Abstract

The coexistence of punitive forms of border control and a commitment to humanitarianism in liberal states – the liberal paradox – has long been a vexed issue in migration theory and policy. Despite the hegemonoic focus on deterring and detaining irregular migrants at the border, states acknowledge their commitment to compassion by resettling refugees and providing financial assistance to humanitarian organizations. This thesis considers how the tensions between these two approaches are enacted in contemporary migration debates in order to better understand how this paradox persists. Specifically, it uses a discourse analysis approach to consider government elite and policymaker responses to two migration crises in 2015; the large scale drownings in the Mediterannean in April, and the stranded boats carrying Rohingya migrants in the Bay of Bengal in May. The thesis asks to what extent is humanitarianism deployed as a tool by states for legitimating border controls? It identifies key rhetorical techniques that elites and policymakers use to defend their commitment to punitive forms of migration control, and demonstrates that ‘humanitarian’ policy solutions to migration crises primarily serve to reinforce states security interests.
Preface

This dissertation is original, unpublished, independent work by the author, T. Sawicki Mead
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Dedication

This thesis is dedicated to all of those who have lost their lives in search of asylum.
1 Introduction

The past two decades have demonstrated that for much of the developed world, global patterns of migration are increasingly seen as a threat to national security and the management of sovereign borders. Securitized discourses of migration are pervasive across numerous national spaces, and in the policies and procedures of international organizations and other actors. Yet the language of human rights and humanitarianism is also prominent, and serves as an important constituent part of the identity of many liberal democracies.

In this paper I explore the paradox in migration policy discourses at the ‘global frontier’- the borders of developed states which play a high profile role in attempting to reduce or prevent irregular migration to their shores. The challenges facing these states in reckoning with mobility management are considerable; political instability and poverty drive many hundreds of thousands to attempt to seek asylum or residence in Europe, North America and Australasia each year. States grapple with their dual commitment to protecting the border and their obligations under international humanitarian law. While these tensions are very real, and very complex, on the whole the emphasis in border control primarily rests on the protection of borders, rather than the protection of human lives. Policy makers engage a number of tools and strategies to constrain irregular migration which ultimately result in hardship, suffering and fatalities for migrants and asylum seekers (Spijkerboer 2007; Andrijasevic 2009; Cornelius 2001; Weber and Pickering 2006). These restrictions are generally considered necessary building blocks in the architecture of border control, which utilizes (amongst other measures) deterrence, detention and deportation
to manage the entry and exit of human bodies (Barker 2012; Bloch and Schuster 2005). Across numerous national sites, migrants experience hardship, material and psychological deprivation, abuse, and in some cases death which result from border control measures. While debate continues between policy makes, politicians and academics with regards to the normatively acceptable limits of such controls, it is clear that for many people moving irregularly across borders these policies are experienced as overwhelmingly punitive (Bowling 2013; Aas 2013).

The co-existence of these punitive border control measures alongside formal commitments to humanitarianism - the ‘liberal paradox’ – is a longstanding issue that nevertheless continues to provoke serious debate (Hollifeld 2004; McNevin 2008). Many states in the global north have acknowledged their obligations to international humanitarian principles through formalized resettlement programs facilitated by The United Nations High Commissioner for Refugees (UNHCR). Regional organizations, notably the European Union, have established a set of principles for the minimum standard for the reception of asylum seekers, in an attempt to counteract some of the more damaging methods used by member states. Humanitarianism is also increasingly cited as a rationale for certain forms of border control practices, according to a number of states who argue that restrictions of irregular movement are a means to protect migrants from predatory human traffickers and dangerous journeys. As Watson argues, this paradox demonstrates the complexities of modern international politics: states possess multiple and often contradictory interests and identities, protection for those fleeing persecution is an established if not universally observed international norm, and control over borders remains an essential practice of state sovereignty and national security (2008;1)

The persistence of this apparently contradictory approach has led a number of scholars to question the dominant framework for understanding migration management, that
humanitarianism keeps border control in check. Recent works on this issue consider the ways in which humanitarian logic is used (and abused) to justify border controls or to deflect and neuter criticism of those same controls (Every 2008; Horsti 2012; Aas and Gundus 2015; Aradau 2004). In a similar vein, Watson (2011), Fassin (2011), Pallister Wilkins (2014) and Cutitta (2014) have examined how the theoretical foundations of humanitarianism are open to interpretations which legitimate extraordinary measures by states to govern ‘vulnerable subjects’. These authors are concerned by a humanitarian discourse which sidesteps questions of agency and power relations and focuses on the need for care and control with the state as the primary actor. These developments may have serious implications for non-state actors who rely on the norms and procedures of humanitarianism to challenge state activities in border spaces. In the following discussion, I consider the dynamics of both securitizing and humanitarian discourses and how the tension between them operates in practice to better understand the future prospects of challenges to punitive border controls.

The paper is structured as follows. In Part 1, I draw upon existing scholarship which has analyzed border control practices across the ‘Global North’, including examples primarily drawn from Australia, the United States and the European Union. While there are clear differences in the details and dynamics of migration challenges and migration policy in these regions, there is a shared logic which underpins policy decisions and political rhetoric around irregular immigration. This section provides an overview of the literature on securitization theory as it relates to border control, with a particular focus on ‘crimmigration’ within contemporary border control practices. I detail three major approaches to border control practices that use a punitive logic - deterrence, detention and deportation - and briefly note how these tools are rationalized by government actors and experienced by migrants.
Part 2 provides a theoretical overview of humanitarianism as a means to alleviate suffering, and then considers how it has been deployed as a tool for challenging border policing practices and more recently as a means to frame policy choices and determine ‘best practices’ in border control. I summarize some of the relevant scholarship which challenges the utility of humanitarianism in responding to systems of power and control, as well as those scholars and activists who continue to push for humanitarianism as an important theoretical counterweight.

Part 3 discusses two case studies; the April and May 2015 migrant drownings in the Mediterranean, and the subsequent responses from European states, and the stranded boats holding thousands of stateless Rohingya people in the Bay of Bengal around the same time. I consider how government actors have drawn on discourses of securitization and humanitarianism in discussions of these crises and their potential solutions. I pay particular attention to the proposed policy responses to these crises, and examine how these have been defended from both normative and practical perspectives. I argue that both crises have prompted insistence from relevant policymakers that their overall approach to border control is at least in part supported by a commitment to saving human lives and minimizing suffering.
Securitization is at the forefront of contemporary studies of border control and ‘managed migration’ in the Global North. A number of scholars have discussed the ways in which border control policymakers rely on punitive measures to control the entry of migrants who are deemed undesirable. Squire (2009) argues that the favored approach of ‘managed migration’ in much of the developed world involves an inherently exclusionary rubric of deterrence or prevention. This process seeks to subject ‘unproductive’ migrants to a variety of restrictive controls whilst allowing for the entry of individuals who fit within a neoliberal framing of economically and socially beneficial migration. A focus on punishment and criminalization proceeds from the discursive shift from ‘unproductive’ migrants to ‘undesirable’ migrants. In a similar vein, Inda (2013) has framed the contemporary focus on deportation as an extension of a neoliberal discourse which emphasizes ‘governance through crime’ and draws a clear boundary between the productive, prudent citizen who must be protected from the threatening, deviant ‘other’. As Watson notes, the securitization of irregular migration is achieved through “multiple, overlapping fields of concern”, along a socioeconomic axis but also a cultural axis, a securitarian axis and a political axis (2008, 6). In many circumstances this discourse of security uses a language of illegal migration processes, which refer to “criminal action that requires interference and punishment” (Horst 2008, 306). This discourse may simultaneously vilify human traffickers and smugglers as well as asylum seekers and other irregular migrants who are their clients or victims. The result is a conflation of questions of humanitarian assistance with a broader and more powerful narrative of criminality and control.
Barker (2012) highlights the growing body of literature which conceptualizes the criminalization of migrants as a governance response to conflicts over national belonging, integration and globalization. Penal sanctioning, in particular the use of detention and deportation, is both a physical demonstration of a state’s coercive power and a symbolic gesture of political authority under threat. In the specific case of immigration detention, for example, states’ power is less constrained by judicial oversight or domestic penal imperatives such as reform or protection. As Bosworth (2013) argues, this practice demonstrates that criminalizing practices are legitimized through a securitized discourse which purports to respond to the ‘threat’ of the unwanted other.

