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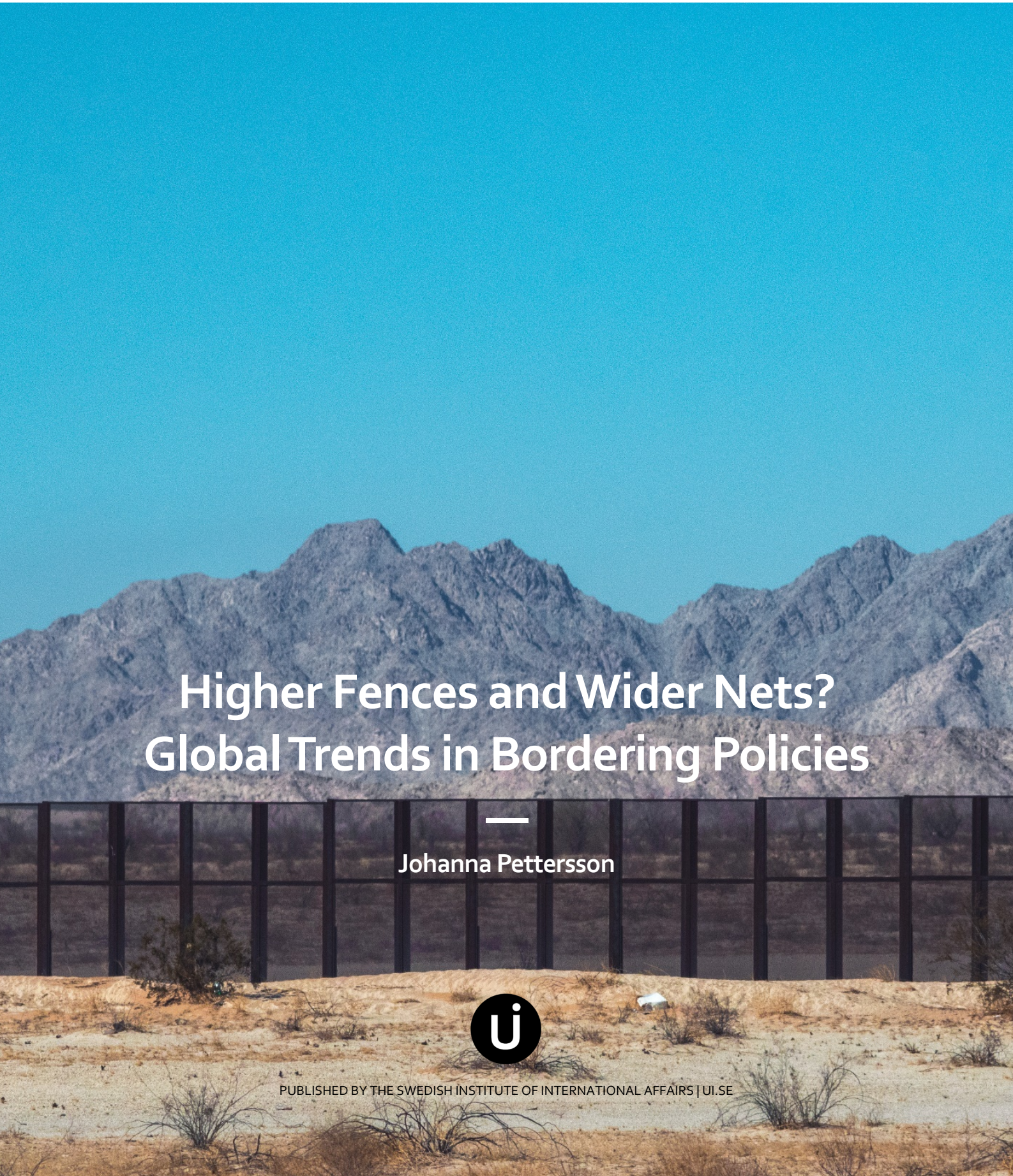

