

# Borderlines

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NEWSLETTER AND CALENDAR OF EVENTS

## Shifting Bordering Practices and Migration in Central America



The NEW 2019  
Professional  
Training Workshop  
Programme

An insight in to  
the Border  
Network for  
Human Rights



## Shifting Bordering Practices and Migration in Central America

The 2018 shutdown of the US federal government, precipitated by President Trump’s plan to extend the existing border wall between the US and Mexico, has drawn attention to a transforming political landscape in the region, *writes Dr Lauren Martin.*



Image courtesy of CBP & Josh Denmark



Image courtesy of Pixabay and Amber Avalona

The death of two children, 7 year old Jakelin Caal Maquín and 8 year old Felipe Gómez Alonzo, reminded audiences throughout the Americas of the risks families face in leaving home. Jakelin and Felipe came from different indigenous communities, and their deaths drew attention to the particular difficulties of indigenous migrants in accessing translation services—and therefore the ability to navigate US immigration and asylum procedures. As Megan Ybarra has argued<sup>1</sup>, their deaths emerged from longer legacies of state violence, repeated migrations to avoid violence, and endemic and increasing poverty. The difficulties encountered by media and security forces in correctly spelling the migrants’ names and the names of their home communities resonated with a long history of erasure and persecution.

Jakelin’s and Felipe’s families had joined thousands of others who chose to move together as a ‘migrant caravan’ from Central America to Tijuana. Defying stereotypes of trafficked/traffickers, the caravan drew attention to the new shape of border policing: hardened borders between Mexico and its southern neighbours; a multi-national exodus of asylum-seekers from El Salvador, Nicaragua and Guatemala; and a proliferation of people and organisations taking money in exchange for passage to US soil. The caravan voiced an exasperated anger at the rising dangers, costs, and family separations aimed at deterring migrants from seeking refuge or livelihoods or security for their families.

The recent caravan follows five years of deterrence policies aimed at Central American families, in particular. In 2014, unaccompanied children and families arrived at the US-Mexico border in record numbers. This became a crisis for the US for two reasons: (1) the vast majority of migrants were vulnerable children or asylum-seekers and (2) they were not Mexican. For both of these reasons, they could not be easily returned to Mexico, but had to be

processed in the US. In addition to fortifying the US-Mexico boundary, the US has also pressured Mexico and other Central American states to enforce immigration laws, deter and detain migrants and process asylum claims. The result was *Plan Frontera Sur*, Mexico’s effort to process migrants at more border checkpoints on its southern borders with Guatemala and Belize. Consequently, US decreases in border arrests have been in step with increases in Mexican border arrests. The same Central American migrants are detained farther from the US-Mexico border. Conditions in Central America’s ‘Golden Triangle’ (Guatemala, Honduras and El Salvador) continue to deteriorate, forcing migrants to calculate violence at home versus detention abroad, the asylum process versus living undocumented in the US.

Deterrence policies like wall-building and *Plan Frontera Sur* do not address the reasons people decide to move. The region has also suffered an El-Nino-induced drought, undermining subsistence activities in rural areas. These dynamics will affect different localities differently, so that families and migrants move to cities and other countries for diverse and complex reasons. Those reasons are quite distant from the border walls and checkpoints that address only the end of a long journey.

There are longer histories of transboundary movement and conflict that go unrecognized in internal political debates in North America. In Central America, indigenous groups span borders and enforcement has been selective and performative: exemplifying local or national political power when need be, but not so much that cross-border trade or mobility is fundamentally hampered. Felipe’s family fled civil war violence in the 1980s, moving from Guatemala to Mexico, returning later; violence against indigenous Guatemalans was funded by the US. The most recent version of the North American Free Trade Agreement continues to ignore labour

migration, while Mexico and the US have both increased border policing on their southern borders. The result is an evolving political geography of migration, in which spectacular displays of ‘hard borders’ are only one part.

