Abstract

The different responses of Canada and Australia to the arrival of asylum seekers present an interesting puzzle for IR scholars. My analysis analyzes how the use of the coercive capacity of the state against refugees and asylum seekers has come to be regarded as essential in some liberal democratic states while in others these policies remain unacceptable? Using a focused case comparison between Canada and Australia, I show that discursive practices of influential societal and political actors construct the identity of refugees and the receiving state in such a way that makes certain policy choices acceptable to state leaders. In cases where the securitising discourse constructs refugees as the primary referent object of a security threat and the receiving state as a responsible humanitarian international citizen, state leaders adopt policies consistent with norms of the international refugee regime. In cases where this discourse is challenged, societal actors attempt to reconstruct the identity of refugees as security threats to the receiving state. When these securitising attempts are successful, state leaders more readily adopt policies designed to ‘protect’ the state rather than refugees.

To support these conclusions, I employ discourse and textual analysis during three notable refugee ‘crises’ in each state. In the Australian case, the three crises are: the 1979 Indo-Chinese boat people exodus, the 1992 boat arrivals and the 2001 Tampa affair. In Canada, I examine the 1979 Indo-Chinese boat people exodus, the 1986-1987 boat landings and the 1999 boat arrivals. In all six crises, humanitarian and communitarian securitising discourses reconstructed the identity of asylum seekers, their home states and the receiving states, limiting policy options available to state leaders.

My findings have important broader theoretical and practical implications. Theoretically, my work contributes to a better theoretical understanding of the conditions under which the coercive capacity the state can be employed; also, the dissertation makes a significant contribution to understanding the role of discursive practices in limiting policy options and has important practical implications for the media and societal leaders in influencing/challenging the securitising attempts of state leaders.
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Chapter One: The Securitisation of Humanitarian Migration

How has humanitarian migration become cast as a security threat in liberal democratic states? With the ratification and implementation of the 1951 Convention Relating to the Status of Refugees and the establishment of a permanent international body devoted to the protection of refugees (UNHCR), signatory states, including almost all western liberal states, signaled a commitment to offer protection to those fleeing persecution in their home states. Yet, in some of these states, asylum seekers have increasingly been cast as a threat to the state rather than the object of persecution in need of protection. This project is aimed at understanding how this changing perception of refugees and asylum seekers has occurred and how to explain divergent refugee protection policies in western liberal states.

Given the western liberal democracies' common commitment to the protection of human rights and the near universal ratification and implementation of the refugee convention, it is surprising and puzzling that there is significant divergence in the border control and refugee protection policies of these states. A cursory glance at border control policies in many liberal states reveals that a growing number have demonstrated a willingness to use all means necessary to prevent the arrival and admission of asylum seekers, even in the face of international criticism. For example, the governments of the United States, Italy and Australia have all, at one time, instructed their naval forces to intercept and forcibly return boats carrying asylum seekers to states where their protection is not guaranteed. The government of Australia has even excised parts of the Australian territory to ensure that asylum seekers do not get access to the state and the
legal obligations dictated by the international refugee regime and its domestic legislation. Even the Canadian government has, at times, attempted to authorize the use of force against people seeking asylum. This is surprising because Canada has been regarded as generous toward asylum seekers, evidenced by the UNHCR awarding the Nansen Medal to the Canadian people for their efforts in the protection of refugees, the only such time this has happened. This project addresses how liberal states have shifted from viewing asylum seekers as a humanitarian issue to one of a security threat to the state, and how this has altered refugee policy.

While we are living in an era where thinking about immigration as a security threat has become increasingly common, the question animating this thesis is an intriguing puzzle since, historically, the association of asylum seeking as a threat to the state has not been the predominant view. During the Cold War, the protection of individuals fleeing from communist and fascist regimes was seen as a form of power, essentially enhancing the security of the receiving state by undermining the moral legitimacy of the home state.\(^1\) Even today, the treatment of asylum seekers as a threat to the state is not a universal phenomenon. Many states continue to honour the obligations imposed by the refugee regime, and grant protection to those seeking asylum. However, there is genuine concern that this response is no longer the norm. An increasing number of liberal states are adopting more restrictive policies aimed at reducing the number of asylum seekers who gain access to the state. As the European Union embarks on a process of harmonizing asylum procedures, there is a reasonable expectation that refugee

protection will suffer. Canada and the United States have also toyed with the idea of harmonizing asylum policy, and there is every indication that this is unlikely to produce more generous policies toward refugees and asylum seekers.

Many of the existing explanations that have been offered to account for similarities and differences between immigration control policies ignore humanitarian migration and international obligations toward asylum seekers. These explanations have focused instead on economic and family reunification immigration, and have identified a number of important factors that set liberal states apart from one another, including: the role of ethnic and business interest groups, the role of liberal courts, the effects of globalization, as well as geo-political realities. These explanations will be examined in greater detail in the third chapter, but it is important to note here that these theories have provided important insight into the forces that influence immigration control policies, but ultimately fail in a number of respects. The first weakness is an inability to account for the difference in state policies toward different types of migration: economic, family and humanitarian. As noted earlier, the entire category of humanitarian migration is all but ignored, while discrimination against particular ethnic, linguistic, racial, religious, and sexual groups within each type of immigration is left unexplained. These explanations have also failed to account for how certain policies have come to be regarded as essential for the security of some states, while in others these same policies are regarded as unbefitting of a humanitarian state. I argue that in order to understand the general approach to immigration control that liberal democratic states take, as well as particular

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idiosyncratic policies, one needs to examine the discursive practices that take place within these states surrounding the issue of border control and societal identity.

The subject of immigration control policy is a large and daunting subject, one that I cannot hope to cover in its entirety in this study. As such, I have chosen to explore one area of immigration control that seems to have attracted the least attention from scholars, yet a great deal of attention from states: humanitarian migration. I have chosen to examine this topic for two reasons. The first was the seemingly contradictory implementation of border control policies designed to deter and detain humanitarian migrants by self-proclaimed liberal, democratic, humanitarian states. The second reason for studying this was the lack of attention the securitisation of humanitarian migration has received in the political science literature.

I should clarify here some of the terminology in use. For the purposes of this study, I have broken the phenomenon of immigration into two broad categories. The term immigration refers to the general phenomenon of the movement of people across international borders for economic or family reunification purposes. Thus, the term immigrant will refer to someone who seeks to enter a state by appealing to the economic self-interest of the state or to the rights of family reunification for those already admitted to the state. I distinguish the phenomenon of humanitarian migration from this general phenomenon of immigration based on the values appealed to by individuals seeking entrance; fully aware that the reasons for migration are often complex, interrelated and difficult to differentiate in many circumstances. Drawing on Dauvergne’s definition, I employ the term “humanitarian migrant” to refer to someone who seeks permission to enter a state by appealing to the compassion of the host state, and bases his or her claim
on the notion that denying entrance would contravene some sense of common humanity.\(^3\)

Like Dauvergne, the humanitarian migrant distinction that I employ includes both refugees and asylum seekers. I use the term refugees when referring to those whose refugee claims have been processed and have been recognized either as refugees under the terms of the 1951 Convention or as persons in need of protection based on humanitarian grounds not explicitly included in the 1951 Convention but included in a state’s domestic legislation. I use the term asylum seekers when referring to those who have not yet been granted or denied official refugee status but have entered or seek to enter a state to begin assessment under that states’ humanitarian migration determination process. Furthermore, I employ the term ‘unauthorised migration’ to denote the crossing of an international border without the permission of the receiving state and for reasons not yet clear, whether it be for humanitarian considerations, employment or family reunification.

The issue of unauthorized humanitarian migration is particularly important because it is an issue that will continue to confront liberal states as long as there exists such a large disparity between the first and third world, between North and South, in terms of wealth and security. It is generally accepted that international migration moves from areas of high political, social, or economic insecurity to areas that migrants perceive as having less insecurity.\(^4\) By virtue of their relative affluence and the myriad political, social, and economic rights bestowed upon their residents, liberal democratic states tend to be perceived as areas that have significantly lower levels of insecurity. As such, there

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is presumed to be a high demand upon these states to admit migrants seeking increased levels of political, social and economic security.

In 2004, the UNHCR reports that there were 9.2 million refugees worldwide, with an additional 10 million persons of concern, primarily internally displaced persons. For many, this illustrates that close to 20 million people worldwide suffer from high levels of insecurity, and who have an interest in moving to areas with greater security. As such, the pool of potential humanitarian migrants is staggeringly large. Remarkably, of the 20 million potential humanitarian migrants, just 528,000 asylum seekers (2.6%) made their way to western liberal states in Europe or North America in 2004.²

That a mere fraction of the world’s most insecure people attempt to enter western liberal states may indicate that these states need not fear mass refugee influxes as most people in the world would prefer to remain in or near their home state, in anticipation of quick return. However, the small number of refugees and asylum seekers who find their way to the west may simply demonstrate the effectiveness of border control policies and the difficulty of international travel. While it is not clear how many of these refugees would seek protection in the advanced western liberal states were there no controls in place to prevent this possibility, for many, it is obvious that the protections offered by liberal states are in high demand. The perceived high demand for admission to western liberal states has allowed political and societal leaders to generate fear over a potentially large influx of refugees.

The issue of cross border movement is relevant not simply because there are strong push and pull forces encouraging international migration that cannot be alleviated without a drastic change in the international economic system and the disparity between

North and South, but also because the movement of people across borders has the potential to affect the economic and security interests of states and societies. The prominence of recent terrorist activities has highlighted the potential security risks that immigration poses for states and has forced the topic to the forefront of many states' security agendas. The link between migration and terrorism, while not particularly strong, has nonetheless attracted a great deal of attention from the media, academics and policy makers alike. Despite the fact that the number of terrorist attacks are at their lowest levels since 1969 and claim far fewer lives per year than traffic accidents, fears of terrorist activity heavily influence national security agendas and border control strategies of most liberal states. To this end, concerted efforts have been made to identify all immigrants and to monitor and control the activities of immigrants who are suspected of supporting terrorist networks. Diaspora populations have long garnered the attention of both home and host states, as they are often perceived as being a primary source of insecurity.

That the issue of immigration has been cast as a security concern in many states should come as no surprise. The changes brought about by the end of the Cold War have produced a whole host of new issues being placed onto national and international security agendas. For many advocates of including these new security threats, such as environmental degradation and human trafficking, in national security agendas, it is troubling that states have, as of yet, not been able to produce an effective international response. Part of the reason for this failure is that political and societal leaders, and the general public, have had very different responses toward these new security threats. The variation in state responses toward potential security issues, like that toward humanitarian

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migration, is not unique to these new threats. Even traditional military threats like terrorism, weapons proliferation and ‘rogue’ states have produced differing responses among states.

Unfortunately, the traditional security studies community has made little effort, and has had little success, to explain variations in state responses to potential threats. Constructivist approaches to international relations have begun to address this gap in the security literature, by showing how cultural differences impact both what is perceived as threatening and what responses are appropriate. This study embarks from the constructivist position, employing securitisation theory to address how humanitarian migration has been cast as a threat in western liberal states.

In addition to the purported link with terrorism, the issue of immigration raises further security concerns by the connection to trafficking in drugs, arms and people. As a result, the international movement of people has become the focus of domestic and international crime control agencies. Besides the military-security concerns, there is some evidence that immigration also brings with it a number of other short term ills for host societies, including increased social welfare costs, and negative economic, cultural and social consequences. While these ills seem to be short term, they are often exaggerated, and have gathered currency in many media institutions and the general population. Given the current international political climate and the attention given to the potential

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negative effects of immigration it is likely that international migration will remain on the
security agenda for some time.

Despite its resurgence as a security issue since the end of the Cold War, the
concern with cross-border migration is not a post-Cold War phenomenon. Control over
the territorial boundaries of the state and the power to define the community that qualifies
for its protection, has been regarded as an essential condition of state sovereignty. Shaw
argues that as early as the 1933 Montevideo Convention on Rights and Duties of States, a
clearly defined territory and a permanent population were considered minimal conditions
of statehood.11 Since at least the early 1900’s, and likely much earlier, the defining
characteristic of state sovereignty, as well as a key condition for international recognition,
has been the effective control over a particular territory and people. Thomas Biersteker
notes that the norms of state recognition and the definitions of state, sovereignty and
territory have changed over the course of the last century, which has resulted in the
reduced salience of physical territory and significance of borders. However, Biersteker
observes that the one issue area in which borders remain as important as ever is in the
movement of people.12 The primacy given to the control of cross-border migration
reveals that this particular facet of state sovereignty has changed very little over the
course of the past century. The issue of cross-border movement is important because
states continue to treat it as such.

This project is relevant theoretically because it explores the challenges to border
control that have occupied a central role in our conceptions of sovereignty since the
Treaty of Westphalia. The issue also bears practical relevance because of the impact

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states' border control policies have on the international refugee regime and on refugees themselves. The erosion of the international refugee regime could be devastating in that it would limit the ability of states to work together to solve international problems. Though the erosion of the refugee regime would not necessarily be a negative development if it were supplemented by national policies that enhanced protection of refugees; such a development seems remote, if not absurd, given the current climate regarding refugee protection. As states violate the spirit and the letter of the refugee regime by enacting more restrictive policies, refugees have less opportunity to flee persecution, potentially putting at risk the lives of millions of people worldwide. To prevent such a calamity, it is essential to understand how restrictive policies have become acceptable in some liberal states; and it is even more essential to understand how in other liberal states, calls for greater restrictions on asylum seekers have been unsuccessful.

Framework

In this project, I show how humanitarian migrants have been constructed both as threatened by the state and, alternatively, as a threat to the state. I argue that these two primary constructions of asylum seeker identity have narrowed the range of policies deemed acceptable in liberal democratic states. Drawing on the insights of securitisation theory as developed by the Copenhagen school, I show that political and societal leaders engage in discursive contestation regarding the identity of asylum seekers and the receiving state. These alternative representations aim to restrict the range of policy choices available to political leaders by either portraying the asylum seekers as deserving of the protection of the state or as a source of insecurity for the state. Successfully portraying the asylum seekers in one fashion over another, circumscribes the policy
options deemed acceptable for policy makers, and encourages the implementation of policies that are consistent with the identity constructions of the dominant discourse.

The range of acceptable migration policies within a particular polity is shaped by, and reflective of, constructions of the national identity, particularly as it pertains to the creation of the membership of that community. For this reason, I have chosen to use two liberal, democratic, capitalist, settler states - Canada and Australia, for the empirical analysis in this project. Their identity as wealthy, liberal, democratic, capitalist states situate them in similar positions internationally. Of critical importance is that both states are refugee receivers and have historically demonstrated similar commitments to refugee protection, as illustrated by their refugee resettlement programs and financial support for the UNHCR - the international body devoted to the protection of refugees. On the other hand, both states have economic and political interests in maintaining the current international system, with its focus on state sovereignty and its concomitant restrictions on trans-border movement.

While the above description is applicable to most western liberal states, Canada and Australia make useful comparison because they share important historical similarities in their approach to nation building, most notably with regard to their emphasis on immigration and the historical contestation over the exclusion and later inclusion of non-European populations. Recent turns in both states to a multicultural national identity further mark their useful comparison, as it is illustrative of a turn away from a traditional means of marking national identity based on racial, ethnic or religious characteristics.

Furthermore, both Canada and Australia rely heavily on the admission of humanitarian migrants to bolster key aspects of their national identity, particularly their
role as good international citizens and as humanitarian actors. The admission of refugees has provided both states with the opportunity to contribute to resolving international crises in a demonstrative way, increasing their international profile as important and relevant actors.

Lastly, Canada and Australia present a strong case comparison because it is not self-evident that either state faces an objective threat from unauthorized humanitarian migration. Both are geographically isolated from refugee-producing states; Australia by virtue of being an island state separated from its less stable neighbors by a long, perilous boat journey. Canada’s only land border is with the U.S., which is generally considered not to be a refugee-producing state. It, too, is separated from less stable neighbors by significant bodies of water. While Canada and Australia each face unique geopolitical circumstances, one would be hard pressed to argue that either faced a significant threat from the arrival of large numbers of humanitarian migrants.

Looking at the sheer numbers of asylum arrivals supports the contention that neither state faces a significant threat from asylum seekers. In 2004, France faced an inflow of over 58,500 asylum seekers, the UK – 40,200, Germany – 35,600, and the U.S. – 27,900. Canada and Australia faced inflows of 25,800 and 3,300 respectively.\textsuperscript{13} This represented less than 11% and 2% of the number of asylum seekers finding their way into the advanced industrial democracies. Clearly, Canada and Australia face a much smaller ‘risk’ of being inundated with unwanted asylum seekers than do other liberal democracies. In comparison with each other, Canada would seem to be at far greater ‘risk’ that Australia. Since Australia implemented its harsh border control policies in

2001, it receives, on average, between an eighth and a fifth of the number of asylum seekers that Canada does. Even prior to the 2001 crackdown, between 1992 and 2001, Canada, on average, faced three times as many asylum seekers, with over 286,300 asylum seekers, than Australia, which faced an inflow of 94,200.\textsuperscript{14} Assuming all asylum seekers carry the same associated risks, based on these numbers we would expect that Canada faces a far greater security risk from asylum seekers than does Australia.

It may be the case that all asylum seekers do not carry the same level of risk. Perhaps asylum seekers entering Australia and/or Canada present a greater risk to the state, in terms of terrorist or criminal activity. Again the evidence does not support such a conclusion. A number of studies examining the incarceration rates of native-born and foreign-born in Australia clearly indicate that the foreign-born do not pose a greater threat to society than do native Australians. These studies have concluded that native-born Australians engage in criminal activity at significantly higher rates than the foreign-born.\textsuperscript{15} There is also evidence that unauthorized humanitarian migration into Australia does not pose a significant terrorist threat. Between 2000 and 2002, Australia’s security organization, the ASIO, checked 5,986 unauthorized arrivals to assess whether or not they constituted a direct or indirect threat to Australia; they found that not one constituted such a threat.\textsuperscript{16}

Similarly, numbers from Canada indicate that there is very little difference between the foreign-born population in the two states in terms of criminal activity.

\textsuperscript{14} Ibid.
Surveys in Canada in 1989 and 1991 reveal that the proportion of foreign-born in the general prison population was 10.3% and 11.9% respectively; this was at a time when the entire population was 18.9% foreign born. Lynch and Simon conclude that, similar to Australia, immigrants in Canada have had a lower rate of criminality than the native-born consistently over the last forty years.

Based on these 'objective' standards of security risk there is no reason to conclude that either Canada or Australia face an objective threat from asylum seekers, or that Australia faces a greater risk than Canada. Yet in both states, political actors have attempted to securitise humanitarian migration. Furthermore, these attempts have been more successful in Australia. Using these two states for the empirical analysis of the securitisation of humanitarian migration provides an opportunity to show how, in the absence of objective security risks, humanitarian migration is treated as a greater threat in one state than another.

My comparison of Canada and Australia builds on an established scholarly literature devoted to the comparison of the migration policies of these two states. However, this project differs in that the aim is not to provide an explanation for the historical evolution and divergence of their immigration policies or migration law, though it makes a significant contribution to this end. Rather, this analysis focuses on crisis periods when the national community has confronted the issue of humanitarian migration. The results of the securitising attempts have, in some cases, permanently altered the migration laws of the state, and as such, are an important moment in the development of the state’s migration laws and national identity. In other instances, the policies advocated

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and introduced in response to a particular crisis have not had a permanent impact on the state's migration law, and have been reversed through a process of desecuritisation or counter-securitisation. However, in such instances these securitising attempts continue to impact the migration laws of the state, as they become part of the national discourse on the state's identity; consequently, as important to understanding how humanitarian migration becomes securitised, it is equally important to understand how political and societal leaders have resisted securitising attempts. So while examining migration law is informative and important, it misses crucial elements of policy and law making whereby certain laws and policies are deemed unacceptable and remain outside the realm of possible actions by the state.

By examining specific refugee crises, I identify the ways in which political and societal leaders draw on established national symbols and myths to shape the discourse on humanitarian migrants to achieve a particular policy response to the current crisis. In each state, I examine three humanitarian migration crises. Starting with the premise that crises are socially constructed, I identify migration crises by whether or not influential political, societal and media actors in that state regard it as a crisis. Whether an issue is regarded as a crisis is indicated by the overall level of attention generated by the topic within the political community, as illustrated by the number of debates on the topic in Parliament or by public pronouncements by political leaders, as well as by overall media coverage devoted to the topic. Thus, in periods of crisis, there is a significant increase in media attention to the issue and an increase in attention given to the issue by influential members of the political and societal elite.
In this study, I employ an in-depth discourse analysis of three humanitarian migration crises in each state. Since the Second World War, I have identified four humanitarian migration crises in Canada: refugee resettlement after the Second World War, the 1979 Indo-Chinese refugee crisis, the 1986-1987 boat arrivals, and the 1999 boat arrivals. I have also identified two other possible crises, including the Hungarian refugee resettlement and the debate on humanitarian migration post-9/11. Of the six crises, I have chosen to examine the Indo-Chinese refugee crisis, the 1986-1987 boat arrivals, and the 1999 boat arrivals.

In Australia, I identified seven refugee crises since WWII: refugee resettlement after the Second World War, the Vietnam exodus in 1975-1976, the 1979 Indo-Chinese refugee crisis, the 1990 Chinese student refugee resettlement, the 1992 Cambodian/Chinese arrivals, the 1999 refugee debates and the 2001 Tampa crisis. I have chosen to examine three crises: the 1979 Indo-Chinese refugee crisis, the 1992 Cambodian/Chinese arrivals and the 2001 Tampa crisis. I have chosen to examine these six crises because they are well documented, they are comparable both between and within the two states under examination, and because they provide variation in the referent objects of securitisation and in the levels of success.

The theory of securitisation advanced in this project has relevance beyond the short time frames examined, and could be applied in a genealogical fashion to immigration policy generally to explain the gradual shift away from racial immigration criteria toward economic criteria and family reunification. The theory is also applicable beyond the two countries under examination; for instance it could be used to illuminate the U.S. response to Muslim immigrants since 9/11, the rise of anti-immigrant parties in
the EU and to the current debate over undocumented Mexican workers in the U.S. Furthermore, it has the potential to make contributions far beyond the immigration policy area, and could help illuminate issues areas such as humanitarian intervention, environmental change, securing resource supplies, as well as intra- and inter-state war.

This project is divided into two sections: the first theoretical, the second empirical. The first section, which is composed of chapters two, three, four and five, focuses on the theoretical terrain covered in this project. Chapter two contains discussion of methodological issues. In that chapter, I further explore the meaning of the term 'discourse', and explain how the textual analysis I employ in this study fits into the Foucauldian approach to discourse. I explain how dominant discourses are recognized and how I have categorized the texts under analysis based on their construction of the referent object of security and the legitimate security provider.

Chapter three examines competing theoretical accounts of migration policy, and addresses the weaknesses and shortcomings of these accounts. My work seeks to build on the insights provided by the various globalization and statist accounts, most notably by identifying the situations under which the normal operating politics of immigration policy-making cease to operate. I argue that international and domestic constraints against restrictive immigration policies are less constraining when political and societal leaders move the issue of migration out of normal politics and into the security realm. By doing so, these securitising actors are able to present policy prescriptions that would otherwise be unacceptable during periods of normalcy.