Higher Fences and Wider Nets? Global Trends in Bordering Policies

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Content

Introduction

From calls during the election campaign of US President Donald J. Trump to 'build the wall!' to the use by European Union member states of barbed wire fences to stop refugees in 2015, borders, and their physical manifestations in the form of boundary walls, fences and stricter rules on migration, have become a major feature of current political and academic debate. Research by Elisabeth Vallet (2014) shows that more border walls are being built today than at any other time in modern history. This raises a number of questions with regard to the prospects for international cooperation and the legitimacy of the democratic state, but also not least for the people affected. This paper first outlines and discusses current trends in the governing of borders and then analyses some of the implications of these trends, which have not been given sufficient attention in border policymaking.

As lines on a map or markers in a landscape, borders exist to separate states from one another. In the Westphalian system of sovereign states, borders play a fundamental role by territorially delimiting and defining the authority of a state. In the current international system, territorial boundaries are the markers of state power. On one side of the border are the laws, political system, and citizens of one sovereign state. Beyond lie another state's laws, political system and citizens. Without such delimitation, the system of sovereign states that today encompasses virtually all the countries of the world would look very different. A territorial border is used to include and exclude, and to determine where the legal jurisdiction of one state begins and another ends.

However, the image of clearly delineated territorial states is far from being a sufficient or accurate depiction of the world. The boundaries of state power are not as distinct in reality as the lines on a map would indicate. One reason for this is that the capacity to make sovereign decisions within its own borders varies between states, depending on the power and capacity of their institutions. States have varying degrees of capacity and of interest in influencing other states and respecting each other's sovereignty. Moreover, a number of processes, which are often grouped under the umbrella term *globalisation*, cannot be understood or managed within the framework of individual states with clearly identifiable boundaries. The climate crisis, international migration, pandemic diseases, and, not least, the economic system of capitalism all challenge a state's ability to maintain sovereign control over its territory, and require international decision-making and cooperation. Borders are thus the basis for the exercise of state sovereignty, but the notion that state power has ever been neatly contained within territories should be understood as an ideational construct rather than a historical fact.[1] While some states struggle to maintain territorial sovereignty, others have capacities for power that reaches far beyond their own borders.

In the first two decades that followed the end of the Cold War, the idea of a 'borderless' world was a recognisable possibility, and much of the political and academic conversation became focused on *how* such a borderless world would take shape (Blatter 2004; Castells 2010; Ohmae 1990). In a parallel development, increasingly sophisticated border surveillance technologies evolved, in large

[1] The geographer John Agnew (2009) has called the idea that states are clearly defined territorial units with equal and exclusive jurisdiction over their territory the "sovereignty myth".

part as part of the 'war on terror' that was declared after the events of 11 September 2001. As a result of these developments, research on borders has been somewhat divided, focused on developments towards either open or closed borders. These processes have been somewhat contradictory, but have been taking place in parallel, which has resulted in border regimes becoming more differentiated. In recent years, however, two clear trends on border policy and the politics of borders have been identified and discussed in the academic literature in particular: borders are becoming both *harder* and *wider*.

On the one hand, there is the development towards *harder* boundaries, through which the construction of physical walls and stricter border controls prevents people from crossing borders. On the other hand, these controls and obstacles are increasingly *spreading* out from the border itself and into the landscape on either side, through the use of motion sensors, data-generated risk profiling and the allocation of border control to other states, which is also known as border externalisation. Both these developments are aspects of *bordering*, a concept used to highlight the fact that borders are not constant, but made through social and political processes that aim to control, organise and establish belonging (Yuval-Davis, Wemyss and Cassidy 2019).

This paper discusses the trends that are making borders harder and wider in more detail. First, the role and function of borders as a core feature of modern statehood is discussed in greater depth. The next section elaborates on the need to understand borders as a product of a combination of social and material factors. Two subsequent sections discuss how border policymaking is creating harder and wider borders, and some of the implications of harder borders for the international community, democratic legitimacy and individual rights. The paper concludes by arguing that more attention should to be paid to the unintended consequences of heightened border security: the risks of negative environmental effects, and to democratic legitimacy and the protection of human rights are often not fully understood or taken into account in the making of harder and wider borders.