Regional border topographies are important to how people journey north, how much danger they face and what they pay for it, and changing asylum rules have changed who can receive protection and when. Waiting periods and delays at the US-Mexico border have created long queues for asylum claims. Changing border policing builds on shifting legal grounds. The US has, for example, piloted programmes for asylum-seekers to apply abroad in the hope of deterring autonomous arrivals in the US. These programmes have been focused on unaccompanied minors, but have seen low uptake. At the same time, deportations of Central American residents in the US have increased, as their status as protected humanitarian residents has shifted. El Salvadoreans, for example, have not been granted asylum, *per se*, but ‘temporary protected status’ that must be reviewed and renewed—and may be revoked.

As President Trump directs our attention to the physical border – the site of a potential wall – it bears remembering that the border extends in multiple directions: to distant lands, to interminable waits, to agonizing journeys. The borders of asylum are temporal, as well as spatial.

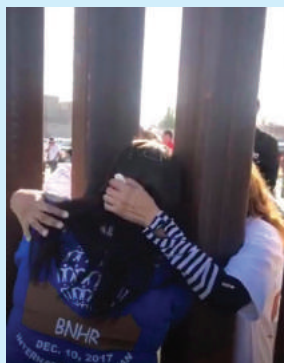
<sup>1</sup> Ybarra, Megan. 2018. “Why are Indigenous Children Dying at the US Border? Transnational State Violence and Indigenous Erasure in Asylum Bureaucracies.” *Society & Space*, <http://societyandspace.org/2019/01/16/why-are-indigenous-children-dying-at-the-us-border-transnational-state-violence-and-indigenous-erasure-in-asylum-bureaucracies/>

FRONT COVER IMAGE: The existing US/Mexico border wall at Tijuana. Image Courtesy of Pixabay and AHIRU

## Border Network for Human Rights - an insight into the winner of the 2018 Raymond Milefsky Award

In 2018, IBRU gave the first annual Raymond Milefsky Award to the 'Border Network for Human Rights' (BNHR). Based in El Paso, Texas, BNHR has a membership of more than 700 families in West Texas and southern New Mexico. Its aim is to facilitate the education, organising and participation of marginalised border communities, to defend and promote human and civil rights.

*Dr Lauren Martin, Assistant Professor in Geography at Durham University and IBRU Steering Committee member, spoke to Fernando Garcia, Executive Director of BNHR, about the organisation. Highlights from that interview are presented here.*



All images courtesy of the BNHR.

### Working for Change

Shortly after its formation in 1998 BNHR decided that, in addition to documenting individual human rights abuses, it would mobilise communities to work for change.

"We transformed the tool of abuse documentation used by traditional human rights organisations to produce a community report," Garcia noted. "And we had families from several communities presenting testimonies about the report, not one, but hundreds. That's when we saw Border Patrol changing. Usually Border Patrol would say, well, those are 'loony toony' leftist groups, right? But now they're seeing hundreds of people in the community room. This is not just one organization anymore. We make massive -- we massify--the abuse documentation. And then Border Patrol reacted."

Border Patrol agents now come to BNHR-organised community forums, creating new opportunities for dialogue. "[At the forums, communities] can now question Border Patrol chiefs about constitutional rights and Border Patrol will actually explain the policy to them. But they also explain the rights of people based on the Constitution. In one instance a Border Patrol chief explained that if one of their agents goes to your house and does not have an arrest warrant, they cannot enter your house without your permission. This reaffirms the idea that rights are important, and that the knowledge of rights is equally important."

### 'Hugs Not Walls'

BNHR may be best known for its 'Hugs Not Walls' events. "[Hugs Not Walls] is essentially an act of humanity" explained Garcia. "But it is also an act of protest because we are organising an event in the middle of the Rio Grande. Right there at the borderline, we bring together families that have been separated to showcase the immoral and horrible impact of US policies."

"Every time we organize an event like this, we just have capacity for 300 families. We have had requests from thousands of people, families that have been separated. So we have been able to, in six events, bring together more than 1,200 families."

"We organise blocks of 10 families. They walk down, each family with a [Border Network] member and they come and embrace for few minutes. It's brief, like 5 minutes. It takes several hours to go through all of the families in attendance."