Having shown how the identification of a security threat impacts the operation of normal politics, in chapter four I turn to the security literature devoted to international
migration. In this chapter, I show the historical association between migration and national security, and seek to problematize this association. The dominant neo-realist approach to security has been resistant to the inclusion of migration in the field of security studies, defending the traditional terrain of security studies. Other realists have all too quickly sought to include migration as one of the most significant post-Cold War security challenges, and have sought to alert policy makers to this new and growing threat. On the other end of the spectrum, critical security and human security approaches have sought to undermine the exclusive focus on state security, and have encouraged alternative approaches to the study and practice of security. In this chapter, I introduce a constructivist approach as a 'middle way', one that empirically examines the broadening and widening of the practice of state security; and empirically demonstrates the adoption of alternative security frameworks. Building on securitisation theory, I show the three-stage process of securitisation, whereby political actors construct a condition of security threat and crisis.

The fifth chapter closes out the theoretical component of the project, and serves as the theoretical heart of the work. In this chapter, I show how the creation of the international refugee regime served to construct refugees as distinct actors in the international system. This 'humanitarian' construction of refugee identity served as one element in the emerging rivalry in the international system between the two great powers following the Second World War. Constructed by the western capitalist states, refugee identity was constructed in such a way to serve as a form of moral power for these states, and to de-legitimize their fascist and communist rivals. The refugee regime served to construct the identity of states in the international system and created a set of norms
guiding the treatment of those seeking refuge. These norms formed the basis of the international refugee regime, and as such provide a guide by which to assess the ‘normal’ response to refugees and asylum seekers. With the rising number and changing character of asylum seekers, and the demise of the international rivalry that had sustained the regime, the norms of this regime itself have been open to challenge by domestic securitising actors seeking to reconstruct the identity of refugees and receiving states.

Chapters six and seven are devoted to the empirical analysis of the securitisation of humanitarian migration in Canada and Australia. Examining three securitisation attempts in each case, these chapters demonstrate the multiple types of securitisation, the three stages of the process, the central actors in the process, and the conditions under which securitisation is successful. I examine the policy choices that the competing discourses made available to policy makers, and which policies were rendered unacceptable as a result of the securitisation attempts. Some of the crises examined in these two chapters have garnered very little scholarly attention, and as such the material covered in these chapters breaks new ground. Others have been studied and documented extensively by others, and this study has benefited immensely from their work. None of these existent works have approached these events from the theoretical lens employed by this project. As such, the empirical analysis in this work provides novel and interesting contributions to understanding these events.

In the concluding chapter, I review the contribution that this project has made to our understanding of the securitisation process, as well as to immigration policy more generally. Lastly, I identify a number of key theoretical questions that this project raises as a result of its theoretical and empirical advances. Understanding how political and
societal leaders can re-construct events and actors as a threat to the state forces us to re-
consider the role of power and systemic factors in the implementation and sustenance of
international norms, the impact of domestic political structures and agents on
international politics, and the impact of the globalization process on the realm of
traditional national politics. Before turning to these issues, the following chapter deals
with how this study is conducted.
Chapter Two: Method

This study employs a discourse analysis of six humanitarian migration crises, in which securitising actors sought to challenge the dominant discourse constructing the relationship between the state and humanitarian migrants. During these periods, I will examine the discourse pertaining to humanitarian migration to show how alternative discourses arose to challenge the dominant humanitarian discourse that shaped, and was shaped by, the international refugee regime. According to securitisation theory, windows of opportunity, or events that are plausibly portrayed as a security threat, arise that allow securitising agents to present a community of individuals as threatened. In examining a few historical incidents during which securitising attempts were made, it is possible to show how the discursive practices of influential political, societal and media leaders impacted the policy options available to the ruling elite. In Canada, I examine the Indo-Chinese boat people crisis of 1979, the east coast boat arrivals of 1986-1987 and the west coast boat arrivals of 1999. In Australia, I examine the Indo-Chinese refugee crisis of 1979, the 1992 refugee crisis and the 2001 Tampa Crisis.

In each of these cases, I analyze the discourse concerning the events associated with the crisis as contained in prominent daily newspapers. This study engages in the analysis of discourse in two senses of the term. First, I critically examine discourse as understood from a Foucauldian perspective; as productive of the identities, behaviours, feelings and conditions of life that are considered normal. From this perspective, I engage in the critical analysis of discourse on refugee and asylum policy to uncover the

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power relations that produce, and are re-produced by, the ‘normal’ discourse structuring the relationship between the state and asylum seekers; that is largely the subject of Chapter Five. Second, in Chapters Six and Seven, I engage in conventional discourse analysis, by studying the content and grammar of textual materials, to reveal how those in a position of authority speak ‘security’. Thus, the discourse analysis undertaken in this study has two components: 1) a critical component to identify actors empowered by the current discourse on refugees and asylum seekers, and 2) a conventional component to identify how these actors use the language of security to alter/maintain the existing discourse.

My analysis of discourse follows on the growing body of international relations scholarship that has engaged in this type of research. The growth in critical discourse analysis in IR has produced an established set of principles for the examination of discourse. Milliken, in her explanation of the methodology of discourse analysis, notes that discourse analysis is based on three primary commitments. First, discourse constructs social realities that serve to distinguish relationships between objects and thereby establish a relation of power between the two objects, with one being privileged. Second, discourse is productive and reproductive of the things defined by the discourse. This means more than simply creating a language for analyzing and classifying phenomena; discourses make intelligible some ways of being in and acting toward the world and of operationalizing a particular ‘regime of truth’, while excluding other possible modes of identity. Price, one such scholar to engage in this type of research, supports such a claim by asserting that discursive practices legitimize certain behaviours

20 Ibid.
and conditions of life as normal and politicize others.\textsuperscript{21} Third, discourse analysis is directed toward identifying dominating discourses that are changeable and historically contingent.\textsuperscript{22}

To support these basic tenets regarding the role of discourse, there are a number of methods of engaging in discourse analysis. Milliken identifies the use of predicate analysis as one of the primary research methodologies. Predicate analysis focuses on the language practices of the verbs, adverbs and adjectives that attach to nouns. For example, Price, in his examination of the chemical weapons taboo, uses predicate analysis when he identifies the predicates typically attached to such weapons, including: barbaric, immoral, horrible and inhumane.\textsuperscript{23} Milliken claims that the predications of a noun construct the object named as a particular sort of thing, with particular features and capacities.\textsuperscript{24} I engage in predicate analysis to identify the predicates attached to asylum seekers, the receiving state, the home state and, in some cases, transit states.

Alongside the predicate analysis, I also employ a metaphorical analysis method, since much of the discourse on asylum seeking is structured in metaphorical terms. Gee has observed that discourse is often structured in metaphorical terms, and that metaphors are a rich source for understanding the dominant discourses in particular cultures.\textsuperscript{25} Milliken notes that to engage in metaphor analysis, the researcher establishes metaphors used regularly in the language practices of groups or societies to make sense of the

world.\(^{26}\) One notable use of metaphor analysis is Campbell’s work on American foreign policy, in which he identifies the body/medical metaphors commonly applied by states to groups identified as threats.\(^{27}\) According to Milliken, the researcher then abstracts from the particular metaphors to create a theory of metaphorical categorization that accounts for the central models or themes of the metaphors. We will see in this study that metaphors employing the themes of war, such as invasion and armadas, and natural disasters, such as swamping and flooding, are common in the discourse on asylum seekers. This has the effect of equating asylum seekers with the source of danger in the metaphors, i.e. floods and enemy combatants.

This study engages in the analysis of predicates and metaphors attached to asylum seekers and the receiving state during six periods of securitisation in two states. During each crisis, I categorized each separate news piece (articles, editorials, letters to editor) based on the predicates and metaphors employed to depict the asylum seeker, his home state and the receiving state. Prior to describing how I classified the discourses under examination, I explain the choice of securitising attempts.

**Identification of Securitisation Attempts (Refugee Crises)**

As was noted in the previous section, I examine three securitisation attempts in both Canada and Australia: six in total. By examining the discourse surrounding these events (as presented in the newspaper coverage of these crises), I identify how the discourse impacted the response of the ruling elite. In Canada, I examine the 1979 Indo-Chinese crisis, the 1986-87 Sikh and Tamil boat arrivals off the east coast of Canada and the 1999 Chinese boat arrivals off the west coast of Canada. In Australia, I examine the

\(^{26}\) Ibid.
1979 Indo-Chinese crisis, the 1992 Chinese and Cambodian boat arrivals, and the 2001 *Tampa* crisis. These cases were selected for a variety of reasons.

First, in these cases it was possible to identify the beginnings of the securitisation process. All of the cases under examination had notable precipitating events; which, in the parlance of securitisation theory, made the alleged threat plausible. Consequently, it was possible to identify the dominant discourse and relevant actors prior to, and subsequent to, the precipitating events. Of course, precipitating events alone do not signal the occurrence of a securitisation attempt. Many events that may plausibly be constructed as threatening are not, and it is possible that some securitisation attempts may occur without a notable precipitating event.

Second, these cases were the most well-documented of securitisation attempts regarding humanitarian migration in the public record; making it possible to more fully observe the process of securitisation. All of the cases under examination generated a significant amount of attention and public debate; which was registered, in this study, by the tone and magnitude of newspaper coverage. The increased amount of discursive activity debating the identity and actions of the asylum seekers and the receiving state not only made these events ideal cases of securitisation to examine; it signaled that the media played a key role in the process itself and that there was some debate or contestation over the interpretation of events.

Lastly, the cases selected for examination in this study vary in the types of securitisation, and in the level of success of the securitisation attempts. Importantly, the crises were not selected based on the response of political leaders to the increased debate associated with the crisis. This would essentially be the discourse analysis equivalent of
selecting on the dependent variable. Because the claim of securitisation theory is that
discursive practices (the process of securitisation) make certain policy options available
to political leaders, it is important to not only study cases where the outcome (successful
securitisation) is observed, but also cases where securitisation failed or was only partially
successful.

Adopting this approach to the identification of securitisation does have a number
of drawbacks, and may miss important and interesting events; including securitisation
attempts that are so weak, either because the threat was implausible or because the
speaker did not hold a sufficiently authoritative position, that they fail to generate any
kind of public response. Also, it may miss securitising moves that are initiated and
negotiated amongst the political elite in secret and without engaging the media or the
public in general.28 Though such occurrences appear to be rare, they may help refine our
understanding of the securitisation process and, as such, warrant further study.

Site of Access to Discourse

My discourse analysis involves a search for patterns in the communicative acts of
influential political, societal and media actors. In this study, the primary site of access to
these communicative acts is the print-news media, primarily, prominent daily
newspapers. The content of newspaper coverage includes a variety of forms of
communication, or communicative acts, namely: articles, editorials and letters to the
editor. Each of these types performs different actions based on their social function.
Multi-modal theory of language sees all communicative acts as having three overarching
social functions: representational – to represent some aspect of the world; orientational –

28 For an example of this process of securitisation see: Hettne, Bjorn and Elisabeth Abiri. 1998. "The
to establish relations between those who are communicating; and organizational – to organize the communication as text, compose it in such a way that it is coherent and cohesive.\textsuperscript{29}

Newspaper content provides an excellent window into the production and reproduction of discourses within society because the types of communicative acts it contains vary in the representational and orientational aspects.\textsuperscript{30} The newspaper article's orientational function is to present the author of the article as the neutral deliverer of factual information. Content of articles is presented as fact; the author presents the official or authoritative version of events. In this orientation, the reader is a consumer of facts about 'reality' provided by the article's author(s). Editorials have a different orientational function. They position the author as a persuasive, informed and legitimate actor who is trying to convince the reading public how to interpret the facts presented in news articles. The reader is a consumer of editorial content, but is oriented as a more engaged and critical consumer of the content. Lastly, letters to the editor orient the reader in relation to how their fellow citizens or the public at large interprets the 'reality' presented through news articles. Each serves a critical function in the construction of discourse, through the use of particular predicates and metaphors. The independent examination of each form of newspaper content helps the researcher establish which representations are dominant in society, and which actors are most influential in the construction of discourse. In the sixth and seventh chapters of this study, I present the breakdown of newspaper content based on the type of articles (its orientational focus) and on the discourse advocated by the author (its representational orientation). The findings

\textsuperscript{29} Burn, Andrew and David Parker. 2003. Analyzing Media Texts. London: Continuum.

\textsuperscript{30} For the most part, my analysis does not address the organizational aspect of news content and is more concerned with what the organization of newspapers presents to readers.
are presented as the percentage of each type of article (article, editorial, letter) that was categorized as a particular discourse. The number of pieces advocating a particular representation (displayed in tables as a percentage of total coverage) was used to approximate the 'prominence' of each discourse in that state during the time period under examination.

Categories of Discourse

As noted earlier, I categorized each news piece based on its representation of the referent object and the security provider. In essence, this meant classifying how each piece constructed the identity of the asylum seeker, his home state and the receiving state. As is discussed in further detail in Chapter Five, I classified texts as one of three types\textsuperscript{31} of securitised discourse: humanitarian, communitarian, and international. It is important to note here, that the process of securitising humanitarian migration necessarily involves a contestation between two or more securitising discourses. Essentially, either the migrants are securitised in a humanitarian manner, communitarian manner or international manner. Because of the nature of unauthorised humanitarian migration, it proved difficult for actors to engage the topic without drawing on some type of securitised discourse.

Articles, editorials and letters to the editor that used terms emphasizing the victimhood of the asylum seeker or the generosity of the receiving state, were categorized as humanitarian. The following list indicates the various nouns substituted for asylum seekers that were categorized as a humanitarian representation: refugees, castaways, boat people\textsuperscript{32}, fugitives of tyranny, the unwanted, humanity, debris, freedom swimmers,

\textsuperscript{31} Though in Chapter Five I identify five types of securitisation, only three are expressed in my cases
\textsuperscript{32} In 1979, by 1992 in Australia the term had neutral or derogatory connotations
survivors, women/children, displaced, the weak and victims. In many cases, newspapers employed neutral nouns to refer to the asylum seekers, such as: asylum seekers, migrants, arrivals; or by the number of arrivals (i.e. the 172) or the nationality of the asylum seekers (i.e. Asians, Chinese, Tamils). Thus, in addition to analyzing the noun alternatives for the term ‘asylum seeker’, I categorized the discourse based on the predicates attached to such nouns to further signify the nature of the discourse.

Predicates attached to these nouns that were categorized as humanitarian include variations of: forsaken, forgotten, miserable, fleeing, escaping, survived, rescued, saved, displaced, persecuted, oppressed, tragic, anguished, desperate, fearful, terrified, hopeless, and homeless. The securitising discourses also produced and re-produced the identity of the states involved: the asylum seekers’ home state and the receiving state. Predicates attached to the home states that were categorized as humanitarian depicted the state as: embroiled in civil war, bloody, genocidal, troubled, murderous, a killing ground, violators of human rights, and unsafe. Lastly, the competing discourses also used predicates to construct the identity of the host state or society. The humanitarian discourse portrayed the host state as: compassionate, humanitarian, sympathetic, generous, proud, a good international citizen, warm, caring, receptive, responsive and Christian.

Additionally, the humanitarian discourse drew on several powerful humanitarian metaphors. The most prominent was the Holocaust. The use of this metaphor was done through references to the asylum seekers as victims of an Asian Holocaust or as Jews of

33 While depictions of the home state as Christian was used in both communitarian and humanitarian securitised discourses, the humanitarian use portrayed the responsibility of Christians in a cosmopolitan manner, meaning it required the Christian state to provide protection. Used in a communitarian manner, it depicted the Christian character of society as threatened by the admission of non-Christian populations.
the East; alternatively, leaders of their home state were depicted as Nazi’s or the equivalent of Hitler. These metaphors drew on the failures of the western powers in responding to the Holocaust by incorporating the Evian Conference\textsuperscript{34} or the fate of the St. Louis\textsuperscript{35} into the discourse. Other humanitarian metaphors included the nation as a ‘nation of refugees’, the flight of Jesus into Egypt, and, in Canada, the Komagata Maru.\textsuperscript{36}

Conversely, the nouns categorized as communitarian-securitised were either neutral (as listed in the previous section), with communitarian-securitised predicates, or terms that explicitly challenged the asylum seekers’ refugee claims. The nouns classified as communitarian included some form of the following: criminals, terrorists, illegals, guerillas, aliens, human bombs, spies, louts, tourists, and, in Australia, rorters. Predicates attached to these nouns that identified the asylum seeker as a threat to the receiving state include some variation of: danger, mystery, illegal, violent, a plague, dubious, illicit, causing mayhem, lying, causing the disintegration of society, bringing racial friction, bogus, fraudulent, motivated by economics, throwing children overboard and over-breeding. Additionally, the communitarian-securitised discourse used certain predicates that portrayed the receiving state as the object of security; using predicates such as: threatened, swamped, on the brink of collapse, unable to take care of its citizens, a soft

\textsuperscript{34} The Evian Conference was an international Conference that convened in Evian, France in July, 1938. The conference was called to deal with the fate of Jewish refugees fleeing Germany. While 32 nations were represented, the conference was a failure. Most states in attendance refused to resettle large numbers of Jewish refugees, and delegates at the conference even failed to pass a resolution condemning Hitler’s actions. Some claim the failure of the Evian Conference emboldened Hitler to implement the Final Solution.

\textsuperscript{35} The St. Louis was a ship carrying close to 950 Jewish refugees that had fled from Germany in 1939. It requested entry to several countries, including Cuba, the U.S. and Canada, all of which refused to accept the passengers. The ship returned to Europe, where a number of the refugees were accepted in Holland, England and France. Most passengers died in the Holocaust.

\textsuperscript{36} The Komagata Maru was a ship that departed from Hong Kong carrying mostly Sikh immigrants that arrived on the west coast of Canada in May, 1914. The purpose of the voyage was to challenge the exclusion clauses of Canada’s (and Britain’s) immigration policy. After a two-month standoff, 24 of the estimated 400 passengers were accepted, the rest were forcibly turned away. Its passengers eventually disembarked in India, where 20 or so were killed by British troops in the Budge Budge Riot.
touch, blackmailed, held hostage, tricked, and manipulated. Predicates that challenged the asylum seekers' claim regarding their home state were categorized as communitarian-securitised, and include variations of: safe, poor, different, alien, underdeveloped, and foreign (containing different values from the receiving state).

Metaphors categorized as communitarian include both war and flood metaphors, and were categorized as such only when the object of the metaphor was one of the states under examination (Canada or Australia). War metaphors depicted the arrival of asylum seekers as an invasion, a campaign and an offensive, and their means of arrival as an armada or flotilla. Consistent with the war metaphor, the receiving state was depicted as defending the state, engaging in a standoff, and refusing to retreat. Similarly, the flood metaphor depicted the arrival of the asylum seekers as a: flood, flow, tide, wave, tsunami and deluge. The receiving state was depicted as being swamped, flooded, and washed out. In this metaphor, the policies of the receiving state were depicted as having opened the floodgates or having ignored early warnings.

Lastly, the international-securitised category was distinguished from the humanitarian and communitarian discourse based on the referent object of security and the security provider. The international securitised discourse employed the same metaphors as described in the previous paragraphs, but applied them to a third state. Thus, the metaphors were applied to a state outside the state in which the discourse was situated. The international-securitised discourse also depicted the asylum seekers in a slightly different manner. They were depicted as victims of their home state, but not in the same manner as the humanitarian discourse. As noted in the previous section, the humanitarian discourse depicted the home state as a refugee-producing state, but one that
could not control the exodus of refugees. Unlike the humanitarian discourse, in the international discourse, the home state was depicted as intentionally creating the refugee flow; predicates attached to the home state included variations of: expelled, forced, extorted, robbed, bribed, allowed to leave, profited, earned, gained, exported, trafficked, sent and rid society of undesirables. The international securitised discourse also depicted the refugee policy as an intentional strategy on the part of the home state, using predicates such as: deliberate, intentional, target, invade, weaken, undermine, and flood.

The international-securitised discourse constructed the international community as the appropriate security provider. Predicates categorized as international-securitised depicted the solutions advanced as: international, political (as directly opposed to humanitarian), cooperative, at the source, and sharing the burden. This discourse depicted the primary state (the state in which the discourse took place) in relation to its position to others, using predicates as: join others, follow the lead, cooperate with, along with others, have contributed to, be part of, share international burden, and, do its part.

Focusing on the predicates and metaphors used to construct discourses, my analysis of newspaper coverage focuses primarily on the representational function of communicative acts: how the contents of newspapers represent some aspect of the world. To do this, I classified all articles, editorials and letters to the editor in each text source based on the prominent forms of representation: humanitarian-securitised, communitarian-securitised or, in one case, international-securitised. I classified the content of the newsprint sources based upon the use of predicates and metaphors that identified the primary referent object of security and the appropriate security provider. As noted in the previous sections, securitised discourses employ a large number of predicates.
to depict the actors they seek to identify and most are used in a straightforward manner, such as ‘asylum seekers may be terrorists’ or ‘we must behave in line with our identity as a humanitarian state’. Unfortunately, not all are so straightforward. Oftentimes, similar themes or predicates are employed in multiple discourses. Additionally, predicates are often employed in a contradictory manner or in counterintuitive fashion. The use of irony and sarcasm complicate the matter further, and force the discourse analyst to not simply ‘count’ predicates to establish dominant discourses, but to analyze the context in which they are used. Additionally, as noted earlier, the aim of news articles is to provide facts about reality in a neutral manner; to do so, most news articles present both sides of the story. The articles under examination in this study follow this structure and therefore often contain multiple discourses; they identify numerous referent objects and security providers. Despite this common practice, news articles tend to favor one interpretation, or one side of the story, as the official and accepted interpretation of events. This interpretation is often presented first and is given most of the space. Competing accounts are usually presented last, citing less authoritative figures. Letters to the editor and editorials are less complicated, as they clearly attempt to persuade readers of one interpretation of events; rarely identifying multiple referent objects or security providers.

To establish the dominant discourse, each news piece was categorized based on the dominant representation depicted in the piece. This was determined by which representation was most prominent; based on the general tone of the piece, total space devoted to one representation over another, the positioning of the competing discourses in the piece, and the importance and influence of the authorities cited to support each representation. All newspaper pieces contain some ambiguity and there is room for

interpretation; yet Reah notes that there are clear signals as to what messages are dominant and that newspapers have proven to be interpreted fairly consistently across a number of studies.\footnote{Ibid.} I am confident that my reading and categorization of each news piece is accurate and is consistent with the conclusions that would be drawn by any reasonable reader. Furthermore, my method of categorization makes the discourse analysis undertaken in this study reliable and replicable. When the nouns, predicates and metaphors attached to a particular representation (humanitarian, communitarian or international) was the predominant mode of representation in a given news piece, that news piece was classified accordingly. In cases where multiple representations were presented more or less equally, the news piece was classified based on which representation occurred first (in the headline or opening paragraph).

**Additional Sites of Discourse (Re) Production**

To further support the patterns identified in the textual analysis of newspaper articles, editorials and letters to the editor, I have examined Parliamentary speeches and debates, transcripts of radio interviews, and conducted expert interviews. Rather than relying on a single discursive source, such as debates or a single newspaper, Milliken suggests the examination of multiple language texts produced by different people/organizations presumed to be authorized speakers/writers of a dominant discourse. For this study, in addition to the examination of five newsprint media sources covering the ideological, economic and geographical divisions within each state, I examine the texts/speeches produced by state leaders, primarily those of the governing and primary opposition party. Other text/speech sources such as: talkback radio shows; senior military
officers; bureaucrats; NGO's; and foreign political leaders, are included when relevant, i.e. when they have entered into the public discourse.