The function and history of modern borders

As lines on a map, borders are a core feature of modern statehood. The birth of the idea that sovereign states occupy clearly delimited territories is commonly associated with the Peace of Westphalia in 1648. That some form of border should exist is nothing new, as human communities have marked the boundaries between them in different ways since ancient times, such as land ownership boundaries or the outer boundaries of the Roman Empire. What was 'new' in the Westphalian state system, however, was that borders became a base for state sovereignty and the beginning of the modern system of nation states. On this territorial base, coherent state institutions could be built, such as infrastructure, national census and tax systems, or representative democracy. As Benedict Anderson, among others, has argued, the drawing of borders is also constitutive of the creation of national identities. A sense of belonging and association with a larger collective, an 'imagined community', can be constructed on the grounds of clearly defined territorial units. This was important for the development of the nation state as we know it (Anderson 1983). Most definitions of state sovereignty also have a clearly bounded territorial unit as the basis for legitimate rule. Max Weber's definition of a sovereign state, for example, is a "human community that (successfully) claims the monopoly of the legitimate use

of physical force *within a given territory*" (1946, emphasis added). Since the end of the Second World War, and the foundation of the United Nations in 1945, international relations and international cooperation have depended heavily on the idea that states are sovereign within their own territory. In short, the international system of self-governing states is dependent on the territorial delimitation of states from one another.

For the territorial state, borders serve a range of delimiting functions. They: (*a*) mark the separation of one state's political system from another (jurisdiction, citizenship, where the responsibility of the state begins and ends); (*b*) are used to control and regulate economic flows; and (*c*) are used to organise belonging and citizenship, and are thus the basis for the structuring of social relations (Agnew 2005, 2008; Paasi 2009). The functions of borders are thus to include, to exclude and to filter the flows between states (see Figure 1).

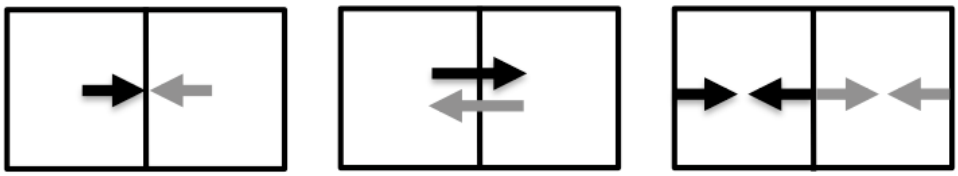

Figure 1. Core border functions

Notes: *Exclusion* – to delineate where one entity starts and the next begins; *filter* – to regulate who and what can pass across; and *inclusion* – to encircle the whole and define what belongs

Source: Pettersson (2018, 60).

These exclusionary and inclusionary functions are useful because they contribute to the creation of a legitimate space in which sovereign authority can be exercised. That said, the division of the world into neatly defined territorial spaces has often been carried out based on illegitimate claims (e.g. colonialism). In addition, borders today often contribute to the maintenance and aggravation of economic inequalities (Kearney 2004; Moré Martínez 2011; Staudt 2018), while the ability to move across borders is bestowed in an increasingly unequal fashion between different people (cf. Laine 2017).

Following the fall of the Berlin Wall and the acceleration of globalisation in the 1990s, there was a widespread sense that borders were a thing of the past. This understanding focused on developments towards a 'borderless world' (Ohmae 1990). It was argued that the development of new modes of governance, such as the multi-level structure of policymaking in the European Union (Hooghe and Marks 2001), and the organisation of power in various forms of networks that 'do not stop at the border of the nation-state' (Castells 2010, xvii; see also Blatter 2004), had made borders obsolete. The increase of other modes of organisation of power beyond state borders to some extent disregards the usefulness of

borders, in particular how the legitimacy of modern democracy is dependent on the identification of a demos (i.e. determining who has the right to vote) and clear chains of accountability between the people and elected representatives. Popular sovereignty, or the right of people to govern themselves, is dependent on some means of determining who the people are, and representative democracies as we know them have all thus far been dependent on defined territorial states. Holding someone accountable becomes much harder in a multi-level network society (Føllesdal 2011; Papadopoulos 2010). However, juxtaposing the hard borders of a 'Berlin wall' with a 'borderless world' makes the dichotomy between different means of bordering unnecessarily strict.

