STUDIES IN SOCIAL JUSTICE
Volume 19, Issue 2, 179-184, 2025

Editors' Introduction

The Productive Tension of Borders: Engaging with Acts of Sovereignty, Solidarity, and Resistance across Borders

PAUL McKENZIE-JONES
University of Lethbridge, Canada

SHEILA McMANUS
University of Lethbridge, Canada

JULIE YOUNG
University of Lethbridge, Canada

The papers in this themed section consider the relationships between borders and questions of social justice. Borders exist in a paradoxical state; as the formally ascribed boundaries between nation states they are assertions of exclusion and inclusion, zones of fear and safety, of belonging and Otherness. Some were agreed upon by the nations on either side, but many more were and continue to be disputed or refused. They are crossroads, marking the intersections of settler-colonial national ownership with pre-existing Indigenous histories, territories and sovereignties. As such, it is important to examine the spaces and practices of resistance to borders exemplified by migrant justice and Indigenous sovereignty movements as they can provide alternative understandings of both social justice and sovereignty.

The laws, policies, and practices created to navigate these paradoxes are fundamentally, even if unintentionally, about social justice because states mobilize their borders in ways that have highly uneven impacts along lines of freedom of movement and refugeehood as people navigate international boundary lines, and citizenship, human rights, and living conditions within a given state's borders. They are based in and create struggles over who should be allowed to move across international boundary lines and under what conditions, as well as who has the authority to set those conditions and draw those boundaries. Borders represent the injustices wrought by both historical and contemporary settler colonialism. Bordering practices also reveal the

Correspondence Address: Paul McKenzie-Jones, Department of Indigenous Studies, University of Lethbridge, Lethbridge, AB T1K 3M4; email: paul.mckenziejones@uleth.ca

ISSN: 1911-4788

paradoxes of global capitalism evidenced most directly through how barriers to the movement of resources and capital tend to be removed more easily than those regulating the movement of people. The wider contexts of social justice thus affected by borders expand across all forms of human rights, including food, shelter, reproduction, health, housing, and employment. In relation to these impacts, there is also the need to challenge the wider societal misunderstanding of borders, refugees, migrants, and asylum seekers due to political rhetorics based in at times rigid and at others shifting understandings of nationalism and related practices of exclusion.

Importantly, the fight for social justice in relation to bordering practices is not new and continues to be taken up by a range of global actors, working in different contexts and often across – and even refusing – boundary lines. In the Americas, while Indigenous Peoples have been challenging the Canada-US border since the 1794 Jay Treaty enshrined Indigenous mobility rights, more recent activism has resulted in, for example, the 1983 creation of MADRE, a gender justice and Indigenous rights coalition of grassroots women's groups pushing back against US policy interventions across the Global South, inspired by the actions of women leaders in Nicaragua during the Contra War. In Europe, the Sami Council works tirelessly to protect the border crossing rights enshrined in the Lapp Codicil of 1758, while in Asia there are multiple Indigenous coalitions across the continent fighting for social justice despite borders.

In recent decades there has been an increase in pressure from activist organizations such as No One Is Illegal (NOII) in Canada, and institutions such as the International Labour Organization (ILO) and the United Nations to address issues of social justice at international borders. NOII formed in Montreal to push back against renewed forms of border imperialism that emerged in the aftermath of the events of 11 September, 2001, in the United States. Crucially, the group is comprised of immigrants, refugees, and allies engaged in advocating for dignity and respect for all migrants through direct action, policy analysis, and public awareness campaigns. Their work is grounded in an understanding of the intersections of Indigenous and migrant justice work through the lens of anti-colonialism and anti-imperialism. Since the emergence of that first group in Montreal, there are now chapters across Canada in Calgary, Halifax, Kingston, London, Toronto, Ottawa, Winnipeg, Vancouver, Victoria, and Quebec City. Collectively these groups seek to contribute to "anticapitalist, Indigenous solidarity, feminist, anti-oppression, Palestinian self-determination, and workers' movements" (Walia, 2013, p. 10). Intervening at a different level of politics, in October 2024, the Fair Recruitment Initiative of the ILO published a report entitled *Justice across Borders: Access to Labour Justice for Migrant Workers through Cross-border Litigation*. The summary found that "access to labour justice is out of reach for most migrant workers who experience human and labour rights violations" (ILO, 2024, p. 8). Investigators concluded that "the significant number of workers who migrate for employment requires judicial systems to engage with

portable justice and enforcement of rights, including ensuring claiming redress in the country of employment is accessible and available to migrant workers from their home countries" and insisted that "governments, trade unions, non-governmental organizations and employers all have a role to play to promote cross-border access to justice" (ILO, 2024, p. 10). In the work of both NOII and the ILO, while in different registers, the insistence on justice despite borders is central.

