

**Strangers by sea: crafting of a “well-grounded” fear**

by

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B.A., The University of Lethbridge, 2011

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE STUDIES

(Anthropology)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

May 2013

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## **Abstract**

It has become commonplace for asylum seekers in Canada to be represented by politicians and popular media as bogus refugees out to abuse the generosity of Canadians. This process has involved the inversion of the notion that the risk faced by asylum seekers warrants state protection. Instead it is the asylum seeker that is presented as a risky border crosser, often provoking renewed state and public interest in fortifying Canadian borders. This thesis will argue that ‘fear’ has played a crucial role in discursively rendering certain asylum seekers as embodiments of risk that warrant transformative and decisive forms of state intervention. Tracing the public debates that ensued following the mass arrival in Canada of 492 Tamil migrants aboard the MV *Sun Sea* in August, 2010 I will suggest that asylum seekers have become objects of fear that render material anxieties about the supposed permeability of Canadian borders, sovereignty and the meanings of citizenship. Specifically, I will locate these anxieties in the discursive construction of these asylum seekers as “terrorists,” “smugglers,” and otherwise “bogus refugees” at the intersection between public media and state policy. By highlighting the ways these labels become discursively attached to the bodies of a particular group of migrants I seek to displace the idea that securitization is a coherent product of state practices. Rather I argue that the public debates over what the bodies of these migrants mean signifies that securitization is deeply contingent on how Canadian citizens are affected by the arrival of the Sun Sea.

## **Preface**

This thesis is original, unpublished, independent work by the author, Daniel Manson.

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## **Acknowledgements**

I wish to express my gratitude to the members of my thesis committee at the University of British Columbia for their continued support and guidance throughout the course of this research. I am especially indebted to my supervisor Dr. Gastón Gordillo for his invaluable advice, deep engagement with my research, and for constantly pushing me to go a little further. This thesis would not look the way it does without Dr. Gordillo's input. I would also like to thank Dr. Alexia Bloch for her encouragement and enthusiasm for my work. I am grateful to Dr. Carole Blackburn for her comments on an early draft. The sincere encouragement from these scholars has profoundly shaped my trajectory as an anthropologist, and further solidified my resolve to contribute the fruits of anthropological inquiry to deconstructing the most naturalized forms of inequality.

The research that this thesis is based on was supported by grants from the Social Sciences and Humanities Research Council and the Alberta Scholarship Program. I am thankful to these organizations for their financial support through both the research and writing stages of this project.

I would like to thank Juli Talerico for her unwavering support and her willingness to read (and reread) every word I have put to paper. Thank you for sharing this journey with me, the many late nights searching through newspapers, and for your unshakeable honesty. I could not have done this without you. I am also appreciative of the support and companionship of my family and friends.

## **Dedication**

For Elijah, because I want you to grow into a world that is more just than the one you were born into.

## Introduction: Strangers by Sea

“It is a fundamental exercise of sovereignty. We are responsible for the security of our borders and the ability to welcome people or not welcome people when they come”

—Prime Minister Stephen Harper responding to the arrival of 492 Tamil Refugees aboard the MV *Sun Sea*.  
(Toronto Star, Aug 18, 2010).

On Aug 13, 2010 the Canadian media followed the story of a dilapidated fishing boat named the ‘MV *Sun Sea*’ as it approached the Canadian nautical border off the coast of Vancouver Island. An early image of the rusty vessel in the media displays the boat tipping ominously to one side, the boat’s “human cargo” crowded on the deck with no visible space between them. Interestingly, though initially very little was known about the unidentified mass of people on the boat, the media had never portrayed them as neutral or unmarked. Even the earliest images and stories to reach the shores were steeped in contradictory assertions about the meaning signified by the bodies on the Sun Sea. The migrants were reported both as criminals and victims of crime; traffickers and trafficked; violent and passive; poor and rich; and most importantly, in violation of Canadian sovereignty. For others still, those bodies on the deck of the Sun Sea belong to 492 legitimate asylum seekers fleeing a bloody twenty-six year long civil war in Sri Lanka between the Sri Lankan state and Tamil guerrilla factions. As stories about the Sun Sea migrants began to wash up on the shores of Canada, far ahead of the slow moving vessel, the contours of an anxious public debate began to surface around the security of Canadian borders and the supposed (in)effectiveness of Canadian border policies.

The increasing association of migrants and asylum seekers with criminality has been well documented in both North America and Europe (Bhabha 1998; Nadig 2002; Rolfe 2008; Rousseau, et al. 2002; Simon 1998). Many of these studies have argued that this phenomena can

be explained as a process of securitization—the ways that particular issues and people are identified, labeled and reified as threats to a community (Buzan et al. 1998:21; Pugh 2004). Boat arrivals tend to evoke this process in the context of highly publicized arrivals of refugees in ways that other arrivals of refugees do not. Specifically, the immanent medium of these arrivals, oceans in which mobility is not restricted by physical obstacles or national borders, provides a context that exacerbates public and political imaginations of refugees as a “threat” to Canadian national security and the collective identity of Canadian citizens. In particular, this alleged “threat” was defined by the perception that these people were coming from another continent and could directly land on Canadian shores because of the unpoliced smoothness of the oceans. The main goal of this thesis is to examine the reception of the Sun Sea in Canada as a microcosm of the global securitization of refugee migration (see Bigo 2002).

One of the most noteworthy phenomena that has accented public debates about the arrival of this boat on Vancouver Island is the idea that these individuals carry this threat on their bodies. In this configuration, particular notions of home, state and belonging are evident in the marked categories that the people on the Sun Sea have tended occupy in public speech by many journalists and politicians—“terrorists,” “queue jumpers,” or otherwise “bogus refugees.” What is important here is that these terms reaffirm the primacy of place and rootedness in notions of national belonging. These terms also tend to obscure the social and political conditions that compel many individuals to leave their home countries (Malkki 1997) The purpose of this thesis is to trace how this sentiment has been posited, debated, and affirmed or rejected by politicians, journalists, advocates and other Canadians in relation to the arrival of the Sun Sea. I ask what these threatening labels do and why they stick to the bodies of asylum seekers like those aboard this boat.



In this thesis, I suggest that securitization cannot be understood just by the ways that it identifies threatening subjects but, rather, by the ways that it mobilizes citizens against migrants perceived as threatening. My central argument is that “securitization” of refugee mobility relies on the affective power of fear—largely propagated through media discourse—to mobilize the citizenry against a supposed foreign invasion. I will draw from authors who have examined the concept of affect (see Massumi 2002; Deleuze 2001; Mazzarella 2009) to underscore how certain pre-discursive forces cultivate anxieties about migrants that can then be mobilized for political purposes. I aim to demonstrate how fear—which is a specific articulation of affect—is mobilized by the state to construct the individuals aboard the *Sun Sea* as “risky refugees” (see Pratt 2005). In line with these authors I argue that fear binds threatening subjectivities to these people in ways that justifies decisive action by the Canadian state.

In the first section I trace the importance of the category of “boat people” in terms of popular imaginings of asylum seekers in Canada and more generally. I suggest that the overrepresentation of asylum seekers who arrive by boat in the media and political discourse has tended to position these arrivals as catalysts for public discussions about otherness in receiving countries. I sketch a history of boat arrivals in recent Canadian history to highlight how the political construction of boat arrivals has coincided with an oscillating public response between humanitarian welcome on the one hand and fear and distrust on the other. Ultimately this suggests that the securitization of refugees in Canada has been an ongoing and historically contingent process.

The second section examines how the Canadian state has historically responded to the arrival of refugees in terms of its immigration policies. I argue that the language of risk and risk management has pervaded the legislation of Canadian border policies. Importantly, current

policies aimed at stemming human smuggling operations in the imminent future are the product of the spatial and temporal restructuring of Canadian borders away from the land border between the US and Canada and towards the liquid boundaries of international waters. I will argue that the inability of the Canadian state to indefinitely fortify these fluid borders is a generative seed of fear that has become internalized by many Canadians waiting for the next shipment of “bogus refugees.”

In the third section, I turn to one discursive arena where the Canadian state attempts to communicate its securitizing messages about the Sun Sea to members of its citizens: the media. Following Hay (1996), who has noted that the influence of media lies in its ability to frame discursive contexts, many scholars have begun to analyze the ways that media influences public debates about the nation, citizenship, and identity (Lynn and Lea 2003; Leudar et al. 2008). Drawing in this scholarship, I analyze the language used in media representations, public narratives by Canadian officials and online comments posted by readers of articles about the Sun Sea migrants. Images and discourse about the Sun Sea case in mainstream media has tended to legitimize fears that asylum seekers are threatening to Canadians and that the state should take drastic action to keep them at bay. Fear is mobilized here to render irrelevant—or at least secondary—the plight of the asylum seekers in relation to the supposed risk they pose to Canadian citizens. The focus here is on how mainstream Canadian media acts as a forum where securitizing discourse achieves its affective force.