Understanding border-making: Borders as social and material constructions

It is a paradox of borders that they are at the same time both changing and enduring. Even where a border stays the same 'line on the map' for many decades, what that line represents is constantly in a 'state of becoming' (Dodds 2013, 569). Such changes include, among other things, the introduction of new policies to regulate cross-border movement, in for example passport unions; changes in the demographics of populations around the border; or changes in bilateral relations between neighbouring states. The meaning of a border is therefore never constant. Nonetheless, even extensive developments towards open borders, where borders are frequently crossed, and where people on each side share similar values and traditions, or even languages, rarely lead to the complete disappearance of that border. As long as the two neighbouring states remain separate political entities, the juridical and symbolic functions of the border remain.

In most people's lives, borders are simply lines on a map that do not require much reflection. For those who live in close proximity to borders, however, what the border is and how it is constructed can have a massive impact on daily life. Consider a border that is marked by a river – a different state on each side – and consider what will happen when a bridge is built across that river. Suddenly, the possibilities of cross-border movement become immensely greater. Perhaps there is a city on each side of the bridge, which makes living on one side of the border/river and working on the other a possibility. The two states could then decide that there should be no passport controls at the border and suddenly this border is even easier to cross. The people on either side of the bridge might speak different languages, however, and only a very few speak both. The border bridge might then be used mostly for occasional cross-border shopping or for travellers passing through both cities, but the 'other side' of the border does not become part of the daily lives of the people living on either side. Alternatively, the possibility of crossing the border more easily might lead to cross-border commuting, and to more and more people moving between the two sides, finding friends and forming relationships across the border.

This scenario illustrates an important aspect of understanding borders: borders are made through the interaction of a series of elements. They have a *material* or *physical* element to them, in that how divisive a border is will depend on what it is made of. Barriers such as water or mountains often create natural obstacles to crossing the border, but such obstacles can also be manufactured, such as bridge/no bridge or wall/no wall. Material differences such as disparities in economic prosperity and resources will also affect cross-border relations. For example, the border between

Norway and Russia, which for large parts of the 20th century remained quite firmly closed, also had one of the largest differences in per capita income. However, economic development in Russia since the end of the Cold War has created a new middle class, which in turn created demand for Norwegian consumer goods. This demand boosted local businesses on the Norwegian side and became a strong argument in favour of introducing local border traffic permits to facilitate border crossing, which was done in 2012 (Pettersson 2018).

In addition, a primary factor that determines the permeability of borders is the *policies* of each state on regulating access to the other side of the border. These are manifest not only in visa regulations or facilitations of local border traffic, but also in aspects such as taxes and labour market regulations, which make cross-border work possible. Furthermore, borders are also made by how they are in *practiced*: a border with no visible or political barriers to crossing can still remain closed if people simply do not need or want to cross it, or where there are no established patterns of border crossing among the respective neighbouring populations. This can also be manifest in the *perceptions* of the border. A border that has been politically closed for a long time can remain closed even after policy obstacles to crossing (e.g. passport controls) have been removed, as long as people think of the border as closed, or because the 'other side' is seen as distant in terms of culture or values. By contrast, in regions where a lot of cross-border interaction is taking place or has taken place historically, established patterns of cross-border movement can facilitate the introduction of more extensive open border policies. In border regions where the border is seen as a resource – for example, where commuting and economic exchange is part of everyday border practice – political decisions to introduce stricter border controls can have far-reaching effects on the local economy. This was the case in 2015, for example, when the Swedish government decided to introduce border controls at the Øresund bridge border crossing between Sweden and Denmark in response to the refugee situation. A regional research institute has estimated that this cost the region approximately 296 million SEK in 2016 in longer travel times (Øresundsinstituttet 2016). Material factors, together with policies, practices and perceptions, therefore all shape what a border is (cf. Kolossov 2005).