Milliken notes that establishing a discourse through predicate or metaphorical analysis is insufficient; it is important to explain how this discourse produces the world. She argues that this has been done in three ways in the international relations literature: foreign policy studies, international relations theory and international diplomacy/organization. Foreign policy studies address discursive productivity by analyzing how an elite’s regime of truth made possible certain courses of action by a state while excluding other possibilities as unintelligible.\(^{39}\) International relations theory focuses on how academic knowledge fuses with policy-makers to make up a dominant intellectual/policy perspective. International diplomacy/organization focuses on how diplomatic interchanges and organizational knowledge contribute to the discursive production of authorities and experts and their networks.\(^{40}\) For this study, I will primarily be using the foreign policy studies approach to show how the elite’s ‘regime of truth’ made possible certain courses of action. Milliken claims, and rightly so, that this type of analysis relies on counter-factual reasoning about how, if the significative system and its objects had been different, a different policy might have been possible. By comparing two cases, this study has a stronger basis than strictly counter-factual reasoning. By examining two cases that cover the same issue, it is plausible to claim that different policy choices are possible when the significative systems are different.


\(^{40}\) Ibid.
Chapter Three: Literature Review and Competing Perspectives

Scholars working on immigration and border control issues have succeeded in identifying a number of important factors influencing state responses to migration. These include the role of courts, ethnic groups, historical ties between sending and receiving states and geopolitical factors. These factors figure prominently in distinct theoretical approaches to the study of immigration policy such as globalization theory, world systems theory and liberal states theory.\(^41\) Some of these theories, in addition to explaining the source of immigration policy, aim to provide an explanation for the failure of control policies.\(^42\) Others provide an explanation of the unique policy choices of individual states.\(^43\) Common to many of these theoretical approaches is a conviction that the state no longer controls its borders. Such conclusions are largely based on the discrepancy between the stated policy objectives of governments in their efforts to restrict unwanted immigration, and the unintended and ineffective outcomes of these policies. This discrepancy has been referred to as the immigration gap.\(^44\) The argument, in short, is that if a state increases the number of border guards to stop illegal immigration, but the number of illegal immigrants continues to rise, then clearly the policies have failed and the state has demonstrated an inability to control its borders.


This study does not specifically address whether or not states can control their borders, though its findings provide insight into this debate. I argue that the debate over whether or not states control their borders is based on a fundamental misunderstanding of control. Control, like security, is socially constructed through discursive practices. There are no objective criteria by which control can be measured; rather control is assessed against socially constructed and politically debated criteria. As such, state leaders provide evidence of control, often based on arrest rates and successful deportations, to show that the state maintains control of cross border movement; while segments of the media and other societal actors provide evidence indicating the state’s lack of control of cross border movement, such as numbers of illegal migrants or visa over-stayers. Consequently, the debate over whether the state has control over its borders is primarily a debate between state and societal leaders over the acceptable criterion of what counts as control.

In arguing that the state no longer controls its borders, the globalist arguments are, in fact, claiming that state policy cannot impact the flow of international migration. Contrary to such claims, I will show that states are not merely bystanders subject to the push and pull forces of migration, but that state policy actually impacts these forces. Once the issue of migration has become securitised, most western democratic states have the means necessary to significantly alter the flow of international migration and, in so doing, provide evidence for the claim that it has re-established control over its borders.

My claim, that discursive practices grant policy makers the means to address a threat, challenges the common assumption of the immigration literature that immigration policy and its effectiveness is determined by non-discursive means. Based on the research
of immigration scholars, many have concluded that states lack the tools to effectively manage international migration. My basic claim is that how an issue is framed limits the range of policies available to policy makers. Failure to implement policies that effectively manage migration does not indicate that the state is incapable of doing so, but rather, that the policies are not available based on the current discursive framework. Those who question whether states have the means to counter unwanted immigration base this on the assumption that the policies states have implemented to restrict unwanted immigration represents the full range of tools available to them. In this study, I show that the processes they describe as limiting the state’s ability to control immigration are contextual and changeable, and that states have demonstrated an ability to manage immigration flows once the issue has been framed as a security threat to the state.

There are two broad theoretical perspectives through which scholars have grappled with immigration policy and the constraints that states face regarding their ability to manage it effectively. Randall Hansen refers to these two approaches as the globalization and the embedded realist theses. While I have adopted Hansen’s use of the term ‘globalization’ to describe one school of thought regarding immigration control, I have not adopted the ‘embedded realist’ term. For the purposes of this project, the term ‘embedded realism’ may create an unnecessary association with the more encompassing realist or neo-realist theory of international relations, whose approach regarding constraints on the ability of states to control immigration differs markedly from other theories included under Hansen’s ‘embedded realist’ umbrella. Instead, I have adopted the term ‘statist approach’. This approach claims that rationally motivated nation-states

have an interest in restricting certain types of immigration, but that there are institutional constraints limiting this aim.\textsuperscript{46} In the case of asylum seekers and refugees, there exist international and domestic constraints that limit the effectiveness of governments to restrict this particular type of immigration.

The statist approach insists on the primacy of the state in the international system and in the determination of domestic and foreign policy, including border control and immigration policy. The globalization literature, while still maintaining a focus on the state, claims that the primacy of the state has eroded due to international structural change. In essence, globalization scholars claim that states and societies have become increasingly enmeshed in worldwide systems and networks of interactions.\textsuperscript{47} This has diminished the ability of the state to act autonomously and, as such, a state acts based on its involvement in the international community, out of economic considerations or ideological commitments to human rights.

While these two broad approaches offer competing accounts of migration control policies, neither is uniform in its assertions. The statist approach differs not only in the varying accounts of the ability of the state to overcome institutional constraints as it attempts to manage immigration, but also in the key actors who affect policy. So, too, the globalization approach does not provide one account of immigration policy, but rather, presents a number of theories that make claims on how much globalization has affected the ability of states and also whether this represents a positive development or not. As a result of these differences, neither general theoretical perspective has been able to

\textsuperscript{46} Ibid.
provide a political theory of immigration. It is not my purpose in this study to settle the ongoing debate between these competing theoretical perspectives. Rather I seek to address an area of immigration policy formation that has been overlooked in the current debate both within and between these approaches. Before placing my work within the general debate, it is important to provide a short summary of what existing theories have to say regarding state efforts to manage immigration.

Globalization scholars have been among the most active political scientists studying new security threats, including border control and immigration policy. The term ‘globalization’ has become a highly misunderstood and overused concept; it has been used to account for many changes that have occurred in the international system. The general thrust of the globalization argument is that international interaction in the economic and political sphere has restricted the ability of states to act unilaterally or effectively. Scholars have shown how this increased interaction has contributed to the diminished capacity of states to implement policies affecting the environment, international trade, currency, border control and the use of force.

Globalization theory as used in this study includes such varying theoretical perspectives as globalist theory, world systems theory, and network theory. These theories can be loosely lumped together as globalization theories as they share certain common tenets; namely, that increased interaction, movement and interdependence between states and societies have limited the ability of states to enact effective border

control policies. These theories share the claim that increased interaction has had two
effects: 1) it has altered state interests with regard to immigration and 2) it has diminished
the capacity of states to unilaterally manage immigration into the state. While these are
two central tenets, it is important to note that there exist different causal mechanisms
involved in these varying theories that I have crudely lumped under globalization theory.

Globalist Theory

The globalist theory of immigration is largely associated with Saskia Sassen. For
Sassen, significant elements of immigration and border control policy have shifted from
states to supranational institutions that serve to limit the policy choices that are available
State, edited by C. Joppke. Oxford: Oxford University Press. 51 Primarily this has occurred within the European context, as there has been a
significant shift in defining immigration policy to the EU and the European Court of
Human Rights. Outside of Europe, Sassen notes that an increasing number of bilateral
and multilateral agreements remove policy-making decisions out of state hands; however,
the shifts seen in other parts of the world are far less robust than the shift that has
occurred in the European context. According to Sassen, the emergence of an international
human rights regime has impacted the identity and interests of states. States that identify
with the protection of human rights have altered their policies toward immigration and
refugee movements. This move has been due to the incompatibility of having the
increasingly free movement of goods, services and capital coupled with a seemingly
contradictory control over the movement of labor. Sassen, Saskia. 1998. "The defacto Transnationalizing of immigration policy." in Challenge to the Nation

For the globalist school, the shift from the nation-state's management of
immigration to supra-national bodies is viewed almost exclusively as a positive

52 Ibid.
development. They associate it with an overall increase in human rights acceptance and the expansion of an international society based on the free movement of peoples, goods, capital and ideas. The near universal acceptance of the 1951 Convention and the 1967 Protocol attests to the credibility of the globalist argument. In the cases examined in this study, it is clear that the international refugee regime has impacted the border control policies of both Canada and Australia. Both states have demonstrated a commitment to the resettlement of refugees and to work with international organizations like the UNHCR and the IOM to that end. This study presents an ideal opportunity to test the strength of the globalist argument.

Based on the globalist theory, we would expect to find that a significant divergence in refugee policy is due to a significant difference in the states’ devotion to universal human rights and to the strength and number of universal human rights agreements that they have ratified. We expect a divergence of policies between those who have ratified human rights agreements, particularly the 1951 Convention and the 1967 Protocol, and those who have not. The globalist theory is not particularly suited to explain the divergence in policies between states that show little variation in terms of their devotion and adherence to the principles of universal human rights, as measured by ratification of human rights agreements. Canada and Australia have both ratified the 1951 Convention and the 1967 Protocol, and both are represented on the Executive Committee responsible for refugee rights issues. These states are both signatories to a host of other human rights treaties that impact the treatment of asylum seekers, including the International Covenant on Civil and Political Rights, the International Organization for Migration, the Convention Against Torture and the Covenant on the Protection of the
Rights of Children. Clearly, both Canada and Australia show an equally shared commitment to universal human rights based on the agreements they are party to.

The globalist argument faces significant problems. The first such issue is an over-reliance and oversimplification of the EU as a model. While the movement of people within the EU indicates an erosion of national borders, the hardening of the exterior borders of the EU indicates a strong sense of 'other'. The erosion of identities within Europe may indicate a general trend toward the erosion of national identities, but it may also indicate the creation of a larger identity with a strong sense of 'self' and 'other', with less salutary implications for immigration than that implied by globalist theory. There are strong indications that the harmonization of asylum policy in Europe has actually resulted in less generous protection offered to refugees, and an increased restrictiveness of border controls rather than increasing the level of protection for refugees as expected under the globalist approach.\(^53\)

The second problem has been the failure to show in any systematic way that states respond to an international human rights regime rather than to their own domestic liberal ideology. For many liberal states, their domestic obligations toward refugees and asylum seekers are significantly more demanding than those imposed by international agreements. We would expect that in states where it was the international human rights regime that was restricting the policy options of states rather than domestic values, that the commitments created by the international standard would be a greater imposition than that imposed by domestic legislation. In the case of Australia, we see that efforts have been made to restrict access to domestic protections that expand on its actual

international obligations. The ability of states to interpret the international refugee regime as stringently or as loosely as they see fit makes it less binding than the globalist approach portrays.

A third problem facing the globalist school concerns multilateral and bilateral immigration agreements that do not advance the human rights regime. A number of these agreements exist to either keep populations from leaving their state or to have them repatriated, such as the Orderly Departure Program, the Comprehensive Plan of Action and the 1994 and 1995 U.S.-Cuba migration agreements. The rise of safe third country agreements also indicates a regression of refugee rights. A final problem facing the globalist school is to provide evidence that the shift to supra-national authorities is actually occurring worldwide and that such a shift is meaningful or irreversible.

The fact that both Canada and Australia appear equally committed to human rights, yet exhibit variation in their policies toward asylum seekers, does not lead to a complete dismissal of the globalist argument. It is not clear that the international human rights and refugee treaties that Canada and Australia are party to have had a similar impact on these states' border control policies. This leads to a slight modification of the globalist argument. While adherence to human rights agreements has shaped the immigration policies of many states, the implementation of these agreements is often contingent upon domestic interpretations of their obligations and particularly upon socially constructed perceptions of national identity and threat.

World Systems

World systems theory differs from the globalist school in both the causal mechanisms affecting states' management of immigration and its view of such change.
World system theorists argue that advanced capitalist economies rely on reserves of accessible and inexpensive labor to function.\textsuperscript{54} According to this theory, a system of international migration provides this cheap labor and as such is purposefully maintained by capitalist states. Furthermore, the expansion of capitalism into peripheral, non-capitalist states creates conditions contributing to international migration.\textsuperscript{55} Initially created through the colonization process and then sustained by the international trade regime, the capitalist system spread around the globe as production sought out new markets, resources and cheap labor. The changes that capitalization heaped upon these societies caused massive social disruption and forced much of the local population off the land. The physical and ideational connections needed to link the capitalist core with the capitalizing periphery paved the way for these displaced populations to migrate to the core.\textsuperscript{56} According to world systems theory, international migration is not so much the problem, but is both a symptom of capitalist expansion and a means to maintain access to cheap labor. In other words, the capitalist states' primary interest is in maintaining an immigration system that benefits the advanced capitalist states. Meaningful change to this immigration system would require a significant alteration of the world economic structure.

Based on the world systems theory, we would expect all capitalist states that benefit from immigration to create and adopt policies most likely to maintain the immigration system from which they benefit. In many ways, the cases used in this study


support such a claim. The increasing importance of economic migration in Canada and Australia show how these two states use the immigration system to their advantage. However, the fact that both these states still encourage family reunification and humanitarian migration suggests that there are more factors at work than mere economic considerations. Additionally, we would expect states that benefit so clearly from the current migration system to display equal concern for the control and maintenance of that system. Yet the policies implemented to deal with international migration in Australia exhibit a far greater concern with control than in Canada, suggesting that economic factors alone cannot explain efforts to maintain control of international migration.57

In addition to being unable to explain variation between capitalist states in their efforts to maintain and control the immigration system, world systems theory faces other problems. The biggest problem is to empirically support their claims, not only with regard to the nature of the capitalist core and the non-capitalist periphery, but also with regard to assumptions about the forces of immigration. Perhaps the most fundamental problem facing the world systems theory is its oversimplification of state identity. It relies on an unsupportable claim that the identity and interests of the state is determined solely by its economic system – capitalism. This rather simplistic view of states overlooks the multiple identities of states and how these might impact immigration policy.

Network Theory

Unlike the globalist or world systems theory, network theory argues that immigration occurs because of established non-state migration systems. Network theory

actually includes a number of theories including path dependence, network theory, and institutional theory. These theories argue, much like world systems theory, that migration flows were initiated by colonial connections or capitalist expansion. The difference between world systems theory and network theory is that the international migration system is maintained by non-state actors rather than by the activities of capitalist states. This version of the international migration system argues that immigration continues despite state attempts to stop or control these flows. This can occur for a variety of reasons, including the creation of immigrant networks linking two societies, the rise of pro-immigration institutions or industries operating both domestically and internationally, or the declining costs of iterated migration that make immigration between a core and periphery continuous and relatively stable. Networks and immigration industries are created and sustained by global cultural interchange, facilitated by improved transport and the proliferation of print and electronic media.

While the central arguments offer subtle differences, at their core, network theory claims that increased contact and migration between two societies creates links that lead to further migration between these two societies. Network theory improves on globalist and world systems theories, because it offers an explanation for the idiosyncrasies of the immigration populations of different states. The strength of these approaches is that they can account for the particular categories of immigration and the variance within each category. Thus the large Turkish population in Germany and Algerians in France can only be understood through understanding the unique connections between the

immigrant-sending and immigrant-receiving state. These migration systems are relatively stable; however, network theory concedes that it is possible for flows and patterns to change. These changes occur due to social change, economic fluctuations or political upheaval, rather than state policies.61

The problem with network theory is that it is apolitical - it ignores the role of the state. Links between societies are frequently attributed to activities of the state in times past, but little attention is paid to how the state can impact these links and networks in the present. Additionally, network theory tends to underestimate the role of the state in the creation of new connections and networks, and fails to account for why and when states act to break up these networks. The strength of network theories is that they incorporate the unique historical processes that have affected immigration in each state. They account for the rise of migration industries and institutions that have an interest in maintaining particular migration flows. Thus, immigration policy is best understood in relation to the strength of the migration industry, (i.e. lawyers, agents, recruiters) operating in the region and within the state itself. However, based on this theory, it is difficult to provide any expectations on how states facing strong migration networks would react.

We might expect that states facing a strong, well-established migration industry are likely to adopt restrictive policies aimed at controlling migration. However, it is equally plausible that states with strong migration networks are unable to adopt such restrictive policies. Clearly, because network theory largely ignores the role of the state, it provides no testable hypothesis concerning the state. However, it does create an expectation that state policies do not impact migration flows. Border control policies

adopted by states faced with strong migration networks are less likely to be able to impact established migration patterns. Australia and Canada provide an interesting test case. Though difficult to test, there seem to be equally strong migration networks and active migration industries operating in both states. The average annual intake of foreign nationals per ten thousand population is higher in Australia than Canada. Over the period 1962-1991, Australia averaged 81 foreign national intakes per ten thousand population per year, versus 62 for Canada. These relatively high numbers have resulted in a high migrant stocks living in these states; in 1996, the migrants stock was 23.4% of Australia’s population and 15.5% of Canada’s. Based on these numbers, we would expect greater network strength in Australia due to the higher migrant stock living in that state; however, we find that Australia has successfully reduced the inflow of unauthorized asylum seekers, even those from societies with strong connections in Australia.

**Challenges**

Those who subscribe to the various strands of the globalization theses have not made it entirely clear whether globalization has reduced the policy choices available to states, or whether the process of globalization has reduced the ability of state control policies to impact cross border movement. There are indications that both arguments are being made. Sassen argues that political and economic globalization has limited the policy options available to states in their efforts to manage international migration. Castles and Miller argue that state policies have limited impact on preventing or reducing

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international migration. Most globalization scholars agree that globalization has forced states to adopt immigration policies that serve to enhance international trade or particular international relationships at the expense of national security interests and domestic calls for restriction. Accordingly, these theories claim that short of drastic international economic change, there is little states can do to curtail international migration once these processes have begun. While the various strands of the globalization theories do provide valuable insight into immigration and border control policy, they cannot account for the variation in the border control policies among states that are capitalist, that subscribe to universal human rights and that house strong migration networks.

There are significant difficulties with the general globalization argument. The forces of globalization, such as increased economic interdependence, the spread of human rights and the spread of capitalism, have exerted pressure on states to accept higher levels of particular types of international migration, but not others. The problem is that these theories have ignored the forces of fragmentation that globalization produces alongside the forces of unification. The hardening of identities and the securing of borders that fragmentation produces, even in liberal democracies, undermine the globalization theorists' position(s) that its humanitarian or economic interests alone determine the interests of a state. Overall, these theories provide important insight into how particular state identities, interests and activities have affected international migration; however, they fail to sufficiently problematise state identity. In most cases, these theories replace the static vision of the state supplied by neo-realist theory with a static vision of their own. Reducing the state to its economic interests or to its commitment to international human rights ignores the competing identities and interests

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within states. As noted earlier, the globalization thesis also fails to account for variation in immigration policies, particularly within the advanced, capitalist, liberal core.

This study contends that the international refugee regime constructed the relationship between states and humanitarian migrants, constituting refugees and asylum seekers as relevant actors in the international system. I argue that the implementation of the refugee regime has not eradicated or weakened the state’s control of its borders. Rather, I argue that the international refugee regime formed part of a larger international structure designed to maintain the state as the primary actor in international affairs and in setting immigration and border control policy. Furthermore, I argue that the construction of unauthorized migration as a security issue leads to the ‘trumping’ of international humanitarian obligations and capitalist economic interests. In many cases, these security concerns override the economic benefits of global trade and commerce and the established links between emigrant-producing and immigrant-receiving states.

Despite its weaknesses, the various strands of globalization theory have made significant contributions to the immigration literature, contributions this thesis intends to build on. Globalization theory has shown that there are strong international constraints against state attempts to restrict unauthorized migration. However, it is important to demonstrate that the success that the spread of international human rights has had in influencing refugee and asylum policy is neither fixed nor irreversible.

Statist Approaches

The statist approach describes a number of theories that claim that rationally motivated nation states seek to restrict particular types of immigration, but that they face certain domestic institutional constraints against doing so. Included in this school of
thought are market theory, liberal state theory, and democratic state theory. While they can all be classified as statist approaches, they differ in terms of what interests states act on and how much states are actually constrained from acting.

**Market Theory**

The various strands of market theory shape our basic understanding of the process and motivations for international migration. Like world systems theory, market theories identify states based on their economic position in the world, which then forms their interests and needs. Market theory contends that international migration occurs as a result of pull rather than push factors associated with the maintenance of the capitalist system, and focuses on the pull factors that advanced industrial states have on the populations of less industrially advanced states. Basic market theory argues that high unemployment and low wages at home, combined with employment and higher wages abroad, encourage individual workers or families to migrate.\(^{66}\) Receiving states benefit from this low cost labour, while sending states benefit from exporting excess labour and from remittances. According to this theory, the market itself essentially manages levels of migration. A more nuanced version of this argument, referred to as dual market theory, claims that industrial states have a built-in demand for immigrant labour due to structural inflation, motivational problems, labour supply and economic dualism.\(^{67}\) This built-in demand means that employers are forced to recruit labor from less-developed states, without increasing wages for this type of work or disrupting the social employment hierarchy.\(^{68}\)

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\(^{68}\) The social hierarchy of employment implies that there are normative claims regarding the worth of certain types of work. Individual’s identity and self-worth are often defined by their employment and thus are unwilling to take certain jobs. Immigrants fill this void in the labor market because they are unaffected.
These market theories contribute to our understanding of immigration by showing how the market influences the type of immigration that states want, and acts as a pull mechanism inducing large numbers of migrants to seek entrance into wealthy states. However, it has less to say about refugees or those who are pushed from their home states for non-economic related reasons. In many cases, the widespread acceptance and prevalence of the market theory of migration offers an opportunity for those seeking to limit humanitarian migration by describing them as economic migrants. It is important to note the limitations that market theory has, particularly in its treatment, or lack thereof, of non-economic migration.

Like world systems theory, we would expect that border control policies will reflect market needs and that states would have an economic interest in maintaining an immigration system that benefits their states economically. Thus, market theory explains nicely why states bring in low cost laborers and highly educated foreign nationals, but has little to say about why particular states prefer certain races or permanent migration rather than temporary workers. Neither does it adequately explain the role of the market in influencing levels of humanitarian migration. Based on market theory, we would expect states to restrict all types of immigration, even humanitarian, when the market requires it, i.e. when unemployment is high. Scholars have noted recently that this central tenet of market theory is questionable, as migration no longer seems to mirror the business cycle and unemployment trends. Ultimately, market theory fails to account for state efforts to restrict migration when the market does not require it. Thus during the

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by the societal norms associated with such work in that particular society and because as emigrant workers they fall into a higher place in the labour hierarchy in their home state. (Massey et al, 1993)

economic downturn of the early 1990’s, it was hardly surprising to see Australia enact policies aimed at reducing the number of economic migrants, as well as refugees and asylum seekers who had access to the socio-economic benefits of the state. What cannot be explained is why, once the economy recovered, restrictions against asylum seekers were not lifted as they were for other types of migrants. In fact, restrictions increased during the 1990’s while the economy continued to improve. Nor does it explain why Canada’s immigrant and refugee intake went largely unchanged in the face of economic downturn during the same time period. Like other theories that attribute a single identity and interest to states, market theory fails to take into account states’ humanitarian interests as well as their security concerns.