Lastly, I turn to the ways that advocates, activist organizations and members of opposing political parties have resisted the impetus to demonize these refugees through fear-mongering tactics. These members of Canadian society have argued that the Sun Sea migrants are not a security crisis, but that represent a humanitarian crisis that should compel compassion. In

reaching to international human rights obligations and the situations of persecution and fear that these refugees could be fleeing from, advocates of the Sun Sea migrants have attempted to form an ethical and moral frame of debate. Overcoming narratives of fear that support securitization is no easy task, however these advocates highlight the contingent and contested nature of securitization. While the Canadian state has been successful in securitizing the Sun Sea migrants as a threat, it is both possible and necessary to problematize the securitization of migrants.

I must mention that, in spite of the increasing securitization of migration in Canada and the public support I argue has supported it, the Canadian state has continued to accept and settle more than ten thousand refugees every year (GDP 2012:4). The aim of this essay is not to discredit efforts by the Canadian government to offer protection to a portion of global refugee flows. Rather, with an estimated 42.5 million forcibly displaced persons worldwide<sup>1</sup>, the vast majority of which live in the developing world, it is imperative that the criteria by which any state marks the separation between legitimate and illegitimate asylum claims remain permanently open to evaluation, critique and possible revision.

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<sup>1</sup> See UNHCR summary of the 2012 Global Trend Report which documents yearly statistics on refugee numbers and locations: <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>2</sup> see <http://www.refugeecouncil.org.au/f/as-boat.php> for comparative statistics on numbers of

## Chapter 1: Boat People as Catalysts for Securitization

Asylum seekers arriving on the shores of refugee receiving states have become a powerful image in political and popular imaginings of refugees in the contemporary era. Though separated by the particularities of individual geopolitical contexts, these asylum seekers are linked by the ways they are often framed by media and politicians that augment debates about national belonging and citizenship. Images of crowded sea vessels being unloaded by uniformed guards epitomize the idea of global influxes of ‘stateless wanderers’ who possess a seemingly unimpeded access to international coastal waters (Pugh 2004:53). In this way boat migrants are enveloped in wider state discourses of refugees as objects of “fear” (Whitaker 1998) or “mistrust” (Daniel and Knudsen 1995). Yet the dramatic nature of their arrival seems to conjure this anxiety in ways that other refugee arrivals do not.

Boat migrations are a global phenomenon yet they are, for obvious reasons, more prevalent in relatively wealthy coastal and island state regions. In the European context countries like Spain and Italy have a long-standing history of arrivals—most of whom sail from North Africa. In the case of island states like Australia, it is perhaps not surprising that boat arrivals are relatively high compared with other nations.<sup>2</sup> In the United States boat migrants from nearby Haiti, Dominican Republic or Cuba became a heated source of public debate in the past few decades. The occurrence of boat arrivals in all of these countries does not necessarily imply homogeneity in terms of their reception, which is always tempered by complex political, legal and cultural genealogies. In the case of Cuban refugees to the United States, for example, it is interesting to note that the government has actively accepted them because they fled a

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<sup>2</sup> see <http://www.refugeecouncil.org.au/f/as-boat.php> for comparative statistics on numbers of boat migrants in various countries that typically receive boat migrants.

communist nation that has long been deemed an enemy to the US. This relative acceptance of Cuban boat refugees, as opposed to Haitian and Dominican, is the product of the 1995 *Wet-Foot, Dry-Foot Act* and hints at the ideological value that some boat arrivals play in advancing US imperialism in the region (see Barrios 2011). Nevertheless these boat arrivals are similar in the sense that they are framed, first and foremost in terms of the irregular means by which they arrive. The discourses and images that surface around boat arrivals has the almost ubiquitous effect of distancing the plight of the migrants from the human rights abuse, conflict and economic inequality that often prompts them to leave their countries (Pugh 2004).

Many scholars have noted that boat people are disproportionately represented in the media even though boat arrivals make up a relatively small proportion of total refugee flows in most countries (see Mann 2009; Pugh 2004). Yet there seems to be something about boat arrivals that captures the attention of a wide audience in destination countries and provokes intense discussion about national immigration policies. Significantly the association of asylum seekers with boats, and more specifically the seeming unrestricted mobility of these migrants across the open seas, seems to suggest that their arrival is “irregular” or “illegal.” Often talked about in nautical terms of tides, waves, or flows of refugees crashing ashore, boat migrants are often characterized as overwhelming and threatening. Indeed Macklin (2005) has argued that the very category of “refugee” has, of late been eroded leaving in its place the “illegal” migrant (see also Mann 2009). It could be argued that boat arrivals worldwide are contributing to this erosion and to an overall tendency in coastal refugee receiving states towards the securitization of refugee mobility. Understanding how refugee-receiving states discursively construct and act upon asylum seekers arriving by boat then provides a glimpse at one potential catalyst for the contemporary securitization of refugees.

### 1.1 *A brief history of boat arrivals in Canada*

The arrival of Tamil asylum seekers aboard the Sun Sea has activated a historical consciousness that connects to a long record of earlier refugee arrivals. In fact Canada has, in its relatively recent history, received a number of such boats on its coastal borders. The Sun Sea arrived less than ten months after a vessel named the Ocean Lady arrived on the same coast carrying 76 Tamils fleeing the same conflict in Sri Lanka. Not long before that, in the summer of 2009 almost six hundred Fujian migrants arrived on four separate boats from China. These three incidents are linked not only in the discursive labeling of these asylum seekers as “boat people”—among other labels attributed by Canadian and international media—but also in that they have served as a catalyst for debates about cultural Others in Canada. Like other mass arrivals of boat migrants, news coverage of the Sun Sea has provoked intense debate that has been framed as a manifestation of an epidemic “phenomenon of *illegal* migration by ‘unwelcome’ foreigners” and therefore as a problem which requires immediate intervention (Hier and Greenberg 2002:491). The sense of immediacy accompanying this inability to repel this “invasion” by unwelcome foreigners was no doubt aggravated by the fact that, first, these boats have travelled far distances across the open ocean to get to Canada and, second, that they came from a nation, Sri Lanka, torn by a civil war involving a “terrorist” organization like the Tamil Tigers, which had been recently defeated by the Sri Lankan government<sup>3</sup>.

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<sup>3</sup> Canada officially declared the Tamil Tigers—one faction of guerilla rebels involved in armed conflict with Sri Lankan government forces—as a terrorist organization. The criminalization of the Tamil Tigers has been documented in Canada and other countries by a number of scholars (see Thurairajah 2011; Orjuela 2011). These authors note that the labeling of the Tamil Tigers in Sri Lanka as terrorists has had profound implications for many Tamils living in the diaspora.

Many onlookers in Canada have pointed out that the anti-immigrant sentiment roused by these arrivals harkens back to at least two relatively ugly incidents in Canadian history that took place in the early twentieth century. The first involved the *Komagata Maru*, which arrived in Vancouver in 1914 carrying 376 predominantly Sikh refugees from India. A headline at the time read “Hindu invaders now in Vancouver harbour.” (Cader 2011:3). The framing of these people as “invaders” was used to justify the two-month detention of the ship and the fact that the passengers were not allowed to leave it. Eventually the boat was forced to return to India. There, British soldiers killed at least 26 of the Sikh refugees after they refused to disembark from the boat. Two decades later, the MS *St. Louis* arrived on the Atlantic coast of Canada carrying 900 Jewish refugees fleeing Nazi Germany who were turned away by Canada, the US and Cuba. Upon returning to Germany it has been reported that at least a third of those on board perished in the Holocaust.<sup>4</sup> It is interesting to note that the current Conservative government, in contrast to its attitude in regards to the *Sun Sea*, has publicly apologized to Indian and Jewish Canadians for the racist immigration policies that contributed to the ill fates of these migrants.<sup>5</sup>

After WWII, when Canada gradually adopted a more social-democratic profile and stronger welfare state, the Canadian state and public adopted a much more welcoming and generous attitude toward refugees, thereby moving away from those earlier attitudes that viewed them as sources of disorder and fear. And this more open attitude included new waves of “boat

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<sup>4</sup>[http://www.thestar.com/opinion/2008/05/27/voyage\\_of\\_the\\_ss\\_st\\_louis\\_journey\\_toward\\_a\\_better\\_future.html](http://www.thestar.com/opinion/2008/05/27/voyage_of_the_ss_st_louis_journey_toward_a_better_future.html)

