

Borderlines

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NEWSLETTER AND CALENDAR OF EVENTS

Creaking at the edges?

The EU's border management regime under strain



The NEW 2012
Professional
Training Workshop
Programme

Bangladesh-India
enclaves
A view from the ground



Border Management at the External Boundaries of the European Union

2011 brought unprecedented challenges to the European model of border management. Can these challenges be met while maintaining the fundamental rights of migrants?

Dr Andrew Burridge reviews the challenges.



Greek police officers patrol near the city of Orestiada. A contingent of border police sent by Frontex, arrived in Greece in order to assist efforts to stem the tide of illegal migrants entering the EU via the Greek-Turkish land border. *EPA/Nikos Arvantidis*

The financial crisis spreading throughout the Eurozone, along with on-going unrest from the events of the Arab Spring has brought renewed attention to the methods in which Europe manages its borders. 2011 saw calls by several Member States to reinstate border controls within the Schengen Zone – a keystone of the European Union – including Denmark, the Netherlands, France and Italy. Meanwhile migration routes previously thought to be closed in the Mediterranean reopened in a dramatic manner. The first-time deployment of emergency operations by Frontex to the Greek-Turkish border, and a sharp spike in migrant deaths also brought the question of fundamental rights to the fore in border management.

Migration at the Borders of the EU

Greece was at the forefront of political and media attention throughout 2011 as it sank into financial crisis. Though receiving less attention, the situation at Greece's territorial border with Turkey, and within its asylum and detention system, also headed towards collapse. Previous efforts to stem migration routes from Africa to the Canaries in 2007, and across the Mediterranean in recent years, has resulted in the majority of undocumented migration and asylum claims occurring at Greece's easternmost territorial border. In particular, a short section of the Evros river (Turkish: Meriç) has seen a concentration of persons seeking entry in to the EU.

In 2010, 47,706 irregular migrants were detected at the Greek-Turkish land border. Detention centres along Greece's eastern border were well beyond capacity, while the asylum system was considered completely non-operational, forcing Greek authorities to issue temporary permission for asylum seekers to stay in Greece before self-deporting, while others languished in detention. Several Member States refused to apply the Dublin II regulation that allows the return of asylum seekers to the first safe country of entry, in this case Greece. These situations presented an unprecedented challenge for the Greek government and its border management authorities.

Early in 2011 it was also reported that the Greek authorities were proposing the construction of a border fence along the Turkish border. Initially, plans were shown for a fence of over 200km in length, but this was quickly reduced following criticism by other European Member States to just 12.5km – the length of the section of border where the Evros River crosses in to Turkish territory. At present, it appears Greece has opted instead to excavate a large ditch along this section of boundary.

Frontex, RABITs and Emergency Risk Management

Believing this to be a situation of "urgent and exceptional migratory pressure," Greece sought enhanced European solidarity through an official request to Frontex – the agency tasked with the management of the external borders of the EU – for the deployment of a Rapid Border Intervention Team (RABIT) mission on 24 October 2010. On 2 November 2010 the first ever deployment of a RABIT mission was sent to the border between Greece and Turkey. Initially planned to remain until February 2011, the mission was extended, officially ending on 3 March 2011. During this period, at any one time up to 200 border officers from across 26 Member States were placed alongside Greek authorities to manage migration along the Evros River.

The Arab Spring and Border Panic

Unrest created through the events of the Arab Spring presented significant border management and migration challenges. Typically skewed in the media as presenting an unprecedented crisis for the EU – particularly Italy and Malta and, to a lesser extent, France – the most significant migratory fluxes were of persons returning to their home countries predominantly in sub-Saharan Africa. Many others found themselves trapped at border crossings with Egypt and Tunisia, resulting in humanitarian agencies setting up camps for those displaced by the conflict.

Significant migration did however also take place across the Mediterranean, reopening routes previously closed by Frontex maritime missions, such as to Malta and Lampedusa, and through an existing and controversial agreement between Italy and Libya that sought to halt migration into Europe. The arrival of several thousand migrants on Italian territory, mostly young Tunisians in search of employment or family reunification, led to former Minister of the Interior Roberto Maroni referring

to the events, rather emphatically, as a "biblical exodus." The Italian government's decision to grant temporary visas to the first arrivals, allowing them to travel within the EU, led to a strong fallout with France, as many Tunisians sought to find family in their former coloniser's country. France temporarily implemented border checks on trains arriving from Italy, while both countries debated the possibility of opting out of the Schengen Zone altogether.