Through the process of criminalization, states are drawing or redrawing the boundaries of group membership, by claiming those who belong “while segregating and separating those who are questionable, “unworthy,” expendable or deportable” (Baker 2012, 118). These categories vary across national spaces, but in all circumstances they are subject to change based on shifting economic, social and political claims made by governments.

The focus on deviance and punishment which is usefully captured by the sub-literature on ‘crimmigration’ is part of a wider discussion on the securitization of migration, whereby the movement of people across borders has come to represent a security threat to the nation previously more concerned with military aggression. Huysmans identifies this trend in both policy making and academic literature extending back to at least the early 1990s, although it has expanded in scope and severity since the terror attacks in the United States of 9/11, and subsequent attacks in European cities (2008). While the framing of the threat of migration varies significantly in different contexts, it may often simultaneously refer to economic threats to productivity and/or the welfare state, social threats of integration and diversity, as well as the more traditional threats to national security, including acts of ‘homegrown terror’ (Huysmans
and Squire 2006). Theories of securitization focus, therefore, on a number of different sites of migration control which use a logic of security to justify extraordinary measures (for example in airports, embassies and ports) as well as speech acts and political discourses which represent migration as threatening to the body politic. As Triandafyllidou and Dimitriadi argue, the securitization agenda has broad political implications since the state, by determining who is a ‘threat’, shapes the political debate in terms of threat and survival (2014). The literature on this subject is vast, and encompasses practices, policies and discourses within the confines of the sovereign state as well as transnational spaces. The following section is an attempt to identify some of the common dynamics of state practices that fall under the broader category of securitization and criminalization.

2.1 Detention, Deportation, Deterrence.

2.2.1 Detention

Immigration detention is possibly the most visible site of securitized migration practices, and one that is in increasingly widespread use in both traditional destination countries as well as transit countries (Sampson and Mitchell 2013). Silverman and Massa define immigration detention as “[T]he holding of foreign nationals, or non-citizens, for the purposes of realizing an immigration-related goal. This definition is characterized by three central elements: first, detention represents a deprivation of liberty; second, it takes place in a designated facility; and third, it is being carried out in service of an immigration-related goal” (Silverman and Massa 2012, 679). While this definition provides some useful clarity, it misses the legal ambiguity inherent in the ways many states utilize detention (Bosworth 2013). One of the central issues
with immigration detention from a normative perspective is the lack of a clearly defined purpose; migrants may held upon arrival, while their status is being determined, after being intercepted, prior to deportation or in numerous other circumstances. Detention is not formally intended as a punishment but in practice it operates as de facto imprisonment. This is made all the more problematic by the lack of meaningful legal protections for detainees. Absent the normal legislative measures to prevent arbitrary or prolonged detention, detainees have very few resources to challenge immigration authority decision making around the right to bail or release, immigration status determination or compensation for poor treatment (HRF 2010).

Punitive measures in immigration detention are present in many national settings where detention is part of overall border control settings; in Europe, the most notorious examples of these have been found in Lampedusa and various locations in Greece, and centers in Libya which are supported, through training and funding, by EU agencies (Cuttitta 2014). Numerous reports have identified the human rights violations that migrants are subject to in these facilities including struggles to access basic health care vulnerability to sexual assault, and abuse from both fellow detainees and guards (Human Rights Watch 2009, 2010 and 2014). As with regular prisoners, detainees can be moved from one holding center to another with no notice to their family or lawyers, but unlike most prisoners, immigration detainees have extremely limited access to, or support for, systems of appeal and legal aid, or information about their case. Overall, immigration detention’s lack of due process and absence of legal protections mandating fair, non-punitive treatment – combined with the great insecurity of migration case law - ultimately mean that the process itself is punishment (Stumpf in Aas and Bosworth 2013).

The punitive logic of detention has arguably been taken to its extremes in the Australian system (Weber and Pickering 2011). Almost all people who arrive in Australia via boat are transported
to offshore detention centers in the Pacific island of Nauru and Manus Island in Papua New Guinea. This is an extension of the Pacific Solution policy that has been in place for more than a decade, in which detainees are kept on offshore processing centres as far as possible from access to legal advice, advocacy groups or family members (Motta 2008). Given this extreme isolation and the slow pace at which asylum claims are processed, the lengths to which detainees have gone to draw attention to their plight is not surprising. The psychological distress which many inmates experience has been reflected in suicide attempts, acts of mass violence, group breakouts, rioting, burning of facilities, and sporadic hunger strikes (Silove, Steel, Mollica 2001). The authorities of the facilities have responded to these incidents with threats of further inhumane treatment, including strip searches and sedative injections. Detainees are put at risk by the unstable security situation in Papua New Guinea and Nauru, as evidenced by a number of fatal incidents involving local people and asylum seekers, as well as private detention company employees. Australia has also yet to meaningfully tackle the serious issue of the detention of children alongside their guardians, which has been found by Human Rights Watch to systemically violate the Convention Against Torture and other human rights instruments (Bochenk 2015). Moreover, the intricacies of the legal arrangements between Nauru and Australia make it immensely difficult for detainees to challenge the conditions they are held in or to receive compensation for grievous ill treatment (Dastyari in Babacan and Briskman 2009). In sum, immigration detention often violates principles of proportionality and oversight normally afforded to the deprivation of liberty, and does so with few legitimate claims regarding the intent and results of this policy.

2.2.2 Deportation
Deportation of migrants who have successfully crossed the border by illegal means varies greatly across national settings, in part because of the obvious differences of geography and scale in each scenario. In some cases, there is a stronger case to be made that deportation – unlike detention or many forms of deterrence – is a necessary measure in a program of managed migration. In many states, more individuals arrive onshore than can be accepted and integrated, at least within the political limitations of the current moment (setting aside the question of proportional responses to contemporary numbers of asylum seekers). However the nature, scope and temporal dimensions of contemporary practices of deportation challenge fundamental notions of humane treatment. They are also bound up in other punitive practices of border control; the threat of deportation is part of the ‘prevention through deterrence’ model, and deportation almost always requires detention.

Deportation proceedings take different forms in each national setting, but in many cases these processes share a punitive logic. The use of sometimes fatal coercion in executing deportation orders has come under serious scrutiny, particularly in circumstances where private security companies are contracted to undertake this work but fail to be held responsible for harm done (Gibney in Aas and Bosworth, 2013). Phillips, Hagan and Rodriquez (2006) have documented the consistence use of “excessive force” in deportation proceedings in the United States, all the more notable in that it occurs despite the absence of resistance. Deportation is also intimately connected with detention. Deportation orders may be difficult or impossible to fulfill and yet migrants may be held for long periods in detention, ostensibly to facilitate their removal. As Andrijasvec (2009) has noted, deportation of irregular migrants from Italy who have been denied access to credible asylum procedures ultimately results in their likely detention in Libya’s notorious migrant detention centers. Deportation to one’s country of origin may obviously also
result in the renewed victimization of asylum seekers who are punished for attempting to flee, or who return to the same precarious situations they fled. Recent cases of these include Sri Lankan Tamils denied protection in Australia and Iranians deported from Sweden (Khrosravi cited in Gibney 2013). Even before deportation is enacted, the human costs of living under the shadow of a potential deportation are significant, and may include the suspension of access to work, school and healthcare (Sigona 2012). In many cases deportation may involve the expulsion of family members who have been settled for years, and the forced removal of children from their parents care. For example, Ellermann (2009) argues that the lack of a statute of limitations on illegal entry constitutes an arbitrary use of coercive power that leaves migrants living in an incredibly stressful state of existence, particularly considering the likelihood that US born children will be forced in the foster care system should their parents be deported. In states where an emphasis on forcible and timely deportation is not as politically palatable, forcing people to leave entails subjecting them to conditions so unbearable that they must ‘choose’ to leave. In discussing the Norwegian model of forced removals, Johansen describes this as a ‘logic of expulsion’, whereby refused asylum seekers are channeled into situations of misery and destitution such that they are compelled to leave (Johansen in Aas and Bosworth 2013;264). This and many other situations indicate how the final result as well as the threat and process of deportation is punitive.