<sup>5</sup> At the time of writing there is currently a heated debate in the provincial legislature in British Columbia about a leaked memo that explicitly links recent similar apologies made by the Liberal party for the *Komagata Maru* to a “multicultural strategy” (see <http://www.cbc.ca/news/canada/british-columbia/story/2013/03/02/bc-liberal-division.html>).

people.” In fact, between 1979 and 1981 Canada was awarded a Nansen Medal by the UN, recognizing its impressive humanitarian *welcome* of 60,000 “boat people” from Vietnam, Cambodia and Laos (see Ibrahim 2005:167-168). To be sure, these asylum seekers did not arrive *in Canada* by boat. They were sponsored by the Canadian government or Canadian citizens and organizations and then flown to Canada from countries of South East Asia where the boat people originally fled to. The association of these refugees with boats did not here evoke the same threatening response that the Sun Sea has. Instead it conjures a powerful sense of desperation worthy of a collective humanitarian response. Alongside the fact that in those years Canada also accepted many refugees fleeing from Latin American right-wing dictatorships (see Simmons 1993) this suggests that refugee acceptance in Canada has been affected by the ideological value of the conflicts they are fleeing and by the relative political context in Canada, then under the political hegemony of the Liberal Party. This more welcoming attitude even included the governments of the Progressive Conservative Party of Canada, which also had a liberal attitude toward refugees when it was in power in the 1980s and early 1990s.

The relative acceptance of this period notwithstanding, Canadian refugee policy has undergone a visible change in terms of both public and political support, particularly in the past decade, marked by the impact of the 9/11 terrorist attacks and more recently by the Government of Prime Minister Stephen Harper. This transition has been marked by the prevalence of framing asylum seekers in Canada, in official and media narratives, as “terrorists,” “economic migrants,” “queue jumpers” or otherwise bogus asylum seekers. Boat arrivals are thus particularly apt events to ask how it is that certain bodies in particular historical moments come to be popularly associated with humanitarian welcome while others provoke feelings of fear, distrust and hatred. The oscillation between the asylum seeker as a “victim” and as a potential “terrorist”—or a



subject to be saved versus a subject to be feared—suggests that the internalizing of securitization by the Canadian public has always been a *process* rather than a *fait accompli*. Accordingly scholars often define securitization as “the process by which issues are identified, labelled and reified as threats to societies’ good life” (Buzan et al. 1998: 21; see also Pugh 2004:50; Bigo 2002; Huysmans 2000).

“Security,” as the *outcome* of this process, is thus contingent on the cultural and historical construction of particular notions of a good life. Most studies of securitization engage with the ways that discourses are appropriated by states to mobilize public support and action against a highlighted threat. Often this takes the form of particular policy declarations and the formation of new laws and regulations. Viewed in this way securitization denotes the political labeling of an existential threat to society in such a way that renders a collective understanding. As Goldstein (2010:492) argues, we must then consider the performative aspects of security as a sort of “speech act” (Austin 1962) wherein “the ability to make a security declaration—to utter the word ‘security’ in reference to a particular threat or crisis—is an indicator of the political power of the speaker demonstrated by his or her ability to declare something a security threat *and to have that declaration recognized publicly as legitimate*” (*my emphasis*). To put it another way, securitization involves active ontological construction of both “security” and “threat” on the part of both states and citizens. The audience who hears the securitizing speech act is then vital in legitimating the perception of a given existential threat. This sentiment cannot be overstated if we consider that the state’s sovereignty is partially contingent on its ability to maintain the security of its members.

By affirming state declarations of threat, citizens implicitly grant the state the power to act upon this threat. It is here that what Agamben (2005) terms the “state of exception” is

enacted, wherein the state bestows itself the power to act outside of its own laws in the name of eradicating a threat to security (that is, in the name of “the exception” posed by the threat). As many authors have pointed out in relation to refugees, securitizing rhetoric allows state powers “to put certain social categories beyond protection of the law” (Humphery 2003:40). My contention is that the political mobilization of fear—linked to the labeling of asylum seekers as a threat to national security—is a necessary component of this process. The public moral and political panic that has often arisen around boat arrivals of asylum seekers in many countries suggests that this type of migrant plays an influential role in the process of securitization. In the next section I will turn to the securitization of Canadian immigration and refugee policy in relation to threatening events. I suggest that the Sun Sea has been part of this larger process of securitization but has also, like all boat arrivals in Canada, forced the Canadian state to redefine its borders in relation to the vast liquid international waters that surround it.

## Chapter 2: Liquid Borders, Risky Refugees and Securitization: A Policy

### Response

In October of 2010 Vic Toews, Minister of Public Safety and Jason Kenny, Minister of Citizenship, Immigration and Multiculturalism held a press conference staged in front of the *Ocean Lady*. The public forum was used to introduce a new bill, which was aimed at cracking down on human smugglers who transport migrants like those aboard the *Sun Sea* and the *Ocean Lady*. The bill, which was bluntly titled the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, imposes mandatory twelve-month detention of “irregular” arrivals to Canada and stipulates that such decisions are not subject to judicial review. During this press conference, the Ministers suggested that the new bill will deter asylum seekers from “jumping the queue,” and will maintain the fairness of the Canadian immigration system.

According to Toews,

"Our Government is taking action to prevent the abuse of Canada's immigration system by human smugglers. The legislation introduced today will send a clear message: Canada opens its doors to those who work hard and play by the rules while cracking down on those who seek to take advantage of our generosity and abuse our fair and welcoming immigration system."<sup>6</sup>

The public spectacle of the news conference itself was here as important as the information contained in the bill—not to mention the fact that it was the Minister of *Public Safety* that was introducing the bill. The backdrop of the *Ocean Lady* provides a visual weight to the Ministers' announcements. It is suggested that the *Sun Sea* migrants are part of the same smuggling operation that brought the 76 *Ocean Lady* migrants to Canada. Despite the fact that all of the

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<sup>6</sup> (Public Safety Canada Website: <http://www.publicsafety.gc.ca/media/nr/2010/nr20101021-1-eng.aspx>).

Ocean Lady migrants had, by this point, been freed from detention and cleared of any risk to the Canadian public, they are here used to justify viewing the Sun Sea migrants as a threat to Canadian security. Moreover assertions about “queue jumping” and “human smuggling” in the same statement links these boat migrants to criminal networks and suggest not only complacency, but also a premeditated and conscious effort to undermine the limits of Canadian generosity. The bill also signals a symbolic spatial and temporal restructuring of Canadian borders in relation to future boats crossing the ambiguous divide between Canadian and international waters. Discourses of risk provide a depoliticized language in which an abstract external threat can be internalized as a felt quality of fear directed at an ambiguously defined group of boat migrants (see Andersson 2012). Through an analysis of recent border policies in Canada I evoke Sarah Ahmed’s (2004:128) argument that “fear does not involve the defense of borders that already exist; rather, fear makes those borders, by establishing objects which the subject, in fearing, can stand apart, objects that become ‘the not’ from which the subject appears to flee.” Securitization acts here to reposition the border at both the boundaries of the territorial nation but also simultaneously in the immanent realm of the everyday.

The *Preventing Human Smugglers from Abusing Canada’s Immigration System Act* is a recent product of a more general trend in Canada towards blurring the boundaries between immigration and refugee policy and security. In June 2002 the *Immigration and Refugee Protection Act (IRPA)* came into effect in Canada. It was originally tabled as Bill C-32 and was primarily oriented towards transnational organized crime—usually in the guise of fraud and drug trade (Pratt 2005:3). The original bill contained a significant emphasis on pre-emptively combating an abstract threat that was easily configured to encapsulate the “new” threat of global

terrorism in the new bill (known as C-11). The bill extends the use of detention along the lines of flight risk, public danger and inability to prove identity to apply at any port of entry and at any point in the determination process (see Gavreau and Williams 2002). As Pratt (2005:3) comments, instead of trying to quell the fear that had inspired anti-immigrant and anti-refugee sentiments in Canada following the attacks of September 11, the government seemed intent on mobilizing widespread fears in aiding the “War on Terror” effort. Thus this period saw two other major bills that were directly aimed at curbing dangerous movement across Canadian borders. The first bill, the *Smart Border Accord*, was passed along with the IRPA in an effort to ensure economic relations between Canada and the US in spite of an impetus to tighten border controls between the two countries (see Lansing 2007:65; Brunschot et al. 2005:652). The bill functions on a bilateral information sharing agreement, modeled after similar agreements between EU member states, that allows US and Canadian border officials to screen people, vehicles, and goods before they cross the border. The second bill, the *Safe Third Country Agreement*, was passed in 2004 and explicitly acknowledged that the US and Canada would return asylum seekers to the country of their first port of entry (Lansing 2007:65). The implication of this agreement is that asylum seekers landing first in Canada cannot make their asylum claims in the US and visa versa. The agreement also sets out a number of other measures to limit the amount of refugee arrivals in both countries, such as pre-screening of refugee claimants by the Canadian Security and Intelligence Service. The stated aims of the agreement noted on the Immigration Canada website are to

[allow] the governments of both countries to share the responsibility of providing protection to those in need, enhance the orderly handling of refugee claims, strengthen public confidence in the integrity of the Canadian and the United States

refugee systems, and reduce abuse of both countries' refugee programs.<sup>7</sup>

However, we must also note the fact that, save for the US-Canadian land border, Canada's geographical dimensions are then effectively fortified by water on its other three sides: The Atlantic, the Pacific, and the Arctic sea. These bills thus make it virtually impossible for potential asylum seekers to enter Canadian territory by land while ensuring the flow of desirable flows between the US and Canada.