The United Nations has also sought to address a growing recognition of the many global issues that international borders create or exacerbate that lead to injustice. In 2006, for example, the UN's International Forum for Social Development published research findings in its report, *Social Justice in an Open World: The Role of the United Nations*, which discussed rising inequality between and within nation states, and asked whether international justice and social justice were "politically obsolete concepts" (United Nations, 2006). The researchers concluded, somewhat troublingly, that the vast majority of political leaders of the more dominant nations globally were increasingly indifferent to questions of justice as the concentration of wealth shrinks to an increasingly small number of individuals and nations. Importantly, the following year, the UN turned its focus to Indigenous Peoples' transnational rights with the *Declaration on the Rights of Indigenous Peoples* (United Nations, 2007). Article 36 of the declaration states that:

> Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right. (United Nations, 2007)

In 2017, the East African Legislative Authority (EALA) Committee of Regional Affairs and Conflict Resolution formally recommended that the East African Community (EAC) align its border policies and integration processes to UNDRIP. This was one of the earliest regional bodies to create policies ensuring that migrant and immigrant justice worked in conjunction with Indigenous rights across international borders.

However, despite these collective and collaborative efforts to combat border injustices, the policies of individual nation states work in ways that often promote or produce exclusion, criminalization, and even violence at points of entry. The articles in this special section focus on a range of geographical contexts to examine acts of solidarity and resistance across borders while also confronting the spaces of exclusion and immobility produced by bordering practices. What connects these disparate case studies and contexts is an understanding of the productive tension of borders, in that the authors are attentive to the reality that borders are simultaneously specific to local contexts and caught up in a range of processes operating at multiple scales (Houtum et al., 2005; Novak 2011). Their contributions highlight both the exclusions and

the possibilities to imagine alternatives that erupt in relation to boundary lines and bordering practices.

Claudia Donoso (2025) examines the disrupted mobility rights of forced migrants seeking asylum in Ecuador and the United States during the global COVID-19 pandemic. Based on the discourse analysis of anti-migrant rhetoric in press articles, migrant stories in the press, reports, immigration policies, and border control practices, Donoso examines the Ecuadorian government's response to the displacement of Venezuelans and the United States' enforcement practices against Central American asylum seekers prior to and during the pandemic. Applying Agamben's (1998) concept of *bare life*, she argues that this unprotection of mobility rights is due to the United States and Ecuador's views of forced migrants and asylum seekers during this period as carriers of the virus, which was used to justify xenophobia, resistance to humanitarian international law, and exceptionalism. Donoso also draws on a feminist intersectional approach, building on recent research on the securitization of forced migrants and challenging the race/ethnicity, immigration status, class, and nationality-based discrimination of the security measures undertaken by both countries during the pandemic. The article illustrates how the treatment of refugees as *bare life* was aggravated by intersectional inequalities and concludes by providing recommendations that could be employed by the US and Ecuadorian governments to protect the right to freedom of mobility.

While Donoso considers actions at the borders themselves, bordering practices also increasingly take place at sites far from territorial borders, raising questions about competing sovereignties and negotiations of rights. Tyler Correia (2025) considers how this extraterritorialization of border enforcement presents a dual problematic for migrants, intellectuals, activists, and even citizens. He argues that the system creates a form of dissonance wherein people must both respond to the pre-emptive foreclosure of a "right to presence," while rethinking institutions of asylum which are capable of operating from a distance. According to Corriera, these processes are characterized by projection, through which they give rise to a "general domain of ends" predicated on nation-state irresponsibility, outside of law and outside of their territories. He discusses the forms of grassroots actions attempting to address these bordering practices, including actions that challenge state-centric policies and politics. Further, he argues that civil society initiatives and other forms of organizational advocacy represent a form of communicative reach in support of the attempts to navigate this outsourcing and distance border control.

As evidenced by both Donoso's and Correia's contributions to the special section, it is clear that borders are also increasingly sites of experimentation where state and non-state actors engage with the materialities and logics of how sovereignty, security, and justice intersect. The final two articles within this section examine artistic interpretations of and interventions in questions of social justice at borders. The first article points to how exclusionary policies at the US-Mexico border create solidarities in migrant shelter spaces and border

communities within Mexico, while the second highlights the work of several artists who used performative spectacle to challenge state projections and sovereignty and temporarily create states without borders through their performances.