Fundamental Rights and Border Management?

While recent spikes in migration of both asylum seekers and loosely-termed 'economic' migrants have occurred, many have argued that this has not been at crisis levels for the EU, but rather stems from inadequate asylum policies and border management practices, furthered by dramatic statements made by government officials and the media.

Less reported has been the substantial levels of drowning and death of migrants making perilous journeys in efforts to flee unrest or seek opportunities elsewhere. A November 2011 report by the Parliamentary Assembly Council of Europe stated that "1971 boatpeople having perished in the Mediterranean Sea while trying to reach European soil from North Africa, the year 2011 sets a sad record as the deadliest year for boatpeople." Meanwhile the situation for refugees and asylum seekers in EU-based detention centres, such as in Lampedusa, Malta, and along the border of Greece and Turkey remains critical.

A question remains for border management agencies tasked with protecting their countries' international boundaries, both territorial and maritime – what level of legal and political responsibility regarding fundamental rights of migrants rests with them? If recent efforts by agencies such as Frontex to expand their fundamental rights mandate – such as through agreements with the UN High Commissioner for Refugees – are to hold any legitimacy, then the situations witnessed in the Mediterranean and along the external borders of the EU during 2011 should not be seen again. A first step might be to allow independent monitoring of Frontex operations, currently not possible, and an ending to agreements with countries that do not recognise the fundamental rights of migrants, such as the 2008 Italian-Libyan Friendship Agreement that Italy is currently attempting to reactivate.

FRONT COVER IMAGE: A Carabinieri police officer takes back bags belonging to people fleeing the unrest in Tunisia after their arrival on the southern Italian island of Lampedusa on the Italian Navy vessel Spica, in Lampedusa. Thousands of immigrants have arrived by boat in Lampedusa from Tunisia in the wake of the uprising that toppled long-time ruler Zine al-Abidine Ben Ali. *REUTERS/Stefano Rellandini*

The borderland enclaves of Bangladesh and India: a view from the ground

In September 2011 the governments of Bangladesh and India moved closer to removing the world's most curious and complex territorial arrangements - the borderland enclaves of Cooch Behar - from the political map, signing an agreement that paves the way for the exchange of 198 parcels of territory which historical deals left on the 'wrong' side of the boundary between the two countries. Durham Geography student **Hosna Shewly** has spent several months living in some of the enclaves as part of her PhD research. Here she reflects on the impact of the border management regime on the lives of the enclave inhabitants and considers the prospects for an enclave-free boundary.

The enclaves in Bangladesh and India are located in the sensitive northwestern borderland curve, and their fate is tied up with the strains and unproductive relationships

between the two states' elites since 1947. The enclave residents not only face a fenced international boundary which obstructs their attempts to access their home country; they also have to deal with enclave boundaries which, although officially unguarded, are maintained through different layers of surveillance and bureaucracy which sharply distinguish between citizens and aliens.

Technologies of government such as national ID cards and police verification prior to employment confirmation effectively create a physical border around the enclaves. The residents of the enclaves have become the undocumented and hidden citizens of Bangladesh and India, forced to encroach their host country's system using different legal and illegal methods to meet their basic survival needs. Everyday life is intertwined with different forms of visible and invisible boundary.

While imposing a strong border regime on the enclave residents, my fieldwork revealed that the authorities in Bangladesh and India show a rather more flexible attitude towards sovereignty when it comes to their

own needs, with both countries using enclave land for infrastructure such as electricity cables, water pipelines and roads used by border guards. There is little evidence that permission is sought before such encroachment on enclave territory.

