FRG
French enclaves in India 293 Pondicherry	–1949, 1950, 1954	526 total, incl.	—	France	India (British Empire until 1947)
Kowloon Walled City (Hong Kong)	1842–1993	0.7 (1898) 50 (1980s)	0.026	China	Great Britain
Mount Scopus	1949–1967	—	1	Israel	Jordan
(5) Portuguese enclaves	mid-16th c.–1954 (1961)	40	480 (Dadra), 7.4 (Nagar Aveli)	Portugal	India
Pogiry (Pogiriay)	1990–1996	0.003	1.69	Lithuania	Belarus
Saint Pierre and Miquelon	1763–1992	7	242	France	Canada
São João Baptista de Ajuda	1680–1960	small garrison	0.01	Portugal	Dahomey, France, Dahomey (Benin)
(6) Schirgiswalde (12) Enclaves around West Berlin (Steinstücken etc.)	1635–1845 1945–1972, 1988, 1990	3 (Schirgiswalde) 0 to 0.19	5 (Schirgiswalde)	Austria FRG	Sachsen GDR
Hemmeres (the 6th Vennbahn enclave)	1922–1958	5 households	—	Germany (FRG)	Belgium
Verenahof	?–1967	0.01	0.43	Germany (FRG)	Switzerland
West Berlin	1945–1990	2,200	480	FRG	GDR

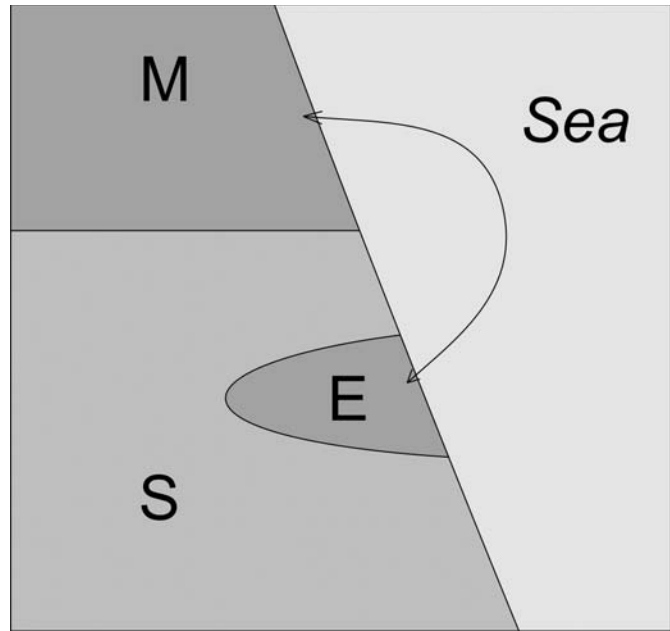


Figure 2.9. Nonsovereign semi-enclave/exclave (coastal enclave), type 2-2.

The map shows the Indonesian archipelago with East Timor highlighted. The Indonesian part is labeled 'INDONESIA'. East Timor is labeled 'DIU'. Key locations in East Timor include Liquica, Ermera, Foho Taramaitau, Suai, Viqueque, Manatuto, and Baucau. Islands shown include Pulau Atauro and Pulau Jaco. Bodies of water include Banda Sea, Savu Sea, and Timor Sea. A scale bar at the bottom indicates 0, 50, 100 km and 0, 50, 100 mi. Latitude and longitude coordinates are marked on the map.

Figure 2.10. Oecussi-Ambeno, East Timor, and Indonesia.

**Table 2.4. Semi-enclaves/exclaves (type 2-2)**

Enclaves	Years	Population, thousands	Territory, km <sup>2</sup>	Mainland	Surrounding state
Alaska	1867–	643.8	1,056,383 (with waters)	U.S.A.	Canada
Ceuta	(1668) 1956	72	19.5	Spain	Morocco
Erenköy/Kokkina	1974–	<1	—	Turkey	Cyprus
Gibraltar	1713–	28	6.5	Great Britain	Spain
Melilla	(1497) 1956	69	12.5	Spain	Morocco
Musandam Peninsula	1969–	35	1,800	Oman	UAE
Oecussi-Ambeno	1999–	50	27,000	East Timor	Indonesia
(6) Spanish micro-enclaves in Morocco	1508–; 19.century –;	0 or micro	0.15, 0.04, 0.01, 0.61	Spain	Morocco
Temburong	1890–	9	1,306	Brunei	Malaysia
(2) UK Sovereign Base Areas (also type 2-3)	1960–	7 Cypriot plus 7.8 UK	250.9 (121.6+129.3)	Great Britain	Cyprus
Presently nonexistent:					
Colón	1903–1950	—	—	Panama	U.S.A. Panama Canal Zone
Gwadar	1784–1958	—	795	Oman	Br. India, Pakistan since 1947
Hong Kong	1841 (1860, 1898) -1997	6,803.1	1,102.15	Great Britain	China
Ifni (Sidi Ifni)	1859–1969	>100	1,502	Spain	Morocco
Kwang-Chou-Wan	1898–1949	>100	780	France	China
Kwantung	1895–1945	>100	—	Russia, Japan	China
Macao (Aomen) data 1998	1557–1999	429.2	25.4	Portugal	China
Panama Canal Zone	1903–1999	44.2 (1989), incl. 3 American (Zonians)	1,432	U.S.A.	Panama
Qingdao	1897–1945	>100	—	Germany, Japan	China
Walvis Bay	?1978–1994	46	1124	S. Africa	Namibia
Weihaiwei	1898–1930	>100	740	Great Britain	China
Zadar (Zara)	1920–1947 (de facto 1944)	—	—	Italy	Croatia

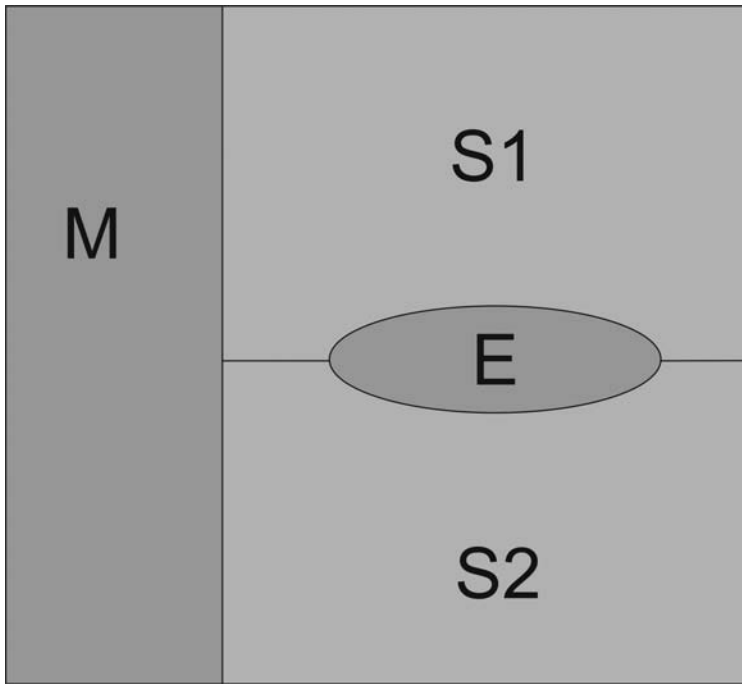


Figure 2.11. Mere exclave, type 2-3. Case 1: mere exclave at land.



Figure 2.12. Nakhichevan (E), Azerbaijan (M), Armenia, Iran, and Turkey (Ss).