2.2.3 Deterrence

Deterrence and interdiction are conceptually the broadest set of securitization practices, operating at the macro level of international policy discourses on the one hand (for example information campaigns which aim to deter migrants from attempting illegal crossings) and in daily acts in individual states, such as boat patrols in the Mediterranean or Australian seas (Howard 2003). Pickering and Weber (2011) locate contemporary practices of deterrence at
national borders as an extension of classic criminological deterrence theory, which is based on increasing risks so that the negatives outweigh the gains and marked by a focus on the certainty, timeliness and severity of punishment. Most deterrence measures are ostensibly targeted at criminal activities, particularly human trafficking or people smuggling, which justifies the use of punitive policies. In the case of arrivals by sea, particularly in Europe’s southern borders and Australia, these measures are also couched in the language of preventing migrants from undertaking dangerous voyages (Aas and Gundus 2015; Horsti 2012). The prevention of ‘illegal movement’, however, inevitably restricts the ability of migrants seeking protection to be able to claim asylum upon reaching national borders, and can end up punishing people who have become victims of human traffickers. Moreover, as border control deterrence measures do not engage the arbitration of the court system, but employ measures that are punitive “in intent and effect”, they ultimately serve to deny people the means to claim rights owed to them, including fair treatment and potentially asylum (Pickering and Weber 2014, 1006). Even allowing for states’ right to prevent smugglers and traffickers from reaching their destination, deterrence practices take a very serious human toll in many of the spaces in which they are practiced.

As noted in the discussion above, detention is one of the many measures that are used as a deterrent to migrants attempting to use illegal means of entry. In Australia the ‘no advantage principle’ sought to deter asylum seekers arriving by sea by mandating that they would not have their asylum claims processed any faster than UNHCR referred refugees. The result has been the “deliberate warehousing” of people in punitive circumstances for no clear administrative or security reasons (Pickering and Weber 2014, 1010). Australia’s government has been consistently clear that the threat of detention in offshore facilities is a legitimate form of deterrence for asylum seekers who wish to contest the decision of the court regarding their right
to asylum (Motta 2002). For those migrants who are granted a right to remain, the government has promoted the use of Temporary Protection Measures, which restrict welfare benefits and excluded rights to citizenship through a limitation of the protection period to three years. This limited package of rights granted to people who were determined to have a genuine fear of persecution remains a centerpiece of Australia’s deterrence policy (Babacan and Briskman 2008, 37). In Britain, following the progressive withdrawal of both access to social security benefits and work rights for asylum seekers, additional enforcement strategies were announced in 2007 that were openly designed to create difficult living conditions for those without the legal status to remain (Home Office, 2007).

Of course, deterrence measures begin much earlier in the migration process, being initially aimed at preventing people from reaching their destination. Australia’s naval blockade model of deter and deny aims to prevent boats from reaching their territorial waters by directing boats back to their country of origin or towing them to offshore processing centers in Papua New Guinea and Nauru (Weber and Pickering 2011; Howard 2003; Medhora and Doherty 2015). Under the current administration this policy has been further reinforced, despite evidence that even more people are risking sea crossings despite deterrence and the likelihood of abuse en route (UNHCR ‘More people risk Indian Ocean voyages’ 2015). This policy served as inspiration for the contemporary militarized Mediterranean in which national maritime patrols are supplemented by armed patrols coordinated by European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) (Weber and Pickering 2011). Such patrols aim to prevent ‘illegal migrants’ from breaching Europe’s borders or to direct people who do arrive to designated detention and deportation centers. FRONTEX’s operations have been criticized by the Council of Europe, NGOs and international organizations
for breaching the principle of non-refoulement and undermining Europe’s commitment to human rights by facilitating the transfer of migrants to inhumane detention centers in Northern Africa (Aas and Gundhus 2015).

The Mediterranean is a highly visible arena in which deterrence policies are clearly connected with rising numbers of border deaths, although numerous other sites are also witness to distressingly high fatalities. As efforts to prevent migrants from ever reaching the border are stepped up, and avenues of easy access dissipate, the services of people smugglers become all the more necessary, and journeys become all the more precarious (Weber and Pickering 2011; Squires 2009). Fatalities of migrants are clearly related to the tightening of border controls and are a foreseeable consequence of these policies. As Spijkerboer argues, while the lives of migrants are not formally under state responsibility, these fatalities “trigger a State’s positive obligation to take preventive measures to safeguard the lives of those who are put at risk” (Spijkerboer 2007, 138). Deterrence measures also have dubious outcomes both in the prevention of the right to claim asylum, and the increase in risks to the life and safety of migrants at whom they are aimed. Yet as Pickering and Weber argue, the inability to think beyond deterrence in one form or another “has now become the hallmark of border control policies in Australia and further afield, as countries across the Global North seek to prevent the arrival of asylum seekers and irregular migrants” (2014, 1002). The following section considers how this commitment to inhumane policies sits with a purported commitment to humanitarianism across the global north
3 Humanitarianism and Border Control

The period which has seen a slow but substantive shift towards the securitization of migration has also been marked by the ubiquity of humanitarian rhetoric, particularly at the governmental level (Fassin 2011; Aas and Gundhus 2015). The tension between these two sets of practices is not simply captured by the discrepancy between one approach which promotes an ethic of care and a moral responsibility to assist, and another which denies these claims through a focus on criminal activities. Humanitarianism creates a hierarchy of need based on an assessment of human suffering, a moral economy in which people whose need is greatest make demands on our duty to help (Fassin 2011). While a concern for the suffering of others is as old as time, humanitarianism entered a modern age with the establishment of formal organizations such as the Red Cross, who are dedicated to the idea of providing relief from immediate danger, reducing suffering and sustaining the lives and dignity of people affected by conflict or disaster (Watson 2011; Barnett 2009). Institutional humanitarianism is governed by actors who, on the whole, emphasize its separation from the realm of politics and the importance of maintaining this distinction in order to be permitted to carry out the work that they do (Barnett 2009). States in the global north provide consistent financial support to these organizations, and in general, support the principles of impartiality, neutrality, fairness, humanity and universality that they operate under. These principles also underpin humanitarian efforts by international organizations to which states in the global north belong, such as the United Nations, and govern their response to natural disasters as well as people displaced by wars or famines. At the same time, these states utilize punitive methods of border control which perpetuate human suffering, either as unintended consequences, or as an intentional means with which to prevent further arrivals. As
Bowling (2013) argues, the extent to which these measures are designed as punishment or not is essentially moot; they are experienced as punitive, and that experience is well documented. These frames would seem to be in an inherent conflict with one another, and yet both persist in the governmental practice of border control, sometimes simultaneously (Aas and Gundhus 2015; Horsti 2012). How are they able to co-exist?