An enclave-free Bengal borderland has long been viewed by the governments of Bangladesh and India as crucial for friendly bilateral relations and effective border management at both national and local levels, improving security and reducing illegal cross-border movements. Attempts were made to exchange the enclaves in 1958 and 1974, but the agreements were never implemented. The 2011 agreement, which aims to resolve all border disputes between India and Bangladesh, appears to go further than previous agreements, with citizenship being offered to enclave residents who wish to remain in their homes once the enclaves have been eliminated. However, the absence of a timeframe for exchange has frustrated the enclave residents. The saga of the enclaves may be drawing to a close - but don't hold your breath while you wait!



A newly built house just inches from the border pillar in an attempt to gain Indian citizenship. Hosna Shewly

Schematic map of the Cooch Behar enclaves on the border of India and Bangladesh. Wikipedia/Brendan R. White / Google Maps

Other boundaries in the news in 2011

Requests for provisional measures have been relatively rare for states submitting boundary cases to the International Court of Justice. They are urgent requests by disputant states that are intended to bring a swift halt to actions that may be jeopardizing the settlement of a bilateral dispute. However, in 2011 alone the ICJ indicated provisional measures on two occasions related to disputed land boundaries. In March the ICJ indicated provisional measures in the dispute between Costa Rica and Nicaragua over their boundary in the San Juan river. The ICJ ordered Nicaragua to halt its dredging activities which were affecting the course of the river, and requested that both sides withdraw all of their personnel from the disputed Calero peninsula/Isla Portillo, with the exception of civilian environmental monitors from Costa Rica.

In May, Cambodia filed a request for interpretation of the ICJ's 1962 judgment in the Temple of Preah Vihear case, asking the Court to rule on the legal validity of the boundary indicated on the so-called Annex 1 map. Alongside its request for interpretation, Cambodia also requested provisional measures after a series of skirmishes with Thai troops stationed around the Temple. In July, the ICJ indicated provisional measures by defining an area around the Temple complex

that would be off-limits to all military personnel and urged both sides to refrain from any military activity directed within the area. The Court defined this zone without prejudice to its decision on interpretation. The proceedings for both the Costa Rica-Nicaragua and Cambodia-Thailand cases will now move into the merits phase.

Tensions mounted this year between China and Vietnam over disputed maritime claims in the South China Sea. In May Vietnam accused Chinese vessels of interfering with an oil survey vessel contracted by Vietnam which was followed by a live fire exercise by Vietnamese naval forces. Tensions arose again in September when China tried to block exploratory work undertaken by an Indian oil company in two of Vietnam's defined offshore concession areas. Although China and Vietnam signed a series of arrangements in October intended to defuse future maritime tensions, the two sides maintain significantly different claims in the South China Sea.

Three new international maritime boundaries were agreed in 2011: Bahamas-Cuba (signed on 4 October), Comoros-Mozambique and Comoros-Tanzania (both signed on 5 December); a further agreement was signed defining the Comoros-Mozambique-Tanzania tripoint. None of the agreements has yet been made public,

but all three new boundaries are understood to follow the median line between the respective baselines. It was also reported in March that Cameroon and Nigeria reached agreement on the unification of oil and gas fields along their maritime boundary that was delimited by a decision of the International Court of Justice in 2002.

The world welcomed a new sovereign state on 9 July when South Sudan officially gained its independence. However, tensions have been high along the new Sudan-South Sudan international boundary, especially around the disputed Abyei region. Fighting between Sudan government forces and former South Sudanese allies in the South Kordofan province of Sudan has sent populations fleeing into border areas. A series of agreements brokered by former South African president Thabo Mbeki were struck in the days leading up to independence that tried to address some border issues, including an initiative to establish a UN monitored buffer zone of 12 miles along the new international boundary. However, it is unclear if all the agreed provisions have been put in place on the ground.

Keep up with boundary-related news from around the world at www.durham.ac.uk/ibr/news or via twitter on [@ibrudurham](https://twitter.com/ibrudurham). Also available as a RSS feed.