The Canadian border has thus, in the past ten years or so, undergone a sort of *re-bordering* (Rumford 2006) that has in effect moved the borders to points of entry inside the country by planes and thereby via airports and simultaneously expanded the borders outwards into the sea. In her insightful study of the *Smart Border Accord*, Côté-Boucher (2008:144) argues that Canadian boundaries have become a “diffuse border” which she states “is a nebulous entity for the monitoring of mobilities, as well as the management of perceived threat, outside, inside and on the geopolitical border shared by Canada and the United States.” She is here reading from Deleuze's (1989) notion of the apparatus—a tangle of moving lines which acts to render certain objects visible, while creating (and falsifying) certain forms of knowledge and subjectivities. Boat migrants like those on the *Sun Sea* confound the spatial order of the geopolitical territorial border between the US and Canada, and extend the notion of “threat” along the liquid borders of North America. Boat migrants like those on the Sun Sea become material reminders of the porosity of the diffuse borders between Canada and international waters, in spite of its new apparatus of border control. Moreover the new regime also forges a casual relationship between “refugee” and terrorism, insecurity and criminality (Côté-Boucher 2008:150) in ways that

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<sup>7</sup> <http://www.cbsa-asfc.gc.ca/agency-agence/stca-etps-eng.html>.

suggest that the porosity of Canadian borders is somehow a product of certain migrants (see Ahmed 2004).

What I wish to emphasize here is that these bills reiterate that threat to Canadian society is virtually unknowable and potentially anywhere. It is possible to see in the Canadian state's impetus to frame the legacy of the *Sun Sea* in terms of human smuggling that political action must then be aimed not so much at eradicating threat as in managing the *risk* of threat. It is important to note that risk management denotes that threat can never truly be immobilized and therefore that the most viable option is to mediate the existence of risk in the future. In a press release from Citizenship and Immigration Canada (CIC) the Minister of Immigration "[Jason] Kenney noted that while it may not be possible to completely eliminate human smuggling, there are actions that can reduce its frequency" (CIC 2010; see also Global Detention Project 2012:10). Hence the threat posed by the Sun Sea migrants is placed squarely in a future possibility that may or may not actually take place. As Massumi (2005:35) remarks, the preemptive futurity of unactualized threat is paramount to understanding how securitization is produced:

"a threat is only a threat if it retains an indeterminacy. If it has a form, it is not a substantial form, but a time form: a futurity. The threat as such is nothing *yet*—just a looming. It is a form of futurity yet has the capacity to fill the present without presenting itself. Its future looming casts a present shadow, and that shadow is *fear*. Threat is the future cause of a change in the present."

The spatial reconfiguration of the borders away from Canada's land border and subsequent orientation towards its nautical territory was paralleled by a temporal shift from border crossings taking place at present to those that were yet to occur. In other words, securitization transfigured from an emphasis on border protection to the pre-emptive deterrence of those yet to come and

the expulsions of those transgressors that are already among us. Thus, despite its title, the Immigration and Refugee Protection Act, and those policies that were legislated around it, provided very little in terms of protecting refugees and other migrants (Pratt 2005:5). The risk involved in flows of asylum seekers into Canada is here, through these artifacts of securitization, dramatically reversed. Though it is the hopeful refugee who faces the risk of drowning, shipwreck, and dangerous waves and tides throughout their journey, it is the asylum seeker who is presented as a threat to security (Pugh 2004:55; Huysmans 1995). In their pre-emptive tendency to label all refugees as a potential threat to nation-wide security, policies like the IRPA make irrelevant the inherent risks many boat migrants face in travelling to Canada as well as the socio-political forces that impel asylum seekers to endure these risks. We must also consider the fact that these policies have not removed the threat associated with refugee flows. Rather, they force the arrival of asylum seekers to become more erratic, unpredictable and dangerous for them. Arrivals of large numbers of asylum seekers on rusty boats heading across the open ocean signify the fact that the consequences of risk are still borne by them. We must ask then, how it is that asylum seekers, many of whom leave their homes because of their own fears of persecution, can themselves be made objects of fear?



### Chapter 3: Media Discourses and the Crafting of Crisis<sup>8</sup>

The most salient feature of the arrival of the *Sun Sea* to Canada was the declaration of an impending political and moral crisis. As Ahmed (2004:132-133) claims,

“to declare a crisis is not ‘to make something out of nothing’: such declarations often work with real events, facts or figures... [b]ut the declaration of crisis *reads* that fact/figure/event and transforms it into a fetish object that then acquires a life of its own, in other words, that can become the grounds for declarations of war against that which is read as the source of the threat.”

Indeed a public poll conducted in September 2010 reported that 50 percent of Canadians felt that the migrants aboard the *Sun Sea* should be deported back to Sri Lanka even if they are found to have legitimate claims to refugee status (Vision Critical 2010). This is in spite of the fact that Canada received only 23,160 asylum applications in 2010, almost 10,000 less than it received in 2009 (UNHCR 2011; GDP 2012:24). Thus, as Ahmed implies such a reaction is not merely fabricated from nothing and most crises are attached to actual events. Yet there is nothing about the arrival of the *Sun Sea* that suggests it should inherently provoke a crisis. Largely framing the arrival of the *Sun Sea* as overwhelming, the Canadian state and the media has largely propagated the notion that this arrival is threatening Canada’s immigration system itself. According to Hay (1996:261) the influence of media “does not reside in the power of direct indoctrination, but in the ability to frame the discursive context within which political subjectivities are constituted,

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<sup>8</sup> In order to generate the data used in this section I utilized the search engines *Lexis/Nexis* and *Canada Newsstand Complete* to compile a vast number of articles published in Canadian media about the *Sun Sea*. Using these search engines I performed a number of searches with the key terms “Tamil,” “Sun Sea,” “Tamil Tigers,” “Refugee,” and “boat.” I conducted a *Google* search to find online versions of many of these articles and examined comments posted online by readers to analyze how some Canadians were responding to the sentiments communicated in the articles. I also searched a number of blogs and advocate organization websites to gauge how advocates framed their responses to the controversy stirred by this arrival.

reinforced and reconstituted” (see also Hier and Greenberg 2002:490). The arrival of the *Sun Sea* shares much with other recent boat arrivals, especially in the ways that the responses of the Canadian media and public have disproportionately framed these asylum seekers as “bogus refugees” or on the ineffectiveness of the Canadian refugee and immigration system (Mountz 2004:334; Hier and Greenberg 2002; Ibrahim 2005).

It is significant then that mass arrivals of asylum seekers aboard boats like the MV *Sun Sea* tend to be framed first and foremost in terms of the irregular means by which they have arrived. These refugees are represented in words and images that remove them from the inequalities of the global economy and intense conflict that compel these bodies to move while simultaneously rendering their need for assistance irrelevant or utterly invisible. As Pugh (2004:53) comments “the language and images employed by press and politicians suppress their rationality, dehumanize them and suggest an analogue with natural disasters.” Complicit in framing arrivals of asylum seekers as “terrorists,” “queue jumpers,” “illegal migrants,” “economic migrants,” “boat people” or other affect loaded essentialisms this framing reinforces the overall characterization of asylum seeker bodies as affective commodities of threat and disorder. The sheer numbers of these bodies emphasized in news reports also reinforces a sense of moral panic that the nation is under crisis. The consequence of being framed as “bogus refugees” and therefore as threatening has the unfortunate result of suggesting there are two types of refugees: those that are genuine political refugees, and those that are criminal migrants out for economic gain.