**Liberal States**

Much of the political science literature that deals with border control has focused on the unique domestic political processes that occur within a liberal state that serves to limit its immigration policy options. The liberal states approach contends that policy makers are forced to consider how immigration policy may affect migrant rights. The argument is that courts in liberal states protect and expand migrant rights, often against the wishes of the state. The courts are essentially treated as an autonomous actor within the state, acting to constrain the legislative and executive branches as they attempt to restrict immigration. Liberal state theorists argue that liberal states have been unable to implement policies that would restrict unwanted immigration due to activist and autonomous legal systems. These authors have argued that states have in fact enacted restrictive legislation in an effort to restrict unwanted immigration but have been

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thwarted by the courts, who over the course of the last half-century, have gradually extended many rights to non-citizens – including unwanted and unauthorized immigrants.

This theoretical approach has relied heavily on a few case studies where policies aimed at restricting immigration are overturned by the courts. In such cases, the judiciary has overruled restrictive legislation as either unconstitutional or in violation of universal human rights.\(^7\) Liberal state theory, as presented, tends to overstate the autonomy of the courts. Few would argue that courts are completely autonomous and as free to overturn legislation as this brief outline of the theory implies. As seen in Australia, the executive and legislative branches are not helpless in the face of the judiciary and do maintain the power necessary to implement restrictive policies if they choose to. Thus, while the liberal state theorists have shown how the courts have influence on policy makers, they concede that autonomous liberal courts are unlikely to overturn immigration restrictions when they are a matter of national security, or have come at a high political cost to policy makers.\(^7\) It is this important caveat that this study seeks to explore. The claim that courts are unlikely to act in matters of national security indicates that the autonomy and interests of the court are contextual and changeable. It illustrates the power that ‘national security’ has, particularly for those who wield the power to determine what qualifies as an issue of national security.

Based on the liberal courts argument, we would expect that states that have succeeded in implementing restrictive immigration laws do not have autonomous judiciaries. Our case studies provide a good test of the hypothesis as both Canada and

Australia have liberal activist judicial branches. The difference is that Australian
governments have actively attempted to remove the judiciary from border control issues
and from reviewing refugee decisions, and have even attempted to keep asylum seekers
ignorant of their rights and out of contact with migration lawyers.\textsuperscript{73}

Canada has attempted to limit the scope of judicial review on asylum decisions,
but has not gone to the extent that Australia has to keep the courts out of border control
policy or to deny migrants their rights. Some have argued that this is due to the existence
of a Charter of Rights and Freedoms in Canada, and the lack of an equivalent in
Australia. While this has no doubt played a role in the policies each state has adopted,
there are means by which the Canadian authorities could bypass the Charter to ensure that
border control remains in the hands of the executive branch. This cannot be explained by
the existence of the Charter itself, but I propose, is due to the fact that the Canadian
government has not attempted to remove the courts from the refugee process because
attempts to construct refugees and asylum seekers as an existential threat to the state have
failed.

\textbf{Democratic States}

The democratic state theory claims that interest group politics plays an important
role in democratic states, particularly with regard to immigration. Business groups,
humanitarian agencies and ethnic interests all act as special interest groups who influence
the immigration policies of democratic states. Scholars who examine immigration control
from the democratic state perspective, claim that these interest groups have prevented
democracies from restricting immigration flows, or from adopting policies that would

\textsuperscript{73} Brennan, Frank. 2003. \textit{Tampering With Asylum: A Universal Humanitarian Problem}. St. Lucia:
University of Queensland Press.
make such a goal more likely.\textsuperscript{74} The thrust of the argument is that the costs and benefits of immigration are unevenly distributed in society, with the benefits of immigration going to a small group who are extremely vocal and powerful, and who lobby hard for more open immigration. The costs of immigration, meanwhile, are greatly spread out, thus reducing the salience of the issue to those bearing its costs.\textsuperscript{75} The concentration of benefits allows these particular groups to mobilize and influence election outcomes as well as the policy-making of their elected leaders.

The communities who favor immigration are typically ethnic minority groups, faith-based and humanitarian-based charitable groups, and the business community who prospers from the type of labor that is typically provided by immigrants. According to this approach, it is the ability of these groups to influence national policies in democratic states that determines immigration control policy. From the domestic political approach, the contest over immigration control policy is between the states' policy makers responding to the anti-immigration public on one hand and the domestic pro-immigration influences on the other. The ongoing contest between these two groups constitutes the 'normal' political discourse on immigration control policy in democratic states. This theoretical approach does not conclude that pro-immigration forces always succeed and that democratic, liberal states are on a trajectory toward increasingly open immigration systems. Scholars who focus on the domestic political processes in liberal democracies note that the resistance to immigration restriction is not irreversible.\textsuperscript{76}


Based on the democratic states theory, we would expect democratic states with large pro-immigration ethnic and business groups and large numbers of humanitarian organizations to have less restrictive immigration control policies. As noted earlier, migrant stock is actually higher in Australia. Thus, we expect that there would be more pro-immigration interest group pressure. This is not the case. Pro-immigrant groups are much more active in Canada, supporting the democratic states theory that immigration control policy is limited by interest groups. This is an important finding and one that encourages the examination of the processes by which pro-immigrant groups are more active in Canada than in Australia, when we would not expect this given the larger number of immigrants per capita living in Australia. Thus, the difference must reflect how immigrant groups are encouraged to become involved in Canadian immigration policy making, or perhaps conversely, how immigrant groups have influenced, or are discouraged from becoming involved in, Australian immigration policy making. Thus, my work does not seek to replace the democratic states theory, but rather to work alongside it to explain how certain groups have been excluded from immigration policy discourse.

Challenges

While the statist approaches provide a good understanding of the normal political discourse on immigration control policy that takes place within liberal democracies, their central claim that these processes have rendered policy makers incapable of impacting the flow of unwanted immigration is problematic. The first problem with this claim is its reliance on the immigration gap as its primary evidence that restrictive policies have failed. Scholars, such as Peter Andreas, have astutely observed that the existence of the
immigration gap should not too readily be used to assert that states are incapable of managing immigration. He argues that the apparent ineffectiveness of state efforts to restrict unwanted immigration might not be due to the inability of states to restrict immigration, but that these measures are implemented to appease public demand for immigration control, with full knowledge that these measures will be largely ineffective. Andreas claims that to appease the general public, political leaders make an effort to appear to be doing everything in their power to prevent unwanted immigration. All the while they enact ineffective policies in an effort to either appease the domestic constituents who demand increased immigration or to abide by ideological commitments to less restrictive immigration. Thus, those who cite policy failure as evidence of state incapacity, neglect that policy failure may be an intentional strategy; an effort to balance the competing interests and identities within states.

The second problem is that those who make these claims assume that the processes they describe are unchangeable. Statist scholars describe the ordinary process of immigration policy making, but have overlooked instances where security concerns have suspended or over-ridden the ordinary political process. Thus, the internment of Japanese in Canada during WWII or detention of Muslim men after 9/11 in the United States is ordinarily incomprehensible from the statist perspective, but when put in a security context is possible. Similarly, the statist approaches have neglected the difference between policy makers attempting to address immigration through the ordinary political process and policy makers being granted the right to use extraordinary means to prevent a security threat. This study will show that in some cases, policy makers have

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sided the ordinary political process and have used extraordinary means to manage unwanted immigration to rather successful ends. This thesis explains how this happens.

Lastly, these theories assume that identities and interests are given. Most treat political leaders as rational actors who follow the strategy most likely to keep them in power. Interest groups and courts are also assumed to have a static identity and interest. They neglect that these actors have multiple identities and interests that are contextual and changeable. I argue that if immigration becomes securitised, these groups are unlikely to act solely and always as these theories predict.

Conclusion

As the preceding sections demonstrate, globalization and statist approaches to understanding border control policies inadequately explain changes and variation in border control policies aimed at humanitarian migration. The factors they identify as influencing policy creation and implementation are contextual and based on discursive practices, rather than static national interest. Ultimately, this project concludes that some liberal democratic states have begun to implement policies that cannot be understood within the current explanations. Just as these theories fail to account for the internment of Japanese in Canada during World War Two, they fail to account for the forcible return and lengthy detention of asylum seekers, particularly children.

Defenders of the statist and globalization explanations explored in the previous section might explain that when faced with a threat, the normal operating rules of immigration control policy are temporarily suspended until the threat passes. For instance, Christian Joppke, in explaining the role of liberal courts, provides such an argument when he states that courts are unlikely to overrule restrictive legislation when it
is a matter of national security. What is of crucial importance, is to understand how security threats are constructed, rather than treating them as objective, observable facts that then suspend the normal operating constraints of globalization and liberal democratic politics. In essence, the constraints can be overcome by the actions of influential members of the political and societal elite constructing migration as a security threat for a political end, one of which may be to circumvent the normally operating constraints against restricting migration.

The security literature is essentially based on this premise, arguing that during times of emergency, the state must enact extreme measures to defend itself against a threat. However, the security literature is divided between those who argue that security threats are knowable, objective facts and those who argue that security threats are socially constructed.

The fundamental claim of this study is that governments do not simply respond automatically to objective conditions of threat, but that threats are constructed through discursive practices. Campbell makes such a claim with regard to the Cold War. He states, “it is not possible to explain the cold war by reference to the objective threat said to reside in the Soviet Union”. The same can be said with regard to variations in border control policy among liberal states – it is not possible to explain it simply by reference to objective threats resident in those who cross borders.

In the following chapter, I examine how security scholars have attempted to deal with migration issues. In highlighting the ongoing debate between traditional realist

security scholars and their critical counterparts, who advocate the abandonment of the study and practice of state security; I introduce a constructivist approach, as taken from the Copenhagen school, to show how migration has been cast as a security issue, both from a state security perspective and a human security perspective. In doing so, I contribute to the ongoing debate by engaging with state practice, but also by revealing alternative practices of security.
Chapter Four: Security and Immigration

In the introductory chapter, I introduced the central puzzle that this study addresses; namely, how unauthorized humanitarian migration has come to be viewed as a threat in liberal states that are signatory to the international refugee regime; and, how we can explain variation in the immigration control policies that they adopt. The primary goal of this study is to advance our understanding of how societies and governments construct security threats and how this impacts policy choices. In doing so, this project has important implications for the study of security, as well as making a modest contribution to the study of immigration control policy. The problem of how an issue, such as unauthorized humanitarian migration, has become cast as a security threat places my research in the midst of an ongoing debate within the security studies literature. This chapter explores this debate, and argues that a constructivist approach, based on discursive practices associated with securitisation, provides an alternative to entrenched camps of realist and postmodern critical security studies scholars. I show that current formulations of the securitisation process suffer from a number of weaknesses; these are the weaknesses that my empirical examination of the process addresses.

The link between migration and security is certainly not a new phenomenon; neither border control policies nor refugee policies have ever been completely divorced from security considerations. The discourses on immigration in both Canada and Australia have reflected military, political, economic, environmental and societal security concerns in varying degrees throughout the histories of these states. Unfortunately, the current treatment given to immigration in the field of international relations does not reflect the long-standing association between immigration and security. As a result,
international relations theory has remained focused on whether or not the topic of immigration belongs in the field of security studies at all; consequently, it has contributed very little to understanding how discourses on immigration and security have impacted the policies that liberal democracies have enacted to deal with unauthorized humanitarian migration. As noted in the last chapter, with a few notable exceptions, like Myron Weiner, the international relations literature has had very little to say regarding immigration policy at all. The scholars of the Copenhagen school and other securitisation theorists have attempted to address this shortcoming, and have provided some insight into how certain types of international migration have, and can be, constructed as a security threat, and how this affects migration control policy.

Despite the important contributions of the Copenhagen school to our understanding of immigration and security, the theory and concepts that they have developed remain somewhat unclear and understudied. To fill in some of the holes in the theory, I set out a framework for understanding what is involved in the securitisation of an issue in the second section of the chapter. To present a clearer understanding of the securitisation process, I expand on the existing theory of securitisation by clearly identifying different types of securitisation, the stages of securitisation, the central actors involved and the consequences of securitising. Having explored the theoretical terrain of the Copenhagen school's securitisation theory, I will show how one could recognize securitisation attempts, and when such attempts are successful. Examining the discursive practices of securitisation, I employ a predicate analysis to show how competing discourses construct and re-construct state and asylum seeker identity, and in doing so, limit the range of policy options available to the ruling elite. Since my thesis asserts that
policies formulated and implemented to deal with unauthorized humanitarian migration in both Australia and Canada are best explained by discursive practices, it is essential to provide an explanation of how the securitisation process works, and when it can be regarded as successful.

The Debate

The current debate in Anglo-American security studies concerning the meaning of security emerged with the end of the Cold War. Key articles in the field of security studies, written as the Cold War came to a close, called for a reexamination of the field and the term. The early calls for redefining security argued in favor of the inclusion of environmental, resource and demographic issues. The relatively recent emergence of the debate (post-Cold War) does not mean that the connection between these issues and security is new; historians such as Warren Zimmerman assert that migration has been seen as a security threat throughout history dating back to biblical times. Historians have argued that the migration of peoples has drastically altered the course of history, either through the spread of disease or through assimilation. Throughout history and in many states, societies and other forms of political collectivities, migrants have often been portrayed and perceived as a threat. Yet despite the historical association of migration and security threats, the security studies literature that emerged following World War Two, largely avoided the topic. Hollifield attributes this lack of attention to the predominant position of Realism and neo-Realism that viewed immigration as a matter of

low politics and security a matter of military threats. Similarly, Ole Waever argues that this separation of migration and security is contextual and reflects the Western security concerns of the Cold War. According to Waever, because Western states had strong cohesion and legitimacy internally, they were less likely to be destabilized from within, and thus, security became focused on the high politics of external military threats. This was not the case with the Soviet bloc states that lacked internal legitimacy, and that faced threats from within, as well as from the western states. For the Soviet bloc states, migration remained an important part of the security agenda. The practice of security, and the scholarly literature devoted to the topic, reflected the strength of the state. However, with the end of the Cold War, international migration has returned to a prominent position within the discussion of security, even in the western states. This, of course, has not occurred without significant debate with the security studies field.

For many, the reason for forcing new issues, like immigration, onto the security agenda has been to provide a prima facie case that these issues are indeed security threats, and to force states to deal with them. However, the end of the Cold War did more than just force scholars and academics to address new security issues, it rendered security as an essentially contested concept. The traditional conceptions of security and threats to security that dominated during the Cold War period no longer held true. As a result, the field of security studies has been in major upheaval. In the course of reformulating and redefining security, security scholars have been forced to come to terms with what

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Krause and Williams have termed the 'broadening' and 'deepening' of security. 'Broadening' refers to the inclusion of a wider range of potential security threats than simply military threats, including issues such as the environment, international migration and water and food scarcity. 'Deepening' refers to moving levels of reference from a state-centric focus, either down to the individual level or up to regional or global security. Thus, much of the debate has been focused on the referent object of security and appropriate security subjects. A cursory glance at how scholars have responded to these changes reveals that the field is divided into two major camps: those who resist 'deepening' but debate 'broadening', and those who seek to deepen and broaden the agenda.

State-Centric Security Studies

Those who have resisted the efforts to deepen the agenda of security studies have sought to retain the state as both the referent object of security and the primary security provider. These scholars have responded to the ongoing calls for the 'deepening' of the security field by either ignoring the challenge, or by articulating why the state should maintain this privileged position. For the most part, they take a communitarian position by arguing that the state remains the most effective tool for ensuring the security of individuals, by dividing them up into self-determining communities with contractual obligations between the citizens and the state. Essentially, security for individuals is guaranteed by their citizenship of a particular state, so long as the state itself is secure. Walzer best articulates this communitarian position by arguing that the existence of rights

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88 Ibid.
and the provision of security can only be understood in the context of these individuals' collective decision to set up a government that can grant such rights.\textsuperscript{90} Thus, not only is the state the most capable of defending individual security; reference to rights and security makes no sense outside of a state context.

However, within this group there is an ongoing debate about the 'broadening' of security, or the type of security subjects that should be included in the discussion of state security. Neo-realists prefer to hold on to the traditional military-security viewpoint, rejecting new non-military issue areas as security issues. Ayoob states that security, as understood from this traditional perspective, is based on two assumptions: first, the threat to a state's security arises from outside its borders and second, these threats are primarily military in nature and usually require a military response.\textsuperscript{91} Many neo-realists argue that non-military security threats do not represent a security threat as understood from the state-as-referent-object security standpoint.\textsuperscript{92} Accordingly, security studies should be reserved for studying the use of military force. From such a context, arms races, deterrence, offense-defense balance, and the balance of threats between the major world powers should remain the focus of security studies.\textsuperscript{93} However, even those who have attempted to maintain the military as the exclusive subject of security have conceded important conceptual ground. In order to deal with anomalies not explained by traditional balance of power theory, some scholars have argued that states balance against


perceptions of threat. The introduction of caveats like band-wagoning and balancing against perceptions of threat rather than power essentially conceded that ideational, rather than strictly material, factors play an important role in the study of security. 94 While these concessions have expanded the conceptual ground within the narrow military-security realm, it has yielded little ground with regard to the question of who the dominant actors are, and what the dominant subjects are, in the security field.

Attempts within the state-centric camp to expand the concept of security to include non-military security threats like immigration has faced entrenched opposition from neo-realists who have, since Waltz's important work outlining the theory, held a near monopoly on defining security within the English-language security studies field. The privileged position that the neo-realists have accorded to military security has not only been a product of the dominance of neo-realism. It may also be a product of our understanding of the state-building process in the west. Making war and protecting citizens and/or subjects from military threats has been the fundamental building block at the core of the nation-state building process. 95 It should come as no surprise, therefore, that the activities of the state's security apparatus have been devoted to providing security from military threats. However, the exclusive focus on military threats has come under fire from those studying security. The end of the Cold War, the well documented decline


in the instances of interstate war, and the post-Cold War rise in ethno-nationalist and intrastate conflict all contributed to a reexamination of the epistemological and ontological basis of neo-realist scholarship, which privileged the study of military security threats.

As a result of this challenge, a number of scholars have responded by expanding the realm of security subjects to incorporate previously excluded issues such as the environment, immigration, economic development, and weak states. However, these issues seem to fit rather uncomfortably into the concept of state security. This problematic fit has occurred because it is not clear whether these issues represent a unique, non-military threat to the state and its citizens; or, whether they actually have the potential to present a military threat to the state. While most argue that these non-military threats represent unique threats to different sectors of state security, scholars such as Homer-Dixon and Weiner have argued that environmental issues and migration may contribute to military threats, such as intrastate and interstate conflict. While the ongoing debate within the state-centric camp has forced a defense of the state and a softening of the boundaries of security, the far more serious challenge to the concept and study of security is from those seeking to deepen the agenda.

Deepeners

The most significant efforts to deepen the concept of security beyond the state-centric focus have come from alternative approaches to security, such as critical security

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studies and human security. Both approaches are deepeners, but do so from a normative basis, in that they ultimately argue that security should not be state-centric, and should focus on individuals, women, children etc.

Critical security scholars have focused on how privileging one referent object produces and reproduces social reality, supporting the political projects of some while opposing others. Paradoxically, critical security studies has focused a great deal on the negative impact of the practice and study of state security, rather than studying practices of security that are not actually state-centric. As such, critical security scholars have spent much time and spilled much ink analyzing how current state-centric security practices silence particular groups; consequently, the field of critical security studies is incredibly varied in its approach to security. Feminist scholars have focused on how the current study and practice of security impacts and silences women, while other critical security scholars have shown how the practice of security has contributed to the captivity of individuals to the project of state security. The deepening efforts of many critical security scholars has focused on advocating an emancipatory approach to security, which places individual humans as the ultimate referent object of security. The most significant problem with the critical security studies approach has been its inability to show what an alternative approach to security would look like, and how it would interact with state security.

This has been the project of human security scholars. The seminal 1994 UNDP report advanced the concept of human security, noting that it differed from traditional

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approaches to security in four key ways: it is universal, interdependent, easier to ensure through prevention and is people-centered. \(^{101}\) The recommendations of the UNDP report challenged the state-centric version of security, yet it was aimed at state practice, and encouraged states to adopt two changes in their approach to security: from an exclusive stress on territorial security to a greater stress on people’s security, and from security through armaments to security through sustainable development. \(^{102}\)

Like traditional state-centric approaches to security, there is significant debate within the Human Security field concerning the breadth of the concept. The Human Security Report notes that proponents of human security agree that the protection of individuals remains the primary goal of security, though there are significant differences over what developments should be addressed within the human security framework. The framers of the Human Security Report advanced a narrow approach to human security, focusing on violent threats to individuals and communities, rather than a broad approach that encompasses economic insecurity and threats to human dignity. \(^{103}\) Despite these differences, human security advocates have challenged the role of the state as the primary referent object of security and as the sole legitimate provider of security. They were among the first to observe that inter-state conflict is not the primary threat facing most individuals and that for many, enhancing state security actually threatens individual security. However, unlike critical security scholars, human security scholars do maintain a place for the state in the provision of security. One of the central claims of the 1994 UNDP report was that living in a society that protects individuals’ human rights is one of


\(^{102}\) Ibid.

the most important aspects of human security, and it specifically cited transition to democracy and changing the ratio of military to social spending in states as important steps in providing human security; consequently, there is a significant gulf between critical security studies and the human security camp regarding the role of the state in the provision of security.

Despite this, critical security studies and human security represent the most significant challenge to the state-centric vision of security. Their criticisms have focused on two primary issues: first, in the face of 'broadening' the security agenda, it is impossible to retain the state as the primary referent object; and secondly, states have failed to provide security on their own terms. They assert that any normative claims for privileging the state are untenable because military violence from other states represents such a small part of the threat individuals face. Both approaches maintain that the practice of state security can, or does, place individuals at greater risk, and consequently, that it is no longer tenable to hold onto the traditional terms of security. Furthermore, they assert that states have not been terribly successful in providing security for their own citizens, and in some cases states are the main cause of individual and communal insecurity. Without being able to provide security to its citizens, states have lost their claim to being the primary referent object of security as well.

In addition to showing how issues like water supplies, food scarcity, natural resource supply, international terrorism, trafficking in drugs, arms and people, and weak states represent a greater threat to individuals than international war, alternative security approaches contend that states are unable to unilaterally deal with these threats. The new security issues require more than the traditional military response to security threats, they require international cooperation and new non-militaristic responses. The unique challenges that these threats pose accentuate the inability of states to handle the problem. As such, alternative security scholars have sought new referent objects of security, and to gain the resources typically devoted to security threats; but they have sought to remove them from state control, particularly the military. As it pertains to immigration and border control policy, this approach to security privileges individuals fleeing violence and insecurity as a result of the state's attempt to increase its security. It encourages the analyst and the practitioner to consider how protection offered to individuals, such as refugees, could be enhanced.