This section has outlined some of the main functions of borders and their multi-layered constitution in theory, in practice and as material objects. The above description of borders has highlighted the weakness of thinking about the existence of a border in dichotomous terms. Rather than being open or closed, or points of inclusion and exclusion, borders can play their role of delimitation in many different ways. An open border does not mean that the border has disappeared, merely that its functions are *enacted* differently. In recent years, however, even borders that were established as *open* have to some extent hardened – following, for example, the reintroduction of internal Schengen border controls – as states increasingly make efforts to restrict movement across borders. The characteristics of this development are discussed in the next section.

Border walls and fences

In sharp contrast to the notions of a borderless world that shaped the late 1990s, one of the most visible trends in border-making today is the massive increase in the various kinds of *physical barriers* that are being constructed along national borders. These barriers are often spoken of as 'walls', but more often contain a range of materials

from sheet metal to cement blocks, fencing and barbed wire.[2] More border walls are being built today than at any previous time in modern history (Vallet 2014). From President Trump's election campaign call to 'Build the wall!' to EU member states using barbed wire fences to stop refugees in 2015, this trend is sometimes portrayed as a Western phenomenon. Such wall building, however, is a truly *global* trend. Notable border barriers have been constructed or proposed along the borders of Brazil, India, Pakistan, Russia, China, Saudi Arabia and Libya, to name just a few.[3] Beth Simmons (2019, 264) argues that '[d]ata collection efforts can scarcely keep up with new border barrier projects around the world'. Simmons' work shows that this development does not just include walls, but rather that *state presence* at borders and in border zones has increased, including walls and fences but also other kinds of physical structures such as official buildings, inspection stations and different kinds of gates.

With the possible exception of the Berlin Wall in the 20th century and North Korea today, border walls are built to keep people *out* of a state's territory by physically blocking their path to entry. The explicit purpose of most border walls is often to stop migrants – refugees, asylum seekers and others – from entering a state. The justifications for border walls usually include some kind of security argument: immigrants are described as a threat to national security and a wall is thus needed in order to keep citizens safe. Border walls are intended to work by directing those who attempt entry to regular, guarded points of entry that are open to those who have the right documents and allow for control over who enters the country. Wall constructions also work by deterring attempts to cross the border in the first place, by presenting such a formidable obstacle that crossing can only be attempted at high risk to personal safety.

Research has shown, however, that attempts to stop migration by making border crossing more difficult instead lead to migrants choosing more dangerous routes across borders (Andersson 2016). Nonetheless, regardless of how well these walls really stop people from crossing the border, building them can be seen as a political tool to appease domestic opinion or gain votes. If public opinion is against allowing migrants entry, political actors, with President Trump as an obvious example, can propose border walls as a symbolic show of force. As argued above, borders are made not only through their material presence, but also through perceptions. The making of a border wall has a strong symbolic value not only for those who might be deterred by it, but also for the people it encloses.

The extension of bordering outwards and inwards

The increase in border walls is strongly linked to another trend in bordering: the construction of systems of border control that extend far beyond the border as a line on a map/on the ground. If border walls are constructed to mark the physical *edge* of the state, these systems add to the complexity of borders by extending their reach both inwards and outwards. The policies of locating border control beyond state territory has become know as external governance (Lavenex and Schimmelfennig 2009) or border *externalisation* (see e.g. Casas-Cortes, Cobarrubias and Pickles

[2] Such structures are often introduced in tandem with more restrictive migration policies. Higher formal/legal barriers to entry might result in more attempts to cross the border outside regular ports of entry. Walls are therefore built to counter this demand.