What I want to suggest in this section is that media coverage of these arrivals has been instrumental in attaching risk to the bodies of these migrants and consequently the anti-

immigrant discourses that have arisen in Canada alongside their arrivals. Presenting mass arrivals as irregular and illegal forms of migration, news media has provided a palpable discursive space for the Canadian state to mobilize portions of the population against these unwelcome foreigners. This is not a new phenomena in Canada. Writing about the 600 Fujianese refugees that arrived in 1999, Hier and Greenberg (2002:491) write that shortly after their arrival “a substantial portion of the public and the news media came to perceive the immigration and refugee systems in general, and *illegal* migration in particular, as an index for the ‘problem’ of Canadian state security and the resilience of collective national identity.” In declaring a moral crisis the media discursively renders fear material and thus transforms affect into a possible channel for political action. The written articles and pictures that documented the arrival of the *Sun Sea* illustrate this process in the ways that the refugees are dehumanized and their own stories overshadowed. Though I focus here primarily on a particular portrayal of the *Sun Sea* migrants that includes the obvious anti-immigrant sentiments of some reporters and members of the public responding to online stories, these representations were not uncontested. Thus in the final section I will turn to the responses of activists, lawyers, opposition party politicians, Tamil organizations and community, and other members of the Canadian public who have supported the plight of the people on the *Sun Sea*.

### **3.1 Tamil Refugees as a Sea of Humanity**

It has been suggested by Liisa Malkki (1996:386) that pictures and other representations of refugees have become a key vehicle for shaping the transnational social imagination of refugeeeness. Most common to such representations are images that display an undifferentiated mass of humanity, what Malkki terms, a “sea of humanity,” non-white bodies pressed together

into a uniform yet utterly confusing and frenzied mass. Though her insights are levied at the unwitting dehistoricization of refugees by humanitarian regimes—working within another affective economy to be sure—her argument could easily have been written about those bodies on the Sun Sea. Early media stories about the *Sun Sea* were commonly accompanied by images of the boat with all of its occupants crammed on deck, with every visible space filled with the Tamil occupants.<sup>9</sup> What is important about these images is not just the sheer number of people, but the lack of detail the reader can perceive about those bodies on the deck. Like those that Malkki (1996:387) describes, in such images, “an utter human uniformity is hammered into the viewer's retina.” This is a spectacle of what Agamben (1998) has called “bare life” wherein the inhabitants of a particular space are stripped of their social, political and cultural existence. Much like the inhabitants of refugee or concentration camps, the bodies aboard this ship are reduced to a basic biological humanity. This mass of bodies lends an ominous feeling because there is no detail that distinguishes them from each other, or from many people already living in Canadian society. As Ahmed (2004:122) has commented, the fact that such bodies remain undefined is central to the reasons they are feared. Left undefined, the mass of refugees aboard the boat threatens to “pass by” our borders and slip anonymously into Canadian society. Photos like this are often accompanied by references to the refugees aboard the boats as “tides” (Iverson 2010) or “waves” (Libin 2010) of Tamil Refugees that will flood or swamp the Canadian immigration system. However what is obscured in photos like this one is that each of these bodies has “a name, opinions, relatives, and histories” and each “has reasons for being where he is now: inside the frame of this photograph” (Malkki 1996:388). Reduced to bare life, these bodies become

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<sup>9</sup> See for example, <http://news.nationalpost.com/2012/03/07/mv-sun-sea-thayakaran-markandu/>.

subjects to be acted upon instead of individuals who have, through their own acts of determination, travelled great distances to change their individual political and social circumstances. The effect is dehumanizing.

### **3.2 Tamils as Illegal “Cargo”**

In terms of written narrative about the Sun Sea one of the most noticeable dehumanizing devices is the almost ubiquitous usage of the word “illegal” to describe the mobility of its passengers. As Ibrahim (2005:175-176) found in her study of the similar arrival of Fujian refugees, “the fact that the migrants arrives to Canada’s shore by boat and not through legal channels criminalized the migrants.” Indeed from the day the Sun Sea arrived, the Tamil people aboard were framed in terms of the human smuggling operations that facilitated their arrival:

Asked what Ottawa could do to prevent more boats of illegals from heading to Canada, Public Safety Minister Vic Toews said Thursday the Tories want to make this country less welcoming for future shipments of human cargo (Ibbitson et al. 2010).

If enough ships and enough people come ... jumping the queue, then we're going to be seen not as a compassionate country but as an easy pushover," Peter St. John, an expert at the University of Manitoba, told CTV News (Whittington 2010).

Referred to as “illegals” and “cargo,” these people were already being framed in the media as nonhuman-like objects, merely as unwanted or illicit products that are shipped to Canada rather than individuals exerting human agency through their mobility. As Hier and Greenberg (2002:501) remark, this “racialized imagery served to accommodate ‘common sense’ ideological rationalizations of migrants as ‘illegals,’ infringing on the boundaries of the states and existing outside the landscape of Canada’s imagined community” (see also, Bradimore and Bauder

2011:11). Non-human agents in the first quote, in the second the people on the *Sun Sea* are discursively rendered as “queue jumpers” and thus as complicit in criminally disrupting the natural order of things. What’s more, the message is that if Canada does not do something to stop the boats more waves of humanity will surely come crashing up on the shores. The added force of the “expert” in the second quote lends both a sense of credibility to this statement and a sense of dramatic immediacy. Whether the Tamil refugees are passive victims merely being trafficked to Canada in the same way as illegal goods or active and devious members of a human smuggling network, it is the method of entry to Canada that defines who it is these refugees are. This precludes other narratives that may explain why the boats left Sri Lanka and why the Tamil asylum seekers may have utilized smuggling networks. Furthermore, the suggestion that refugees should wait in a “queue” in the country that they believe they are being persecuted in is left unproblematic, eclipsed instead by the fear that there may be more boats already en route to an easy destination with weak borders. The supposed illegality of the method of arrival of the Tamil migrants is also questionable in terms of article 31 of *the UN Convention of Refugees* (1951), to which Canada is a signatory nation. The article declares that no nation may penalize a refugee for entering a country illegally as the very persecution that refugees face likely necessitates leaving their country illegally.

### **3.3 Tigers and Terrorists**

It must also be stated that, even before the ship had landed, the media had framed the ship in a zero-sum definition as either “terrorist” or “genuine refugee” and had already begun to emphasize the greater possibility of the first label. Many articles implied that the asylum seekers either had connections to, or were themselves part of the Liberation Tigers of Tamil Eelam

(LTTE)—more commonly known as “Tamil Tigers.” In 2006 Canada officially added the Tamil Tigers—who at that time were still actively fighting the Sinhalese army in Sri Lanka—as a “terrorist organization” (CBC 2006). As Canada has one of the largest Tamil diaspora populations outside of Sri Lanka, it was not long before many Tamil Canadian citizens began to feel the stigmatizing effects of this designation in their new homelands (Thurairajah 2011). Thus when public figures like Public Safety Minister Vic Toews began to speculate about the possibility of Tamil Tiger connections to the *Sun Sea*, the media quickly began to suggest the idea that this was a homegrown problem. Indeed in an article written three days before the *Sun Sea* arrived in Canada Rohan Gunaratna—the head of an international terrorism research institute—claimed that “the Tamil Tigers are raising money by running human smuggling operations while getting their cadres into Canada at the same time” (Toronto Star Aug 10, 2010 A1). The article goes on to suggest that the 76 Tamils who arrived aboard the *Ocean Lady* a year prior to the *Sun Sea* “have been released not because they are not terrorists but because the manner in which refugee law exists in Canada” adding that those individuals all live in the Greater Toronto Area. Again it is suggested that it is the lack of action on the part of the state that has “allowed” this ship to set sail for Canada. By allowing earlier groups of Tamil migrants into Canada we have unwittingly now contributed to global terrorism. The fact that there is a large community of Tamil people living in Toronto is taken as evidence that potential terrorists/criminals have “passed” into our communities where they are surely planning the impending arrival of their comrades. Thus human smuggling, queue jumping and terrorism are collapsed into “the refugee”—an already affectively burdened sign.

These suggestions seemed to be confirmed by other media headlines and stories that speculated about the actuality of other impending boat arrivals. Even before the *Sun Sea* had

arrived in Canadian waters, news reports began reporting about two more ships that were apparently en route to Canada:

The migrants are believed to be largely Tamils from Sri Lanka, and the Harper government said intelligence sources give it reason to believe the passengers include human traffickers and people linked to the Tamil Tigers. A federal government source has said Ottawa puts stock in reports that two foreign ships are in South Asian waters collecting passengers with an eye to coming here (Leblanc and Youssef 2010).