One potential explanation is that a restrained form of humanitarianism seems to succeed through the successful political denigration of ‘queue jumpers’ or illegal asylum seekers who are argued to have cheated the system at the expense of people who have taken the formal route of lodging their claim for asylum with UNHCR. This discourse is prominent in Australia in particular, and has resulted in the aforementioned policies of mandatory detention for boat arrivals as a method for deterring ‘queue jumpers’. Many irregular routes to countries of potential protection require the facilitation of people smuggling networks, which may involve various degrees of extortion or abuse, and thus fall into a complicated grey zone of criminal culpability. In many circumstances states have argued that this criminality undermines the right to fair treatment (Squire 2009). In other cases, political discourses work to conflate horror stories of human trafficking and the abuse and neglect meted out by people smugglers and traffickers with migrants themselves, rather than delineating between the victims and perpetrators within this system (Pickering and Weber 2014). Government elites construct categories of ‘victim - deserving’ and ‘criminal-undeserving’ migrants and are thus able to justify where arbitrary lines of inclusion and exclusion are drawn. Of course, international human rights law protects ones right to claim asylum (and be free of denigrating treatment) regardless of the means of entry, but in practice these norms have had a limited effect on border control policy.
The persistence of two seemingly incompatible frames of discourse and action may also partly be explicable through closer scrutiny of how humanitarian rhetoric is deployed by states in border spaces. Fassin defines the humanitarian approach as “the administration of human collectives in the name of a higher moral principle which sees the preservation of life and the alleviating of suffering as the highest value of action” (2011). As numerous scholars have noted, however, humanitarianism is more opaque than its proponents may wish to accept; the flexibility that allows humanitarianism to bring new subjects who deserve compassion into its fold (see Finnmore 1996) can also expose it to exaggeration and manipulation (Gibney 2004; Dauvergne cited in Every 2008). In her study of humanitarian language in Australian asylum seeker debates, Every (2008) demonstrates that Australian politicians manipulate humanitarian theorists’ exhortations to consider the balance between ‘costs to self’ and ‘duty to others’ in weighing up their response to a crisis. By constructing asylum seekers as a ‘flood of millions’ which would create an unfair burden on Australia, and pointing to Australia’s ‘practical and fair’ resettlement program, the government is able to marginalize humanitarian concerns whilst presenting itself as a humanitarian actor (Every 2008,226). Liberalism’s emphasis on reason, practicality and moderation further serve to provide a justification for policies that exclude people making rights based claims (such as asylum seekers) whilst maintaining a rhetorical commitment to fairness and equality.

Scholars who have followed developments in European border discourses have raised similar concerns around the use of humanitarian rhetoric within an overarching securitized framework. Aradau (2004) considers the complications of anti-trafficking policies which focus on women who are trafficked across borders for the sex trade. As irregular migrants, trafficked women working in the sex trade represent an “internal and external threat” to the integrity of European
borders and are thus vulnerable to deportation. This framing has been challenged by a NGO led discourse which pushed for a politics of ‘pity’ governed by humanitarian ideals, which would “disrupt the first securitization of human trafficking, which turns [trafficked] women into dangerous illegal migrants, prostitutes and/or criminals” (260). EU policy has subsequently adopted aspects of this model of pity, Aradau argues, without revisiting the essential securitized framing of women as irregular migrants, who have become simultaneously ‘at risk’ and ‘a risk’.

Humanitarian ideals may also be invoked to both defend and condemn the same policy. Fassin cites an example in which the former French President Nicholas Sarkozy argued that the Sangatte camp at Calais, which houses would-be asylum seekers en route to the United Kingdom, should be closed on compassionate grounds – the same basis upon which it had been established in the first place (2011). Debates in Europe and Australia on maritime search and rescue programs have followed a similar path. For example, proponents of the EU-led Mare Nostrum program which was phased out after one year focused on the international community’s responsibility to save people from drowning, while detractors argued that the initiative only encouraged more people to endanger themselves in sea journeys. In a similar vein, Aas and Gundhus (2015) track the use of humanitarian language in FRONTEX operations in the Mediterranean to understand how a code of conduct which emphasizes the prevention of loss of life fits with a commitment to protecting the border. The authors highlight a 2011 report wherein the agency noted that 3887 “illegal migrants” had been intercepted and returned to their point of origin, explicitly noting that in doing so, FRONTEX had prevented people from “setting off on a for a dangerous journey that might have cost their lives (2015, 5). FRONTEX’s framing of this issue reflects earlier efforts by the Italian government to defend the 2007 joint agreement between Italy and Libya which established joint patrols of the Libyan border. When the
pushback operations began, the Italian Prime Minister described them as “an act of great humanity [...] because they prevent tragedies at sea” (Cutitta 2014, 25).

An alternative approach to understanding the liberal paradox looks more closely at the means through which humanitarianism has been co-opted by securitizing regimes (Pallister Wilkins 2014; Fassin 2011, 2010; Watson 2004). Pallister Wilkins (2014) describes how border control practices drawn upon the ‘care and control’ duality of humanitarianism. In the first instance this is discernible in the dual function of many border and immigration agencies, which are simultaneously responsible for following through on the harsher aspects of border control as well as managing humanitarian resettlement via UNHCR. In many cases, officials working in the same organization will simultaneously consider the implementation of humanitarian resettlement programs in addition to measures which prevent potential arrivals from making humanitarian claims. For example, the United Kingdom’s Visas and Immigration office places a “firm emphasis on national security” in addition to making decisions about who has the right to stay or visit (UKVIO 2015). Similarly the Australian Government’s Department of Immigration and Border protection is charged with “keeping Australia secure through border management” as well as humanitarian migration policy, which is “sensitive to the needs of those who are suffering from state-based persecution” (Every 2008, 222). The EU agency Frontex frames its border policing approach as “best practice in terms of humanity”, as Pallister Wilkins argues, thus casting itself “protector of human life”, securing itself against criticism and strengthening its position as a moral actor in border spaces.

The reconceptualization of humanitarianism as a set of ‘best practices’ or guiding principles for militaries and government agencies is a significant departure from the original humanitarian principles of impartiality, voluntary service and humanity and universality. As Pallister Wilkins
argues, a new model of humanitarianism devoid of these foundational principles is deployed to govern ‘problematic subjects’. In the context of border controls, these subjects – migrants and asylum seekers - play the role of ‘disempowered victim’ rather than political actor. This dynamic of governmentality is thus unable to challenge a securitized framing in which “undesirable migrants are either politicized as ‘threatening’ subjects or are de-politicized as ‘vulnerable’ subjects” (Huysmans and Squires 2009, 7). In order to fit within a frame of vulnerability, migrants are not recognized as bearers of rights, but as victims in need of compassionate assistance. When this compassion is exhausted, as it inevitability will be, their precariousness is exposed. Fassin observes that to challenge the withholding of assistance is to violate the unspoken rules of humanitarianism; recipients are expected to show “the humility of the beholden rather than express demands for rights” (2001, 4). A clearer understanding of the roles of givers and receivers of humanitarian assistance suggests that humanitarianism may be seen not as a value-neutral field “but as an act based on relations and hierarchies of power and utilized for the governance of populations” (Pallister Wilkins 2014,59). Moreover, as Watson notes, humanitarianism shares with securitization a set of assumptions which legitimize “marshalling a vast amount of resources in the implementation of emergency measures” (Watson 2011, 4). This conceptual fluidity puts humanitarianism within even closer reach of actors whose interests are primarily self-serving, with significant implications for border control practices in apparent periods of emergency.
4 Case Studies

Two particular migration crises in early 2015 put the tension between strict border control management and humanitarianism into stark relief. The first follows the EU policy response to the rapid growth in numbers of migrant deaths in the Mediterranean over March and April of 2015. This crisis has prompted a reassessment of the Trident patrol program, which replaced the search and rescue focused Mare Nostrum, and has also spurred a number of alternative policy proposals, including military action targeting people smugglers in Libya. The second case study considers the recent surge of Rohingya people fleeing Myanmar and becoming stranded in the Bay of Bengal, which has highlighted existing tensions between Australia and its South East Asian neighbors surrounding responsibility for displaced people and Australia’s current mission to ‘stop the boats’. In focusing on these two case studies, my intention is to better understand how states and supranational bodies (specifically the European Union) discuss border control policy and humanitarianism in the face of a crisis. Specifically, I am interested in how humanitarian rhetoric is used by government actors and whether the use of this language can shed light on how these two seemingly contradictory logics operate together.