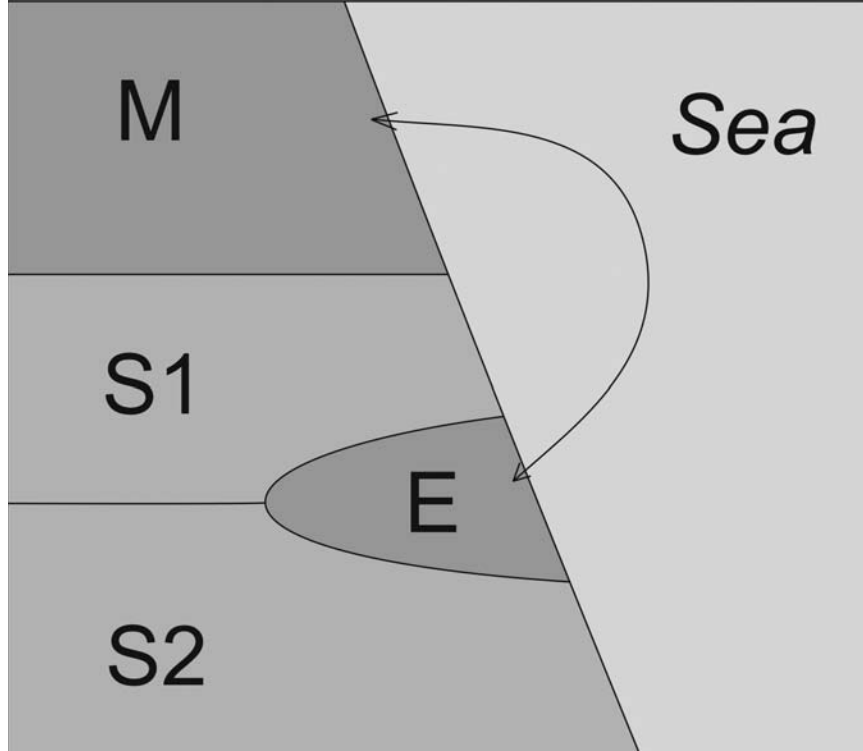


Figure 2.13. Mere exclave, type 2-3. Case 2: mere exclave with sea connection to the mainland.



Figure 2.14. Kaliningrad Region (E), Poland and Lithuania (Ss).

**Table 2.5. Mere exclaves (type 2-3)<sup>4</sup>**

<i>Enclaves</i>	<i>Time of existence</i>	<i>Population, thousands</i>	<i>Territory, km<sup>2</sup></i>	<i>Mainland</i>	<i>Surrounding states</i>
Cabinda	1885–(Angolan from 1975)	150–200	7,283	Angola	Zaire and Congo
Dubrovnik (data for Dubrovnik-Neretva) <sup>5</sup>	1991–	122.9	1,782	Croatia	Bosnia-Herzegovina, Serbia-Montenegro
Kaliningrad <sup>6</sup>	1990–	946	15,100	USSR, Russia	Poland and Lithuania
Nakhichevan	1991–	310 (year 1990); ≈ 200 (2000)	5,500	Azerbaijan	Iran, Armenia, Turkey
Strovia <sup>7</sup>	1974–	0.018	—	Cyprus	Turkish Cypriot-administered area, UK Sovereign Base Area
<i>Former mere exclaves:</i>					
East Pakistan	1947–1971	67400 (year 1970)	144,000 (incl. 10.1 water)	Pakistan	India, Fr.
East Prussia	1919–1939	2300	40,000	Germany	Indochina
Syria	1958–1961	—	185,180	United Arab Republic	Poland, Lithuania
					Turkey, Iraq, Lebanon, Israel, Jordan

### Pene-enclaves

Pene-enclaves appear, as a rule, in the mountains (the Alps, the Pyrenees) or in other regions that can be reached only with difficulty. Pene-enclaves are similar to other enclaves in their characteristics and problems. The reason for taking them into consideration despite the fact that they are not technically “real” ones is that they demonstrate similar problems and issues to “real” enclaves. There are also other terms employed to describe this phenomenon. For instance, Auhagen (1967) employs the terms “quasi-enclaves” or “half-enclaves” (Halb-Enklave). They are also called, with good reason, functional enclaves, or, as Jan Krogh refers to them as, practical enclaves.<sup>8</sup> All of these terms stress the same vital characteristics. First, these entities are not true enclaves, that is, they are not completely separated from the mainland. Furthermore, as far as practical issues are concerned (such as the movement of goods and people), they are nothing but enclaves, as they can be reached only through the territory of a surrounding state. There is one difference, though. A pene-enclave may often be disenclaved by constructing a mountain road or a tunnel, though at a relatively high cost. This has happened in several cases, for instance, in Samnaun in 1908–1912 (mountain road) or in Val d’Aran in 1947 (a tunnel).

Kleinwalsertal is relatively large, having 4947 inhabitants (2003) and 96 sq. km of territory. A valley section of the Austrian Vorarlberg, it can be reached by road only from Oberstdorf, Bavaria. The absence of a road connection to Austria was the reason why Kleinwalsertal has been excluded from Austrian customs territory as early as 1891. (Later on, the enclave was included in German customs territory, just as were Jungholz or Buesingen,

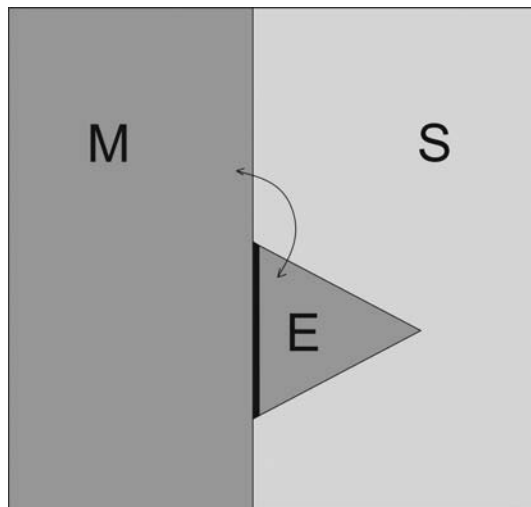


Figure 2.15. A pene-enclave.

the latter a “true” enclave of Germany in Switzerland.) Kleinwalsertal is economically tied to the surrounding state (Germany) and not to the mainland (Austria). The German *deutschmark* was used as a means of payment before the introduction of the euro in 2002. The main economic sector is tourism, which replaced agriculture. Large tourist flows are due to a very good connection to Stuttgart. The enclave’s *hotellerie* has a capacity of twelve thousand beds, while the population numbers just five thousand.

Another example of an historical pene-enclave in the Alps is Samnaun, a Swiss village that could initially only be reached through Austrian territory. Again, it was excluded from Swiss customs territory as early as 1892. The exemption was maintained even after a road was built to the Engadine valley during the years 1907 to 1912 and is still valid today, although there is now a direct road to Switzerland. Interestingly enough, the inhabitants of Samnaun do not share any of the official languages of Switzerland, rather, they speak not *Schweizerdeutsche* but a Bavaria-Tyrolean dialect of German instead.

Spanish Val d’Aran used to be unreachable from Spain for several months of the year until finally a tunnel was constructed through the mountains in 1948. It represents a valley of 620.5 km<sup>2</sup> with a current population of over 7,000. Administratively, Val d’Aran is a county (*comarca*) in the north-west of Catalonia. The complete, although temporary, isolation of the valley allowed Spanish Republican guerrillas to control the area from the end of World War II for three years until the opening of the tunnel in 1948.

Another pene-enclave is the Point Roberts in Washington State, bordering Canada. It represents a peninsula in U.S. territory that is not connected to the U.S. mainland. Though Point Roberts would appear to be part of Canada (which it borders), it is actually part of the United States because it is south of the 49th parallel, the official latitude defining the Canada–U.S. border.<sup>9</sup> The pene-enclave assumed its present status in 1846. The peninsula occupies 4.1 square miles, or 10.5 km<sup>2</sup>. Point Roberts’s land connections with the U.S. are through Canadian territory though the territorial waters between the mainland and Point Roberts are within the United States’ sovereignty. This connection is, however, unimportant since any adequate moorage facilities are lacking on the Point, so this mode of transportation is hardly ever used. In the second half on the nineteenth century, the Point remained a military reserve, but its military status was quickly lost when the first settlers arrived. The peculiarity of Point Roberts’s location is its proximity to the metropolitan area of Vancouver. It is only half an hour’s drive, so the pene-enclave lies within commuting distance from downtown Vancouver. In comparison, it is about an hour’s drive to the nearest large U.S. town, Bellingham.