To my knowledge, neither of these boats allegedly full of terrorists/smugglers/queue jumpers—whether they ever existed at all—ever arrived at a Canadian shoreline. Nevertheless, the futurity of threat is what gave these headlines their affective efficacy, for “it is true because it is *felt*” (Massumi 2010:53). Therefore all that is needed is the sense of urgency prompted by the idea of more arrivals to legitimate fortifying the borders with more drastic interventions. Likewise, Baudimore and Bauer (2011:22) have pointed to the fact that presenting an ever-pending arrival of more ships is a common rhetorical device in such media reporting which fosters public anxiety over the idea that “the nation could be ‘flooded’ by ‘waves’ of poor refugees.” The metaphor of a “sea of humanity” to describe the images and discourse in the media coverage of refugees could not be more apt here as Canadian citizens wait for more impending ships full of risky bodies arriving on actual waves. Both political and popular media coverage legitimates a fear of being flooded by human threats. As Pratt (2005:14) points out, this does not only represent the easy slippage between categories of refugees as fraudulent, victims and criminals but also speaks to the continued “operations of spectacle in the application of sovereign power in this field.” Here public safety, national security and the protection of the immigration system are embedded discursively into the narrative of an apparent crisis signaled by the arrival of asylum seekers.



### 3.4 Economic Refugees: Out of Queue

While it is not surprising that those groups and individuals that are seen as political threats to the state are the subject of measures of exclusion, mass arrivals of asylum seekers like the Sun Sea illustrate the expansion of these categories to encompass those that threaten economic security. Like in other instances of boat arrivals this has been notable in the marked separation of “genuine” refugee claimants from so-called “economic migrants” who are assumed to have left their country of origin not for their own safety but in order to seek “upward socioeconomic mobility” (see Greenberg 2000:523; see also Bradimore and Bauer 2011:11). Rhetoric in this regard is couched in language of the “deserving” refugee—that is, a refugee that is non-white, visibly poor, victimized. Headlines like this one very quickly began to circulate in popular media: “RCMP eye Canadian financial ties to Tamil ship; \$50,000-per-passenger fee raises questions over illegal aid to pay for migrants' Voyage” (Youssef 2010).

In articles like this one, the idea that refugees would be able to afford the alleged \$50,000 to pay for the journey from Sri Lanka to Canada casts serious doubts on the motivations for seeking refuge in Canada and the probability of these people ‘actually’ facing persecution in Sri Lanka. It follows that people who are relatively well off financially should be able to evade persecution or at least buy a solution closer to home. It is implied that a racialized threat already exists within the Canadian population, one that is proliferating because of a naïve Canadian generosity, as the Tamil diaspora is thought to be importing fellow Tamil Tigers. It is also important to note that some of the Sun Sea migrants have publically cited that the cost of boarding the ship was much closer to \$3,000 and that raising the money for the trip involved liquidating entire family assets (see De Rosa 2012).

Another implication of such economically oriented media coverage is that these migrants wish to take advantage of the Canadian welfare system. Take for example these comments left by readers of a Globe and Mail news article:

MontrealAtheist Posted on August 15, 2010

We have more important things to do with our tax money than throw it after some lazy bogus refugees who have no shame in letting honest Canadian taxpayers pay for their existence and who need to lie to our government in order to get their bogus refugee claims accepted. As much as I try, I cannot think of any lower form of life than these boat people.

hyphonatedcanadians? Posted on August 18, 2010

If anybody can pay \$40-50 thousand to get to here. How can anybody consider these people refugees? Refugees cannot afford the basics! These are not refugees... These people were not being chased by the Sri Lanka Navy & their ship was not being fired on! It's simply better to slither into Canada and get millions of \$. (It's a lottery win for them). (Chase et. Al 2010).

The concept of 'bare life' is explicit in this hate speech. The declaration "I cannot think of a lower form of life than these boat people" made by MontrealAtheist illustrates the way that the bodies on the Sun Sea have, for some people, been reduced to such a subhuman state. This quote links the very existence of the Tamil refugees to the will of the Canadian taxpayers and thus to the unworthiness of refugee bodies compared with Canadian bodies. These comments also illustrate the ways that global economic inequality is discursively abstracted from the everyday violence of communities in some countries. The refugee is again supposed to be destitute and dependent on Canadian generosity to provide even basic needs. Pugh (2004:55) comments that this type of discourse presents "an absurdity: that asylum will be granted only to those who will gain no economic benefit" and moreover only to those that never had money in the first place. Thus media discourse and images separate the economic, human rights and movements of

asylum seekers in ways that serve not only to de-legitimize their claims but also to flatten the complexity of displacement into two-dimensional symbols of threat.

To be sure, the hate speech of these two posts do not represent the perspective of the majority of Canadians and, as I will discuss below these types of narratives have been rejected by many others who comment on these stories. However comments that display this amount of vitriol permeate the discussion boards below almost every story about the Sun Sea. In fact, it is very difficult to find comments on these stories that frame the migrants in a positive, or at least somewhat more balanced manner. Moreover events like the arrival of the Sun Sea allow members of the public who have these deep-seated feelings to voice them in relation to actual migration events. It is interesting to note that these narratives reproduce, albeit in exaggerated form, some of the dominant state and media discourses about refugees in Canada. What all of these representations of the Tamil asylum seekers share is the idea that the supposed illegality of these migrants was inscribed in and on their bodies. As others have suggested boat migrants are thus part of a wider discourse that criminalizes and racializes bodies by positioning them as threatening others (di Tomasso 2012:240; Smolash 2009). These bodies, whether trafficked/trafficker, terrorist, queue jumper or otherwise bogus refugees, become the most visible expressions of an ongoing undermining of Canadian political borders. Thus, as Mountz (2004:342) writes “[f]or the state, the body is a geography of terror, pronounced through nomination, racialization, and identification.” What is important to note in this arrangement is that fear positions the refugee as an aggressor and the Canadian citizen as a victim. Interestingly the state positions itself as a victim of the asylum seekers in spite of the fact that many of these asylum seekers are themselves seeking protection from a state. With the state under siege citizens become the line of defense from external invaders.

## Chapter 4: Resisting Fear and Activating (Human) Security

“No one is Illegal, no one!

Jason Kenney go away! Let the Tamil migrants stay!”

--Chant by No One is Illegal protestors in Ottawa, 2010.<sup>10</sup>

There are no more effective borders than the ones that are erected by fear in the hearts and minds of individual citizens, for it is this vast network which justifies the securitizing measures of the state. According to Beasley-Murray (2010:142), this is part of the state’s machinery of capture wherein the state constructs a striated space composed of a series of exclusions and categorization that “produce the illusion of a rational nonnativity.” Thus, in constructing the object to be feared, the non-citizen “alien” that is apparently invading (or has already invaded) our borders, the state is also constituting its ideal citizenry. Robin (2004:33) has pointed out that, for Hobbes fear has long been subject to considerable political manipulation by the state. For Hobbes

because the subjects of the state did not naturally fear those dangers the state deemed worth fearing, the state had to choose people’s objects of fear. It had to persuade people, through a necessary but subtle distortion, to fear certain objects over others. This gave the state considerable leeway to define, however it saw fit, the objects of fear that would dominate public concern (Quoted in Goldstein 2010:490).

In garnering a collective fear of a common and elusive enemy, the state is able to construct an appropriate and immanent response to those others labeled as threats. While the Canadian state has largely been successful in generating enough fear about the Tamil asylum seekers to justify new bills aimed at curbing refugee migration to Canada, I do not want to suggest that the state is always successful or that citizens are easily manipulated into xenophobia. Rather the significant

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<sup>10</sup> <http://www.youtube.com/watch?v=ubQi55IYOjE>

amount of work that goes into constructing asylum seekers as fearful is evidence that securitizing discourse rarely goes uncontested. In fact, as Ellerman (2010:413) argues, the “boundedness of liberal state power is particularly apparent in contexts where the state’s exercise of sovereignty hinges upon the cooperation of those under its jurisdiction.” The objective of this section is to highlight some of the ways that the Canadian Tamil community, activists, and members of opposition parties in the Canadian government negotiate the shifting boundaries of Canadian sovereign power. Ultimately, the Conservative Party has largely retained its ability to declare and act upon threatening mobilities. But these voices signal an ongoing attempt to subvert, mitigate or otherwise destabilize dominant security discourses.

#### **4.1 Tamils, not Terrorists!**

Immigration rights activists and groups were quick to respond to early allegations that the Sun Sea migrants were threats to national security. One of the ways that many of these advocates acted was to try to communicate to the Canadian public the ongoing persecution of Tamils by the Sri Lankan government in spite of a formal end of the highly publicized civil war in 2009. Lorne Waldman, a lawyer representing many of the Sun Sea migrants, reiterated the fact that the Sri Lankan government has been charged with continued human rights abuses:

International aid agencies have reported that even though the war is over in Sri Lanka, there are brazen human rights violations in Sri Lanka. They are not jumping any queue but fleeing in rickety boats for their lives (*Toronto Star*, August 13, 2010).