"Every time we do it, it is extremely painful because some of them cannot stop crying. They cannot say any words. Some of them have been just deported, others a month, a year ago, for some it has been ten years since they have seen each other. This is a testament of the resistance of the families but also an act of protest. As long as they keep separating families, we'll keep doing it."

### BNHR's Goals

Garcia identified two long-term goals for BNHR.

"[We want to make] local entities and federal institutions at the border accountable. All along the border. That is one thing that we want to share. It's about changing consciousness, building consciousness in the community. Saying, you can change the reality, and nobody is going to do it for you. So build yourself and become a leader and involve your families. I think we need that kind of organising along the border. So that is one goal."

"The second goal is that we need to connect the immigrant border resident struggle to the social justice struggle in the United States because we are not separated from that. And sometimes even the 'Immigrant Rights Movement' becomes very isolated. What immigrants

are going through is the same thing that African American youth are going through: the issues of poverty, police repression, lack of access to services and healthcare, you name it. Immigrants around the country are the same. So for us, connecting and being part of a larger human rights social movement -- that is where I see our organisation going."

### "The Beacon of Hope"

Summing up his vision of the border, Garcia stated: "We are not criminals. We are not rapists. There is no invasion. The border is not out of control. The families we are working with came to this country for the same reasons that European families went through Ellis Island. The border region is a new Ellis Island. This is a moment of excitement. This is the moment of opportunity. The Beacon of Hope."

To view the full transcript of the interview with Fernando Garcia, visit our website. [www.dur.ac.uk/ibru/boundarynews/milefskyaward/bnhr2018](http://www.dur.ac.uk/ibru/boundarynews/milefskyaward/bnhr2018)

For more information on BNHR, see <http://bnhr.org/>

### Seeking nominations for the 2019 Raymond Milefsky Award

IBRU was deeply saddened by the death on 1 August 2016 of Ray Milefsky, one of the leading lights of the border studies community. A long-time employee of the US Department of State's Office of the Geographer and Global Affairs, Ray was also a frequent tutor at IBRU workshops and a great supporter of IBRU's mission of encouraging peaceful settlement of border disputes through education and research.



Ray endowed an annual award, to be administered by IBRU, to honour a leading border practitioner. Specifically, the award is for an individual or organisation who:

- Has advanced knowledge of boundary-making or cross-border cooperation, OR
- Has implemented a programme over that past year that has contributed substantively to boundary-making or cross-border cooperation.

The awardee will receive an award of £745, as well as a profile in the next edition of Borderlines.

IBRU is requesting nominating letters of no more than one page in length. They should briefly detail what the individual or organisation has contributed to boundary-making or cross-border cooperation, and how they meet the criteria noted above. Self-nominations are permitted and nominations received last year will be automatically rolled in to the 2019 award.

Nominations should be sent to IBRU's email address ([ibru@durham.ac.uk](mailto:ibru@durham.ac.uk)) and must be received by 30 May 2019.

Selection of the awardee will be made by a committee consisting of the members of the IBRU Steering Community, plus one external representative.

## Boundaries in the news 2018

In January, the International Court of Justice (ICJ) extended the time-limits for the submission of written statements and written comments in the proceedings on the request for advisory opinion regarding the legal consequences of the separation of the **Chagos Archipelago** from **Mauritius** in 1965. In September, the ICJ began its hearing on the case.

There were fresh tensions between **Egypt** and **Ethiopia** in January over the building of a hydroelectric dam in the Blue Nile.

Also in January, **China** and **South Korea** objected to a museum opening in **Japan** which featured documents, maps and photos defending Japan's claims to various islands currently disputed with both China and South Korea.

In February, the ICJ delivered its judgement on **Costa Rica v Nicaragua** and determined the course of maritime boundaries between Costa Rica and Nicaragua in the Caribbean Sea and the Pacific Ocean. The judgment awarded Costa Rica sovereignty over the whole northern part of Isla Portillos, including its coast (with the exception of Harbor Head Lagoon and the sandbar separating it from the Caribbean Sea), and noted that Nicaragua must remove its military camp from Costa Rican territory.