My approach in the following section is guided by a critical discourse analysis approach, which analyses how talk and texts are organized to rationalize actions. This approach considers patterns and themes that emerge within talk, and how rhetoric and frames are used to create and enforce versions of social reality. In this analysis I am in interested in the following questions: To what extent is humanitarianism deployed as a tool by states for legitimating border controls? Consequently, does humanitarian logic serve to discursively support or challenge punitive measures of securitized migration? The data I have used for these case studies is primarily press
releases and statements to the media by European Union agencies and EU member state leaders in April and May 2015. I follow a similar approach for the case in the Bay of Bengal, focusing primarily on Australian government statements to the media and other public communications. In both cases I consider the extent to which current and proposed policies regarding migration crises are constructed as ‘humanitarian’ or focused on ‘saving lives’. I began by establishing the extent to which a humanitarian discourse was used in public communications in the time period immediately following the crises for four weeks afterward. Having established that this language was in widespread use, most notably at the very beginning of the crisis but continuing on throughout the subsequent month, I selected a number of representative quotes which reflected recurring themes in the discourse.

4. 1 Mare Nostrum in the Mediterranean

The shores of the Mediterranean have long been a contested site in the effort to control the EU’s southern borders, given their vulnerability to irregular crossings from North Africa. However given the clandestine nature of most arrivals and their varied points of both origin and destination it is extremely difficult to trace the ebb and flow of arrivals over time. From the earliest days of the European Union’s efforts to coordinate migration policy across its member states, the southern borders of Spain, Italy, Greece and elsewhere have been a source of considerable concern.

Over time the pressures on the porous southern borders have only increased, with humanitarian crises unfolding in Syria, Libya and elsewhere; these reached a new apex in 2013 when more than 300 people drowned off the island of Lampedusa on October 3rd. In response to this crisis
and the dramatic increase in migration flows over the second half of 2013, the October European Council called for ‘determined action’ to prevent the loss of lives at sea and to avoid that such human tragedies happen again’. Two weeks later the Italian government established *Operation Mare Nostrum* (OMN), supported by €1.8 million from the External Borders Fund of the EU. Mare Nostrum, more explicitly than other joint member state-EU border control programs, was also a humanitarian mission, and from 2013 onwards is credited with saving the lives of over 140,000 people. Although OMN was able to save more lives than previous missions in the Mediterranean, in October 2014 Italy announced that it would be replaced by the Frontex operation Triton, in response to rising costs. Triton would not only be limited by a smaller budget but also by a smaller geographical mandate. The European Commission made efforts to emphasize the humanitarian credentials of the agency responsible and downplay the effects of the change; “as for all Frontex operation, Triton will be operating in full respect with international and EU obligations, including respect of fundamental rights and of the principle of non-refoulement which excludes push backs” (‘Concerted efforts to manage migration’ 2014).

Despite these protestations, many observers, including UNCHR, argued that cut backs to patrols would almost certainly lead to more migrant deaths (Davies and Nelsen 2014). By April 2015 the scale of the impact was abundantly clear, with 1700 migrants having died trying to reach Europe via the Mediterranean since January of that year. UNHCR has argued that significant numbers of people attempting to cross are fleeing conflict and persecution; notably in Syria and Iraq but also Eritrea and Libya, where the security situation for sub-Saharan migrants has been precarious for some time. The toll of those four months exceeded the total number of deaths from 2014 by 30 times, according to the International Organization for Migration. In July 2015, UNHCR
confirmed that the number of deaths in the first half of 2015 is the highest on record ("Mediterranean Crisis 2015 at six months", 2015).

The vast scale of drownings in April 2015 prompted a scramble on the part of EU agencies and national governments to respond appropriately. In the face of the serious loss of lives, policymakers emphasized their concern with preventing further losses and their compassion in response to the scale of human suffering. On the 19th of April 2015, EU Minister of the Interior Jorge Fernández Díaz stated "I would like to express my deep sorrow for today's tragedy in the Mediterranean. There is an urgent need take action and to respond effectively to this humanitarian crisis" (‘European Commission Makes Progress’ 2015). British Foreign Secretary Phillip Hammond responded in kind, stating that “stopping this needless suffering is a huge international challenge which demands a comprehensive, coordinated response. My sympathies go out to those who have lost relatives and friends and to all who are caught up in this vile trade.” (‘Foreign Secretary Statement’, 2015). Speaking ahead of the EU leaders’ conference on the 23rd of April, U.K. Prime Minister David Cameron said "Today's meeting is about saving lives" (Norman and Pop 2015). The European Council echoed his statement, saying that “the situation in the Mediterranean is a tragedy. The European Union will mobilize all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency that we face. Our immediate priority is to prevent more people from dying at sea. (‘Special meeting of the European Council’ 2015). Following the release of a draft EU plan in response to the crisis, EU First Vice President Frans Timmermans said "Of course we need to deal with the main threat that we see now, which is the tragedy in the Mediterranean. We are increasing the funding and resources for Triton, helping to manage our borders and to save lives” (‘Introductory remarks at Press Conference’ 2015).
The primary argument here is a humanitarian one; lives are being lost, and swift action must be taken in order to end the human suffering. However none of these elite responses make reference to the routine loss of lives in the Mediterranean prior to this period, which were insufficiently tragic to necessitate a high level response. While the events of April and the likelihood of future deaths constitute a crisis on a gross scale, it was a foreseeable one that directly correlates to the decision to end Mare Nostrum. The rhetorical focus on a crisis, which centers on the victims of a ‘terrible tragedy’, also obscures the role of deterrents to land based crossings that are a crucial component of EU border control, and which funnel migrants via the dangerous maritime route (Cuttita 2014). In doing so, EU policy makers attempt use a humanitarian response to a large scale loss of life as an isolated and temporary measure, which does not address the essential restrictive tenets of border control. Given that the nature of such controls is at least partly responsible for the magnitude of maritime crossings, the aim to “manage our borders and save lives” [emphasis mine] seems achievable primarily in rhetorical, rather than practical terms. Finally, the representation by government elites of the situation as one of “needless suffering” miscasts the complex dynamics of irregular migration into Europe; for those who suffer through a difficult journey but ultimately arrive at their destination, the suffering may not be needless at all. In this discourse, policy makers and leaders draw on the instinctive response to end human suffering by emphasizing the victimhood of drowned migrants, but fail to engage with the systemic and securitized causes of this victimhood. In doing so, the discourse engages the apolitical dimensions of humanitarianism which identifies human suffering as a means to legitimate ‘extraordinary measures’ in response.
As discussed above, securitized migration discourses may use criminalizing languages which cast irregular movement as the embodiment of a threat to national security, and migrants themselves as criminal agents or threats to economic stability. In the face of the enormous loss of life in the Mediterranean crisis this language was largely absent in high level discourses; rather, most elite statements attributed blame to the work of people smugglers and traffickers – often used interchangeably – who facilitate those dangerous journeys. Many of the earliest responses from the European Union to the crisis focused on the facilitation of irregular migration by people smuggling networks. On the 13th of May, Frans Timmermans said "We are taking measures to combat the cruel and opportunistic people smugglers – by disrupting their 'business model". EU President Donald Tusk argued that the first priority was to "crack down on the human smugglers. We have to break up their networks and undermine their business model. This is the best way to protect people from drowning, is by ensuring they don't get on the boat in the first place." (Norman and Pop 2015). A press release following a phone call between UK Prime Minister David Cameron, Italian Prime Minister Renzi and Malta Prime Minister Muscat on the 20th of April stated that “all three leaders agreed that the criminal networks behind human traffickers were primarily to blame for this tragedy, and that the highest priority had to be action to disrupt their activities.” Prime Minister Cameron followed this statement up in the media on the same day, adding "We should put the blame squarely with the criminal human traffickers who are the ones managing, promoting and selling this trade, this trade in human life". Cameron said that “saving lives means rescuing these poor people but also smashing the gangs and stabilizing neighboring countries." (Kaplan 2015).