It is not necessary for a pene-enclave to be separated from the mainland by mountains or water obstacles. An interesting historical case demon-



strates that long distances and an extremely harsh climate can effectively make a territory a pene-enclave. Before the construction of the Alaska Highway in the 1940s, the Yukon, being part of Canada, was reachable only by passing through Alaska. All available routes (by foot through the Chilkoot Pass, by boat up the Yukon River, or by the White Pass Railway (completed in the beginning of the twentieth century), originated in the United States. Despite the fact that the Yukon was not separated from Canada by insurmountable mountains, travelers had to take routes originating in the United States for the sake of survival. When Dr. Kristian Edmonton set out from Edmonton (British Columbia) in 1897 to chart an all-Canadian route to the Yukon, he took 22 months to reach his destination and almost died en route. Out of 775 men and women accompanied by 4,000 horses that set out via this route during the Gold Rush, only 160 persons made it to the Klondike, and all the pack animals died on the trail (Reid 1992, 63).

Most pene-exclaves could be connected to their mainlands at some expense by the construction of special roads or tunnels. Samnaun ceased to be a pene-enclave when a road was built to the Engadine valley in the beginning of the twentieth century. Val d'Aran ceased to be a pene-enclave in 1948 due to the construction of the tunnel connecting the valley to mainland Spain.

The list of currently existing pene-enclaves is not exhaustive. There are more of them, for example, in the area of Drumully, that belong to the Republic of Ireland, but are accessible by car only from Northern Ireland. Another example is a territory in the northwestern end of Togo, which is only accessible through Burkina Faso. Attribution of a pene-enclave status to a territory can sometimes be disputed, depending on whether the territory is considered to be practically inaccessible from the mainland or not.

## MARITIME ENCLAVES

Are enclaves purely land-based phenomena? Based on the criterion of sovereignty, it can be maintained that maritime enclaves also exist. Maritime enclaves are surely less significant than are their land-based counterparts, since the issue of access is usually less problematic. Their enclavity can nevertheless cause certain problems. According to international law (1982 United Nations Convention on the Law of the Sea) states are entitled not only to a 12-nautical mile (NM) sovereign zone but also to a 200 NM Exclusive Economic Zone (EEZ). The latter may in some cases be more important than the former, despite the fact that an EEZ implies no sovereignty. Fishing rights and, lately, oil and gas on the sea shelf are at stake. Consider the French islands of Saint Pierre and Miquelon lying very close to the Canadian shore. These are two relatively small islands of 242 km<sup>2</sup> of total

**Table 2.6. Pene-enclaves**

<i>Enclaves</i>	<i>Years</i>	<i>Population, thousands</i>	<i>Territory, km<sup>2</sup></i>	<i>Mainland</i>	<i>Surrounding state</i>	<i>Remarks</i>
Kleinwalsertal	14th century–	4.9	96	Austria	Germany	Can be reached by road from Germany only.
Livigno	—	—	—	Italy	Switzerland	Accessible only via Swiss routes in winter.
Point Roberts Os de Civis	1846–	1.2	10.5	USA Spain	Canada Andorra	Separated by the sea. Confluent Mountain (2,150m) prevent direct communication with the mainland. One has to take the road through Andorra.
<i>Historical cases:</i>						
Jestetten				Germany	Switzerland	Now connected to Germany with a road.
Samnaun	–1912	0.3 (2003)		Switzerland	Austria	Road built.
Val d'Aran	–1948	7.1 (1996)	620.5	Spain	France	Tunnel built.
Canadian Yukon	–1940s	—	—	Canada	USA	Land developed, Alaska Highway built.

land territory and with a joint population of 7,000. McDorman (1990, 157) quotes the high-level Canadian politician John Crosbie talking in the national Parliament in 1982: "Saint Pierre and Miquelon are two very small islands. Saint Pierre is ten square miles and Miquelon is 83 square miles . . . It can hardly be serious that anyone should think France would have a claim for 22,000 square miles or do anything like that under international law." Shortly after, France officially claimed exactly this territory, and Crosbie became the Canadian government minister with responsibility for the issue. The Canadian position was that France would be only entitled to a 12 NM zone, creating a French enclave in Canadian waters. Despite the islands being a footnote to Canada–France relations for more than two hundred years, relations between the two countries deteriorated over time as negotiations proceeded without much success. Finally, the case was brought before the International Court of Arbitration. In 1992, the maritime boundary dispute was settled by the court. France kept the 12 NM territorial seas surrounding the islands and was given an additional 12 NM contiguous zone, effectively disenclaving the island within Canadian territorial waters. France was also given a 10.5 NM-wide corridor stretching 200 NM south and cutting through the Canadian Exclusive Economic Zone. This maritime "corridor," 375 km long and 20 km wide, was nicknamed a "maritime Chile" (Le Figaro, October 31, 21). The total area awarded was 18 percent of what France had contested (International Legal Materials 1992). The award thus disenclaved the islands and gave France an EEZ of more than 40 times the territory of Saint Pierre and Miquelon. The issue of this 'maritime Chile' has become particularly important in the context of oil exploration on the sea shelf.

Islands such as Saint Pierre and Miquelon are not the only type to which the term "enclave" could be applied. Whyte (2002a, 10–12) mentions three sub-types: enclaved islands, enclaves of high seas, and a hybrid terrestrial-maritime enclave type. According to Whyte, enclaved islands are those belonging to one state but being enclaved in the territorial waters or Exclusive Economic Zone (EEZ) of another. Apart from Saint Pierre and Miquelon, other examples include Argentina's Isla Martin Garcia in Uruguay's territorial waters, and the Channel Islands in the French EEZ. Furthermore, there is no reason to restrict maritime enclaves to those lying at sea. Lacustrine islands can find themselves in a similar situation of being enclosed by another state's territorial waters, such as Malawi's Likoma and Chisamula islands in Mozambique's waters in Lake Malawi. This is the sole known case of a lacustrine enclave. It is perhaps useful for the sake of exactness to name this subtype "maritime and lacustrine" instead of "maritime" enclaves.

Enclaving has been used on multiple occasions to delimit maritime boundaries where islands are involved. For instance, it was used extensively in the Australia-Papua New Guinea Treaty on the maritime boundary for

the Torres Strait (International Legal Materials 1979). There, the tiny Australian islands lying close to Papua New Guinea's shore were given a 3-mile territorial sea. On several occasions, the islands were semi-enclaved (term used by McDorman 1990, 177), that is, they were permitted a zone on one side of a boundary but not permitted to influence the location on the principal boundary.

High seas enclaves are enclaves that are within another state's EEZ. Although there is no population, there are economic rights to fishing or sea shelf resources to be protected and used. There are sixteen of them (Prescott 1985, 100).

"Terrestrial-maritime enclave" is the term used where a state and its waters enclose the territory and waters of another state, or a fragment of a state. They are also termed "zone-locked" or "shelf-locked." For instance, Monaco is enclosed by France not only on land but also by French territorial sea. Between 1990 and 1994, Namibia encclaved South Africa's Walvis Bay.

Accessing the issue of maritime and lacustrine enclaves from the viewpoint of sovereignty, the validity of enclaves within Exclusive Economic Zones is called into question. This is not a sovereign territory belonging to the surrounding state under international law. The EEZ policy under international maritime law presupposes only the economic rights of a respective state over the zone. In contrast, the rights of passage are not restricted. That makes it perfectly possible for another state to gain access to these territories, whether they represent islands or high seas pockets. Only in the case of an island surrounded by another state's territorial sea, is the island genuinely enclosed into the other state's sovereign territory. Only in such a case, a number of enclave-specific issues may arise as the surrounding state may well complicate the conditions of communication with the mainland. Based on the sovereignty criterion, I analyze maritime Saint Pierre and Miquelon (as a historical case) and Isla Martin Garcia as well as lacustrine Likoma and Chisamula islands as comparable with territorial enclaves. At the same time, islands in another state's EEZ as well as high seas enclaves are excluded from the scope of our analysis. No separate table on "true" maritime and lacustrine enclaves is provided since they are included in the table of true enclaves.

### Paired Enclaves

Paired enclaves are two adjacent countries or nonsovereign territories, both enclaves within one surrounding state. There are no current international examples. Comtat Venaissin and Orange represented paired enclaves within France until the French Revolution. They are discussed in the volume edited by Delsalle and Ferrer (2000), in particular in the chapter by Ferrières (2000). One current case on a subnational level are the two Swiss cantons

of Appenzell (Inner Rhodes and Outer Rhodes) being enclaved in the Canton of St. Gallen.