During the Winter Olympics in February, **Korean** skaters removed a line referring to disputed islands from the song in their skating routine to avoid offending **Japan**.

Also in February, **Botswana** and **Namibia** signed an agreement reaffirming their common boundary and committing themselves to cooperate on transboundary issues.

In the case of **Somalia v Kenya**, the ICJ authorized the submission of a Reply by Somalia and a Rejoinder by Kenya and fixed the time-limits for filing of these written pleadings in the case.

Relations between **Egypt**, **Ethiopia** and **Sudan** continued to be strained due to the construction of the Grand Ethiopian Renaissance Dam (GERD) on the Blue Nile in the Ethiopian Highlands near the Sudanese border. A tripartite summit scheduled to take place was postponed early in 2018.

After negotiations at the Permanent Court of Arbitration (PCA), in March, an agreement to establish a maritime boundary between **Australia** and **Timor-Leste** was signed at the UN headquarters in New York, ending a decade long dispute between the two countries over access to oil and gas reserves in the East Timor Sea.

Also in March, delegates from **Bolivia** and **Chile** were at the ICJ in The Hague to present their arguments over a disputed 380 kilometres of coastline on the Pacific Ocean. In October, the ICJ ruled that landlocked Bolivia cannot force Chile to negotiate over granting access to the Pacific Ocean. Bolivia surrendered its former coastline to Chile in a 1904 treaty following the War of the Pacific but Bolivia have always argued that Chile have an obligation to "negotiate a sovereign access to the sea for Bolivia".

**Guyana** filed an application against **Venezuela** at the ICJ at the end of March requesting the Court "to confirm the legal validity and binding effect of the Award Regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899 (hereinafter the '1899 Award')". Guyana claimed that the 1899 Award was "a full, perfect, and final settlement" of all questions relating to determining the boundary line between the colony of British Guiana and Venezuela.

In April, the ICJ received an application for revision of the Judgment of 23 May 2008 in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (**Malaysia v. Singapore**). This was later removed from the ICJ case list in June 2018 after the Parties agreed to discontinue the proceedings.

In May, **Canada** and **Denmark** announced the creation of a joint task force to address the long-disputed territory of Hans Island, a barren, uninhabited 1.3 square kilometre islet located between Ellesmere Island and Northwest Greenland.

June saw **Ethiopia** announce it would fully accept the December 12, 2000 Algiers Agreement, a peace agreement between the governments of **Eritrea** and **Ethiopia** that established a special boundary

commission, which stipulated that the two states, fresh out of a costly two year war, would accept a decision by the Eritrea Ethiopia Boundary Commission (EEBC) as "final and binding." In a landmark meeting in July, the leaders of **Ethiopia** and **Eritrea** signed an agreement to restore ties and end two decades of hostility between the two countries after Ethiopia rejected a 2002 United Nations ruling and refused to cede land to Eritrea along the two countries' border. After 20 years, the **Ethiopia-Eritrea** land border was officially reopened at the land crossings at Zalambessa and Burre in September, whilst details regarding the remaining 1000km border are being worked out.

In July the Foreign Ministers of **Indonesia** and **Malaysia** met in a bilateral meeting in Jakarta to reaffirm the work being done to resolve their border issues. During the meeting, both Ministers agreed to start discussions and negotiations on border issues at the technical level.

In August, **Japan** asked **Russia** to reduce military activity on the disputed Pacific island chain known as the Kuriles in Russia and the Northern Territories in Japan after Moscow increased its presence in the islands. The Soviet Union seized the islands from Japan at the end of World War Two and a peace treaty has never been signed.

**Ghana** and **Cote d'Ivoire** met in August to reaffirm their commitment to continue working together towards the implementation of the 2017 ITLOS judgment that defined their maritime boundary. The two states also reaffirmed their commitment to continue further engagements within the context of the Strategic Partnership Agreement signed between the two countries.