The ongoing debate in security studies has a strong objectivist element. Scholars who seek to broaden and deepen the concept of security often do so in an effort to convince relevant actors that a particular development represents an objective threat to a given referent object; consequently, additional resources devoted to combating the potential threat are warranted.\textsuperscript{108} This has been a strategy associated with those advocating the inclusion of the environment in the broadened security agenda, but some have also applied this to international migration. They have argued that states must view

migration as a security threat because of the potential social and political upheaval that migrations have on societies. Scholars such as Zimmerman, Weiner and Huntington claim that migrations have historically been the source of grave security threats leading to the downfall of states and empires. According to this view, states must appreciate how threatening migration is and must take great pains to manage it, or in some cases, prevent it. From this perspective, ignoring the potential security threat that migration poses would be sheer folly. As such, securitising the issue is viewed as a positive step in that states would devote greater resources to preventing migration.

As the previous section has shown, alternative approaches to security have attempted to show that certain state practices of security represent an objective threat to certain populations. They, like their state-centric counterparts, make an objectivist claim that because a certain issue is actually a greater threat, it should be the focus of security.

Objectivist claims about whether international migration is or is not a threat a security threat, ignores the role of discursive practices and identity construction in the formulation of security threats. My analysis demonstrates that the treatment of migration as a threat to security is not a constant throughout history nor is it in all states and societies. I argue that many states have not constructed migration as a threat to the state and a few have even constructed migration as essential for providing security for the state; namely, modern day Israel, as well as traditional settler states such as Australia, Canada and the United States. Similarly, the opposite claim that migration is not a security issue ignores the devastating impact that migration can have on particular groups of people, including expelled populations such as refugees, and targets of forced migrations, such as the Armenians, Kurds or Tibetans have been. This project
demonstrates that migration can be constructed in a number of ways: as a security threat to various referent objects, including states and individuals, but also as a means of providing security or even as a non-security issue.

**Constructivism and Securitisation**

The constructivist approach, which has embraced many of the insights of critical studies\(^{109}\), has come to weigh in on many of these contested points and has made a number of vital contributions to the understanding and study of security. Huysmans argues that the condition of security does not refer to an external, objective reality but rather through the enunciation of security constitutes a (in)security condition.\(^{110}\) Thus, according to Huysmans, security is a performative force, rather than being merely descriptive of an objective reality.\(^{111}\) Waever also contends that security is a speech act; it is the naming of something as a security threat that makes it so.\(^{112}\) Thus, this constructivist approach asserts that security is the product of political discursive practices, and is not reducible to objective assessments of material risk. Security is the product of historical structures and processes, and of struggles of power within states and societies.\(^{113}\) The Copenhagen school, which has done much of the work developing the concept of securitisation, has helped develop a discursive understanding of security by focusing on the process of securitisation.

Securitisation theory, as formulated by Buzan and Waever, posits that a condition of security exists when an issue is presented as posing an existential threat to a referent

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\(^{111}\) Ibid.


\(^{113}\) Lipschutz, Ronnie. Ibid. "On Security."
object (traditionally, but not necessarily, the state). The special nature of the security threat justifies the use of extraordinary means to handle these threats.\textsuperscript{114} By invoking 'security', a representative of the referent object declares an emergency situation, and claims the right to use whatever means are necessary to block that development.\textsuperscript{115} The term existential threat does not imply a universal standard, but rather one that varies with the particular character of the referent object in question.\textsuperscript{116} Thus, the defining conditions of existence will vary across different referent objects, and therefore, so too will the nature of existential threats. For example, states require different things to survive than individual humans, and as such the developments that represent an existential threat to each will differ dramatically.

Furthermore, the extraordinary means implemented to counteract the threat depends on the security provider appealed to by the representative of the referent object. For example, an aboriginal Australian in identifying a threat to himself or his family could appeal to a number of security providers, including his extended family, the Aboriginal community, the Australian state or an international body.

This explanation of security is somewhat vague and under specified, but the positive side of this is that it leaves room for an array of issues to which security can be applied, for multiple referent objects besides the state, and potentially for multiple security providers. According to securitisation theory, securitisation occurs when political or societal leaders claim that a particular issue threatens the existence of the referent

object, and appeal to a security provider to implement extraordinary means to protect the referent object.

Waever and Buzan's introduction of the securitisation approach based on discursive practices has made a significant contribution to the debate over the 'broadening' and 'deepening' of security agendas. In addressing the issue areas that are included as security issues, the Copenhagen school argues that security threats are constructed by securitising actors addressing a particular audience. In essence, they have argued that the topics that can be considered as security threats are not merely the product of academic exercises but are determined by the discourse within political communities. These scholars have in essence contextualized the discourse by changing the discussion from 'is x a threat?' to 'why or how is x constructed as a threat at this historical time in this particular states/societies?'

In doing so, the Copenhagen school has moved the debate away from a normative argument on whether or not certain subjects should be considered as part of security to provide an explanation for how certain issues come to be constructed as security threats. This is not to say that the Copenhagen school makes no normative assertions about securitisation; for they have been clear in their criticisms of those who attempt to broaden the concept of security, as though such a development were a positive step. They have made it clear that they favor working toward the desecuritisation of most issues. Buzan and Waever state that security should be seen as a negative, as a failure to deal with issues as normal politics.7 However, the Copenhagen school does not make normative claims about the role of the state as a referent object or the individual subjects that are constructed as threatening.

7 Ibid.
This approach to security has been interpreted by many critical theorists as resisting the ‘deepening’ of the security agenda because it favors the state as the basic referent object of security. This is not the case. The Copenhagen school takes a historically contextual position on this. Waever argues that throughout most of the modern era, the state has been privileged as the primary referent object of security. This should not be confused with Favoring the state as the referent object as realists do. The Copenhagen school concludes that the state is not the only referent object of security but that during a particular historical period it has enjoyed primacy. In other historical periods, the state was not a referent object of security or was only one among a number of competing referent objects – including religion, city, region, and language group. Weldes supports such a view of securitisation when she states that “national security is not rejected as either outmoded or in need of transcendence; instead it is taken seriously as an important historical resolution to central problems of political life”.118 Furthermore, the securitisation school argues that in the current historical period we may be experiencing a shift away from state security to societal security – particularly in the European context.119

Because the Copenhagen school’s conception of security as a speech act requires a recognized, legitimate actor capable of declaring security and one who has the means to carry through the act of securing the object against the threat, at the current time, the state remains the primary security provider. The Copenhagen school essentially adopts

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Weber’s depiction of the modern state, because in most western liberal states, the state maintains a monopoly on the legitimate use of violence; consequently, the state is regarded as the only legitimate security provider. An important move that the Copenhagen school has all but ignored, but that features prominently in the human security literatures, is that the state is capable of providing security for referent objects other than itself or its citizens. In other words, while the state remains as the primary legitimate security provider, the referent objects on behalf of whom the state acts, have, and can, expand beyond its own borders. Privileging the state as the provider of security does not mean privileging it as a referent object of security.

It is clear that the process of securitisation as described by Waever focuses on political communities, states in particular; in doing so, it rejects the move made by critical theorists/human security theorists to change the referent object of security to individuals. Buzan defends this position by claiming that attempts to securitise individuals or humanity as a whole are unlikely to be successful. He claims that mid-level communities, like states, societies, or ethnic groups, are more easily securitised than narrower or broader referents like individuals or humanity as a whole. Buzan claims that this is the case because these social communities elicit strong ‘we’ feelings and permit an easily identified ‘other’. This makes it much easier for these social communities to be constructed as referent objects.

This claim should not be regarded as a complete departure from the critical approach. Even security as understood by Ken Booth, whose work was seminal in arguing for the individual as the ultimate referent object of security, relied on groupings

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of humans as important to understanding security.\textsuperscript{121} For a particular grouping of humans to be relevant, they must be categorized in the way by which they are constrained or threatened.\textsuperscript{122} Thus, the securitisation approach need not be concerned with maintaining the state as the primary referent object of security, but in understanding how groupings of individuals, including states, construct threats to their group. Because of this position, the theory of securitisation travels well from the state as the primary referent object of security to other potential referent objects, including societies, which they see as a potential challenger to the state security concept. In identifying society as a competing referent object to the state, the securitisation school has adopted the move made by critical theorists to shift the referent object away from the state. By introducing societal security as an alternative to state security as a means of illuminating security threats that do not seem to fit the state security logic, the securitisation approach establishes the plausibility that referent objects, like security issues, are socially constructed.

The Copenhagen school’s use of securitisation has done little to assuage the concerns of the critical theorist, though they have actually made a more important move than is often credited to them. The Copenhagen school has introduced an approach to security that identifies potential security issues and the referent objects to which they refer. In doing so, this constructivist approach has presented a serious challenge to the realists who wish to maintain a strictly military view of security, and even to those neo-realists who attempt to widen the concept of security without expanding the potential referent objects of security. However, the securitisation school has not abandoned the military aspects of security nor the issues for which the state remains the primary referent

object. They have provided a theory that encompasses the traditional views of security while opening space for the study of non-military security threats, non-state referent objects and even, though they do not go that far, to non-state security providers.

For the critical theorists, the securitisation approach shows that the expansion of referent objects does have some limits. They have shown that certain security subjects seem to fit with particular referent objects more easily than others and that the success of these attempts to securitise particular issues depends on a security provider capable of actually acting against the threat.

The Securitisation Process in States

In this section I examine the process of securitisation, drawing on the work of Buzan and Waever. I identify some of its key weaknesses, and outline the contributions of this project to securitisation theory. By identifying securitisation attempts and employing a discourse analysis of the process, as done in this study, I present a revised version of securitisation that aims to be both clearly presented and empirically informed.

Buzan argues that successful securitisation has three components: existential threats, emergency action and effects on interunit relations by breaking free of rules. The identification, and naming, of existential threats has played a fundamental role in the Copenhagen school’s approach to the securitisation process. Ole’ Waever, in defining security as a speech act, essentially argues that in the identification of existential threats, (in the naming of something as a threat) influential leaders take the issue out of the realm of normal politics; this involves a decision, a ‘breaking of the rules’ and a suspension of

From this perspective, it almost appears that Waever presents securitisation as a tool used by rationally motivated actors to achieve some political end. As such, political and societal leaders essentially decide to securitise an issue or not, and that decision is based on political considerations and has political consequences.

The problem is that too strong a focus on the actual speech act tends to reinforce a rationalistic view, or as Michael Williams describes it, a 'too-decisionistic' approach. Williams notes that “looking for singular and distinct acts of securitisation leads one to misperceive processes through which a situation is gradually intensified and rendered susceptible to securitisation”. Williams explains that the speech act of naming an existential threat is both the ‘primary reality’ of securitisation and an expression of its existence. Another way to understand this is that the act of declaring something a security threat is both the expression or culmination of a process and an act in and of itself.

Thus, the identification of existential threats appears to be a process, rather than a singular event in the securitisation process. According to Buzan and Waever, speech acts have three facilitating conditions: a demand internal to the speech act of following the grammar of security, the social conditions regarding the position of authority for the securitising actor and features of the alleged threats that either facilitate or impede securitisation. In other words, the first condition is a speech act (or acts) that follows the grammar of security. It constructs a plot whereby a development is presented as an

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125 Ibid.
126 Ibid.
127 Ibid.
128 Ibid.
existential threat, identifies a point of no return and a possible way out. The second condition involves the social capital of the enunciatör, who must be in a position of authority. The last condition is that the development must identify objects that are generally held to be threatening. Not all developments are equally plausible as threats, and, as such, the success of the securitising move depends on the plausibility of the threat; in addition to the social position of the securitising actor and the language used. One factor that influences the plausibility of the threat is intentionality. According to Waever, existential threats are intentional and are fundamentally about a contest of wills. Waever states that security is about the efforts of one will to override the sovereignty of another. Thus, the object identified as the threat must be imbued with intention in the naming of the threat.

This leads to Buzan and Waever’s second aspect of securitisation: emergency action. Waever argues that to enact emergency action, the security provider must have: a) a sufficiently repressive apparatus, b) ideological cohesion in the core group that allows the apparatus to be mobilized and c) the legitimacy to use it that avoids the escalation of public opposition. The sufficiently repressive apparatus need not be strong enough to actually eliminate the threat, but rather, must be seen to be the appropriate apparatus to deal with the threat. When the state is appealed to as the security provider, the ruling elite enacts emergency measures by invoking the repressive apparatus of the state, typically the military or police forces; or engages in coercive diplomatic measures toward other states, such as sanctions.

130 Ibid. pp 33
131 Ibid.
133 Ibid.
The second and third conditions that Waever identifies imply that speech acts need to fall on receptive ears, both in the ‘core group’ and the general public. In fact, Buzan and Waever explicitly state that for successful securitisation, the audience must accept the claim that a development represents an existential threat. As was noted in the previous section, there are three conditions that impact the likelihood that the speech act naming the existential threat will be accepted by the ‘relevant audience’. Presumably the audience includes both the public and the core group, though it is not clear who that is. Buzan and Waever argue that in liberal democracies there is a need to argue one’s case, since securitisations can never only be imposed. They state that in a democracy, it must be argued in the public sphere why a situation constitutes security. In making these claims, it is clear that Buzan and Waever believe that the public is an important element in the success of securitising attempts. Less clear, is the claim that ideological cohesion in the core group is necessary for the use of emergency action. Just who may qualify as a member of ‘the core group’ is one of theory’s major problems, and an issue this project aims to address. Once the public and core group (political actors who control the repressive apparatus of the state) accept the securitising claim, state leaders are able to implement extraordinary action to counteract the threat.

According to Buzan and Waever, the implementation of emergency action must have an effect on interunit relations by breaking the normal political rules of the game. The examples they provide include secrecy, levying taxes, conscription, placing limitations on otherwise inviolable rights, or focusing the society’s energy on a certain

135 Ibid.
136 Ibid.
task. Understanding what qualifies as emergency measures requires an understanding of the ‘normal’ political rules governing the behaviour of the security provider. More fundamentally, it also involves an effect on interunit relations that requires identifying the basic units whose relationship is being altered, as well as the norms and rules that typically govern their interactions. In a successful case, securitisation will alter the relations between two states, or between a state and another relevant group such as terrorists, criminals, polluters, refugees etc. In such an instance, the securitisation would imply that the rules and norms governing their interactions have changed. The purpose of this criterion is to move beyond political rhetoric to show that the process actually impacts the relationship between these units. Thus, it is not enough to show that the ruling elite have named something a security threat, or have even enacted legislation to deal with it; for successful securitisation to have taken place it is essential to show that the normally operating rules within a society or state have been broken, and that its relationship to the unit causing the threat has been altered.

**Typology of Securitisation**

According to the theory of securitisation, it is the security provider that breaks the rules governing the relationship between the threatened and threatening objects. In Buzan and Waever’s formulation, the security provider is often synonymous with the referent object itself. Thus when states and societies are identified as the referent object of security, it is assumed that they are also the security provider. This is problematic for the Copenhagen school, as it unnecessarily limits the range of referent objects and security providers in their analysis of securitisation. They essentially identify two types of securitisation based on the primary referent object: state and societal. By limiting the

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137 Ibid.
study of securitisation to these types, Buzan and Waever ignore securitisation attempts where representatives of the threatened referent object appeal to another security provider other than the referent object itself. The empirical analysis of the practice of security supports a much larger range of potential securitising moves, based on referent objects and security providers.

I have identified five types of securitisation: humanitarian, communitarian, international, cosmopolitan, and societal. Securitising attempts in which representatives of the state are appealed to as the primary security provider include humanitarian- and communitarian-securitisation. The traditional understanding of state security is encapsulated in the communitarian-securitisation category, in which someone claiming to be a representative of the state, or the political community encompassed by the state, appeals to the government of that state to provide security against an existential threat; often though not always, a foreign, external, military threat. A humanitarian-securitisation on the other hand, involves a group or individual claiming to represent a foreign, sub-state referent object appealing to those who control the security mechanisms of the state to provide security on their behalf.

Completely ignored by Buzan and Waever, are securitising attempts that appeal to security providers beyond the referent object itself, such as humanitarian-securitisations. Yet, in many cases, securitising actors appeal to foreign governments, the international community or some conglomeration of states to provide security for a threatened referent object. In an international-securitisation, the representative of an individual state or group of states appeals to the international community to provide security for the threatened state. This type of securitisation encapsulates processes whereby formal treaties exist for
such action, such as collective security, as well as processes whereby previous agreements providing for this type of securitisation do not exist. There are also cosmopolitan-securitisation attempts, in which representatives of a non-state referent object appeal to the international community to provide security on behalf of the threatened non-state referent object.

Where Buzan and Waever have made an important contribution is in identifying securitisation attempts in which non-state entities are identified as both the referent object of security and the legitimate security provider. As such, societal securitisation involves the representative of a sub-state entity appealing to that sub-state entity to provide security on its behalf.

Representatives of threatened referent objects may, and often do, appeal to a variety of security providers, though they are not necessarily appealing for the same type of action to be taken. The provision of security will look different depending on which security provider is acting. While this study focuses primarily on the actions of political leaders, the extraordinary measures they implement will vary depending on the type of securitisation. The extraordinary measures called for by a humanitarian-securitisation will differ dramatically from the extraordinary measures called for by communitarian-securitisation.

**Problems and Solutions**

The theory of securitisation remains at a high level of abstraction making it difficult to understand or to implement in an empirical analysis of the process. It remains unclear whether the speech act initiates the process of securitisation or represents the culmination of the process, as Williams claims. This is made all the more difficult
because the presentation of the process by Buzan and Waever fails to take into account that there are multiple speech acts identifiable in most cases of securitisation, and, as becomes evident in the cases examined in this study, multiple paths and strategies for securitisation. One other indeterminacy is that it is unclear whether the implementation of extraordinary means is the endpoint of the process. Buzan and Waever seem to imply that once extraordinary measures have been implemented, the issue has become securitised, and that the only option at that point is to engage in desecuritisation – a process that suffers from an even greater dearth of theorization and empirical examination. In my empirical analysis, I demonstrate that the primary response to a securitisation attempt is rarely desecuritisation, but rather counter-securitisation.

To remedy these shortcomings and indeterminacies, I have reformulated the securitisation process, as presented by Buzan and Waever, into three specific stages. The first is the discursive challenge, in which securitising agents attempt to convince the security provider to implement extraordinary measures by challenging the discourse that currently structures the relationship between units. It begins with a securitising agent, claiming to speak as a representative of the referent object, identifying an existential threat; in effect, positing an alternative potential relationship between the units. Securitising agents ultimately seek to convince the security provider, in most cases the governing party that controls the coercive forces of the state, of the legitimacy of their claim. They may do so by directly appealing to the members of the government, or indirectly, by attempting to influence other agents with greater influence. Security providers on the other hand, once they have adopted the securitising discourse, attempt to gain the support of political opponents who could in the future challenge their position as
security provider. Once the security provider is satisfied that they have attained an adequate level of cohesion, they implement extraordinary measures to deal with the threat.

The second stage is the implementation of extraordinary means. In Buzan and Waever's formulation, the implementation of extraordinary measures is often presented as a singular act that is the culmination of the securitisation process. I argue that the implementation stage can occur gradually, with the incremental escalation of measures taken to counter the threat. One reason for doing so is for the government to maintain cohesion among the ruling elite, and reduce opposition from their traditional political opponents. In other instances, escalation occurs rapidly, forcing potential opponents to make an immediate, public stand, either in support of, or in opposition to, the securitisation.

The final stage of the process is the legitimization stage. While Buzan and Waever note that securitisation requires legitimacy, it is not clear how this is attained or when it occurs in the process. Addressing this gap is one of the chief theoretical contributions of this thesis. I show that attempts to legitimize securitisation occur after the initial implementation of extraordinary means, when opposition to the securitisation is voiced. In many instances, opposition to securitisation takes the form of counter-securitisation, where influential societal or political actors identify another referent object as threatened, either by the emergency measures implemented by the security provider to counteract the initial threat, or by some other development. In other instances, opposition to the securitisation takes the form of desecuritisation, where political leaders question the original securitisation claim in reference to the arguments initially used to initiate the
The legitimization of securitisation is essential to the continuing escalation of extraordinary means. The ruling elite, and societal actors who support them, engage in two distinct methods to legitimize their response. The first is legislative changes. These changes make the extraordinary measures already implemented legal and beyond challenge. In essence, the legislative changes alter the existing rules governing the relationship between the state and the other unit; in this case - asylum seekers.

The second strategy is the silencing of dissent. The government and its social and political allies attempt to silence those who continue to challenge the securitised discourse. The silencing of dissent can be accomplished through a number of discursive tools, such as labeling the dissenters, constructing the perception of a supportive public, limiting media coverage and continued re-construction of the other units' identity. Importantly, employing discursive analysis, I identify how the process of securitisation can fail during both the initial discursive challenge, as well as in the legitimization stage.

The three-stage approach incorporates many of the elements identified by Buzan and Waever as crucial to successful securitisation, but presents it in a less abstract manner, that makes it possible to more readily identify and trace the process. It shows that the implementation of extraordinary means is not the endpoint of the process, but rather, ushers in a period of intensive discursive practices during which further 'speech acts' occur in an effort to legitimize the process.

**Securitised Migration Discourses**

Securitisation theory takes its principal claims from the general constructivist approach to international relations, particularly the discursive branch of this approach, which, according to one author, has become one of the most active and interesting areas
in the study of international relations.\textsuperscript{138} The discursive approach claims that discursive practices create norms and expectations that influence the range of possible actions available to actors. Securitisation builds on this general framework by asserting that the discursive act of securitisation produces the behavior of state leaders in that it creates an expectation that the government will take specific actions against a threat.

As was noted at the conclusion of the previous section, successful securitisation requires not only a change in discursive practices indicated by the naming of existential threats, it also involves an invocation of emergency action and noticeable effects on interunit relations indicated by breaking free of the rules of ‘normal’ politics in a democratic polity (that is, not invoking the use of force).\textsuperscript{139} This is not that different from most academic work that focuses on discursive practices. While much of the focus is on identifying dominant discourses, these scholars have shown how the discursive practices of actors constrains their actions, in the development and use of particular weapons or the choice of military strategy.\textsuperscript{140} Similarly, applying such an approach to the issue of asylum seeking requires detailed examination of the discourse(s) pertaining to asylum seeking, as well as the extraordinary measures used to deal with them. Milliken notes that dominant discourses give objects certain “taken-for-granted qualities and attributes” and relates them to other objects.\textsuperscript{141} A prime example is Richard Price’s study of the discourse on chemical weapons. Throughout the history of the discourse on chemical weapons, states


that used them were constructed in different periods as technologically advanced, as uncivilized, or as weak.\textsuperscript{142} Price's work demonstrates how the discourse on chemical weapons constructed both the identity of states that used chemical weapons, as well as those that did not. However, in the discourse relating to chemical weapons, states are not the only objects that are given qualities and attributes and related to other objects. Other objects, such as terrorist organizations, sub-state armed groups who use chemical weapons, and individuals, such as scientists or army commanders, that help with the proliferation of these types of weapons, could also be included in such discourse.

Similarly, the discourse on asylum seekers constructs a number of objects with certain emotions, characteristics and intentions: including asylum seekers, receiving and sending states, smugglers, economic migrants and 'genuine' refugees. Traditionally, these objects have been portrayed differently within the two primary securitised discourses regarding asylum seekers: humanitarian and communitarian. Arguing that the discourse surrounding asylum seeking has become dominated by security does not in and of itself provide complete clarification of the referent object of the discourse. The multitude of discourses on immigration and asylum seeking often causes confusion over what referent object is actually being threatened: the economy, identity of society, the environment, asylum seekers, the international system or the state. A cursory examination of the discourses on immigration quickly reveals that the issue of international migration is addressed in multiple sectors of security discourse.