## ENCLAVE TYPES OUTSIDE OF THE SCOPE OF THE THEORY

### Subnational Enclaves

The above-stated definitions describe the type of enclaves that can be referred to as external ones. They are either sovereign states or nonsovereign entities that lie outside the mainland of the state they belong to. However, there are a multitude of enclaves of a political nature that exist on a subnational level. Such territories are neither politically independent nor spatially external in relation to the state, part of which they constitute.

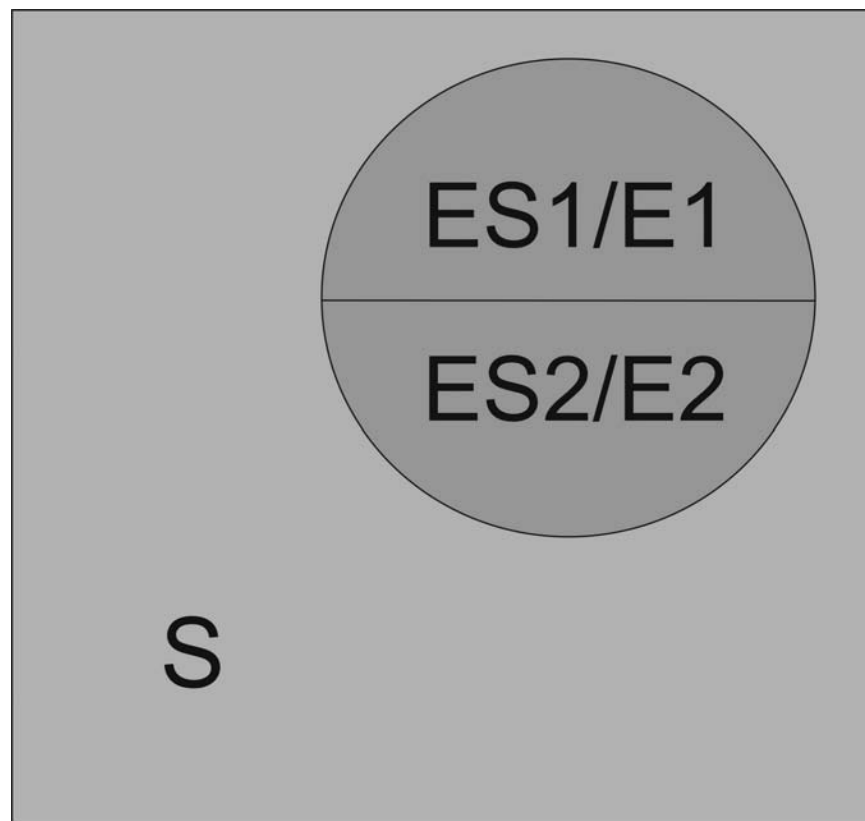


Figure 2.16. Paired enclaves.

Although being left outside of the scope of this book, subnational enclaves might be relevant to the study of international enclaves. There are two points where they are relevant to the emergence and disappearance of international enclaves. To begin with, “true” enclaves are often built on the basis of subnational enclaves. For example, there were twelve enclaves around West Berlin (Steinstücken, etc.), which naturally came into the spotlight of world politics after 1945. All of them existed before on a sub-national level: being situated inside Brandenburg, they belonged to the City of Berlin administratively. This is exactly the reason why they were enclosed within the occupation sectors that constituted the enclave of West Berlin. Another example is Kaliningrad. The region belonged administratively to the Russian Soviet Federative Socialist Republic (RSFSR), although it was separated from it by the Lithuanian and Belarussian Soviet Socialist Re-

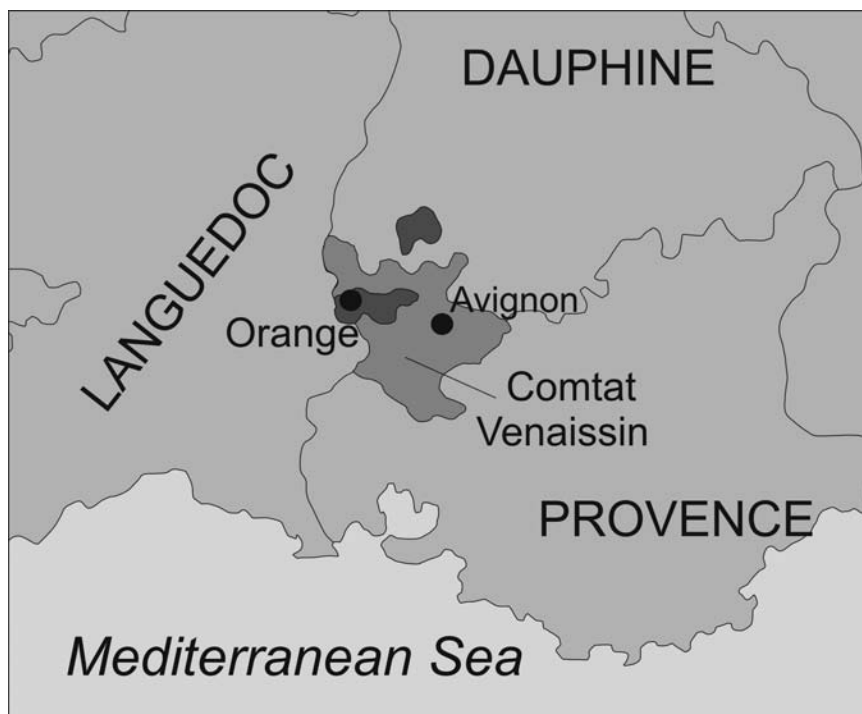


Figure 2.17. Paired enclaves of Avignon and Orange at the end of the fifteenth century. Note: Provence was an appanage of France; it became part of the French royal domain in 1486.

publics (LSSR and BSSR, respectively). When Lithuania declared independence in 1990, Kaliningrad Oblast became an exclave of the Soviet Union and, after its collapse one year later, of Russia. Further, in the case of the cessation of an enclave, they often remain in the form of an administrative enclave. Hong Kong and Macao became Special Administrative Regions after being transferred to China in 1997 and 1999, respectively. The French territories in India remained separate administrative entities, despite their relatively small size, after being absorbed by India. Coming back to the West Berlin enclaves, they continue to belong to the City of Berlin and not to Land Brandenburg after the reunification of Germany in 1990.

The number of subnational enclaves is immense. Just some of them will be indicated to show the scope of administrative enclaves (see other examples at [www.vinokurov.info/enclaves.htm](http://www.vinokurov.info/enclaves.htm)). First, there are cases of whole provinces lying within another one: Berlin inside Brandenburg in Germany, Moscow within the limits of the Moscow Oblast in Russia, the Australian Capital Territory surrounded by New South Wales in Australia. Second, there are cases of a smaller part of a province being separated from its main part by yet another province, for instance, the east part of Tyrol separated by Land Salzburg in Austria or the part of Limburg separated by Liège in Belgium. The number of internal administrative enclaves and exclaves is considerable, especially in Germany and Switzerland, though it has become much smaller in the twentieth century. After World War I, there were approximately 170 enclaves and exclaves in Germany at *Länder* level. Thuringia alone consisted of approximately 90 separated territories. Sixty-six exclaves belonged to Prussia, 14 of them alone in Thuringia. One of the most fanciful of them is Blintendorf in Frankenwald which, in turn, included two parcels of Thuringia (Siedentop 1968, 12). The *Länderkonferenz* in 1928 arranged for the subnational enclaves in Germany to be absorbed. There are also a considerable number of enclaves in Switzerland. The largest one is Estavayer de Lac with an area of 86.3 km<sup>2</sup>. Estavayer de Lac hosts in turn the small counterenclave of Noyeret. The second largest enclave is Engelberg, sovereign until the end of the eighteenth century and now an exclave of Obwalden.