IBRU upgrades online boundary news database and launches Twitter and Facebook services

IBRU has been monitoring and publishing boundary-related news since 1991. We have recently improved access to our archive of more than 10,000 news reports, integrating the current and historical news datasets and developing a more user-friendly search tool. The online news service and database can be accessed at www.durham.ac.uk/ibru/news



In addition, current news reports are available as an RSS feed (subscribe via the news page on the IBRU website) and now through Twitter: sign up to follow IBRU's 'tweets' at www.twitter.com/ibrudurham



Facebook users can now receive updates on IBRU conferences, training workshops and other activities by 'liking' the

IBRU Facebook page at www.facebook.com/ibrudurham. The page can also be used to provide feedback and share experiences, ideas and news with other boundary enthusiasts.

If you're not a fan of Facebook, you can still receive announcements about IBRU's activities and events by post and/or email by signing up to our mailing list at www.durham.ac.uk/ibru/resources/mailform or by contacting IBRU directly.

Life of the Frontier programme at Durham Institute of Advanced Study

In 2011-12 Durham University's renowned Institute of Advanced Study has been sponsoring an innovative interdisciplinary research programme on the theme *Life of the Frontier*. The programme has brought together geographers (including members of IBRU), historians, anthropologists, sociologists, archaeologists, lawyers and physical scientists from Durham and beyond to explore the concept of frontiers from a variety of disciplinary perspectives. The programme has been particularly enriched by visiting fellows Professor Emmanuel Brunet-Jailly (University of Victoria) and Professor Sarah Green (University of Manchester). The programme has included workshops on 'Frontier Materialities' and 'Debatable Lands', and a conference on the programme theme will be held in Durham on 21-22 March 2012. Further details can be found at www.durham.ac.uk/ias/lifeofthefrontier

New IBRU Academic Director



Stuart Elden

IBRU is delighted to welcome Professor Stuart Elden back for a second term as the Unit's Academic Director. Stuart first held the position from 2004 to 2007 before being awarded a prestigious Leverhulme Major Research Fellowship to work on a history of the concept of territory. Stuart has received many accolades for his work on political geography, including the 2011 Royal Geographical Society Murchison Award for publications judged to contribute most to geographical science. Stuart writes:

"IBRU was one of the reasons I was keen to join Durham University's Geography department in 2002, and it has remained crucial to my own work ever since. My 2009 book *Terror and Territory: The Spatial Extent of Sovereignty* would not have been written as it was, and perhaps not at all, had I not been involved with IBRU's work. My forthcoming book *The Birth of Territory*, which traces the emergence of the concept of territory in Western political thought from ancient Greek myth to the early 18th century, also relates to IBRU's work, though with a less immediate focus.

One of the things I will be working with IBRU staff on over the next few years is the development of links between the unit and research in the Department of Geography more generally. Martin Pratt and I have worked together before, especially in terms of IBRU's conferences, and I co-supervised John Donaldson's PhD. Andrew Burridge has joined IBRU since my last period of active involvement, but we are already planning projects together and both he and John are working with me in the classroom for a final year undergraduate class on Territory and Geopolitics. Together with colleagues in the department we are looking forward to writing, grant and conference opportunities on topics of shared interest.

I have met some of you when working with IBRU in the past, or at its last couple of conferences. I look forward to meeting more of you at events in the future."

Boundary-related conferences in 2012

Borders and Borderlands: Contested Spaces Between States

15th Berlin Roundtable on Transnationality, Social Science Research Center (WZB), Berlin, Germany, **28-31 March**: www.irmgard-coninx-stiftung.de/borders.html

Association of Borderlands Studies 54th Annual Conference

Houston, USA, **11-14 April**: www.absborderlands.org/2annualmeetings.html

African Borderlands - Regional Integration from Above and Below

6th ABORNE Annual Conference, Edinburgh, Scotland, **6-9 June**: www.aborne.org/aborne-science-meetings.html

Borderscapes III

Trieste, Italy, **28-30 June**: www2.units.it/borderscapes3

Borders and Borderlands: Today's Challenges and Tomorrow's Prospects

European ABS Conference, Lisbon, Portugal, **12-15 September**: <http://bordersandborderlands2012.weebly.com/>

Connections, Corridors, and Communities

3rd Conference of the Asian Borderlands Research Network, Kuming, China, **12-15 October**: <https://asianborderlands.net/call-papers-0>

Borderland Voices: Shaping a New World Order

Border Regions in Transition XII, Fukowa, Japan/Busan, Korea **13-16 November**: www.borderstudies.jp/brit2012/top.html



2012 TRAINING WORKSHOP PROGRAMME

IBRU's unique professional training workshop programme has been running since 1996, attracting 1,200 participants from 116 countries. Workshops are led by teams of expert tutors and offer an unrivalled combination of theory, practical advice and shared experience in an informal teaching environment.