\textbf{Sectors of Risk}

Buzan and Waever place the discourse on migration in the sphere of societal security because of its potential threat to the identity of a society. For them, society is

about identity, the self-conception of communities and of individuals identifying themselves as member of a community.\textsuperscript{143} Thus, threats to identity come in the form of a challenge to the existing identity of that society. Migration is one of the common issues that have been viewed as a threat to societal security, along with horizontal competition, vertical competition and possibly depopulation.

Migration presents a threat to the identity of a society because an influx of a foreign population could cause a shift in the ethnic, religious or linguistic composition of the society.\textsuperscript{144} Of course, in such a case, whether or not migration poses a threat to the society depends on how the identity of immigrants and that society has been constructed. Buzan and Waever state that whether migrants or rival identities are securitised depends on whether the holders of the collective identity take a closed or open-minded view of how their identity is constituted and maintained.\textsuperscript{145} A brief examination of the Canadian and Australian cases reveals that identities need not be constructed in a closed manner as such, and that migration can play varying roles regarding the security of any given society.

While migration represents a threat to societal security, the delineation between societal, political and military security often breaks down, and each of these concepts fails to capture the multiple ways migration can be presented as a threat to a society. Jef Huysmans has explored the connection between migration and security in the European context and has noted that immigration in Europe has been presented as a threat to societal, political and military security through three key mutually constituting social

\textsuperscript{144} Ibid.
\textsuperscript{145} Ibid.
practices: internal security, cultural security and the security of the welfare state.\textsuperscript{146} Huysmans’ discussion of cultural security resembles Buzan and Waever’s assertion that migration can be constructed as a threat to the identity of social communities, particularly by collectivities whose identity is narrowly defined. However, as Huysmans observes, migration has been presented as threatening to European society in other ways as well. The European concern with internal security has come to associate the freedom of movement within Europe with a potential vulnerability to the free movement of illegal migrants and asylum seekers, and potentially, terrorists; hence, migration has been connected with the security of the Europeanization process itself. To prevent a return to the Europe of the early 1900’s, which produced two cataclysmic conflicts, the EU project is constructed as necessary for the provision of security in Europe. This means that any development that threatens the progress of the EU, such as migration, is a security threat.

Huysmans also notes the connection between migration and the security of the welfare state, and focuses on the question of ‘who has a legitimate right to welfare provisions’.\textsuperscript{147} With the welfare state forming such an essential component of European identity, the viability of the welfare state is considered an essential component of national and European identity. The scarcity of social goods contributes to the construction of asylum seekers and immigrants as rivals to national citizens, both in the labor market and in the distribution of social welfare benefits.\textsuperscript{148}

Huysmans’ examination of the securitisation of migration in Europe, and Buzan and Waever’s discussion of societal security, reveals that security threats are often

\textsuperscript{147} Ibid.
\textsuperscript{148} Ibid.
constructed in complex ways, with multiple discourses and social practices contributing to the securitised discourse. Migration, in particular, demonstrates the complexity of security discourses and the practices that sustain these discourses. Migration fits into the discussion of security in various sectors and in various roles. For settler societies like Canada and Australia, the discourse on migration reflects a number of concerns, often overlapping sectors and, at times, contradicting one another. Thus, in these societies we do see migration portrayed as Buzan and Waever portrayed migration, as a potential threat to the identity of a society caused by a changing composition of that society; and also as Huysmans portrayed migration, as a threat to internal security, cultural security and to the welfare state. Yet, in both of these states, there are competing and contrasting discourses on immigration.

In settler states, like Canada and Australia, permanent migration has, in fact, been portrayed as essential to the long-term survival of the state. Their small populations and large landmasses have formed an integral part of the discourse on immigration and national security since the founding of these states. Additionally, the decline in natural population growth associated with increases in economic prosperity has meant that these states have come to rely on migration to sustain or increase their population, as well as their wealth. This discourse on migration overlaps both societal security concerns and a communitarian (military-political) security concern. This discourse was originally formulated around the perception that these states faced a threat from their larger, potentially expansionist neighbors – the U.S. for Canada, Japan and China in the case of Australia. Thus, the fear of having a small population has been partly spurred on by the fear of military takeover by more powerful (presumably because of their larger
population) states. The need for a larger population has continued in the discourse on immigration, despite the reduced military threat that these states face from their neighbors.

The discourse on immigration need not be limited to potential military threats to the state. In Australia, and now emerging in the U.S., the discourse on migration has been expanded to include it as another threat to the environment. There is a growing linkage in these states between population increase, from immigration, and the increasing stress on the environment caused by human activity. The association between migration and environmental stress is fertile ground for research on how discursive practices affect perceptions of security threats.

The discourse on migration often reflects security concerns in multiple sectors of state security, but it is most often and most clearly enunciated as a potential threat to the identity of society. As was noted in the introductory chapter, explaining the empirical cases selected for this study, we have seen this discourse in Canada and Australia, both of whom have adopted racially defined immigration programs to reduce the number of non-British and later, non-European immigrants. Their perception of the peril of allowing Asian, (particularly Chinese) immigration is well documented. In both cases, non-white migration had been portrayed as a threat to the European character of the society. The discourse defending the restrictions against allowing immigration of particular races coincides with the discourse heralding large-scale permanent migration as essential to the survival of the state. So we see in these cases a fine example of two distinct discourses on migration, carried on simultaneously in distinct sectors that produced a unique policy
outcome – high levels of permanent migration that were highly restrictive along racial and ethnic lines.

Throughout their histories, Canada and Australia have represented ideal cases for studying the discourse on immigration from a societal security standpoint, primarily because these discourses and practices changed dramatically over the course of their histories. As noted earlier, a military threat from the U.S. no longer plays a role in the immigration policies of Canadian governments, yet they continue to espouse high levels of permanent migration to provide for both economic and political security. In Australia, the Yellow Peril is no longer a prominent term in migration discourse and recent levels of migration from Asian states is significant, despite ongoing concerns regarding the identity of Australian society.

More interesting perhaps has been the eventual change in the racially and ethnically defined immigration programs. With the eventual acceptance of official multi-culturalism in both states, their racially defined immigration programs ceased. Once the identity of these states changed from one of protecting a distinctly white, Northern European identity to one of multi-culturalism, immigration from non-British or European states was permitted at much higher levels. As their identity changed, so did the types of migration seen as presenting a threat to the society. As a result, the permanent migration policies of Canada and Australia reflect their multi-cultural identities as they aim to attract migrants from many parts of the world.

The purpose of this discussion has been to demonstrate that there are multi-sectoral discourses converging on the issue of migration and that each of these discourses change over time. The discourse on permanent migration addresses different referent
objects than does the discourse pertaining to Chinese or Caribbean immigration. As will be shown in this study, the discourse on asylum seekers is distinct from the discourse on immigration, and it addresses multiple sectors of security, including the political security sector.

Sectors of threat from Humanitarian Migration

According to Waever, political security is about the organizational stability of the social order; it is made up of nonmilitary threats to sovereignty. He ultimately concludes that political threats are made to 1) the internal legitimacy of the political unit or 2) the external recognition of the state. Asylum seeking can be constructed as a challenge to both the internal legitimacy of the political unit and the external sovereignty of the state. It challenges internal legitimacy by calling into question the ability of the state to 'control' its borders, a fundamental aspect of state sovereignty. Asylum seekers provide an additional challenge to liberal states because signatory states are forced by international obligation and the domestic legal system to adjudicate the claims of asylum seekers. During the period of time it takes to decide on the claim, they must provide them protection and basic welfare provisions. As a result of their status as asylum seekers, states have less power to do with them what they want, presenting a potential challenge to the sovereignty of the state.

Asylum seekers can also undermine external sovereignty if their presence indicates a failure on the part of states to control their borders. The inability to control borders may be more than just a loss of international prestige; it may invite unwanted interference from other states, from neighbours attempting to stop cross border movements or from those involved in a war on drugs or a war on terror in which

\[149\] Ibid.
controlling the movement of people across certain borders is essential. Again, this is highly unlikely given the small numbers that reach most advanced western states, but the potential exists and can be seen in the discourse on asylum seekers and illegal immigrants.

What is most noticeable by now is that asylum seeking represents a threat predominantly within the political sphere, even when their numbers are sufficiently low. These numbers are low partially because of the control mechanisms that the economically advanced states exert over the international movement of people. Thus, any development that could undermine this system of control could be constructed as a political threat. Unauthorized humanitarian migration is often portrayed as undermining this system of control, because those who enter a state without permission have successfully circumvented that state’s control mechanisms. Furthermore, asylum seekers can represent a threat to the sovereignty of the home state as well. In cases where the home state sought to prevent the departure or escape of asylum seekers, their successful arrival in another country signals a lack of control of its borders. Thus, asylum seeking and illegal immigration are constructed as a threat primarily within the political security sector because they represent a non-military challenge to the sovereignty of individual states. Authorized migration does not threaten the political sector of security, because it is controlled by the receiving state. It may threaten the economy, the identity of the host society, the environment or the sovereignty of the home state, but it is rarely presented as threatening the sovereignty of the receiving state.

This discussion regarding the sector in which the discourse on asylum seeking is concerned serves to focus the examination of the discourse surrounding unauthorized
humanitarian migration. Having identified that the political and societal sectors are the primary sector of security discourse concerning unauthorized humanitarian migration, it is easier to identify the dominant discourse as well as the referent object in the securitisation process.

Thus, we expect that a securitised discourse on asylum seekers will be concerned primarily with the sovereignty of the state and/or the identity of society as threatened. It is possible that various actors associated with asylum seeking will be portrayed as a security threat to the state, including refugee-producing states, those who transport asylum seekers or asylum seekers themselves. It is not necessary for asylum seekers themselves to be identified as the risk to the state for the issue of unauthorized humanitarian migration to be securitised. Thus, we will see that in some cases those that carry asylum seekers to the state are portrayed as migrant smugglers, with all the qualities and attributes associated with such a term, rather than as someone helping refugees escape persecution.

Asylum seekers may also be portrayed as a threat to the state as criminals or terrorists. They may also be portrayed as a threat, not explicitly to the state but to ‘genuine’ refugees. In such a case, refugees are portrayed as the victims of asylum seekers, who have ‘jumped the queue’ and taken their spot in the host state. While the use of such predicates portray refugees as the victim, the label of a ‘queue jumper’ implies a threat to the state as well. The queue jumper label has a number of negative connotations: that the person has no respect for law and order in his or her new home state, and that he or she has no sense of fairness. It is implied that people who do these things or who act in
this way, cannot be one of us and that letting them into the state would threaten the values of society.

This securitised discourse has not been the dominant mode of representation for refugees and asylum seekers. As the following chapter demonstrates in greater detail, since the implementation of the international refugee regime following the Second World War, the dominant discourse pertaining to refugees and asylum seekers has been humanitarian in character. As noted earlier, a humanitarian-securitisation does not portray unauthorized humanitarian migrants as a threat to the state. Rather, humanitarian migrants are portrayed as victims in need of the state’s protection. Essentially, the humanitarian discourse is a securitised discourse, though one which embodies a deepening of the security discourse, i.e. human – not state – security with specific individuals and communities identified as the primary referent object of security, while maintaining the state as the primary actor responsible for the provision of security.

Prem Rajaram argues that a humanitarian presentation of refugees portrays them as helpless and lost, a portrayal that he critiques as intentionally ignoring the voices of the displaced.\(^{150}\) It is not my intention to support this representation of the refugee, but to study the political effects of such a representation maintaining or losing dominance in the discourse on unauthorized humanitarian migration. Taking a more critical approach, Rajaram explores other possible representations that would incorporate refugee voices and which would, he argues, lead to the empowerment of refugees and would likely result in greater protection. This study tends to take a more pessimistic approach, fearing that

the discourse on refugees is more likely to take a turn toward communitarian-securitisation than it is to incorporating refugee voices into a humanitarian representation.

Conclusions

This chapter has done a number of important things. First, it has established where this project fits into the security studies literature generally and the ongoing debate in that field. More specifically, it contributes to the growing body of work dealing with the issue of migration and security. Adopting a constructivist approach, I employ the theory of securitisation to answer the question of how humanitarian migration has become cast as a security issue. Having presented the primary theoretical contributions of employing a securitisation approach, I have identified several weaknesses of the theory, weaknesses due primarily to the high level of abstraction and lack of empirical analysis. Having reformulated the theory of securitisation by identifying three stages of the process, I attempt to redress some of the weaknesses with this theory. This chapter has also introduced my approach to the study and analysis of discourse on unauthorized humanitarian migration. Having identified the key sectors in which the discourse on migration is situated, I have introduced the central components of both the humanitarian and communitarian securitised discourse. Before embarking on the empirical examination of the securitisation process, the last key theoretical issue that needs to be addressed is to provide an understanding of the normal relationship between states and unauthorized humanitarian migration. I will explore the international refugee regime to identify the norms of asylum seeking. In doing so, it will become evident which policies are regarded as extraordinary in dealing with asylum seekers and when relationships between units have been altered. That is the subject of Chapter Five.
Chapter Five: The Relationship Between States and Refugees

The securitisation process, as outlined in the previous chapter, constitutes a unique type of discursive practice that makes possible a particular course of action; namely, the invocation of emergency measures and the breaking of the normal rules governing the relationship between units, such as an inter-state relationship or the state-asylum seeker relationship. To understand and trace this process, it is essential to identify the identities and interests of the units under analysis and to uncover the norms and rules that govern the normal relationship between these units.

In this chapter, I argue that the normal relationship between states and asylum seekers needs to be understood within a multilevel international structure. The first level consists of an international rivalry between groups of states based on an ideological divide over the rights that citizens are owed by the state. The second level consists of the relationship between states and foreign nationals that seek to enter the state. In this multilevel analysis, the international refugee regime stands as the prominent structure through which these relationships are determined. In addition to creating two distinct groups of states based on their adherence to liberal values, the refugee regime encourages the mutual constitution of refugee and 'humanitarian' state identity. By defining refugees in a particular way, the refugee regime distinguishes refugees from immigrants by infusing refugee identity with specific intentions, and creates certain expectations regarding their behaviour.

The first section of this chapter examines how the refugee regime constituted a distinction between refugees and immigrants. In so doing, this regime created the category of refugees as a distinct actor in the international system, toward which states
were forced to respond. The response of states toward refugees was based on the intentions and behaviour patterns expected of refugees. The intentions of refugees differed from immigrants in fundamental ways. Immigrants sought to enter the state either for economic opportunity or family reunification, while refugees were motivated by the desire to escape persecution. By constructing refugees in this manner, the refugee regime constructed a relationship between states and refugees that was securitised in a humanitarian manner, because the category of refugee identifies an actor that is threatened by the actions of his home state. As a result, the state that recognizes a foreign national as a refugee must implement extraordinary measures to provide for his protection.

In the second section of this chapter, I examine in greater detail the expectations created by the refugee regime for signatory states toward asylum seekers. While the 1951 Convention specifically addresses state obligations toward refugees, in practice, it has created a number of obligations toward asylum seekers as well. I identify four basic expectations created by the international refugee regime for signatory states. Three of these expectations are negative, in that they outline what signatory states are not supposed to do to individuals seeking asylum, while the last is positive, in that it creates an expectation of what a state should do for asylum seekers. I argue that the norms of non-refoulement, non-arbitrary detention, non-punishment based on mode of entry and access to a fair hearing, represent the limitations the refugee regime places on refugee-protecting states toward asylum seekers, and constitute the normal behaviour of signatory states when dealing with asylum seekers.
The third section of this chapter examines how the state-refugee relationship is structured by international relations. I demonstrate how the creation and implementation of the international refugee regime was constructed to maintain an emergent international structure emanating from the Second World War. The refugee regime functioned as one element of a larger structure constituting a clear ‘self’ and ‘other’ based on political and economic ideologies, with respect for human rights as an important element of this distinction. The refugee regime helped structure the relationship in this manner by providing a clear measuring stick by which to differentiate the two rivals. Thus, states from which refugees flowed were the ‘other’: states that violated human rights. The ‘self’ was defined as the protectors of human rights; evidenced by the flow of refugees into these states. Changes in that international structure, combined with the emergence of refugee flows from states excluded from the original ‘we-other’ relationship, have impacted the relationship between states and refugees. Thus, I argue that it is essential that scholars examining state policies toward asylum seekers and refugees take the structure of the international system into account. In short, the analysis that follows demonstrates how international structures constituted agents, and how those agents in turn structured key relations in international politics.

Refugees as International Actors

The assertion that the implementation of the international refugee regime constituted refugees as distinct actors within the international system is an important departure point of this study. The exclusive study of the relationship between states, particularly in matters of security, has limited the explanatory power of IR theory and has contributed to the growing literature devoted to the actions and influence of non-state
units on state behaviour. Unfortunately, even this work has had little to say regarding the construction of relationships between states and non-state units. In this chapter, I demonstrate that refugees 'act' in the international system, and that states form relationship structures with these actors, much in the same way as they do with other states. Identifying these relationships is crucial to a better understanding of the international system and how it works, as well as a deeper understanding of the behaviour of these actors. This will contribute to the identification of policy prescriptions based on alternative possible constructions of the 'other'.

My claim that refugees are actors in the international system draws from the English School's, particularly Hedley Bull's, analysis of the international system. Bull argues that an international system exists when the units have sufficient contact between them, and have sufficient impact on one another's decisions to cause them to behave, at least in some measure, as parts of a whole.\textsuperscript{151} For Bull, a system is formed when the behaviour of each unit is a necessary element in the calculations of the other.\textsuperscript{152} While Bull is referring to the interaction of like units or states, such a criteria can be applied to any unit. Once the behaviour of another unit, be it terrorists, refugees, pirates, or multinational corporations, becomes a necessary element in the calculations of the state, they can be said to form part of the international system, toward whom states must act. Given the predominance and power of the state, it is a certainty that the behaviour of states is a necessary element in the calculations of these actors. In Bull's analysis, expectations of the other's behaviour are based on repeated interaction and the

\textsuperscript{152} Ibid.
identification of shared values, which can ultimately lead to the creation of an international order, or possibly an international society.

Wendt, who picks up on Bull’s analysis, argues that the expected behaviour of the ‘other’ is based on one’s perception of its intentions. Like Bull, Wendt limits his analysis to states and argues that recognition of the right of the other to exist and the regulation of violence between units are the primary values that inform one’s perception regarding the intentions of the other. For non-like units, these are often not the primary values that constitute perceptions of the others’ intentions and that ultimately structure the relationship between units. With regard to the relationship between states and individual foreign nationals, there are a variety of ways in which the relationship could be structured, such as immigrant, diplomat, or spy.

Though the roots of the refugee regime precede World War Two, the modern day international refugee regime was implemented gradually after the Second World War. The regime began with the signing of the 1951 Convention Relating to the Status of Refugees, which provided the current definition of refugees, though it was limited in applicability to those in Europe who had fled their home state as a result of events prior to 1951. Despite these limitations, the regime continued to evolve with the establishment and growth of a permanent body to deal with refugees - the UNHCR. The regime was further strengthened by the removal of the territorial and geographic limitations of the 1951 Convention with the 1967 Protocol, and with the expansion and growth of the UNHCR’s budget and mandate.

This regime constructed refugees as a distinct actor in the international system because they now became a necessary element in the calculations of states. The modern international refugee regime defined a refugee as 'any person who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, unwilling to avail himself of the protection of that country'.\footnote{Nations, United. 1951. "Convention Relating to the Status of Refugees." Geneva: United Nations. April 22, 1954} This definition of a refugee reproduced the securitised condition in which the definition was crafted – which is the subject of section three. It is important to note here that the initial construction of the refugee was based on a humanitarian-securitisation of the individual, based on their membership in a particular group. The refugee is identified as a victim and the referent of object of the threat, while the receiving state is identified as the actor responsible for the provision of security for the individual, which implicitly bestows legitimacy on the group to which they belong.

The receiving state is depicted as providing protection for the refugee out of humanitarianism, compassion and generosity, demonstrating a fundamental concern with the security of the individual refugee.\footnote{Adelman, Howard and David Cox. 1994. "Overseas Refugee Policy." in \textit{Immigration and Refugee Policy: Australia and Canada Compared}, edited by H. Adelman, A. Borowski, M. Burstein, and L. Foster. Toronto: University of Toronto Press.} Thus, the relationship between the refugee and receiving state is symbiotic or mutually constitutive; the refugee flees to certain states because they can and will offer protection, while the state admits refugees because they are victims of a very particular type of political persecution. Besides these humanitarian considerations, there is also a political basis to the definition of a refugee. The definition of a refugee contains an implicit assertion that the individual has political and social
rights that the state is obliged to protect. In essence the construction of refugee reflects a liberal, western interpretation of the citizen/state relationship.

The refugee identity constructs are based on, and reinforce, certain expectations regarding the behaviour of individuals claiming to be refugees, as opposed to different types of foreign nationals that seek entry to a state. There are wide ranges of role structures that govern the relationship between foreign nationals and the states they seek to enter, including: diplomats, immigrants, temporary workers, tourists, terrorists, spies, fifth columns, refugees, asylum seekers, or illegal immigrants. All of these potential identities are based on mutually understood role structures, which create expectations regarding the behaviour of the foreign national while in, and during the process of entering into, the host state; and of the receiving state toward the foreign national.

It is neither possible, nor necessary, in this chapter to explore all the potential relationships between states and foreign nationals; or how these relationship roles both form part of the international structure, in addition to structuring the behaviour of the state and the individual foreign national. Rather, I will focus on those role structures most pertinent to my research: the immigrant, the refugee and the asylum seeker relationships. The immigrant relationship is important to this study because it is the primary or default relationship between western, liberal states and foreign nationals from non-western, non-liberal states. In other words, one part of the identity construct of western, liberal states is that life in western, liberal states is attractive to most people in the world; it is an enviable good for those not living in western, liberal states. Thus, many foreign nationals who seek to enter the state, particularly those from non-western liberal states, are assumed to
want to immigrate, in that they want to enter the state either to join the workforce, or to take advantage of the social benefits available in these states.

Prior to the creation of a distinct refugee category, the admission of foreign nationals for permanent resettlement in settler states was done largely through their immigrant admissions programs. The settler states used their immigration programs to encourage certain types of people to permanently settle in their state, primarily those with economic skills needed in the state. These programs also prevented the entrance of undesirable foreign nationals, most often based on their economic, health or racial attributes. In essence, the immigration program disqualified a large number of potential immigrants. The creation of a refugee category created another standard by which foreign nationals could be admitted to the state: one that potentially opened the door for a much larger number of people who qualified; who did not meet the immigration criterion; and who brought fewer economic benefits to the receiving state. As a result, potential immigrants who did not qualify under the immigrant standard could attempt to use the refugee standard as their basis for admission. Thus, the immigrant category is the primary comparison for refugees; it is against the immigrant construct that states compare the behaviour of refugees to determine their ‘refugeeness’.

The second identity construct of concern is the asylum seeker, which essentially is an unknown identity construct and reflects one of the most glaring ambiguities in the international refugee regime. The asylum seeker is an unknown because the receiving state is unsure whether the foreign national is an immigrant or a refugee, or even potentially, a hostile foreigner. While the asylum seeker claims the identity of ‘refugee’,
until his or her identity claim is processed and accepted by the state, or the UNHCR, the foreign national is not a refugee. I will return to this distinction in the second section.