Indeed the UNHCR released its *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka* (2010), which highlights the fact that many segments of the Tamil population in Sri Lanka are being targeted by the state. Amnesty International (2012) and others have also cited the massive amount of civilian deaths in the last offensives of the civil

war, the ongoing detention of suspected Tamil Tigers, the restriction of Tamil mobility and freedom of speech, and the 80,000 Tamil individuals still confined to state camps as reasons to suspect that there is ongoing persecution of Tamils in Sri Lanka (see also Human Rights Watch 2010). This statement also suggests the amount of desperation that prompted the Sun Sea migrants to flee for their lives on “rickety boats.” Risk is here used to provide a language to understand the motivations for taking to the seas and to comprehend the desperation of the situation in Sri Lanka. As David Poopalapillai, National Spokesperson for the Canadian Tamil Congress—a Toronto organization that represents the 200,000 Tamil Canadians living in Canada—has remarked:

Taking to the seas in a boat like this is very risky... We can only imagine that the people on board must have been very desperate to undertake such a dangerous voyage. We hope that our fellow Canadians will listen sympathetically to their stories and will support the government’s fair application of the law (Amnesty International, et al. 2010).

Rather than see the fact that the Sun Sea migrants arrived by boat as an illegal entry into Canada, Poopalapillai is suggesting that the boat arrival is in and of itself a sign of the desperate political situation in Sri Lanka. A diverse number of other Canadian rights groups added their support to the call for compassion and to ensure that the Sun Sea migrant receive fair processing in accordance with Canadian law, including the Canadian Peace Alliance, the Canadian Association of Sexual Assault Centers, the Ontario Federation of Labour, the Canadian Arab Federation.<sup>11</sup> The claim that the Tamil migrants should have rights to a fair refugee hearing became a constant refrain in the public statements by almost all advocates.

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<sup>11</sup> see <http://www.tamilnet.com/art.html?catid=79&artid=32438>

## 4.2 Tamils Deserve Rights

Many critics of the government public stance on the Sun Sea pointed to the fact that Canada is a signatory state to the 1951 United Nations Convention on Refugees, arguing that the Canadian state is therefore obliged to process all refugee claims made by the Sun Sea migrants. The Convention (UNHCR [1951] 2007: art 31.) states that no signatory member may disregard asylum claims based solely on the illegality of the method of entry of claimants into a receiving state (see also Humphrey 2003:37). In this vein the Canadian Council of Refugees, Amnesty International and the Canadian Tamil Congress released a joint statement titled *The Rights of Tamils on Boat Need to be Respected* (2010). This statement recalls not only Canada's record of accepting Tamil refugee claims, but also that "whether they arrive by plane, foot or boat, people seeking refuge from human rights abuses have a right to an individual hearing on the reasons why they fled." A number of other advocates have gone further in claiming that the Conservative government has actively been fanning public anti-immigrant sentiment in order to consolidate its own political agenda. In this vein Harsha Walia, a spokesperson for the immigrant rights group No One is Illegal has cited the fact that the Canadian government had made similar accusations of terrorism about the Ocean Lady migrants and that these allegations had turned out to be completely unfounded. According to Walia, this is evidence that the Canadian government is deliberately positioning the Sun Sea migrants in this way to bolster their political power:

The Canadian government is relying on fear-mongering and racist stereotypes to justify their new prison budget and the violent incarceration of asylum seekers, many of whom are women and children. The Conservative government throws around the catch-all phrase 'terrorism' to create an atmosphere of paranoia and to prevent any public or media scrutiny of their actions. This is reflected in a growing trend of anti-refugee policies and sentiments under Minister Jason

Kenney.<sup>12</sup>

The charge of political scapegoating of the Sun Sea migrants is a recurrent theme in many non-mainstream publications and blogs (see for example Giese 2011). According to Myer Siemiatycki, a professor of immigration settlement studies at Ryerson University, the problem is that “[w]hen the government uses words like smuggling, Tamil Tigers and terrorists, most Canadians assume there is evidence, but there isn’t... and making statements like that is irresponsible and does terrible injustice to the people on the boat” (Toronto Star Aug 16, 2010). These critiques have pointed to the ways that the Canadian state has intentionally used affect laden terms in ways that garner public suspicion of the people onboard the *Sun Sea*—and potentially to all asylum seekers in Canada. Perhaps the biggest point of contention in this regard has been, and still continues to be, over the governments new anti-smuggling legislation spurred by the arrival of the Sun Sea.

#### **4.3 Human Trafficking: Deport the Cook?**

One area where the criticisms of activists, legal advocates, academics, members of parliament, and both domestic and national rights agencies managed to coalesce was in terms of the Conservatives new legislation targeting human smugglers. For example, in a statement which parallels the language used by Walia’s, Liberal MP Keith Martin publicly denounced the loose framing of the Tamil Sun Sea migrants as “terrorists.” According to him “The feds are using the migrants as a straw man to make themselves look strong” adding “Toews [Public Safety Minister] loves to talk about this boat being filled with terrorists and human traffickers. But if you’re a trafficker you don’t get on a boat and spend three months risking your life on a filthy,

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<sup>12</sup> <http://noii-ottawa.blogspot.ca/2010/08/uphold-rights-of-tamil-migrants-aboard.html>



crowded boat." (*Calgary Herald* August 14, 2010)<sup>13</sup>. As mentioned above, in the wake of the Sun Sea arrival the Conservative-led government proposed the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, which, among other provisions established that any arrivals deemed "irregular" are subject to immediate detention without judicial review. Specifically opponents of the bill claimed that, if passed, the bill would contravene imperatives against arbitrary detention set out in the *Canadian Charter of Rights and Freedoms*; the *Refugee Convention*; and the *Convention on the Rights of the Child* (see Global Detention Project 2012:9). Citing the relatively small number of Sun Sea migrants actually accused with having links to Tamil Tigers (Naumetz 2011), some critics have suggested that it is inappropriate to detain individuals that have likely endured severe trauma—including the three month journey aboard the Sun Sea (Nakache 2011:61). The Canadian Bar Association, which represents the approximately 37,000 jurists, law students and teachers, lawyers and notaries in Canada stated boldly that "little of Bill C-49 is directly aimed at deterring human smugglers from facilitating irregular mass arrivals. The principal targets of Bill C-49 are the refugee claimants themselves, whether genuine or not" (CBA 2010:1).

It is significant that, largely due to public pressure, the bill could not be passed as it was tabled because Prime Minister Harper had a minority government. The bill was reformed and later passed after the Conservatives won a majority of seats in parliament in 2011. However, in January 2013, a British Columbia Supreme Court Judge struck down a section of the new bill effectively halting a number of Sun Sea court cases. Specifically the Judge ruled that the

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<sup>13</sup> Also see the political debate of the *Preventing Human Smugglers from Abusing Canada's Immigration System Act* and its subsequent incarnations on the Open Parliament website: <http://openparliament.ca/bills/41-1/C-4/>.

definition of a “human smuggler” was left too vague to effectively adjudicate the Sun Sea claims. The ruling, which was reported in a number of major Canadian newspapers, stated that “as the law stood, a human smuggler was defined as anyone who might ‘knowingly organize, induce, aid or abet’ someone coming to Canada who does not have a visa, passport or other required documentation” (Burgmann 2013; *CBC* January 14, 2013; Fong 2013). Many critics of the anti-smuggling legislation have noted that the definition also potentially implicates humanitarian workers and legal representatives working with the Sun Sea migrants as aiding illegal migration. For example, Phil Rankin, a lawyer who has represented one of the Sun Sea migrants targeted for deportation was quoted saying, “I’m not very clear on what it means to assist refugees. I’ve worked with refugees all my life and I’ve assisted them all my life. Am I an aider and abetter to smuggling? Because the section is so broad then perhaps I am.” Rankin thus points to the ambivalent distinction between aiding illegal *migrants* and aiding illegal *migration*, a distinction that remains the purview of the Canadian state.

In a related case, a federal judge struck down allegations by an Immigration and Refugee Board ruling that the cook on the Sun Sea had “meaningfully supported” the smugglers (see Quan 2012). The claimant’s lawyer claimed that the man had merely been given the task of cooking for other passengers aboard the Sun Sea and that he had was not hired. Again the judge found the definition of aiding smugglers to be so broad that it could include almost anyone associated with the boat. Significantly the deportations of both the cook and the claimant represented by Phil Rankin had to be halted until the Conservative government reformed the ambiguous definitions in the anti-smuggling legislation. More importantly however, the publicized rulings have turned the legal (and public) gaze back on the intentions behind the Canadian governments legislation. The sovereignty of the nation-state is based in part on its

ability to deny or remove non-citizens from its territory. However, as Joppke (1988) and others (Ellerman 2010:412) have argued, the sovereignty of liberal states is constitutionally “self-limited” in terms of controlling immigration. The supposed “illegality” of the Sun Sea is thus produced as an effect of specific laws—like the Canadian anti-smuggling legislation—yet it must also be sustained discursively to retain its force (De Genova 2002:431). By pointing to the active construction of the illegality of the Sun Sea migrants, these advocates are thereby calling into question the divide between illegal/legal migration as mandated by the Canadian state.