Three workshops will be held in 2012 in Durham and Singapore. Places are limited to maximise interaction between tutors and participants, so early booking is highly recommended. Detailed information about workshop programmes will be published 2-3 months ahead of each workshop, but you can register your interest now using the online booking form at www.durham.ac.uk/ibru/workshops or by contacting ibru-events@durham.ac.uk

**16-18
April
2012**

Venue:
Durham University, UK

Price
£1,860 (£1,550 + VAT) *
Accommodation and meals
included

Evidence in Boundary Dispute Resolution

International territorial disputes usually arise due to differing interpretations of a wide range of complex historical, geographical, political and legal information. The key to success in negotiations or third-party adjudication to settle such disputes is the effective use of evidence to support your claims and build a more convincing case than your neighbour. Treaties, *travaux préparatoires*, diplomatic correspondence, administrative records, maps, survey reports, diaries and ethnographic studies are just some of the many sources of evidence that have had a critical bearing on the outcome of boundary, sovereignty and maritime jurisdictional disputes. Using case studies and practical exercises led by leading practitioners, this workshop will provide participants with advice and skills in assembling, assessing and presenting evidence to ensure a favourable outcome for your country.



Source: REUTERS/Paul Vreeker

**30 July -
1 August
2012**

Venue:
Durham University, UK

Price
£1,860 (£1,550 + VAT) *
Accommodation and meals
included

Boundary Demarcation and Maintenance

Delimitation of a boundary in a treaty is a crucial first step in boundary-making, but on its own delimitation is of limited value. For borderland populations, boundaries rarely have much meaning until they are identifiable on the ground – and it is arguable that it is only when a boundary has been physically demarcated that it can begin to function effectively.

Many of the world's international boundaries have never been made visible on the ground, and many of those that have been demarcated have subsequently become invisible due to inefficient maintenance regimes. Led by a hugely experienced team of tutors and combining classroom sessions and practical exercises, this unique workshop will assist policymakers and practitioners in developing strategies for the effective demarcation and maintenance of international boundaries in different physical and human landscapes.



Source: Associated Press/Bukaty

**26-28
September
2012**

Venue:

Centre for International Law,
Singapore

Price

£1450

Maritime Boundary Delimitation

Clearly defined maritime boundaries are essential for good international relations and effective ocean management, yet few coastal states have agreed all their maritime boundaries with their neighbours. Part of the reason for this is that boundary delimitation requires a range of specialist legal and technical skills which are not always readily available to governments.

Combining lectures, discussions and practical exercises, IBRU's most popular workshop helps participants develop the skills needed to achieve an equitable division of maritime space and clearly defined maritime boundaries.

Following a hugely successful collaboration in 2011, IBRU is delighted to be partnering once more with the Centre for International Law at the National University of Singapore.

Given the exceptional demand for places on this workshop in 2011, early booking is highly recommended. Please note that bookings cannot be confirmed until full payment has been received.

In Association with

CIL
Centre for International Law
National University of Singapore



To make an enquiry about our workshops, please contact Liz Kennedy

Tel: +44 191 334 1965 Email: ibru-events@durham.ac.uk or book online at www.durham.ac.uk/ibru/workshops

* workshop fees for all participants are subject to VAT at 20%

Please note the fee for the workshop in Singapore does not include accommodation.



Borderlines is the newsletter of the International Boundaries Research Unit at Durham University. It has a membership of more than 3500 boundary scholars, practitioners and enthusiasts around the world.

IBRU works to minimise conflict associated with international boundaries on land and at sea around the world.

Our work is interdisciplinary in approach and global in scope, integrating theory and practice in order to provide:

- Practical expertise in boundary-making, border management and territorial dispute resolution
- Academic leadership in the study of Boundaries and their impact on

international relations and border development.

For more information about IBRU and how we can help your organisation:

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