Working in collaboration with students from the CETYS University Law and Psychology program in northern Mexico, Jorge Sánchez-Jofras, Pablo Treviño-Rodríguez and Maya Polanco (2025) focus on how civil society-led artistic education initiatives at migrant shelters contribute to actualizing the cultural rights of migrant children at the US-Mexico border. They argue that the prevalence of violence and recurring climatic disasters in Central America and the Caribbean push thousands to migrate across the continent and seek to enter the United States via Mexico. Among these migrants are children who, due to their age, are more prone to situations of vulnerability and face different risks to their human rights. The authors' work takes place in the context of the United States' adoption of the so-called Remain in Mexico policy in 2019, which forces asylum seekers to await their hearings outside of the US, resulting in many returning to Mexico and facing insecurity due to a deficiency of social and governmental protections for migrants. It is in this environment that Mexican civil society has taken an active role. The article provides examples of civic agents that promote social justice and cultural cooperation, centering on art initiatives based in migrant shelters. The authors conclude that, with the aid of international organizations, arts education programs foster the integration of migrants into host societies, providing resources to counteract ill-treatment and lack of recognition.

Finally, Gabriel Mindel (2025) considers four musical concerts staged at or across four national borders (Mexico/US; East/West Germany; North/South Korea; Columbia/Venezuela). At the US-Mexico border, he describes a 2018 concert where two groups of musicians performed for almost an hour on opposite sides of a border fence in a binational area called Friendship Park. In East/West Germany, he traces a trajectory towards the fall of the Berlin Wall from the trajectory beginning with two concerts – and the political messages therein, in the mid/late 1980's – David Bowie performing in front of the Reichstag in 1987, and Bruce Springsteen playing to 300,000 East Berliners in 1988. In Noth/South Korea, he focuses on the DMZ (Demilitarized Zone) Peace Train music festival, which began in 2018. Concerts are performed adjacent to the DMZ in Gangwon Province, a county formerly ruled by the North, while the concert is promoted as tool for reconciliation to create a borderless world. At the fourth, and final of Mindel's discussed border performances, he discusses two concerts that were organized on opposing sides of a bridge that spans the territorial borders of Venezuela and Colombia, by two politicians arguing their competing claims to be installed as Venezuela's president. Through the examination of these concerts Mindell argues the various ways artists, activists, and even politicians, can simultaneously stage and challenge sovereignty and, even temporarily, undermine border functionality.

References

Agamben, G. (1998). *Sovereign power and bare life*. Stanford University Press.

Correia, T. (2025). Border extraterritoriality or cosmopolitan responsibility? Conceptualizing the possibility of asylum claims *in absentia*. *Studies in Social Justice, 19*(2), 208-225.

Donoso, C. (2025). Failing to protect bare life during the COVID-19 pandemic: Forced migrants as carriers of the virus. *Studies in Social Justice, 19*(2), 185-207.

Houtum, H. van, Kramsch, O., & Zierhofer, W. (Eds.). (2005). *B/ordering spac*e. Ashgate.

ILO (International Labour Organization). (2024, November 19). *Justice Across Borders: Access to Labour Justice for Migrant Workers Through Cross-border Litigation*. https://www.ilo.org/publications/justice-across-borders-access-labour-justice-migrant-workers-through-cross

Mindel, G. (2025). Sovereignty's sonic limits: Music and spectacle at the border. *Studies in Social Justice, 19*(2), 256-275.

Novak, P. (2011). The flexible territoriality of borders. *Geopolitics, 16*(4), 741-767.

United Nations. (2006). *The International Forum for Social Development: Social justice in an open world – The role of the United Nations* [ST/ESA/305]. UN Department of Economic and Social Affairs. https://digitallibrary.un.org/record/567990?ln=en&v=pdf

United Nations. (2007). *United Nations declaration on the rights of Indigenous peoples*. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Sánchez-Jofras, Jorge, Treviño-Rodríguez, P., & Polanco, M. (2025). Fostering the human rights of migrant children through art and educational practices at the United States-Mexico border. *Studies in Social Justice, 19*(2), 226-255.

Walia, H. (2013). *Undoing border imperialism*. AK Press/Institute for Anarchist Studies.