[3] For data on border structures and walls see Simmons (2019) or Vallet (2014). For a map of walls worldwide see Rosière and Jones (2012) or the interactive map at https://www.washingtonexaminer.com/map-border-walls-rise-around-the-world.

2016). One example of how systems of border control are extended outwards is the use of carrier responsibility, where airlines must perform de facto border controls before allowing passengers to board, instead of border control happening once the aircraft has landed. Another example is the EU's extension of border control through agreements with transit countries in North Africa, which means that migrants are prevented from entering the EU at borders far from EU territory (e.g. Adepoju, van Noorloos and Zoomers 2010; Bialasiewicz 2012). A similar development can also be seen in US bordering strategies, where border controls on Mexico's southern borders aim to prevent people from moving through Mexico to the US border (Walker 2018).

Border controls are also being extended inwards, for example through the use of identity controls that in Europe can take place anywhere within a Schengen state. This is part of the development of what has been called *everyday bordering,* as border controls and other types of border-making practice become part of everyday life that people must be prepared to be subjected to (Back and Sinha 2018; Yuval-Davis, Wemyss, and Cassidy 2019). In the case of the United Kingdom, for example, Yuval-Davis, Wemyss and Cassidy (2019) highlight the introduction of policies that require landlords and social workers to report people to the authorities if they suspect they are residing in the country without permission. This kind of bordering policy not only creates an insecure environment for anyone who might be identified as an 'irregular migrant', but also turns ordinary citizens into potential border enforcers.

The extension of borders inwards and outwards is also happening in closer proximity to the actual border, where increasingly sophisticated methods of border control, such as movement sensors and surveillance drones, are being used to detect movements towards the border before it is crossed, but also to detect movement across the border after it has taken place. The use of data gathering, such as 'Big Data' or biometric passport information, is also increasingly used in order to make risk assessments of potential border crossers.

In this paper, the depiction of borders thus far has been primarily from a unilateral perspective, as the role of the border to separate the *inside* from what is *outside*. This image is too simplistic, however, as states that share borders often cooperate on border control. Matthew Longo (2018, 172) writes that: 'ports [as sites for border-crossings] have become increasingly jointly managed, such that entry functions of one side have aligned with the exit functions on another'. This is done through standardisation of the technologies used, the sharing of data between states, and, for example in the case of the EU, a range of systems for data processing and sharing between member states. New systems have also been proposed to cover 'gaps in the EU's architecture of data management … [and] an information gap prior to arrival at the borders as concerns third-country nationals who are exempt from holding a visa' (European Commission 2016). Hence, in common with the trend of wider borders, there is also a movement towards increasingly *joint* border security management.

The problems of expanding borders

The extension of border controls, outwards and inwards from state borders, is often motivated by the need to enhance border security and identify risks, such as terrorist threats. However, this kind of increased control also raises a number of concerns.

The main concern raised by the increasing prevalence of border walls and material structures to control territorial access is that they are *violent* (cf. Jones 2016). By their presence, they are chief among the institutions in modern society, along with prisons, that work to restrict in a direct, physical way, the ability of people to move. Their toll on human life is also demonstrable.[4] The possible security benefits of building a border wall must be weighed against the cost in human lives and, on a more systemic level, the possiblility to uphold universal human rights (see e.g. Simmons 2019). Research has shown that rather than halting migration 'flows', physical barriers merely redirect the flows elsewhere (Andersson 2016). New routes are often increasingly hazardous, but if those who are migrating have limited options, they will still attempt the new route. In Europe, this has led to a large number of migrant deaths in the Mediterranean, as people try to make the journey across in small, dangerous vessels (Little and Vaughan-Williams 2017). In North America, the increased fortification of the US-Mexican border has similarly increased the toll on human lives (Doty 2011). In short, it can be argued that the costs of constructing barriers high enough and formidable enough to deter migration are too high, and the feasibility of 'succeeding' in doing so too low, for walls to be a viable long-term bordering option.