Generally, subnational enclaves are not as visible as international ones. They do not even feature on the daily agendas of regional governments. Neither do they normally represent an issue for their inhabitants. There is a simple explanation for this. An enclavity/exclavity on a subnational level is on a much lower scale. It interferes much less with people's lives than does one at international level. Regions of the same state, as a rule, do not have any barriers between them. People, goods, capital, labor, and so on can move freely between the region's borders. It waters down the enclavity to an extent where it becomes almost invisible. Some enclave-specific issues, however, do appear on a subnational scale. Enclave problems can become

apparent over the issue of the financing of infrastructural projects. For example, the construction of a road from the "mainland region" to its "exclave" may trigger demands for joint financing by the "mainland region" and the region through whose territory the road would go. Furthermore, such an exclave may be attached to the communal systems of another region (water supplies, electricity net, garbage disposal, public transportation, etc.). The enclavity of a region or a fragment of a region inside another one may cause the necessity to share the infrastructure of public utilities or some large common projects for leisure, sport, and so on. Such situations demand customized solutions and flexible decision making on the side of all regional governments involved.

India in feudal times was much like Europe. There existed several hundred (600 were put in place by the British) princely states, governed by maharajas; many of these states were incredibly fragmented. As a comparison, German states before unification in 1871 come to mind. Despite the reduction of the number of primary administrative units from 600 to 25, many administrative enclaves remained. This problem was dealt with in the very first years of independent India. The newly created Indian states demonstrated a tenacity in keeping their enclaves, but the central government pushed through a massive cession and/or exchange of enclaves. V. P. Menon, who participated in these procedures, noted that the exchange of territories often entailed "much heart-burning and political bitterness" (Menon 1985, 313). Many inter-state and district enclaves remained. Cooch Behar also possessed enclaves, other than those existing today, on an international level. There were also about fifty detached fragments in Assam and West Bengal. These became an internal Indian affair on a subnational level. The Indian government procrastinated somewhat over dealing with the Cooch Behar enclaves, possibly due to political reasons having to do with its late accession to India. The issue was regulated by the inclusion of the Cooch Behar enclaves into Jalpaiguri, finalized in two notifications in 1955 and the 1960s. There are only four subnational enclaves remaining in the region at the present time, three Assamese ones in Cooch Behar and one Cooch Behar enclave in Assam. They still exist but, in contrast to the international enclaves in the same area, cause no difficulties. They are not problematic for policing, even though that is a state and not a federal matter. The problem of access to government is restricted to the inconvenience of making a longer trip to reach the authorities. It illustrates well the principal difference in the scope of problems of subnational and international enclaves.

Subnational enclaves are not covered in this book, though they occasionally come into consideration, especially when discussing the emergence of enclaves, as they are elevated from subnational to international level. They form a separate, interesting field of research still awaiting political, legal, and economic study. Only a negligible number of dissertations and other works



have been written on the issue (for instance, Whyteford 1972). Finer divisions of subnational enclaves are possible in order to differentiate between enclaves at a parish/commune or municipal/province/state level.

### **Jurisdictional Enclaves**

Many overseas marine and air force military bases represent jurisdictional enclaves. One of the most well known bases of that sort is the U.S. base in Guantánamo Bay, Cuba. By contrast, the UK Sovereign Base Areas in Cyprus do not represent jurisdictional enclaves since they are under British sovereignty. The territories of embassies represent jurisdictional enclaves, too.

There are some curious cases of such enclaves. One of the most remarkable ones is perhaps that of Suite 212 at Claridge's Hotel in the heart of London. This hotel suite was a Yugoslavian exclave for one day in 1945. On July 17, 1945, the direct heir of the Yugoslavian throne was born. According to the Yugoslavian law of that time, the heir of the throne had to be born on Yugoslavian soil. As the royal family was in exile in London, a special decision the British government under Sir Winston Churchill declared that very suite part of Yugoslavian state territory for one day. Such jurisdictional enclaves are occasionally created even now when a delicate international problem cannot be resolved in a conventional way. Camp Zeist, located in the Netherlands, was declared the territory of the United Kingdom in 1999–2002 in order to allow the UK authorities to bring two Libyans accused of the 1988 Lockerbie bombing to trial in Scotland. Libya would not hand them over to Great Britain, but they needed to be tried under British law, because of the location of the offense.

Surely, the meaning and scope of jurisdictional enclaves are much more substantial and important than being mere curiosities. There are thousands of such enclaves in the world. Embassies and military bases in particular play an important role in world politics.

### **Economic, Ethnic, and Religious Enclaves**

These types of territories are often but not necessarily accompanied by the setting of some administrative borders. The decisive factors are the social, economic, cultural, or linguistic seclusion of a certain area from the area that surrounds it. The subcategories of socioeconomic enclaves are manifold. I list four of them:

- Economic enclaves. A part of an economic structure enclosed within another structure is usually described as an enclave in economic literature. An oft-studied case of an economic enclave is a foreign-dominated industry within a national economy. An enclave sector would usually

be foreign owned and loosely attached to other sectors of the national economy. It concerns mostly developing small economies where the foreign investments of one or a few foreign companies dominate a vital export industry (sugar, oil, etc.).

- Territories with a special economic policy, for example, free trade zones or other special economic zones.
- Ethnic enclaves. There are hundreds of Chinatowns and similar areas around the world that represent ethnic enclaves within cities. They usually represent compact urban settlements (although not necessarily), which differ considerably from the surrounding area due to their socio-cultural, linguistic, and other characteristics. Ethnic enclaves are compact communities of an ethnic group inside an area where another ethnic group dominates. Jewish ghettos, barrios, and Chinatowns are examples. These areas may have a separate language, culture, and economic system. Their boundaries may be changed via gentrification and immigration waves, or may be set by government planning and zoning regulations.
- Religious enclaves. There are many religious enclaves in the world, representing areas where there are compact settlements of people belonging to one religion surrounded by people of another religion. Special attention is drawn to the Catholic enclaves in Northern Ireland.

### OTHER CLASSIFICATIONS

Several secondary classifications will be useful in our investigation of enclaves and exclaves. There is, first, the classification on the criterion of population; second, the division of enclaves into individual enclaves and enclave complexes (clusters); third, the classification of enclaves according to their order; and, finally, the classification based on origin.

*Classification on the criterion of the size of the population* divides enclaves into four groups, large, medium-size, small, and micro-enclaves.

1. Large enclaves—100,000 inhabitants and more.
2. Medium-size enclaves—10,000–99,999 inhabitants.
3. Small enclaves—1,000–9,999 inhabitants.
4. Micro-enclaves—fewer than 1,000 inhabitants.

Despite its arbitrariness, this classification reflects several important points. First, it reflects the order of importance in terms of the population size. Second, it may reflect the degree of problems posed to the mainland and the surrounding state. Furthermore, it reflects the scope of

problems caused by the inability of an enclave to satisfy certain needs. A micro-enclave may not even be self-sufficient in essential food supplies, whereas it may be perfectly possible for a larger one to sustain itself in this way. Larger enclaves have a greater chance of being heard in domestic politics. Besides, larger enclaves have a better possibility of ensuring order and governance within themselves. For instance, Dahagram-Angarpota, the largest Bangladeshi enclave in India, with a population of about 10,000, was able to ensure the functioning of a police force even before the opening of the Tin Bigha Corridor, while other, smaller enclaves were deprived of law and order.

While analyzing enclaves, in particular with the help of quantitative data, it is possible to refer to the large and medium-size enclaves for which this type of data is more readily available in comparison with micro-enclaves for whom it is not so easily obtained. In doing so, it makes sense to combine the population of enclave groups, such as Cooch Behar or Baarle, for certain purposes.

Further, enclaves can appear as *individual ones* or they can appear as a *complex*. *Enclave complexes* (the term is introduced by Whyte 2002a, 4) are conglomerates that consist of several enclaves. The most remarkable cases of enclave complexes are Cooch Behar with 92 Bangladeshi and 106 Indian enclaves and Baarle with 22 Belgian and 8 Dutch enclaves. We refer to enclave complexes in those cases where smaller numbers of enclaves are involved, for example, Malawius Chisamula and Likoma islands, five (earlier six) Vennbann enclaves, twelve enclaves that existed around West Berlin, and some others. A remarkable example from colonial times is French Pondicherry in India, which consisted of twelve enclaves and one counter-enclave with a population of about 300,000.