Also in August, a landmark deal was signed by **Russia**, **Kazakhstan**, **Iran**, **Turkmenistan** and **Azerbaijan** on the legal status of the **Caspian Sea**. They agreed to treat the Caspian as neither a sea nor a lake. Instead, the Caspian was given a "special legal status" that will allow for separate rules to be applied to the surface of the water and to the seabed.

**Serbia** and **Kosovo** proposed a land swap in September, where the Presevo Valley in southern Serbia

would become part of Kosovo. In return, Serbia would re-establish full control over the majority Serb area of Kosovo to the north of the River Ibar.

Also in September, the Canadian government announced that it plans to file a submission on the outer limits of **Canada's** continental shelf in the **Arctic** Ocean early in 2019.

In online maps released in early October, **Myanmar** appeared to claim that the Island of St Martin's was part of its territory when in fact the island belongs to **Bangladesh**, an undisputed ownership that was ratified in an International Tribunal for the Law of the Sea (ITLOS) settlement between the two nations that was issued in 2012. Bangladesh demanded the rectification of the maps.

Also in October, **India** and **Bhutan** agreed to work towards an integrated river basin management plan for the transboundary Manas River which flows from Bhutan to Assam. Cross-border and downstream protected areas of the river are under severe threat of degradation from increasingly frequent flooding.

In November, following talks between the defence ministers of **Egypt** and **Sudan**, Sudan confirmed that the two countries had agreed to set up joint military patrols on their border, to counter threats from militias operating in adjacent areas of Libya.

Following the conclusion of the 21st round of border talks with **India** in November, **China** announced that it had made some "constructive, operable and forward looking" suggestions concerning the current border dispute which covers the 3,488-km-long Line of Actual Control (LAC).

Tensions rose between **Singapore** and **Malaysia** in December after Malaysia's Prime Minister stated he wished to review a water supply deal signed in 1962 as well as other bilateral agreements.

Also in December, the neighbouring states of **Laos** and **Cambodia** stated that both sides remained committed to ending the border dispute of the 540-kilometre partly demarcated land border in the Stung Treng province.

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## 2019 TRAINING WORKSHOP PROGRAMME

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IBRU's unique boundary training programme has been running since 1996, attracting over 1,540 participants from 122 countries around the world.

Our workshops are led by teams of expert tutors and provide a relevant combination of background theory and practical application in an informal teaching environment. Numbers are limited to maximise interaction between tutors and participants so we advise you book early to guarantee your place. There will be three unique workshops held in 2019, with IBRU working with partners around the world to deliver a compelling programme.

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**20-22  
May 2019**

**Venue:**

Addis Ababa, Ethiopia  
Price £1,870 per person\*



### Defining and Managing River Boundaries and International Rivers

Three quarters of the world's international land boundaries follow rivers for at least part of their course. In addition, nearly 300 river basins are shared by two or more states. Both the definition of river boundaries and the management of shared rivers generate a multitude of legal, technical and functional challenges, for which no instruction manual has yet been written.

This unique course is designed to help governments and boundary practitioners develop effective strategies for turning river boundaries and international rivers into assets rather than a source of friction between the riparian states. Led by expert tutors with extensive practical experience of resolving problems associated with shared rivers, the workshop will cover issues such as: defining and demarcating river boundaries; identifying key river features such as the *thalweg*, the 'main channel' and the 'banks'; islands in boundary rivers; monitoring and accommodating physical changes in river boundaries; managing access and resource use in shared rivers; and resolving disputes over river boundaries and international rivers. The workshop will combine instruction in the principles and practice of river boundary definition and management, detailed case studies and practical exercises.



*Image courtesy of Global Land Cover Facility*

IBRU is delighted to be organizing the workshop in collaboration with GIZ, which has been supporting boundary reaffirmation and demarcation projects in Africa since 2008.