Once a state, or the UNHCR, recognizes the identity of a foreign national as a refugee, the relationship is structured like other relationships in the international system; the relationship is based on perceived intentions and expected behaviour, just as the relationship between other units in the international system, such as friendly and enemy states. The definition of a refugee indicates that the primary intention of a refugee is to escape political persecution in his or her home state due to his or her membership in a particular social group, such as race, religion or political opinion etc. The definition itself does not indicate the duration of their protection, but the durable solutions advocated by the UNHCR indicate that the primary intention proscribed to refugees is to find temporary reprieve from persecution, until such a time as there is political change in their home state. As a result, voluntary repatriation is regarded as the most durable and favorable solution. In certain circumstances, refugees may intend to permanently leave their home state, and in such cases, permanent resettlement is the preferred option, though it is treated as a third best option, supporting the claim that states and the UNHCR understand the primary intention of the refugee as seeking temporary protection.

The perceived intention of the immigrant, on the other hand, is to permanently resettle in the state in order to find better economic opportunities or to be reunited with his or her family. The distinctions between these two intentions are not always clear because many immigrants/refugees intend to do both. As a result, states have essentially created another unofficial category – the economic refugee. The economic refugee

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intends to escape severe economic hardship, which may have the same root causes as the political refugee; consequently, many states have either expanded their conception of refugees, as in the case of the OAS and the UNHCR, or have introduced special humanitarian classes to include refugees not specifically identified as such under the 1951 Convention definition.

These perceived intentions create expectations of how the foreign national will behave. Refugees are expected to flee to the closest safe state, to do otherwise raises suspicions of additional or ulterior motives. Fleeing implies leaving suddenly and unexpectedly, which often rules out the possibility of extensive planning and multiple or costly trips. While refugees are not expected to have proper documentation or permission to enter the state, they are expected to notify the proper authorities of their intention to apply for refugee status within a reasonably short time period, though that time period has not been specified. Once in the state, refugees are expected to cooperate with the authorities in the refugee determination process and to abide by the laws of the state. Refugees are also expected to acknowledge the compassion and graciousness of their protectors and to be grateful for this protection. When the actual behaviour of refugees fall short of these behavioural expectations, their intentions are called into question and, ultimately, their identity is suspect.

The intentions of immigrants, on the other hand, are to permanently resettle and eventually naturalize or become citizens of the state.\textsuperscript{161} As such, when they enter the state, they are expected to have proper documentation. They are expected to enter through the proper ports of entry, ready to become productive members of society. This means they are expected to become self-sufficient within a reasonable time, have some language proficiency and to abide by the laws of the state. Those that do not meet these entrance requirements are generally regarded as illegal immigrants. Illegal immigrants are perceived as having the same economic or family reunification intentions as regular immigrants, with the exception that they are often regarded as temporary or seasonal entrants. Like refugees, it is expected that they will enter without permission and without proper documentation. Unlike refugees, it is not expected that asylum seekers will notify the proper authorities of their presence in a timely manner; rather, they will avoid interaction with the authorities. When caught by the authorities, it is expected that they will be uncooperative to reduce their chances of facing detention or deportation.

Unfortunately, the actual behaviour of asylum seekers and illegal immigrants are often quite similar. For a variety of reasons, primarily psychological, asylum seekers may not immediately report their presence to the state authorities, may be uncooperative in the refugee determination process and may appear ungrateful, thus behaving in a manner that fulfills the expectations people have of illegal immigrants.\textsuperscript{162} The dissonance created between expected and actual behaviour has provided fertile ground for securitising actors. In the subsequent chapters, I will explore how unrefugee-like behaviour has been used by

\textsuperscript{161} Not all immigrants are expected to become citizens, but in resettlement states it is the primary expectation based on the assumed intention of permanent resettlement. Temporary workers are as the name implies expected to be in the state temporarily.

securitising actors to re-construct the identity of asylum seekers from that of victim to that of threat.

**Norms of the Refugee Regime**

The 1951 Convention and the 1967 Protocol (which lifted the temporal and geographic limitations of the 1951 Convention) provide a clear statement of duties that receiving states or countries of first asylum owe to refugees and asylum seekers. They do so by laying down a minimum standard for the treatment of refugees.\(^{163}\) These minimum standards make it possible to identify states that fulfill their international obligations and those that do not. The problem is that many of these duties are perceived as applying only to recognized refugees under the 1951 Convention. The Convention and other human rights agreements have very little to say regarding those seeking refugee status or others given protection of the state but that do not have Convention refugee status. Thus, while the responsibilities of states toward refugees are fairly well laid out in the 1951 Convention, there are very few rules relating explicitly to the treatment of asylum seekers and others in refugee-like situations. There is little doubt, both in law and in practice, that under the refugee regime, states owe fewer duties to asylum seekers than they do refugees. However, the 1951 Convention and supporting human rights agreements, combined with state practice since the Second World War, provides some indication of what is expected of states toward asylum seekers.

I argue that the refugee regime has created four expectations of states toward asylum seekers. These expectations are based on an underlying principle of causing no further harm for refugees. While the asylum seeker is not yet a refugee, he or she may be

a refugee, and until his or her identity has been established, the state is expected to act in accordance with the principle of causing no further harm. Essentially, burden of proof rests on both parties in this exchange. Asylum seekers essentially must show that they are refugees before they are accorded the full rights of refugees as stipulated under the refugee regime. However, there is a commensurate responsibility for states to show that asylum seekers are not refugees before they can deny the basic protections owed to refugees.

The four norms or expectations are non-refoulement, legal processing of claims, non-arbitrary detention, and non-punishment based on mode of entry. The most prominent norm of the refugee regime is that of non-refoulement, which, according to many, has achieved the status of customary international law. In addition to the well-established norm of non-refoulement, this project argues that the refugee regime supports three accompanying international norms that apply to asylum seekers: legal processing of claims, non-arbitrary detention and non-punishment based on mode of entry. Of course, the existence of these norms does not imply perfect compliance by states. However, it is noteworthy that governments have devised strategies to circumvent these norms by preventing the unauthorized arrival of asylum seekers through the use of visa requirements, carrier sanctions, and first and third safe country policies. While efforts to circumvent norms may indicate low support for them, efforts to circumvent rather than violate them outright may indicate the residual strength with which these norms are held domestically and internationally.

Non-Refoulement

Among the strongest norms proscribed by the refugee regime is the principle or duty of non-refoulement. This duty is outlined in the 1951 Convention and the 1967 Protocol, with parallel provisions in other international agreements including the International Covenant on Civil and Political Rights and the Convention Against Torture.\(^{165}\) The principle of non-refoulement states that ‘no contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion’.\(^{166}\) The principle, arguably, includes more than just forcible return to a territory where the individual may face persecution. This prohibition may also include non-rejection at the border or shore and, in certain circumstances, it may even limit the exercise of a government’s power on an extraterritorial basis, such as on the high seas.\(^{167}\) Furthermore, state practice indicates that the norm of non-refoulement likely prohibits sending or returning a refugee to another state that has not signed the Convention, and that may then return the refugee to his or her original home state where he or she may face persecution.\(^{168}\)

The norm of non-refoulement places restrictions on the sovereignty of states, which, in principle, grants states the power to decide who may enter or stay in the state.

The corollary assumption of this principle of sovereignty is that sovereign states, of which border control is an essential condition, should not be restricted by moral considerations of what the consequences of their actions may be on foreign nationals. However, the non-refoulement norm is based solely on a moral consideration of a state's responsibilities to foreign nationals facing political persecution. To that end, the moral injunction of this norm is to protect refugees by not pushing them back into the arms of their persecutors.169

What exactly the norm of non-refoulement obliges states to do remains contested. Helton argues that the principle of non-refoulement imposes an obligation to protect refugees residing within a state. The failure to provide tolerable living conditions promotes return and thus, violates the norm of non-refoulement.170 Not all legal scholars go this far. Others argue that the principle itself does not even confer an obligation on the state to permit the refugee to take up residence in that state.171 This means that while states cannot return refugees to a state where they face torture, it does not mean that they have to take responsibility for their protection. Hathaway cites further restrictions on this duty. Under Article 33(2) of the Refugee Convention, a refugee is not protected against refoulement if there exist reasonable grounds for considering the refugee as a danger to the national security of the host state or, by virtue of having committed a serious crime, is regarded as a danger to the community in the host country.172 Additionally, Article 1F of

the same Convention, excludes persons who have committed certain crimes in their home state from gaining refugee status, and therefore protection from refoulement.\textsuperscript{173}

While scholars and lawyers debate the exact duties owed to asylum seekers by the norm of non-refoulement, in practice, it has meant that western liberal states process a refugee claimant's claim prior to denying them entry or deporting them, and in the case of failed claims, have a system in place to prevent their return to a state where they may face persecution, or to a state that is likely to return to them to the state where they face persecution. An expert roundtable on the meaning of non-refoulement has concluded that in practice, the principle of non-refoulement applies to asylum seekers up to the point that their status is finally decided in a fair procedure, and includes the notion of indirect refoulement, whereby asylum seekers are returned to states that, in turn, refoule them.\textsuperscript{174}

**Legal Processing of Claims**

While no specific article contained in the 1951 Convention states that the claims of all asylum seekers must be processed in the state’s legal system, two related articles have this effect. Article 32 of the Convention states that ‘expulsion of a refugee shall only be in pursuance of a decision reached in accordance with due process of law’, while Article 16, states that ‘all refugees shall have free access to the courts of law’.\textsuperscript{175}

Together, these two articles have created an expectation that a signatory state cannot simply deny an asylum seeker protection and expel him or her from its territory by simply asserting that he or she is not a refugee. There must be some legal determination of the asylum seekers' claim against the standards of the 1951 Convention – as

\textsuperscript{173} Ibid.
interpreted by the state. In addition to the Convention refugee category, many liberal states, including Canada and Australia, have other humanitarian categories for people who do not meet the strict definition of the Convention, but are still in need of the state's protection. In most western liberal states, the processing of refugee claims is done by the Immigration Department or independent panels, with a right to appeal the initial negative decision to the judicial system in keeping with the laws of that country. The basic norm is that all asylum seekers should have a fair chance to demonstrate that they are, in fact, refugees. This includes access to the legal system of the receiving state, including legal assistance and the right to seek an appeal of a failed claim.

**Non-Arbitrary Detention**

The length and nature of detention of asylum seekers that is acceptable for signatory states is not clear in international law or practice, as signatory states employ detention in various ways. While Article 26 of the Convention obliges states not to unduly restrict the internal movements of refugees in their territory, this norm of free movement applies to those that have been recognized as refugees, not to asylum seekers awaiting a decision on their status. While some scholars have interpreted this article as creating a norm against mandatory detention of those seeking refugee status, there is very little to base this on; though there are some indications that there exists an international norm against mandatory detention of asylum seekers for the duration of their claims.

The UNHCR's 1999 Revised Guidelines on the Detention of Asylum Seekers states that as a general principle, asylum seekers should not be detained. The restriction against detention is further elaborated by the UN Executive Committee Conclusion No.

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44, which concludes that detention is an extraordinary measure and should be applied only in particular circumstances. Conclusion No. 44 states that detention should normally be avoided, but is permissible to verify identification; to determine the elements on which the refugee claim is based, where identity documents have been destroyed or are fraudulent; or to protect national security and public order.\textsuperscript{177} The UNHCR argues that detention, due to the lack of documentation, is permissible only when there is clear intent to mislead the authorities, and that detention to verify identity does not justify ongoing detention during a prolonged status determination procedure.\textsuperscript{178} Hathaway argues that detention ought not to be resorted to for simple reasons of administrative convenience and that detention must be of the shortest possible duration.\textsuperscript{179}

In addition to the Convention and Conclusion No. 44, there are additional international human rights agreements that reinforce the norm against mandatory detention. The 1985 UN Declaration On the Human Rights of Individual Who Are Not Nationals of the Country in which They Live states that aliens shall not be subject to arbitrary detention. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the Standard Minimum Rules for the Treatment of Prisoners, all condemn the use of prolonged arbitrary detention.\textsuperscript{180} Article 9 of the ICCPR states that no one shall be subject to arbitrary arrest or detention, and it adds that anyone who is held in detention shall be entitled to take proceedings

\textsuperscript{177} Ibid.
\textsuperscript{178} Ibid.
\textsuperscript{179} Ibid.
before a court.\textsuperscript{181} Detention of children is condemned by the Declaration of the Rights of the Child and the UN Convention on the Rights of the Child.\textsuperscript{182} Most western liberal states have denounced the policy of mandatory detention for the processing of asylum claims to be morally repugnant.\textsuperscript{183}

While the refugee convention itself is unclear at best on the use of detention for asylum seekers, supporting human rights treaties and UNHCR announcements indicate that the use of detention is an extraordinary measure, but one that is permitted in certain circumstances under the 1951 Convention and other human rights agreements. Perhaps the strongest support of the existence of a norm against mandatory detention is evident in the practice of states, wherein only one western state, Australia, employs mandatory detention for the duration of the claims process. In other states, detention is justified only in cases of national security, to establish identity, or to prevent the release of serious criminals. Thus, the use of detention under the guidelines of the relevant human rights treaties, such as checking of identity and documentation, is not considered an extraordinary measure in the sense of securitisation. The use of detention in flagrant violation of these treaties should be considered extraordinary and the result of a securitisation. Thus, the detention of all asylum seekers or the detention of asylum seekers for the duration of the processing of their claims is extraordinary.

\textsuperscript{181} United Nations, International Covenant on Civil and Political Rights, 1966, Resolution 2200A (XXI), December 16, 1966
Non-punishment based on mode of entry

Article 31 of the Convention prevents states from ‘imposing penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence’.

Thus, refugees are not to be punished for entering the state clandestinely or without proper documentation, provided they came directly from a state in which they faced persecution and notified authorities of their presence within a reasonable period of time. This interpretation of the Article has been upheld by the UNHCR Executive Committee, which has acknowledged on numerous occasions that refugees will have justifiable reasons for illegal entry, such as Conclusions 15, 22, 44 and 58.

The tricky part, of course, is the condition imposed stating the refugee had to come directly from the state in which he or she faced persecution. Refugees, coming to Western countries, often traverse various states on their way to the advanced western, liberal states to make a refugee claim. In practice, western, liberal states have rarely imposed this condition, and Article 31 has been interpreted to apply to persons who have transited other countries or have been unable to find effective protection in the first country to which they flee.

State practice has been to treat all asylum seekers equally, regardless of whether or not they transited through another state.

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186 Ibid.
This has been interpreted as in keeping with Article 3, which states that the provisions of the Convention should be applied to all refugees without discrimination as to race, religion or country of origin.\footnote{Hathaway, James and Dent, John A. 1995. *Refugee Rights: Report on a Comparative Survey*. Toronto: York Lanes Press.}

I argue that these four norms encapsulate the humanitarian principle that states should not re-traumatize refugees. What this means for asylum seekers is that they should not be sent back to a country where they face persecution before their claims are processed in a fair manner, with access to the legal system of the receiving state. Furthermore, they are not to be punished for entering the state illegally or without documentation.

The crucial difference between resettlement states and countries of first asylum is that the latter choose to resettle refugees already recognized as such; it is not required by international law. In doing so, they indicate that they have accepted the humanitarian-securitisation of the refugees, and are suspending the normal rules of immigration. Successful humanitarian-securitisation of a particular refugee population may lead to large-scale resettlement from that area, such as occurred with the Kosovars. On the other hand, countries of first asylum are forced to confront the humanitarian discourse when asylum seekers arrive at their shores claiming refugee status. In abiding by the four expectations outlined above, these states maintain the humanitarian-securitisation that refugees should not be retraumatized. At times, political and societal leaders in countries of first asylum, challenge the humanitarian discourse by offering a competing discourse; desecuritising the issue by endorsing an immigrant discourse; or counter-securitising with
a communitarian discourse. In doing so, they seek to enact policies that violate the four aforementioned norms.

**Refugees and the International System**

While the international refugee regime created a distinction between refugees and immigrants, it did so in a very particular way, that must be understood within the international state system within which the refugee construct was initially constituted. The structuring effect of the international state system has been of primary concern to IR analysis since the inception of the discipline, with an ongoing debate over the role of structure and agents in determining the relationship between units in the international system.\(^{188}\) Though much ink has been spilled debating how the international system structures relationships between states, I employ an interactionist approach that seeks to combine structural conditions and actor level attributes; moving beyond the friend/enemy distinction common to IR scholarship.\(^{189}\) Alexander Wendt, in employing an interactionist approach, has identified three types of relationship structures in the international system: friend, rival and enemy. Each of these represents a distinct culture, or possible form of anarchy, with distinct logics and tendencies; and may be found in regional subsystems of the international system or in the system as a whole, sometimes with two or all three existing within the system at the same time. The structures and tendencies of these anarchic systems will depend on which of the three roles dominate the system, while states will be under pressure to internalize that role in their identities and


interests. According to Wendt, all three positions constitute social structures insofar as they are based on representations of the ‘Other’, in terms of which, the posture of the ‘Self’ is defined.

Enemies are constituted by representations of the ‘Other’ as an actor who: 1) does not recognize the right of the ‘Self’ to exist as an autonomous being and, therefore, 2) will not willingly limit its violence toward the ‘Self’. Essentially, enemies are those who will use violence to eradicate each other from the system. It is this form of anarchy that most resembles Bull’s depiction of an international system that has yet to develop into a society; as well as the realists’ depiction of anarchy as a self-help system that, ultimately, resembles Hobbes’ war of all against all. Though Wendt argues that the international system has moved from this culture to one of rival, he notes that attempts to eliminate states as independent units and to commit genocide are indicators that enemy relationships still exist within some sub-regions of the international system.

In contrast to the enemy culture is the friend culture. According to Wendt, friends expect each other to observe two simple rules: 1) disputes will be settled without war or the threat of war; and 2) they will fight as a team if the security of any one is threatened by a third party. Again, we see Wendt attempting to incorporate existing strands of IR theory into his larger theory, as this culture seems to have captured elements of the longstanding liberal tradition that has emphasized the existence of collective security, the democratic peace, and regional zones of peace. Wendt sees this culture having developed within certain sub-regions of the international system, but not yet operating in the system as a whole.

191 Ibid.
According to Wendt, the current international system mostly resembles a rival structure. The rival relationship is one of competitors who will use violence to advance their interests, but refrain from killing each other. Like the enemy structure, the rival implies that the ‘Other’ does not fully recognize the ‘Self’ and, therefore, may act in a revisionist fashion toward it. The enemy does not recognize the right of self to exist as a free subject at all and therefore seeks to revise the ‘Others’ life or liberty (e.g. barbarians, infidels etc), while the rival recognizes the ‘Self’s’ right to life and liberty and, therefore, seeks to revise only its behaviour or property. Wendt notes that attempting to change the leadership or regime type of a state, while maintaining the state unit intact, implies a rival, rather than enemy, relationship. Unlike friends, rivals do not recognize the right to be free from violence when resolving disputes. Ultimately, rivals can be redeemed, or turned into friends, if they alter their behaviour. Thus, the rival structure creates expectations regarding the Other’s behaviour, while at the same time acknowledges that it is possible to alter the behaviour of the ‘Other’, and in so doing, make them like the ‘Self’.

The international refugee regime as constituted by the 1951 Convention and the 1967 Protocol serves as an important element in the rival structure that emerged post-1945. It constructed the identity of the two rivals (the ‘free world’ and the ‘Soviet bloc’ in the parlance of the times) based on their adherence to certain human rights, and created expectations regarding their behaviour toward their own citizens and toward foreign nationals fleeing persecution. Consequently, the international refugee regime, as constructed following the Second World War, favored certain human rights over others, namely civil and political rights over socio-economic human rights. It was also

\[192\] Ibid.
temporally and geographically limited to Europe prior to 1951. The 1967 Protocol did away with these limitations, but maintained the narrow focus on civil and political rights.

The privileging of civil and political rights was a direct result of the Holocaust experience, as well as the emerging ideological division between the two rivals. A prime example is the conflict between the two rivals over the issue of emigration and border control; the western democratic states upheld the right of their citizens to choose their place of residence and to emigrate, while the Soviet bloc states prevented their citizens from emigrating. So the refugee regime advocated only certain rights, those most likely to embarrass or de-legitimize specific regimes, namely communists and Nazis. As a result, refugees were perceived as elements of power in the rivalry, not material power, but ideological or moral power. Refugees represented a form of power because the granting of asylum was generally used to reaffirm the failures of communism and the benevolence of the West. In addition to constructing the relations between the Soviet bloc and the democratic West, based on ideological commitments to freedom of movement and democracy, the regime also served an instrumental role, in that the West used it to embarrass communist states or to frustrate communist revolutions and destabilize nascent communist governments.

That the regime reflected an emergent rivalry is evident in the creation and evolution of the regime. Prior to the establishment of the UNHCR as the permanent body

designed to deal with the problem of European refugees, temporary refugee agencies were used to help resolve the problem, including the United Nations Relief and Reconstruction Agency (UNRRA) and the International Refugee Organization (IRO). While these organizations were successful in looking after many people in need, and repatriating some as well, they were among the first victims of the emerging rivalry in the international system; a rivalry that would ultimately culminate in the Cold War between the Soviet Union and its European and American adversaries.\textsuperscript{197} Soviet hostility essentially ended the UNRRA's mandate, as the UNRRA had refused to forcibly repatriate refugees to Soviet territory after 1945, leading to the Soviet claim that the UNRRA prevented displaced persons from returning home. The IRO suffered a similar fate amidst Soviet claims that the IRO was merely protecting traitors and serving US policy.\textsuperscript{198} Eventually, the Western powers created the international refugee regime and its permanent institutional presence, the United Nations High Commissioner for Refugees (UNHCR) in January 1951, without the consent or cooperation of its rival, the USSR, which in turn accused the Western powers of protecting people associated with fascist and anti-democratic regimes.\textsuperscript{199}

Central to the mid- and post-war discussion on the refugees, and to the provision of their protection, was a clear concern to promote regional stability in Europe.\textsuperscript{200} The successful reconstruction of the European states was seen as essential to prevent the spread of communism in Europe, with the repatriation and/or resettlement of the millions

\textsuperscript{198} Ibid.
of refugees an important component. Thus, international security was one of the central interests reflected in the establishment of the refugee regime. However, in addition to its role in structuring the emerging East-West rivalry, there is little doubt that the Western powers were partially motivated by humanitarian concerns for the welfare of the millions of refugees who were still essentially homeless, due to the destruction of the Second World War, and by a sense of collective guilt due to their failure, before the war, to assist Jewish refugees. The refugees were seen by the Western powers as victims in need of protection from tyrannical states. Thus, the creation of the refugee regime reflected the Western states' identities as protectors of the persecuted and as promoters of international human rights. It is hardly surprising then, that the primary Western liberal states, the U.S., the EU states and Japan, have accounted for 94 percent of all government contributions to UNHCR.

The ideological commitment of the authors of the international refugee regime is evident in the definition of a refugee that they adopted. By enshrining the values that they did into the refugee definition, the Western states essentially constructed two types of states in the international system, refugee-producing states and refugee-protecting states.