In this discourse, the deaths of migrants and asylum seekers are framed as casualties of the smuggling and trafficking trade, consistent with humanitarianism’s focus on disempowered
victims rather than agents bearing rights. With smugglers as the referent object of insecurity in the context of emergencies, a policy focus on preventing the smuggling trade takes center stage. These statements demonstrates how culpability is transferred to the criminal networks behind ‘human trafficking’, disguising the efforts of the states to deter and deport their apparent victims, and legitimizing further efforts on the part of states to prevent future forms of irregular movement in the guise of saving lives. The use of ‘criminal’ language is not accidental; rather, it constitutes a rhetorical device which establishes this particularly emergency as further justification for the broader agenda to secure Europe’s borders. The European Commission’s comprehensive plan emphasized the need to “to tackle the cause of illegal migration and combat the smuggling and trafficking of human beings”. The interchangeable use of ‘smuggling and ‘trafficking’ further supports this approach, obscuring the important differences between people who are forced against their will across borders and those who willingly engage smugglers (though this distinction is not always clear in practice). Aside from the practical challenges to ending the business model of people smuggling, which relies on a disparate web of resources and individuals, preventing people from crossing the Mediterranean with the assistance of smugglers would inevitably result in thousands of vulnerable people being stranded in North Africa and the Middle East. A rhetorical focus on trafficking casts the state and the EU in a humanitarian role, legitimating efforts to prevent irregular migration and avoiding more complex concerns regarding push factors and, as discussed above, the role of deterrence measures in increasing traffic in the maritime route.

Having established that saving lives was the highest priority, subsequent high level meetings of EU leaders sought to establish a framework for a coordinated response to the situation. The
primary focus of the policy proposals which arose out of these meetings was prevention and deterrence, framed through a humanitarian lens of saving lives. In a press release following the April’s drownings, the European Commission argued that “as long as countries of origin and transit do not take action to prevent these desperate trips, people will continue to put their lives at risk” (“Statement on Mediterranean developments” 2015). After a number of high level meetings in the subsequent weeks, the EU release a number of policy proposals in response to the drownings. On the 23rd of April 2015, the European Commission said that the EU “will mobilize all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency that we face, in cooperation with the countries of origin and transit. We have therefore decided to strengthen our presence at sea, to fight the traffickers, to prevent illegal migration flows and to reinforce internal solidarity and responsibility” (EUCO special statement, 2015). The European Commission pledged to “reinforce our political cooperation with African partners at all levels in order to tackle the cause of illegal migration and combat the smuggling and trafficking of human beings [emphasis mine]. This will be achieved by an increase in support to “Tunisia, Egypt, Sudan, Mali and Niger to monitor and control the land borders and routes.” (‘Special Meeting of the European Council’, 2015). The EU also pledged to immediately increase resources to the Triton program to ensure a more comprehensive search and rescue capacity in the short term. Prime Minister David Cameron agreed to assist in this effort, but only under “the right conditions”. Speaking on the 25th April he said that these conditions would mean that “the people we pick up are taken to nearest safe country - most likely Italy - and don't have immediate recourse to claim asylum in the UK,” he said. (Miller 2015). Speaking after a meeting of the UN Security Council on the 11th of May, EU Vice President Federica Mogherini said “I think it tells a lot of the unity of purpose of
Europeans, on a tragedy that is at the same time a moral and political duty, that of saving lives, and also a political investment in our collective security when it comes to dismantling smugglers' organizations and trafficking networks (‘Remarks by Vice President’ 2015).

Given that a significant portion of maritime arrivals are Syrian, Eritrean and Afghani nationals who have a high degree of success in qualifying for refugee status or other forms of protection, the response outlined in these comments is concerning (‘Mediterranean Crisis 2015 at six months’ 2015). Deterrence and prevention are key features of EU border control during periods of ‘business as usual’, but through a discursive focus on ‘saving lives’ these standard features of securitized borders are re-cast as humanitarian measures. Given the immense challenges in eradicating the ‘push factors’ at the heart of irregular migration, it is difficult to see how providing funds to African partners will fundamentally change the dynamics of human movement in the region. This cooperation is framed as a humanitarian response to the dangerous efforts of smugglers and traffickers, who are discursively constructed as the primary agents of migrants’ victimhood. The reinforcement of the borders of Egypt, Sudan and elsewhere reflects an intent to push the challenges of irregular movement back to source and transit countries, which in turn is likely to increase the dangers and barriers for people moving through the region.

The emphasis in on prevention as humanitarianism marked a shift from the Cameron government’s previous position, having argued that search and rescue operations “create an unintended pull factor” across the Mediterranean (‘Europe Wrings Its Hands’ 2015). Yet Cameron makes clear that Britain’s contribution ends with its contribution of military vessels and does not extend to policy changes with any transformative potential. Finally, the discussion on resettlement is an important counterweight to the focus on prevention and deterrence. International observers and advocates have long argued that an increase in Europe’s
humanitarian admission of irregular arrivals found to be in genuine need of protection is the best long term response. The European Commission’s plan, however, is insufficient; firstly because the scale of places being offered is overwhelmed by arrivals, even allowing for the fact that a sizeable portion are economic migrants. Secondly it elides the deep political divisions amongst member states regarding a mandatory resettlement policy across Europe, and the substantial challenges required for it to be implemented.

4.2 Australia and the Rohingya Crisis

Since the early 1990s, successive Australian governments have pursued a rigorous policy of deterrence and interdiction aimed primarily at preventing irregular maritime arrivals from Southeast Asia. While adjustments were made over the course of different political administrations, key aspects of the original policy championed by former Prime Minister John Howard have remained. Despite relatively consistent criticism from domestic and international observers of the Australian approach to maritime border control, little has changed in the past decade. Under the current Abbott government both border control policies and an antagonistic political rhetoric have been stepped up, along with the establishment of a new border patrol dubbed ‘Operation Sovereign Borders’. Detention camps in Nauru and Manus Islands have been expanded with the aim to replace all onshore detention centers, and even arrivals found in need of protection will not be settled in Australia. Mandatory detention laws are being strictly
enforced, at times resulting in the deportation of migrant families from the Australian mainland to offshore detention camps.

The most recent crisis for Australia’s migration management scheme is the exodus of thousands of Rohingya people from Myanmar, who face systematic oppression in their home country and the threat of state and vigilante violence. The Myanmar government has long denied that largely Muslim Rohingya people have a genuine claim to citizenship and claim that they are illegal migrants from Bangladesh. As a result, large numbers of Rohingya have been seeking refuge in Southeast Asia since communal violence flared in late 2014, and many have made use of existing smuggling networks in the region to travel to Malaysia, Indonesia and Thailand and Australia. Since the Thai government cracked down on people smuggling networks operating out of that country (partly in response to the discovery of many migrant bodies in smuggler camps), thousands of people have been stranded in the Bay of Bengal, abandoned by smugglers or lost at sea (Edwards 2015). A significant portion of Bangladeshi migrants are also on the boats, further complicating the response from regional leaders as well as the political consensus on the identities of Rohingya people. The crisis began to draw significant media attention over the course of late April and early May 2015 as it became clear that around seven thousand men, women and children were slowly dying from dehydration and starvation on the boats, with few prospects of making it to safety without government intervention.