**8-10  
July 2019**

**Venue:**

Paris, France  
Price £1,900 per person\*



### International Boundary Dispute Resolution

International boundaries continue to be a major source of friction between neighbouring states. Many land boundaries remain poorly defined and only just over half of the world's potential maritime boundaries have been even partially agreed. Governments recognise the value of clearly-defined boundaries, yet the political, economic and social complexities of boundary regions often make resolving competing territorial and jurisdictional claims extraordinarily difficult.

Led by experienced boundary negotiators, technical experts and legal advisors, this workshop will provide advice and practical guidance on how to resolve international boundary disputes. Through a combination of lectures and practical exercises, the course will first explore how to overcome deadlock in boundary negotiations. Recognising that an equitable agreement cannot always be reached through negotiations, the workshop will also examine the options of dispute resolution involving third-party mediation, conciliation, arbitration and adjudication.



IBRU is delighted to be running this workshop in partnership with Foley Hoag LLP, which has one of the world's foremost boundary dispute resolution practices.

20-22  
November  
2019

Venue:  
Singapore  
Price £1,900 per person\*



## Islands and Maritime Boundary Delimitation

Islands are capable of having a significant impact on maritime claims. This is because an island is in principle entitled to a territorial sea, exclusive economic zone and continental shelf in the same manner as other land territory. Islands can therefore be at the centre of disputes between States over the delimitation of maritime boundaries. Several issues have become increasingly significant in recent years, including the distinction between islands and rocks for the purposes of Article 121 of the United Nations Convention on the Law of the Sea, the role of islands in the construction of baselines, the significance of artificial "islands" and modifications to high-tide features, as well as the disappearance of existing islands due to rising sea levels.



Image courtesy of US Geological Survey

Facilitated by a team of expert tutors, the workshop will provide a unique in-depth exploration of the legal framework, state practice and international jurisprudence on islands, offering practical advice for policy-making, negotiations and successfully managing and resolving inter-State disputes.

We are delighted to be partnering with Freshfields LLP on this workshop.

### To make an enquiry about our workshops, please contact the IBRU Events Team

Tel: +44 (0)191 334 1965 Email: [ibru-events@durham.ac.uk](mailto:ibru-events@durham.ac.uk)  
Find out more and book online at [www.durham.ac.uk/ibru/workshops](http://www.durham.ac.uk/ibru/workshops)

\*price does NOT include accommodation

### Professor J.R.V. (Victor) Prescott

IBRU was saddened to learn of the death of J.R.V. (Victor) Prescott, one of the world's leading lights in boundary studies in August 2018.

Born in England in 1931, Victor received his education from Durham University and the University of London. After teaching in Nigeria from 1956 through 1961, Victor moved on to the University of Melbourne, where he worked until his retirement in 1996. Along the way, he wrote several landmark publications in boundary studies, performed crucial consulting work for the Government of Australia and numerous other governments and international organisations, and inspired several generations of boundary practitioners and scholars.

IBRU is honoured to host a comprehensive bibliography of Victor's works, as well as a biography written by his wife Dorothy on the IBRU website.

<https://www.dur.ac.uk/ibru/research/maps/prescott/>



### Welcome to Dr Lauren Martin

In 2018, IBRU said farewell to IBRU steering Group member Dr Kate Coddington, who left Durham University to take up a new post at University at Albany, State University of New York. We have enjoyed working with Kate on many projects and we wish her a fond farewell.

Kate is replaced by Dr Lauren Martin who is an Assistant Professor in the Geography Department at Durham University and has research interests in the commercialisation of border enforcement and family detention policies and practices.

For more on Lauren's research visit her profile page: <http://bit.ly/2ty3uz0>



*Borderlines* is the newsletter of IBRU, the Centre for Borders Research at Durham University. It has a readership of more than 3,500 boundary scholars, practitioners and enthusiasts around the world.

Since its founding as the International Boundaries Research Unit in 1989, IBRU has been the world's leading research centre on international boundary making and dispute resolution. Today, IBRU brings together work in international boundary law with the geographic study of borders and bordering in the 21st century.

For more information about IBRU visit our website at [www.durham.ac.uk/ibru](http://www.durham.ac.uk/ibru)

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