The phenomenon of enclave groups is often connected to the phenomenon of "*matryoshka*" enclaves, when an enclave is situated within another enclave, thus making the situation even more complicated. I will use the terms "counterenclaves" and "counter-counterenclaves" following Whyte (2002a, 2004).

- "normal" enclaves;
- counterenclaves are enclaves within enclaves;
- counter-counterenclaves are enclaves within enclaves within enclaves.

Nahwa belongs to the United Arab Emirates. It is situated within Madha, itself an enclave belonging to Oman, and thus a counterenclave. The Musandam Peninsula is another enclave in the area lying 40 km away from Madha and about 80 km away from Oman proper (a coastal enclave of the type 2-2).

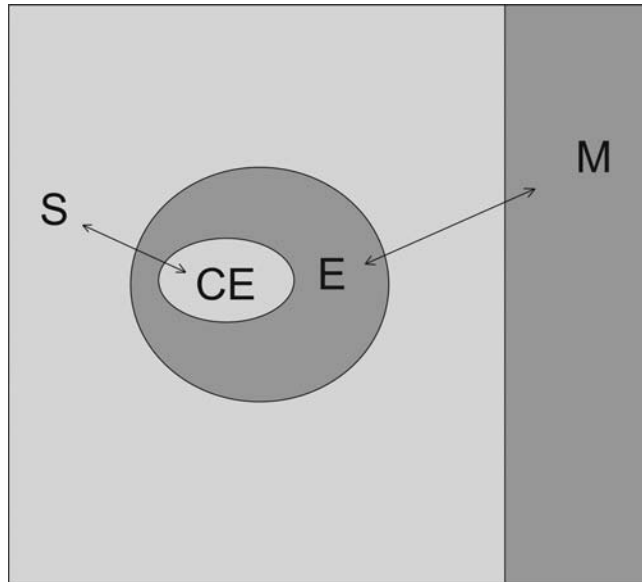


Figure 2.18. Counterenclave.



Figure. 2.19. Madha and Nahwa.

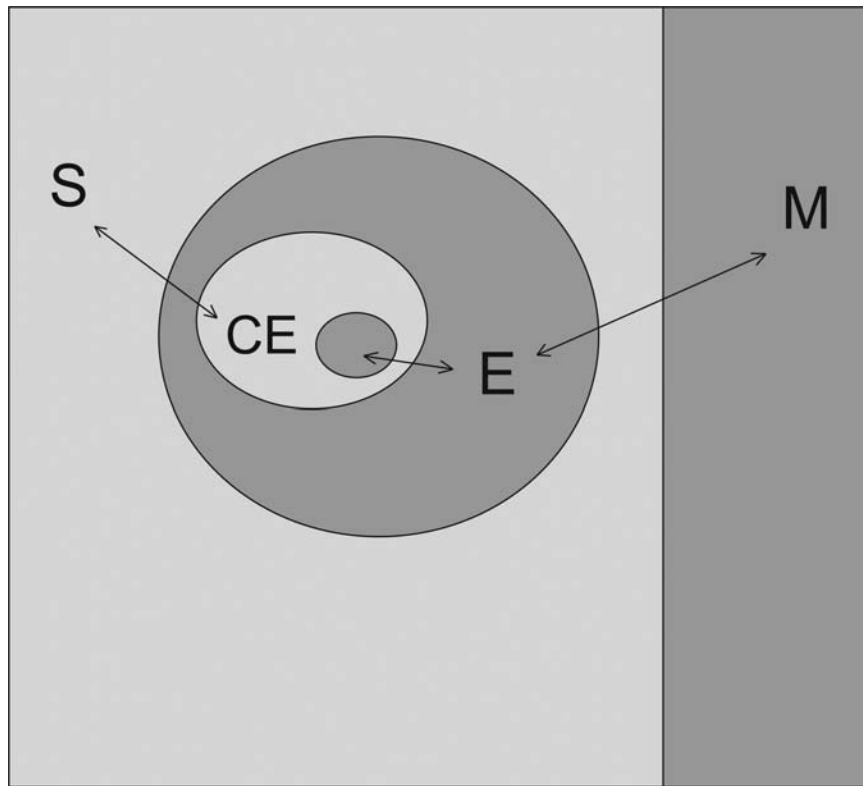


Figure 2.20. Counter-counterenclave.

The *matryoshka* enclaves are more than just curiosities. Whyte has found 32 enclaves of the second order (seven Dutch enclaves in Baarle, twenty-one Bangladeshi ones in Cooch Behar, three Indian ones also in Cooch Behar, and the UAE's Nahwa inside Oman's Madha) as well as one enclave of the third order, which belongs to Bangladesh.<sup>10</sup> The most famous counterenclave is, however, a historic one. There was a Chinese enclave inside Hong Kong, called the Kowloon Walled City, of an area of 2.6 ha. It was a spectacular place, with allegedly the highest population density in the world (50,000 inhabitants at the end of the 1980s), and was ruled by the triads until the 1970s. Later the Walled City developed into an organic extension of Hong Kong that lived its own life by its own laws, a labyrinth of buildings. It was finally demolished in 1993 to construct a park.

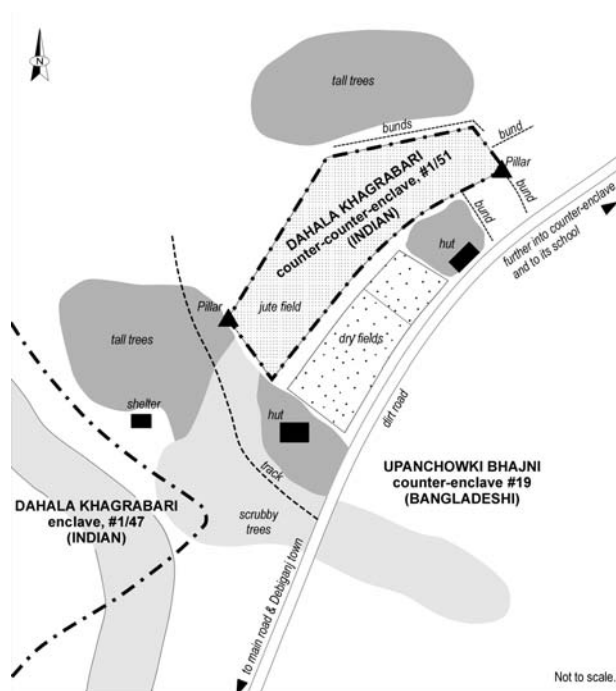


Figure 2.21. The world's only counter-counterenclave.

The following main types of *contemporary* enclaves can be distinguished according to their origins:

1. The group of enclaved states and territories that were formed in the pre-Westphalian period, mostly as the result of feudal disunity in Western Europe in the Middle Ages. Their origin represents the combination of, on the one hand, feudal disunity and the pre-Westphalian concept of the state, and, on the other hand, state consolidation in the beginning of the modern era in Europe. In medieval times, the extent of a kingdom was determined not by fixed external boundaries marking a certain territory but rather by property and allegiance; however, such allegiances rarely proved stable over time. This led to a corresponding redrawing of borders. The small feudal states that have preserved their independence in times of consolidation—San Marino, Monaco, and Vatican City to a certain degree, as well as such non-sovereign enclaves as Buesingen, Campione, Baarle, and many others—belonged to this group. The redistribution of land property—conquests of new territories in the course of war, presents of parcels of

land, inheritances—led to the destruction of “natural” borders and the emergence of numerous enclave territories. These arbitrary border settlements were realized without taking into account the interests of the population and without taking into consideration any traditional patterns of economic and political ties.