The most pressing issue at the outset of the Bay of Bengal crisis was if and where stranded migrants could be resettled, given the serious risk of ill treatment and persecution should they be returned to Myanmar. When asked to comment on the situation on May 21st, Prime Minister Tony Abbott’s response was blunt: "'Nope, nope, nope. We have a very clear refugee and humanitarian program. It's a refugee and humanitarian program which has been modestly
expanded because we have stopped the boats" he said (Cox 2015). Elaborating further on the issue, Abbott said that “Any suggestion that there is some kind of special resettlement program here in Australia for people taking to the sea in boats just encourages people smuggling. So it would be utterly irresponsible of me or anyone to suggest for a second that we will reward people for doing something so dangerous.” (Yaxley 2015). Immigration Minister Peter Dutton confirmed the government’s policy the following day; "We cannot be in a situation, having the most generous humanitarian programme in the world, to then ... pretend cruelly to people that somehow we can take millions of people from regions around the world that would be displaced, we just can't do that," he said ("Australia rejects criticism" 2015). When specifically asked what the government would to assist stranded people, Minister Dutton emphasized Australia's general stance on aid to the region which Australia is "providing support to countries including Indonesia. We provide support to across South East Asia otherwise, we provide humanitarian support and Minister Bishop has already announced more humanitarian support. That is what we are doing, as you would expect from a responsible country like Australia." (Yaxley 2015).

These initial comments demonstrate how humanitarian rhetoric has been deployed in the Australian context to deflect and defuse an implied responsibility to assist with the migration crisis in the region. Despite pushing a message that is consistent with the government's hardline stance on irregular arrivals, Prime Minister Abbott's response emphasizes the 'humanitarian' dimensions of migration policy, namely the UNHCR referred refugee resettlement program. As the government is aware, this resettlement policy has little to no impact on the Rohingya crisis, given the difficulties for displaced peoples in accessing UNHCR offices in the region. Abbott argues that his government’s success in ‘stopping the boats’ – the centerpiece of a hardline border control policy – has permitted the expansion of humanitarian resettlement. His comments
on the ‘irresponsibility’ of encouraging irregular movement echoes the European discourse, where an apparent concern for human life provides justification for restrictive border controls. Minister Dutton's reference to regional financial assistance to combat people smuggling as the “responsible” and “humanitarian” response to the crisis draws on a similar disingenuous logic, as these financial arrangements predate the Bay of Bengal crisis and are primarily intended to shore up Australia’s intention to prevent irregular maritime arrivals on its shores. The Minister’s statements on resettlement use the specter of “millions of displaced persons” to defend Australia’s “reasonable” approach to humanitarian migration management In doing so he draws on familiar tropes of the “governmentality of unease” by identifying transient, foreign populations as risky and developing restrictive policies in response (Bigo 2002).

The second major theme discernible in the Australian government's response to the Bay of Bengal crisis is the focus on criminality and the security threat posed by people smugglers. Abbott articulated this clearly when asked about Australia’s ability to resettle the stranded Rohingya on May 21st, “We have stopped the boats and we are not going to do anything that gives any encouragement to anyone to think that they can get on a boat, that they can work with people smugglers to start a new life.” (Cox 2015). The Prime Minister had earlier referenced his turn back policy in response to the crisis in the Mediterranean, claiming that the "only way you can stop the deaths is in fact to stop the boats. We must resolve to stop this terrible problem and the only way you can stop the deaths is to stop the people-smuggling trade”. (“EU should follow Australia”, 2015). On May the 12th, as the crisis in the Bay of Bengal was unfolding, Minister Dutton issued a public statement on the new Australian Border Force: “The two most important outcomes in all of this are that there have been no known deaths at sea since we started turning back the boats and without the flood of IMAs we are once again able to reach out through our
Refugee and Humanitarian Programme to those most in need around the world and bring them to Australia through an orderly, compassionate and planned way," (‘New Australian Border Force’ 2015). On May 22nd, the Minister responded to further calls for Rohingya to be resettled by referring to the government’s deterrence and disruption policy: “We also need to close down the people smuggling business wherever that is possible and not provide a pull factor, which is what the Labor Party did when they were in government and that's what resulted in 1,200 people drowning at sea on their way to Australia, and I'm not going to allow that situation to restart.” (Yaxley 2015).

Turning back boats of asylum seekers from Australian waters has been a longstanding policy for the Abbott government, alongside other measures that are said to deter the ‘people-smuggling model’, such as mandatory detention and deterrence measures in Indonesia. In the crisis context, this policy is cast as a humanitarian measure to prevent deaths by drowning. Echoing the rhetoric used by European elites in response to the Mediterranean, the Australian government focuses on the criminality of people smugglers to construct would-be migrants as victims in need of rescue (though not by Australia), rather than agents bearing rights (to due process and fair treatment). The construction of a humanitarian intent in efforts to end the people smuggling model disguises the complexity of migration patterns in the region, and ignores the absence of alternative means through which vulnerable people might seek protection in Australia or elsewhere. Moreover, the ‘deterrence as humanitarianism’ rhetoric strains to remain coherent in the context of the Rohingya, in which alleged unforeseen consequences of permitting of permitting boat arrivals trump the very real consequences of leaving thousands of stranded people at sea. The Minister uses logic similar to that deployed by Prime Minister Abbott, claiming that the restriction of any
irregular arrivals enables the government to focus on its resettlement program, attempting to provide a humanitarian justification for turning back the “flood” of maritime arrivals.

The Coalition’s argument that humanitarian concern for migrant lives was a key motivating factor in Operation Sovereign Borders was brought under serious scrutiny when reports emerged that the government had paid people smugglers to turn back a boat of asylum seekers to Indonesia (Farell 2015). Asylum seekers on the boat and Indonesian officials claimed that two boats carrying 65 asylum seekers had been intercepted by Australian border control officials, who then paid the smugglers thousands of dollars to return to Indonesia. An Indonesian official commenting on the allegations said that the boats only had a drum of fuel each, rendering the return voyage "a suicide mission" (Topsfield and Rosa 2015). In response, Prime Minister Abbott said that the government was “prepared to do what is necessary” to prevent asylum-seeker boats arriving in Australia, claiming that “there are all sorts of things that our security agencies do that they need to do to protect our country and many of those things just should never be discussed in public.” (Farrell 2015). Allegations that the government is funding the very trade it claims to be ‘closing down’ problematizes the conflation of an anti-smuggling discourse with the purported commitment to saving lives.

Both case studies demonstrate the capacity for humanitarian rhetoric to be deployed by states in a manner which does not contradict the fundamental assumptions of securitizing practices. While individual policy makers may have a genuine concern for human lives, the institutional response remains anchored by the same principles that govern securitized, often punitive, measures to control immigration and protect borders. Deterrence and prevention remain at the top of the policy agenda in both cases, despite the high proportion of people found to be in genuine need for protection who will be prevented from receiving it as a result. In both case studies states and
supranational bodies have focused significant time and energy on bringing the people smuggling trade to an end, on the basis that without their facilitation, such dangerous journeys would not be possible. Certainly there is a strong case to be made for ending the need for such a trade, given the dangers involved, the blurred boundaries between smuggling and trafficking and the high incidence of extortion and abuse. However, as this paper has discussed, this issue is bound up in states’ deterrence processes which create and sustain a network of semi-professional border crossing processes and groups. Policymakers’ claims to be normatively concerned with the ill treatment of migrants by people smugglers, moreover, is undermined by the simultaneous use of punitive border control measures aimed at the very same groups. The humanitarian narrative deployed in anti-smuggling discourses, therefore, is a legitimating device that serves to reinforce the states exclusive claim to ‘care and control’ in border spaces.