Second, an important problem with building barriers is their *unintended* or *secondary consequences*. Stricter border controls can lead to long waiting times at ports of entry, which in turn increases pollution and has negative effects on health (Quintana et al. 2015) and local economies (Vadali et al. 2015). A physical structure such as a wall or a fence restricts *all* movement, and disturbs and disrupts patterns of cross-border movement of humans and animals alike. This can potentially have detrimental effects on local economies, on farming and grazing cattle and on the migratory patterns of different animals, thereby disrupting entire ecosystems. In one example, India's construction of a fence along its border with Bangladesh not only 'cuts through villages, fields, paths, and roads' in a densely populated area (McDuie-Ra 2014, 82), but has also cut through elephant habitats, leading to animal injuries and exacerbating human-elephant conflict (Anwaruddin 2007).[5] Environmental or climate change-related problems are often used as illustrative examples of the kind of policy problem that transcends national borders and needs international cooperation in order to be resolved. It is therefore somewhat ironic that the hardening of national borders in itself can be a source of environmental problems. The extent to which bordering policies such as walls have negative environmental consequences has not been fully taken into account in current research on the hardening and widening of borders, and should be the subject of future research.

Finally, the technological developments that enable border control before crossing and continuous border control within borders have drastically increased the capacity of states to control their territory. As is argued among others by Ruben Andersson (2014), the development of increasingly sophisticated border monitoring techniques has become a reason for more border control in itself, and has gone hand in hand with the growth of an

[4] The International Organisation for Migration keeps track of recorded migrant deaths, see https://missingmigrants.iom.int/.

[5] E.g. more people are killed by elephants, which in turn has led to demands to reduce the already endangered elephant population.

entire industry of border control.[6] The securitisation of borders thus creates borders as sites that are in continuous need of becoming more secure, which drives their external and internal expansion. Another risk that comes with the technological expansion or widening of border controls on domestic territory is that they end up restricting the freedom of movement not only of 'risky subjects' but of everyone, especially people who live in border regions (Longo 2018), or belong to racialised minorities (Yuval-Davis, Wemyss and Cassidy 2019) increasingly find themselves being targets of border surveillance.

In sum, there is a risk that the various types of secondary and unintended effects of building border barriers will not be taken fully into account when making policy decisions aimed at restricting a particular kind of cross-border movement. If a state ever managed to construct a 'completely secure' border, would it have built a barrier to entry, or a prison for its own population?

Conclusion

If the global developments of the past decade have shown anything, it is that borders are far from becoming obsolete. Quite the opposite: various types of bordering policies and practices are certainly *à la mode* among states around the world. As discussed in this paper, borders can fulfil a number of important organisational functions in their role as demarcations of state power. Without some territorial demarcations of jurisdiction, the basic functions of states such as making/upholding laws, collecting taxes, providing infrastructure and distributing resources would be hard to maintain in a legitimate way. Not least, the territorial state fulfils a role as an arena for democracy that has yet to be matched by any other institutional form. At the same time, however, the demand for mobility is not likely to decrease any time soon, and many predict that even more migration will follow on from the increasingly apparent effects of climate change. Most of this is likely to result in internal displacement within the same state, but people will also seek better life chances abroad. If the trends sketched out in this paper are any indication, states will continue to find increasingly elaborate ways to try to keep migrants out. However, the long term (or perhaps imminent) risk of doing this is that as controls move outwards and inwards from where borders are drawn, freedom of movement *within* national territories will also be at risk, for migrants and for residents. Future research on bordering and border politics should pay more attention to the various ways in which different modes of bordering cause secondary effects. In particular, there is a need to ask the question: if a state's bordering practices infringe on the human rights of both recent migrants and the wider population, at what point do they undermine the legitimacy of the state itself?

[6] As an illustration of the growth in border security spending, the budget of the EU border agency, Frontex, more than tripled between 2012 and 2018 (Frontex 2019).

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