2. Enclaves that emerged because of the fall or transformation of the European colonial empires. First, these are the exclaves of the European states that emerged out of the ruins of empires, such as Hong Kong, Macao, Ceuta, and Melilla. Second, there are independent enclaved states and nonsovereign enclaves which emerged as the borders were set between the former colonies.
3. The breakup of postsocialist multinational states, above all the Soviet Union but also Yugoslavia. Their origins can be traced back to the initial voluntary administrative division and border setting in the Soviet Union in the 1920s. As the Soviet Union collapsed, about twenty enclaves emerged in 1990/1991, eight of them in the Fergana Valley. Several enclaves that emerged in Azerbaijan and Armenia are only *de jure* enclaves, as they were unilaterally annexed *de facto* by the respective surrounding states. Besides these two groups, Kaliningrad and San’kovo-Medvezhye owe their enclave/exclave status to the break-up of the USSR.
4. Enclaves that originated due to geographic reasons. All pene-enclaves are of such origin.

## ENCLAVES AND OTHER NONCONTIGUOUS TERRITORIES

Enclaves and exclaves represent noncontiguous fragments of states, that is, while belonging to a state, they are detached from it. Since they are not the only type of territory that is detached from the mainland, enclaves and exclaves form but a subclass of the class of noncontiguous territories, of state fragments. Much more numerous and important as a subclass are islands. Moreover, a fragment of a state’s territory may find itself detached from the rest of the state to which it belongs in other political-geographical configurations. For example, there is a part of Bolivian territory on the Peruvian shore of Lake Titicaca, known as the Copacabana Peninsula. Bolivian territorial waters connect the peninsula to the mainland. Thus, there is a continuity of state territory but, nevertheless, a discontinuity on land.

When confronted, as indeed I was myself, with the same ambiguity and insufficiency of research in the field, Whyte (2002a, 196–97), coined the term “political fragments” to represent the set of noncontiguous parts of a political unit, usually a country. He suggested elaborating a classification based on the following variables: (1) degree of landlockedness; (2) number of neighboring political units; (3) number of political units comprising the

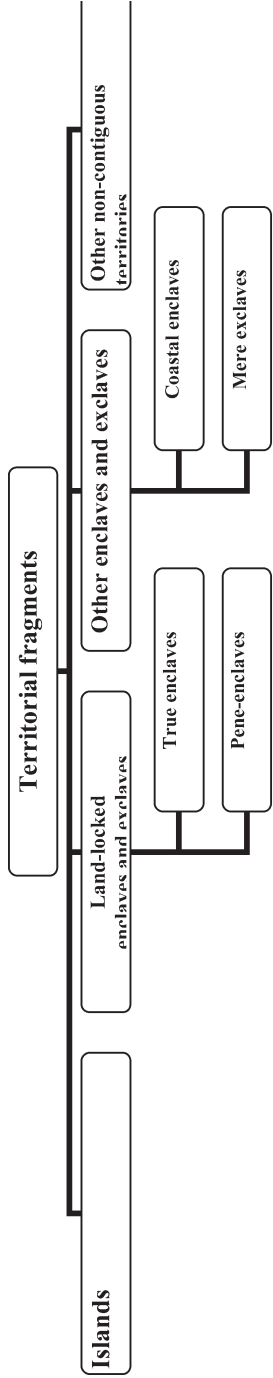


Figure 2.22. The world's only counter-counter-enclave. Whyte (2002a). Reproduced with permission.



fragment; (4) whether the fragment is part of a larger political unit, or a subunit unto itself. Whyte's definition of a political fragment is wide enough to also include units at a subnational level, while I find it useful to limit the definition to the level of states. Besides, a "noncontiguous territory" is perhaps a more useful term, with legal and geographical connotations that stress the discontinuity of the territory from the rest of the state.

Enclaves and exclaves form a distinctive subclass of the class of noncontiguous territories. While sharing important characteristics with islands, they also possess several distinctive features of their own. There are certain similarities between islands and enclaves, with the key concepts being detachedness, isolation, and smallness. First, they are detached from the rest of the state in some physical manner. In other words, islands and enclaves are alike in their discontinuity with the mainland. Second, the detachedness may also entail isolation, although not necessarily. Lastly, noncontiguous territories are likely to be small, if not in territory then in population. Long distances to the mainland and small size, a feature which invokes higher transportation costs, fewer economies of scale, and high vulnerability, may then trigger a number of economic and political problems that islands and enclaves have in common.

The most visible difference between islands and enclaves is perhaps that the former are separated from the mainland by sea while the latter are usually separated on land. This is, however, not decisive. The nature of the space separating a noncontiguous territory from the rest of the state might not be as important as another feature, namely that the enclaves are surrounded, or "enclaved," by another state. The notions of *enclavity* and *exclavity* are crucial to the whole debate. While islands may be separated from their mainlands by long distances, they are separated by international waters. The sea in this context represents merely a physical obstacle. In contrast, an enclave is separated from its mainland by another state. Thus, it has to deal with an obstacle of a combined physical (distance) and legal type. The surrounding state, holding full sovereignty over the land that separates the enclave from the mainland, may impose various restrictions on the movement of goods and people such as customs duties, special regulations of transit, transit visas, phytosanitary regulations, and many others. For an island, no MES triangle exists: it relates immediately to the mainland. For an enclave, the surrounding state is the pivotal part of the political and economic puzzle it has to resolve.

#### COMPARISONS OF THE TYPES: PATTERNS OF LOCATION AND POPULATION DENSITY

This study comprises 282 enclaves and exclaves currently existing throughout the world with a total population of approximately 2.67 million as of

**Table 2.7. Total number and total population of enclaves and exclaves in 2003**

<i>Type</i>	<i>Total number</i>	<i>Total population, thousands</i>
2-1. True enclaves	256 (26 <sup>11</sup> )	≈200 (of which Cooch Behar 60–70, Sokh 40, Vorukh 23–29)
2-2. Coastal enclaves	15	≈930 (of which Alaska 644)
2-3. Mere exclaves	6	≈1,530 (of which Kaliningrad 946, Nakhichevan 310, Cabinda 150, Dubrovnik 123)
2-4. Pene-enclaves	5 <sup>12</sup>	≈10
TOTAL:	282	≈2,670

2003. Some simple comparisons based on data on territory, population, and distance to mainland are made below.

True enclaves are the most numerous (even considering enclave complexes as single entities) but have the smallest population, about 200,000. This figure includes an estimated 60,000–70,000 in the Cooch Behar enclave complex, 40,000 in Sokh, and 23,000–29,000 in Vorukh. Nagorno-Karabakh and other smaller enclaves in Caucasus are not included, as they have not existed de facto since the beginning of the 1990s. One notable peculiarity of true enclaves is that they often build enclave complexes comprised of many small enclaves, such as Baarle-Hertog (22 Belgian and 8 Dutch enclaves), Cooch-Behar (106 Indian and 92 Bangladeshi enclaves), Vennbahn (5 German enclaves, earlier 6), and Cyprus (4). This feature is unobservable in other types of enclaves and exclaves (with such exception as pene-enclaves along rivers that change course). Interestingly enough, pene-enclaves demonstrate perfect commonality with true enclaves in terms of territory and with population figures ranging from 150 to 5,000.

Coastal enclaves are less numerous but more populated. The largest one is Alaskas with 643.8 thousand inhabitants. Almost all of the coastal enclaves are in the middle range in this respect: Ceuta (76.2), Melilla (69.2), Oecussi-Ambeno (50), Musandam Peninsula (35), Gibraltar (27.8), UK Sovereign Base Areas (14.8 in total), and Temburong (9). In fact, only Erenkoy and six tiny territories on the Moroccan coast belonging to Spain are micro-enclaves.

Finally, mere exclaves are the least numerous but most populated compared with both true and coastal enclaves. There are currently only six mere exclaves—Cabinda (150), Dubrovnik (122.9 [2001 data for Dubrovnik-Neretva]), Kaliningrad (946), Nakhichevan (310 [1990 data]), Strovilia (0.018), and the UK Dhekelia Sovereign Base Area in Cyprus. The largest currently existing enclave/exclave territory in terms of population, Kaliningrad, with about 950,000 inhabitants, belongs to the group. In addition to this, the exclave with the largest population ever was East Pakistan, which

in 1970 comprised 67.4 million citizens, or more than half (54 percent) of the total population of Pakistan.