4.3 Limitations

However, there are some important differences in the two cases and limitations to this broader argument. The conundrum of irregular movement across the Mediterranean is clearly complicated by the competing interests and perspectives of EU bodies and some member states, whose commitment to a shared policy on border management has been severely tested by this crisis. States on the ‘frontline’ of the issue (particularly Italy and Greece) are, for obvious reasons, committed to a EU led response that eases their burden and recognizes the practical need to resettle people, at least temporarily. Comments from the European Commission suggest that some high level actors also recognize the limitations of a securitized approach to migration which does not make sufficient concessions in the face of an emergency. In recent weeks this has translated into a proposal to set up a quota system for asylum seekers arriving by irregular means
to be resettled across Europe. The European discourse demonstrates more of a consistent focus on humanitarianism than the Australian one; while it is beyond the scope of this paper to explore why, the shared burden across numerous states in Europe may encourage a more thoughtful response from policymakers. Yet resistance from other member states (notably Britain) underlines the difficulties in ceding to demands for a more humane approach to managed migration whilst retaining a defensive border apparatus. In the case of Australia it appears that there is little to challenge the prevailing political climate in which irregular migration and humanitarian emergencies alike merit hardline deterrence. Policy differences between the two major parties are a matter of degree rather than kind; while the opposition Labour party has challenged the Abbot government’s response to the Rohingya crisis it has drawn a line at resettling stranded people, or providing any form of temporary protection in Australia. The use of humanitarianism as a defense of, and deflection from, highly punitive securitization models is worn particularly thin in the Australian context, particular following the allegations that the government has paid people smugglers. It is also worth reiterating in both cases that the paradoxical use of humanitarian and securitizing frames is a challenge to the moral and practical defensibility of migration policy; this is not to suggest that a coherent and humane migration management system would be politically or practically easy.
5 Conclusions

This paper has considered the paradox of securitized and humanitarian discourses in contemporary border control practices, and assessed the ways in which the tension between them play out in high profile migration crises. States in the global north remain committed to punitive forms of migration management which legitimate extreme and inhumane measures through the construction of migration as serious threat to the security of the nation. These practices vary with respect to the degree that they are explicitly intended to inflict suffering, but the implicit experience of the policies described in this paper is overwhelmingly punitive. By tracing some recent critiques of humanitarian logic, I have argued that the deployment of humanitarian rhetoric in elite responses to crises in the Mediterranean and the Bay of Bengal ultimately serves to reinforce securitizing policies. As this paper has shown, states seek to deploy a form of humanitarianism which is limited to the realm of ‘extraordinary measures’ and does not address securitized and structural relations of power. Elite government discourses focus on the immorality and criminality of human smugglers and traffickers as a means to justify securitized state responses. In doing so they position themselves as the savior of victimized migrants who must be managed accordingly. This paper builds on earlier work in this literature, notably by Pallister Wilkins (2015), Aas and Gundhus (2015) and Horsti (2012) which examine the linguistic and conceptual strategies that frontline staff in immigration authorities use similar methods to defend their efforts to defend borders. This paper documents the consistent discursive patterns in elite policy maker responses to irregular migration, adding a new layer of analysis by studying how this discourse operates during times of crisis. The findings of this work further contribute the wider literature by demonstrating that the utilization of humanitarianism as a justification for securitization is identifiable at the political elite level as well as on the frontline.
Moreover, by identifying similarities in the use of humanitarian rhetoric in both the European and Australian cases, this paper provides important insight into the ways in which restrictive border regimes share not only methods of control but means through which to defend these controls from moral critique. Thus far, most studies of this specific issue within the securitization literature have focused on European or Australasian discourses in isolation; this study demonstrates that the discursive techniques identified above are prominent in both regions, albeit with some key differences. In doing so it provides a new, comparative perspective on the political uses of humanitarianism during migration crises.

The co-optation of humanitarianism in border control discourses raises questions about humanitarianism’s potential to provide an important counter-narrative. As discussed above, many scholars argued that humanitarianism is vulnerable to politicization by actors who wish to avoid being held accountable to moral claims being made by those they deem undesirable. These concerns are not limited to the sphere of migration and border control; similar conceptual and normative issues arise in the case of ‘responsibility to protect’ discourses and subsequent justifications for military interventions (Watson 2011). Gibney (2004), Every (2008), Dauvergne (2013) and others have argued that humanitarianism has a pragmatic value in attempting to ensure that liberal states live up to the values they purport to represent. The challenge is to negotiate the limitations and boundaries of humanitarianism as they are constructed by states acting in their own interest. Border control, in this respect, is simply another site which demonstrates what Fassin calls the “aporia of humanitarian governmentality”; the “profound contradiction between the noble goals of humanitarianism (saving endangered lives and alleviating suffering everywhere in an indiscriminate manner) and concrete terms under which
humanitarian agents have to operate (producing inequalities and hierarchies)” (Fassin 2010, 244).

Where does this leave humanitarian motivations in the context of border control? Humanitarianism is, in theory, focused on human lives as the referent objects of security and, despite being a state-centric concept, ought to distinguish itself from policy principles and outcomes that are guided by a security discourse. In the case of migration emergencies, however, the policy responses share concerning similarities. One of the many challenges for non-state actors hoping to disrupt contemporary border practices is that discursive processes of securitization are able to move security issues away from the realm of the political to “a realm above politics”, as Watson argues, “allowing elites to implement emergency measures that violate the normal political rules of the game (2008,3). Humanitarianism’s focus on universalism may lead it to falter in the face of this manipulation, where the subjects of humanitarianism are endangered not just by their circumstances but by other human beings. The concern here is a theoretical blindness to the ways in which some people count for less in the ‘universal human family’.

The obvious contention here is that non-state actors, including influential parties in the migration context such as UNHCR and the Red Cross, also play a crucial role in humanitarian discourses and practices. Despite relying in part on goodwill and financial assistance from states, organizations such as these can and do operate under the impartial, independent and universal principles that have traditionally provided a foundation for humanitarian action. Non-state actors’ participation in the governance of migration and borders prevent the monopolization of the issue by states, but in some cases also serve as a means through which states can abrogate their responsibility; one obvious example here is Australia’s characterization of aid to UNHCR
as sufficient evidence of their humanitarian concern. On a related note, Cuttitta (2014) has documented a number of cases where non-state actors were de facto discouraged from rescuing people in the Mediterranean without the state’s authorization, even after the rise of the humanitarian narrative in EU border discourses. It appears that states have successfully used a politics of unease to assert and reassert their sovereign authority both and beyond border spaces, limiting the scope for intervention by non-state actors whose interests are not entirely state-centric.

Theorists of securitization have for a long time been divided over the extent to which security frames are enacted as normalized ‘routine’ or as acts of ‘exception’ (Huysmans and Squire 2009). It may be useful to view the tension between humanitarian and the securitization discourse through this lens. Borders can be understood as sites of routine securitization, where people’s lives are “made amenable to intervention and management” (Pickering and Weber 2013, 95). Humanitarianism may function as an exceptional act which permits a limited logic of compassion to briefly suspend a punitive and pervasive ‘politics of unease’. In order to meaningfully challenge securitized and punitive border practices, non-state actors need to challenge the discursive construction of migration as a security threat and thus as a matter ‘beyond politics’. This challenge to policymakers could begin with meaningful efforts to reform detention procedures, consider the impact of unenforceable deportation proceedings and encourage states to ensure that deterrence measures are in accordance with non-refoulment principles. Because humanitarianism is utilized by states in exceptional circumstances, efforts to challenge the abuse of humanitarian rhetoric needs to begin during ‘business as usual’, through a humanitarian critique of the routine ways in which securitization creates and perpetuates human suffering.
Bibliography


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