Advocates for the Sun Sea migrants have uncovered a politics of fear at work that is dependent on what Ahmed (2004:132) calls an “ontology of insecurity.” In terms of the Sun Sea legislation, the definition of “the human smuggler” or “the terrorist” is left necessarily open ended. The legislation was not enacted to deal with smugglers who had already come to Canada aboard the Sun Sea, it was aimed at publically deterring possible smugglers from setting sail in the future. As Massumi (2005:36) argues, this is what gives threat a material force in the world. He writes that threat “is the cause of fear in the sense that it triggers and conditions fear’s occurrence, but without the fear it effects, the threat would have no handle on actual existence, remaining purely virtual.” Threat gives fear a discursive and physically active conduit—a relationship to a subject—that bridges the internal realm of individual feeling to a temporal and spatial existence. The cook aboard the Sun Sea is thus a spectacle, a guilty body produced by the Canadian state to legitimate both the fear of human smugglers and its legislation to deal with them.

Advocates are faced with what Cook (2010:154) calls “the advocates dilemma.” That is, faced with the reality that securitization is embedded within deeply seated feelings of fear and suspicion held by many citizens about refugees and immigrants, advocates cannot rely merely on

correcting facts about particular arrivals. This inevitably involves engaging with and supplanting feelings of fear and insecurity that looms large in media and state presentations of the Sun Sea migrants and other arrivals. When voices did emerge that challenged the Canadian government's impetus to use the arrival of the Sun Sea to securitize refugee migration they often did so by appealing to a sense of moral or ethical concern. In pointing to the moral responsibilities that Canadians have vis-a-vis both international human rights norms and a more general sense of humanitarianism, formed what Cohen (2010:156) terms an "ethical scene." By addressing the suffering of Tamil asylum seekers and the injustice of framing them as threatening, Sun Sea advocates attempted to consolidate a Canadian sense of identity that does not naturally fear refugees (cf. Webb 2012:208). Instead they sought to supplant narratives of fear and threat with feeling of sympathy and justice. Returning to the metaphor of securitization as a political 'speech act' (Buzan, et al. 1993; Waever 1995) this resistance underscores the fact that the meanings of securitization are multiple and rarely go uncontested. The fact that the anti-smuggling bill initially proposed by the Conservative government could not be passed as it was tabled represents an ethical victory to be sure, albeit a minor one considering that the government was still able to pass the main components of the bill. Nevertheless the arrival of the Sun Sea is but one smaller part of larger national and global trends towards the securitization of migration.

## Chapter 5: Conclusion

Canadians welcomes those who want to build a better future. But our openness doesn't extend to criminals who target Canadian generosity. Stephen Harper has a plan to crack down on human smugglers and bogus claimants who jump the queue. And Michael Ignatieff and his coalition partners, they oppose temporarily detaining illegal migrants. They even oppose tougher sentences for human smugglers. Ignatieff and his reckless coalition - weak on border security, dangerously soft on crime.

-Conservative party ad, aired in 2011<sup>14</sup>

It has become commonplace for asylum seekers in Canada to be represented by politicians and popular media as bogus refugees out to abuse the generosity of Canadians. This process has involved inverting the notion that the “risk” faced by refugees deserves protection from the Canadian state; replacing it with the idea that it is the refugees themselves that are “risky” and therefore, that they need to be confined, controlled and expelled (Pratt 2005). Risk has provided a depoliticized language in which an abstract external threat can be internalized as a felt quality of fear directed at a group of migrants arriving in Canada aboard a Thai fishing boat in 2010 (see Andersson 2012). In this thesis, I have sought to conceptualize securitization as a historically contingent and socially constructed process that discursively and materially imbues the bodies of migrants with threat, fear and risk. The process of securitization has been written, read and debated on and about the bodies of the Sun Sea migrants by the Canadian state, media and members of the general public.

By emphasizing the ways that the Sun Sea migrants were discursively rendered by the Canadian state and media as threatening others I have tried to suggest that securitization does not describe the outcome of a process but rather is always in need of accomplishment. Policies like

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<sup>14</sup> <http://www.cbc.ca/news/politics/canadavotes2011/realitycheck/2011/04/conservative-ad-the-liberals-and-human-smuggling.html>

the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, the *Smart Border Accord*, the *Safe Third Country Act* are the products of a spatial and temporal diffusion of risk. These reconfigurations have been both predicated on and have themselves contributed to migration events like the arrival of the Sun Sea. Securitization is then contingent on particular historical struggles and material practices related to particular migration events. The MV Sun Sea is then as much a product of the Canadian border policies that met it on the shores as it is a part of the current border regime that marks the limits of Canadian sovereignty. As Canadian borders have become more restrictive they have also forced migrations across them to become more erratic, dramatic and overall more risky. Thus to say that securitization is historically contingent is to suggest that it is not merely an effect of right wing politicians dictating which migrants are threatening. Instead it is to say that it is constantly being (re)produced through the ways Canadians are affected by migration events like the arrival of the Sun Sea.

The ongoing debates about the place of migrants in Canada that has taken place following the arrival of the Sun Sea is testament to the ongoing social construction of securitization. Specifically, in addressing the bodies of citizens directly through fear, the state and media shift governmentality “away from the mediations of adherence or belief and towards direct *activation*” (Massumi 2005:34). The abstractable political value of this process is immense, for fear of dangerous migrants mobilizes segments of a citizenry and legitimates new forms of border policing. The language in the Conservative ad that begins this section is telling, for it implies that by refusing to fear migrants like those aboard the Sun Sea their political adversaries (like the Liberal candidate Michael Ignatieff) are leaving the border recklessly open to crime and disorder. The fact that the threat is always that of a *potential* border transgressor exacerbates this effect by locating this threat ambiguously in the future. Following this logic there will never be a

total absence of threat, and therefore always a reason to increase security or adapt pre-emptive measures to halt future border transgressors from setting sail. By querying the ways that the labels of “smugglers,” “bogus refugees,” and “terrorists” become discursively attached to the bodies of a particular group of migrant I have tried to displace the idea that securitization is the sole possession of the “Conservative-right.” Rather, the public debates over what the bodies of these migrants mean signifies that securitization is deeply contingent on how Canadian citizens are affected by the arrival of the Sun Sea. In other words, citizens are at *risk* of becoming complacent in co-producing the violence that securitization wreaks on the lives of those labeled as threatening others.

It has been over two years since the arrival of the Sun Sea and the Tamil migrants are still making news headlines. A recent article published in January 2013 reported that, of the 492 migrants aboard the ships, 50 have been accepted as political refugees, 63 have been rejected, and 23 have withdrawn their claims from the determination process. So far 25 deportations have been ordered. Fourteen of those were crew members aboard the Sun Sea while the other 11 were issued because these people allegedly had links to the Tamil Tigers—and two of these are apparently linked to war crimes (*The National Post* January 21). In 2010, Canada received 23,160 asylum claims, a figure that was dramatically lower than the 36,900 claims made in 2008 and the 33,250 claims made in 2009 (UNHCR 2011; GDP 2012:24). The 492 bodies aboard the Sun Sea make up around 2% of the total amount of asylum claims made in the year that they arrive in Canada, the overwhelming majority of which did not arrive on boats. Nevertheless, as noted, polls conducted in 2010 have suggested that half of Canadians believe that the migrants from the Sun Sea should be sent back to Sri Lanka, regardless of the credibility of their asylum claims (Vision Critical 2010). These numbers hint at the connections between the policies

described in this paper and the public sentiment that I have argued is a crucial component of their legislation.

As many of the advocates of the Sun Sea migrants have constantly struggled to make clear, what is truly at stake here is the tendency for securitizing discourse to obscure the very real fear that characterizes the situations that produced refugees in the first place. In this way, the refugee crisis spurred by the arrival of the *Sun Sea* is not so much a refugee crisis, but a crisis of the national categories of being in the world. These Tamil asylum seekers are seen as dangerous because they challenge deeply seated notions of the natural order of things. I agree with Balibar (2002:84) that some borders are invisible, and that asylum seekers like those aboard the Sun Sea have, through Canadian fears, been “forced to be the border” (Khosravi 2007:333), in this case the border of Canada. By critically examining the process of securitization of the Sun Sea migrants I have argued that the inverse is also true—that Canadian citizens have also been forced to be the border to uphold these invisible borders.



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