Now, let us turn to the distance to the mainland. Political geography may lead to serious political and economic consequences. Economically, longer distances mean longer transport routes. The distance, in compliance with the gravity models of trade as well as with common sense, may have a significant impact on trade patterns. Specific political arrangements and circumstances (special economic policies, political tensions in relations with the surrounding state) may lead to the distortion of trade and to deviations from "natural" trade patterns. Politically, longer distance to the mainland might incur difficulties in communication and governance. A longer distance, however, appears to be neutralized as a negative factor in enclave-mainland connection if the enclave is in possession of sea access.

The distances to the mainland for almost all existing enclaves have been measured. Normal procedure was to measure distances from the border of an enclave to the nearest border of the mainland. In cases such as Hong Kong, the distance from an enclave to the capital of the mainland state (London) was used.

Further, enclaves can be divided into four groups according to the distance to their respective mainlands:

1. 10 km or less (walking and nonmotorized traffic distance).
2. 10–100 km.
3. 100–1,000 km.
4. more than 1,000 km.

True enclaves on land tend to be located in the immediate proximity of the mainland; in fact most of the currently existing true enclaves (253 out of 256) are located within 10 km or less. Those enclaves that represent islands fully surrounded by another state's territorial waters may be located farther away (such as Malawi's Chisamula and Likoma islands or the French Saint Pierre and Miquelon (until they were disenclaved in 1992). This tendency differs strongly from other enclave and exclave types as they can be located much further away, up to several thousand kilometers. Sea access appears to be one of the crucial factors in this respect, as it is vital to secure

**Table 2.8. Enclaves and exclaves according to their distance to the mainland**

	<i>10 km or less</i>	<i>10–100 km</i>	<i>100–1,000 km</i>	<i>&gt;1,000 km</i>	<i>TOTAL</i>
True enclaves (2-1) <sup>13</sup>	253	3	0	0	256
Coastal enclaves (2-2)	3	7	4	2	16
Mere exclaves (2-3)	0	4	1	1	6
Pene-enclaves (2-4)	5	0	0	0	5

a connection with the mainland. Sea access allows coastal enclaves and exclaves to be located anywhere and still be able to maintain these necessary connections. The fact that true enclaves are only found at very close distances to their mainlands has two complementary explanations. First, they are likely to emerge close to the mainland as a matter of course. Then, they continue by maintaining contact with the mainland over a short stretch of the surrounding state's territory. The short distance to the mainland, with just a few kilometers to be mastered, allows enclave dwellers to go by foot or to use a bicycle, a handcart, or other means of nonmotorized transport.

As for population density, coastal enclaves tend to be more populous in general and more densely populated in particular, because they are larger than true enclaves to begin with but also because many of them are port cities and not just inland villages. True enclaves and mere exclaves tend to have a similar density to the neighboring regions of the surrounding states. Nevertheless, apart from these observations, there is apparently a wide range of density figures. The allegedly most densely populated region of all time was an enclave, Kowloon Walled City (0.026 km<sup>2</sup>, 50,000 inhabitants, which makes a huge 1,900,000 inhabitants/km<sup>2</sup> density). On the other hand, one of the least densely populated regions in the world, Alaska (0.4 inhabitants/km<sup>2</sup>), is an enclave as well.

In summary, an average true enclave would have a territory of around 2.5 km<sup>2</sup>, with about a thousand inhabitants, and would be located just a few kilometers away from the mainland. A typical pene-enclave is very much similar to a true enclave except that the road connecting the pene-enclave to the mainland tends to be longer because it involves a detour. There are, however, some relatively large true enclaves. The largest contemporary true enclave, Sokh, has 236 km<sup>2</sup> of territory and 40,000 inhabitants. The most famous true enclave of all time, West Berlin, had 2.2 million inhabitants.

True enclaves (and pene-enclaves) differ substantially from the other two types, coastal enclaves and mere exclaves. The latter two types demonstrate a wide variety of sizes of territory, population, and distance to their respective mainlands, while true enclaves and pene-enclaves are quite uniformly small in terms of both population and territory, and are located in immediate proximity to the mainland.

## NOTES

1. These two unnamed enclaves are situated 750 m and 1,500 m SSW of the Azeri town of Tatly respectively, on the west bank of the Akhum River. These are plots of agricultural land, of approximately 300 x 400 m and 300 x 200 m. They are likely to have been unilaterally annexed by Armenia as the enclaves of Barkhudarly, Kiarky, and Upper Askipara are—were? (Whyte 2002a, 2nd print, addenda, 1).

2. Ormidhia and Xylotimbou represent two Cypriot villages each surrounded by territory of the British Sovereign Base Area of Dhekelia. The Dhekelia Power Station is divided by a British road into two parts. The northern part is a true enclave, whereas the southern part is located by the sea and is therefore a semi-enclave. However, it has no territorial waters and is thus fully surrounded by the British Sovereign Base on land and sea.

3. The enclave of Sastavci is situated south of the Lim River around the Bosnia-Herzegovina village of the same name. Negotiations were ongoing in 2001–2002 on realigning the boundary between Serbia and Bosnia-Herzegovina, including the section at Sastavci. While Bosnia has proposed the creation of a corridor to link itself to the enclave, Serbia has proposed quite the opposite, namely an exchange of territory to give Serbia the entire southern bank of the Lim River.

4. The Gaza Strip, as well as noncontiguous territories both in Gaza and in the West Bank, are not covered by our investigation, since Palestine is formally not a state. If and when Palestine becomes a state, Gaza will supplant Kaliningrad as the most populous currently existing mere exclave, with a population of over 1.3 million.

5. Data for Dubrovnik-Neretva. The Neum municipality of Bosnia Herzegovina makes the southern part of this county an exclave, but it is still connected with the mainland via Croatian territorial waters.

6. Here and elsewhere in the text I use Kaliningrad referring to the Kaliningrad Region. The terms “Kaliningrad Region” and “Kaliningrad Oblast” (*oblast* is a Russian word anchored in the Constitution and applied to an ordinary region, with no specific rights of a republic or an autonomous republic) are used intermittently, too. I specify when a reference is made specifically to the city of Kaliningrad unless it unambiguously follows from the context.

Technically, Kaliningrad is a mere exclave. Substantially, it is justified to view Kaliningrad as a semi-enclave of the European Union (as such, it belongs to type 2-2) since 2004. Kaliningrad can be considered an enclave of type 2-2 when we regard its relation to the EU. This approach would also be justified by the division of competences within the EU: the issues stemming from Kaliningrad’s enclavity lie in fact within the competence of the EU (movement of people, movement of goods, transit, and external trade).

7. Another case, this time of an exclave, is Strovilia, a small piece of land that belongs to Cyprus. It is situated between the British Sovereign Military Base and the Turkish part of the island. The inclusion of Strovilia in the main classification as a pure enclave of type 2-3 would be, however, questionable because of the status of the British military base, with which Strovilia borders on one side. The military base does not represent territory under full British sovereignty and, under international law, continues to be seen as a part of the territory of Cyprus. The Turks did not occupy the village in 1974 because they mistakenly assumed Strovilia to be a part of the British base. Strovilia is a small village with 18 inhabitants, all of whom are Greek Cypriots. The existence of this factual enclave caused a conflict in 2000, when Turkish Cypriot troops established a checkpoint directly on the British military base and thus practically occupied the enclave. Limassol reacted with the closing of land access to Erenkoy (Kokkina), the Turkish Cypriot exclave that is situated inside Cyprus.

8. <http://geosite.jankrogh.com/exclaves.htm>, accessed May 2007.
9. See <http://exclave.info/current/ptroberts/ptroberts.html> for more information on Point Roberts. See also <http://exclave.info/current/ptroberts/ptroberts.html> for great maps.
10. The world's only counter-counterenclave is the Bangladeshi fragment within the Indian counterenclave of Upan Chowki Bhajni 110 that is itself situated within the large Bangladeshi enclave Dahala Khagrabari. The counter-counterenclave has an area of 0.69 ha and consists of a single jute field (Whyte 2002, 168).
11. Not counting Azerbaijani and Armenian enclaves. If each of the three larger homogeneous enclave complexes (Baarle, Cooch Behar, and Vennbahn) are counted as a single case of a true enclave, the figure will drop to 26.
12. The list of pene-enclaves is not exhaustive.
13. Not counting Armenian and Azerbaijani enclaves.