The identity of refugee-producing states was established as those that persecuted their citizens based on their race, religion, nationality, being a member of a particular social group or holding a particular political opinion (and not on whether it provided its citizens with certain socio-economic rights). During the Cold War, the vast majority of humanitarian admissions to the U.S. and its Western allies were from the Eastern bloc, making it clear which states were regarded as refugee-producers and which were refugee-

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201 Ibid.
202 Ibid.
protectors. With the increase in number of refugees from the South, coupled with the end of the Cold War, and the Russian Federation signing on to the refugee Convention in 1993, the clear distinction between the two political/ideological camps became rather cloudy. Rather than establishing a list of states to which the refugee-producing label applied, it was left to individual states to determine whether the refugees’ home state met the criteria laid out in the definition of a refugee.

Individual states created lists designed to more readily identify refugee-producing and refugee-protecting states. They did so by creating a special class of visas for individuals fleeing certain countries, such as Salvadorans and Guatemalans in the early 1980’s.204 States also created safe-country-of-origins lists and created a different set of rules for claims that they considered manifestly unfounded. Designating a state as a ‘safe country of origin’ identified that state based on whether its citizens face a real risk of persecution.205 States have employed this concept in their refugee determination process to determine whether a refugee’s claim is likely, unlikely or manifestly unfounded. Some countries have created official safe-country-of-origins lists, while others have merely implemented and operationalized the concept in their day-to-day processing of refugee claims. States that have employed lists of safe countries of origin, such as Germany, used the list to fast-track manifestly unfounded claims out of the determination process, while claims from states that are not on this list, and thus, known to produce refugees, were given full determination.206 Canada for a time employed what it called the B-1 list,
essentially an unsafe country of origins list, in order to fast-track refugee claimants that were known to be from refugee producing states.207

Between the refugee producers and protectors were transit states, through which refugees passed on their way to their eventual destination to claim asylum. Once again, the actual behaviour of refugees conflicted with the expectations of the western liberal states. In many cases, refugees would traverse through multiple countries en route to claiming asylum in the west. As a result, the western liberal states have been forced to identify these transit states as refugee-protectors or not. They have done so by identifying transit states as safe third countries. A safe third country is a state through which refugee claimants have transited on their way to the receiving state to claim asylum, and in which they could have claimed asylum and enjoyed protection had they wished to do so.208 The identity of a transit state as a refugee-protecting state has no impact on the identity of the home state as a refugee-producing state, but, ultimately, impacts the identity claims of the asylum seeker, by casting doubt onto his/her intentions. Labeling a transit state as a ‘safe third country’ implies that the refugee could have claimed refugee protection in that state, but for economic or family reasons chose not to do so. As we shall see in the next section, this has become an important discursive practice and policy tool that states have increasingly utilized in an effort call a refugee’s identity into question and limit their responsibilities.


In many cases, designating another state as ‘safe’ requires agreement between both states, and this is customarily implemented through a bilateral or multilateral agreement, though this is not necessarily so. Thus, states may deem another state a safe third country, but without a bilateral or multilateral agreement between them, the receiving state has no grounds for expelling the asylum seeker to that transit state to process their refugee claim. For those states that employ a safe third country agreement, asylum seekers who pass through the safe third country are excluded from the refugee determination process in the country in which they made their refugee claim, and are returned to the safe third country.209

The adjustments states have made to their refugee determination processes indicates their responsiveness to the changing behaviour of refugees and asylum seekers; and reflects the fact that the relationship constructs constituted by the regime have endured beyond the structural conditions that encouraged its initial adoption. So, while the original distinction between refugee-producing and refugee-protecting states was meant to embarrass communist states, the manner in which refugees were defined meant that such a distinction could apply to a variety of states with whom the western liberal states did not have a rivalry relationship, and from whom it did not want to encourage refugee flows.

The rise of refugee flows from third world countries, coupled with the end of the Cold War, meant that refugees were no longer a form of power for the western liberal states. As a result, the change in international structure has presented an opportunity for the political elite to alter the relationship between states and asylum seekers. However,

the refugee regime and the recognition of refugees continue to reflect the international structure. Thus, states have increasingly relied on the identification of 'safe' countries to both achieve international ends and to limit the number of asylum seekers who have access to the full refugee determination process. As we shall see in the last two chapters, the construction of the identity of other states, both source and transit, has become a prominent element in the discourse over refugee identity.

**Refugee-Protectors and Refugees**

At the opposite end of the spectrum from refugee-producers, were those states that signed and incorporated the international refugee regime into domestic law and followed its norms. These states identified themselves as humanitarian states and good international citizens, who were willing to do their fair share shouldering an international burden. Prior to the creation of the modern refugee regime, states did not use the admission of refugee-type groups to portray themselves as good international citizens. Prior to the post-WWII refugee regime, countries like Canada and Australia admitted refugee-type populations based primarily on the immigrant role structure, reflecting their concern with maintaining particular immigration outcomes, by favoring certain ethnic groups or individuals with particular employment skills. It was the economic qualifications of refugee-type populations, such as the Mennonites and Doukhobours, as much as their persecution, which paved the way for their entry into the United States and Canada. Similarly, concern over the economic attributes of Jewish immigrants, combined with racist attitudes, resulted in the rejection of Jewish refugees prior to, and during, World War Two. With the implementation of the refugee regime, western liberal states,
such as Canada and Australia, were able to use their protection of refugees as significant markers of their identity as generous humanitarian states in good international standing.

Though these western liberal states established the refugee regime and used the admission of refugees as a key identity marker, they have not been the states most burdened by the implementation of the refugee regime. Under the regime, countries of first asylum faced the primary obligation for protecting refugees, which meant that states geographically proximate to the refugee-producing states faced the largest burden. With stability returning to Western Europe, Eastern European states strictly controlling cross border movement, and the growth of conflicts in other parts of the world; the western liberal states became more geographically isolated from refugee-producing states. This ultimately resulted in the 1967 Protocol, which removed the temporal and geographic limitations of the regime, and prompted geographically remote Western liberal states to contribute financial and organizational assistance through the UNHCR or in some cases, to resettle some of the refugees. As a result, refugees have largely become a third-world problem.\textsuperscript{210}

Despite the enormous burden placed on those states that shared a border with refugee-producing states, the western, liberal, settler states were able to use refugee protection to bolster their identity claims as humanitarians and good international citizens without dealing directly with a large inflow of refugees. By choice, they resettled refugees to help alleviate the burden other countries were facing. Of course, as transportation technology advanced, many of these states came to realize that countries of

first asylum were not strictly geographically determined, but rather, were partially determined by the actions of refugees themselves.

The country of first asylum distinction is based on an understanding of refugee intentions implicit in the definition of a refugee. Refugees are defined as individuals fleeing for protection, in some cases, for their lives; which has come to be understood in such a way that implies that refugees: have no time to plan, have very little money with which to execute their escape, and stop as soon as they are free from immediate danger. Because of this, geographically isolated states, and those that do not share a boundary with a refugee-producing state, make the argument that they are not, or should not be, countries of first asylum. This claim is based on the assumption that for the refugee to access the state it would be costly, involve extensive and time consuming planning, and likely would involve transiting through a number of other states, some of whom could provide protection, or where the UNHCR is present, find protection from the UNHCR.

This is evidenced in the discourse of many western states and by the policies they have enacted to prevent the arrivals of those seeking to make a refugee claim. Carrier sanctions, visa requirements, safe third country designations and deterrent policies, such as detention, have been used to ensure that the state does not become a country of first asylum. The only manner in which these policies cannot be regarded as harmful to genuine refugees or as a violation of the state’s international obligations under the refugee regime is due to the construction of refugee identity based on the aforementioned assumptions regarding the intentions of the refugee. Accordingly, ‘real’ refugees should be willing to move into any state that can provide protection, regardless of that state’s ability to provide for their socio-economic well being.
States do face significant incentives to limit their identification as a country of first asylum. As noted in the previous section, under international law, countries of first asylum have a number of responsibilities toward asylum seekers, including the responsibility to determine whether the individual qualifies for refugee status as well as to provide for their basic necessities. As we shall see in the next section, the principle of non-refoulement makes it difficult to avoid these obligations. Besides the high costs associated with refugee determination, in most western liberal democracies, refugee determination can take long periods of time, during which the refugee may form attachments in the community, making their removal difficult. Because of these responsibilities, states have become more and more adamant in determining which state actually was, or should have been, the country of first asylum.

States that are not the country of first asylum, but that provide durable settlement for the refugee, involving the selection of refugees for resettlement and providing for their placement and integration into the community, are referred to as resettlement states. Of course, this resettlement is not done because of an international obligation per se, but rather because of the 'generous and humanitarian nature' of the state. As noted previously, resettlement is a choice, rather than a duty created by international law. States that resettle refugees portray themselves as doing their fair share in shouldering an international burden. Thus, for states that do not face a significant influx of asylum seekers, the refugee regime provides an opportunity to identify themselves as generous and humanitarian by resettling refugees from countries of first asylum, in essence, by shouldering some of the burden. These states cooperate with international organizations,

primarily the UNHCR, by offering to resettle refugees from camps and whose claims have already been processed and accepted.

There are only a few resettlement states in the world, including: Denmark, Sweden, Canada, Australia, New Zealand, the U.S., Norway, Finland and Switzerland.\textsuperscript{212} Even then, some of these states resettle only a few hundred refugees per year. The primary resettlement states are Canada, Australia and the U.S. In 2004, Canada resettled 10,500 refugees, and has on average resettled 10,000 refugees per year since the early 1990’s. In addition to those resettled, Canada has accepted between 10,000 and 15,000 asylum seekers per year from onshore claims.\textsuperscript{213} The numbers resettled in Australia have varied more widely than in Canada, primarily because onshore claims count against the total humanitarian program. In 2004, Australia resettled 16,000 refugees, but during the 1990’s and early 2000’s resettled between 8,000 - 15,000 refugees per year. In addition to the resettlement program, Australia admits between 2,000 and 5,000 onshore refugee claimants per year. In comparison, the U.S. resettled 52,900 refugees in 2004, while historically averaging between 80,000 and 90,000 during the 1990’s and 2000’s.

The resettlement program also gives these states more leverage in the construction or re-construction of refugee identity. Refugees who come into the state through the resettlement program behave in a manner consistent with the intentions and expectations accorded to refugees by the Convention. Because the refugees have gone through the proper international mechanisms for gaining refugee status, they are regarded as ‘genuine’ refugees, and are law-abiding refugees who would make good citizens.\textsuperscript{214}

\textsuperscript{212} Mares, Peter. 2002. \textit{Borderline: Australia's Response to Refugees and Asylum Seekers in the Wake of the Tampa.} Sydney: University of New South Wales Press Ltd.
\textsuperscript{214} Tazreiter, Claudia. 2204. \textit{Asylum Seekers and the State.} Aldershot: Ashgate Publishing Ltd.
Those that do not enter via the resettlement program, are often characterized as jumping the queue, and thus, are not law-abiding people – even if they are refugees. Despite the fact that there are so few resettlement places available, and that the vast majority of refugees have no chance of being selected for resettlement, these states can and have claimed that their resettlement programs have created a queue. Thus, asylum seekers who do not wait in refugee camps to be selected, but rather turn up uninvited, may be portrayed as refugees jumping the queue, or not as refugees at all.

Both Canada and Australia have historically identified themselves as countries of resettlement, and have enacted relatively generous refugee resettlement programs. That the resettlement program serves as an important identity marker for these states is evidenced in the legislation used to implement the refugee regime. In the 1976 Immigration Act, the Canadian government listed as two of the primary reasons for incorporating the international refugee regime: fulfilling its international responsibilities and keeping with its humanitarian past. Similarly, the Australian government, upon incorporating the refugee definition into its domestic legislation in 1978, argued that it recognized its humanitarian commitments and its international responsibility to resettle refugees. These states continue to describe their refugee policies as reflecting their humanitarian nature and fulfilling their international obligations.

While refugee resettlement has been a bone of contention during some time periods in Canada and Australia, the most difficulty has been with their transition to countries of first asylum. Until the early to mid-1980’s, Canada and Australia were not

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countries of first asylum, in that there were very few refugees who arrived on their territory who had not come through their resettlement programs. However, with advances in transportation technology and the profitable expansion of people smuggling enterprises, both states faced an increase in the number of asylum seekers who made them countries of first asylum. This has not occurred without significant effort on the part of the state to prevent it. Both states have implemented border control policies, such as carrier sanctions, visa requirements and safe third country policies, in an effort to prevent asylum seeker arrivals. Resettlement states benefited enormously from the refugee regime. They were able to maintain a humanitarian and compassionate identity while selecting the refugees who came into the state; consequently, maintaining control of their refugee intake. Additionally, very few expectations were created of them under the international refugee regime. The regime mostly created expectations for countries of first asylum that identified themselves as refugee-protecting states.

Conclusions

In this chapter I have attempted to identify what constitutes the normal relationship between Western liberal states and asylum seekers. I argue that it is essential to understand the normal relationship between units in order to identify and understand the securitisation process, because, by definition, it involves the breaking free of normal rules and relationship structures. In exploring the creation and implementation of the international refugee regime, I have shown that the establishment of this regime marked an important change in international relations. Notably, it constituted refugees as distinct actors within the international system, existing in a securitised humanitarian relationship with receiving states. In doing so, it imbued refugees and asylum seekers with particular
intentions and created behavioural expectations on the part of both signatory states and those seeking refugee status.

This regime was not simply a neutral product of international argumentation and diplomacy in which all states had equal say; it served the purposes of a few select states and reinforced an existing rivalry structure in the international system. Despite a historic shift that altered the structural conditions that shaped and influenced the creation and evolution of this regime, the regime persists and continues to create obligations for signatory states. However, it also continues to be a tool for states to reinforce new relationships within the international system.

Insofar as the regime created obligations for receiving states, it created expectations of signatory states to treat asylum seekers in a manner consistent with the identity constructs contained in the regime. The expectations created by the regime, on signatory states, and toward asylum seekers, follow the broad humanitarian principle of preventing further traumatization of refugees. This meant incorporating four norms: non-refoulement, legal processing of claims, non-arbitrary detention and non-punishment based on mode of entry.

The two states under examination in this study, Canada and Australia, are signatories to the relevant international treaties that comprise the international refugee regime, and have internalized the norms and principles of the regime by incorporating them into domestic law. As resettlement states, both Canada and Australia have used their protection of refugees to support their humanitarian identity claims and, for the most part, have treated those seeking refugee status in their states in a manner consistent with the expectations of states that are signatory to the international refugee regime. As the
following chapters show, in Canada and Australia the relationship between the state and asylum seekers has reflected changing relationships in the international system. As a result, influential societal and political leaders have attempted to re-construct the identity of, and their relationship with, asylum seekers, by re-constructing the identity of other states. They have done so by depicting the asylum seekers home state or transit states, through which they may have passed, as a safe country rather than as a refugee-producing state. Even so, Canada and Australia have not done so in the same ways or with the same results. The significant divergence between these two otherwise very similar states in how they have treated asylum seekers is a puzzle not adequately explained by explanations that focus on the material incentives faced by states. Chapters Six and Seven account for the variation in outcomes by tracing the processes of communitarian-securitisation and by identifying how these processes succeed or fail.
Chapter Six: Canada

In this chapter, I trace the process of securitisation during three ‘refugee crises’ in Canada, highlighting, in each, the three distinct stages outlined in Chapter Four: discursive challenge, implementation of extraordinary means and legitimization. In all three episodes, securitising actors have attempted to challenge the discourse structuring the relationship between the Canadian state and asylum seekers, though not all have identified the Canadian state as the referent object of security. In the cases of successful securitisation, the ruling elite have implemented extraordinary measures to deal with the constructed threats and have attempted to legitimize their actions using discursive practices aimed at silencing dissenters, establishing a new dominant discourse and creating rules governing the new relationship between the state and the asylum seekers.

Case One: The 1979 Indo-Chinese Boat Exodus

In 1979, there were two distinct securitising attempts in Canada centered on the Indo-Chinese refugees. The first such attempt, a humanitarian-securitisation, began in late 1978 and continued through to early 1979, and was undertaken primarily by the Canadian media and NGO’s, with support from political leaders, from both the governing and opposition parties. This securitising attempt was distinctive in two ways: first, influential non-governmental leaders led it and second, it represented an attempt to identify a referent object other than the state as the primary object of security. In the 1979 refugee crisis, the primary referent objects of security were the Indo-Chinese refugees. This humanitarian securitising attempt on behalf of the refugees sought to have the Canadian state act to protect the refugees, and was successful in challenging competing discourses and counter securitising attempts, resulting in the implementation of
extraordinary measures to protect the refugees. During the legitimization stage, the government faced a counter-securitising attempt from societal actors who sought to relocate the referent object of security from the refugees to Canadian society. This securitising attempt was unsuccessful in the discursive challenge stage, as political actors were able to legitimize the extraordinary measures they had taken on behalf of the asylum seekers.

**Dominant Discourse and Securitisation**

While Canada was a signatory to the 1951 Convention and 1967 Protocol in 1979, the international refugee regime had had little impact on Canada’s refugee admission practices. After the Second World War, Canada admitted a large number of refugees from Europe, in essence, supplementing its faltering immigration program, which had been plagued by a shortage of European immigrants. As it had done since before the Second World War, Canada admitted refugees through acts of Parliament setting aside the normal immigration rules for populations it considered refugees. Through this arrangement, Canadian governments had brought in large numbers of Hungarians and Czechoslovakians and a modest number of Ugandan Asians, Tibetans and Chileans. The flexibility of Canada’s immigration program made it possible for successive Canadian governments to respond to periodic refugee crises. When the construction of particular groups as refugees was accepted, the immigration rules normally restricting their entrance were set aside to facilitate their resettlement in Canada.

Prior to 1978, there was very little public discourse within Canada regarding the Indo-Chinese refugees, as indicated by the absence of front-page stories in the leading Canadian daily newspaper, the *Globe and Mail*. The first front-page article devoted to the
plight of the Indo-Chinese refugees appeared in April of 1978, as the number of asylum seekers increased, and their method of fleeing shifted to boat departures. At this time, the number of asylum seekers fleeing Vietnam, Cambodia and Laos were small enough that the surrounding Southeast Asian states continued to offer protection, with the help of the UNHCR. Thus, the few news articles devoted to the refugees that did appear between 1975 and 1978, tended to portray the Indo-Chinese refugees as the responsibility of the Americans, French and Australians, due to their historical involvement in the region; and certainly did not treat the refugee exodus as an international crisis. The people who were fleeing Vietnam were regarded as segments of the population who had special ties to these Western states due to their interaction with, and dependence on, the former colonial powers, while those fleeing Cambodia and Laos were largely ignored.

There were also a number of stories highlighting the economic factors underlying the refugee exodus, implying that those still fleeing Vietnam were economic migrants rather than genuine refugees. Those with genuine refugee claims were expected to have fled immediately after the reunification of North and South Vietnam, while those who were fleeing two years after this event were simply Vietnamese who wanted to escape the poverty of Vietnam. Thus, while there appeared to be very little public discourse on the issue, the dominant perception created by the limited media coverage that there was, was that the Americans were largely responsible for the refugee exodus and that those fleeing two years after the withdrawal of American forces were more likely economic migrants than genuine refugees.

Canada’s resettlement practices with regard to the Indo-Chinese refugees support this conclusion. Canada had, after 1975, resettled a number of Vietnamese refugees to
maintain solidarity with the United States and to demonstrate its international involvement in the Southeast Asia region.²¹⁷ Prior to 1979, Canada had resettled a total of 6,000 Indo-Chinese refugees, with the vast majority of these having fled Vietnam at the time of the fall of Saigon in 1975.²¹⁸ During the same period, over 11,000 Lebanese refugees had been resettled in Canada, and over 7,000 from South America.

Despite the initial show of support at the time of the fall of Saigon, the Canadian state did not significantly alter its immigration intake to accommodate the continued exodus of asylum seekers fleeing their home states in the Indo-Chinese region. The large-scale exodus of Indo-Chinese refugees, which began in 1977, was largely ignored by both the government and the media in Canada, and resulted in fewer than 900 being accepted during the first two years of the boat people exodus.²¹⁹ This was consistent with the dominant discourse in Canada at the time, which portrayed the refugees as the responsibility of former colonial powers, and, later, as economic migrants.

**Discursive Challenge**

Increased media attention to the plight of the Indo-Chinese refugees who fled by boat in late 1978, initiated a humanitarian-securitisation that intensified through early 1979. The humanitarian-securitisation of the Indo-Chinese asylum seekers constructed the boat people as helpless, hopeless and homeless victims.²²⁰ The boat people fleeing Vietnam in 1978 were no longer portrayed as economic migrants leaving rampant poverty in the newly united communist Vietnamese state, but rather, were identified as

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²¹⁹ Ibid.
triply victimized people: by their home states, by the seas, and by unsympathetic states in
Southeast Asia.

In constructing the boat people as refugees, the Canadian newsprint media focused on events occurring within the Vietnamese state. Prior to 1978, very little reporting was done on what was going on inside the new Vietnamese state, other than its poor economic performance, which contributed to the depiction of those fleeing Vietnam post-1976 as economic refugees. This began to change in early 1979, as the Canadian newsprint media devoted greater attention to Vietnam. Vietnam was consistently described in a manner that supported the portrayal of the asylum seekers as genuine refugees. In the humanitarian-securitisation initiated by members of the media, Vietnam was constructed not simply as an economically backward Communist state, but also as a refugee-producing state, with its actions fulfilling the conditions of such a state as set out under international law. Canadian news coverage accused Vietnam of ‘being a savage regime’, ‘extorting and robbing its citizens’, ‘committing genocide’, ‘being comparable to the Nazi’s’, ‘persecuting its Chinese minority population’ and ‘sending babies out to sea to die’. Each of these depictions constructed the identity of the Vietnamese state as a refugee-producing state in a unique way. One of the most powerful discursive devices was the use of the word “genocide”, and the frequent comparisons of the Vietnamese government to the Nazis. This powerful metaphor urged readers to recall the most

obvious and famous refugee episode in recent history, one that was still recent enough to reverberate with Canadians. The Canadian press commonly likened the Indo-Chinese refugees to the Jews fleeing Hitler’s Germany. The boat people were referred to as the ‘Jews of the East’, the target of an ‘Asian Holocaust’ and victims of genocide. This metaphor appeared regularly in the editorials and letters to the editors of the Canadian newspapers, and featured prominently in the Canadian newsmagazine, Macleans.

Those advocating that Canada do more to help the Indo-Chinese refugees consistently referred to Canada’s reluctance to help European Jews, and its role in turning away the Jewish refugee ship, the St. Louis, to galvanize support for increased resettlement.

In addition to the purported genocidal actions of their home states (Vietnam primarily but also Cambodia and Laos), the refugees were also portrayed as being traumatized by their means of escape. The use of the term ‘boat people’ symbolized the trauma that the refugees endured at sea. The term was pregnant with meaning. The boat people were not simply refugees, but individuals who fled by boat and thus, faced a host of new threats associated with that type of travel: storms at sea, pirates, drowning, overcrowding and, to top it off, rejection by the states to which they were fleeing for protection. All of these elements were prominent in the daily news coverage of the asylum seekers. The Canadian media emphasized the dangers of travel by sea in that part of the world, with a series of prominent news articles devoted solely to that aspect of the refugee crisis – most notably the articles of Gerald Utting, whose travels aboard a rescue

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vessel in the area in early 1979 highlighted the dangers of the sea, and the prevalence of pirates in the area.\textsuperscript{224}

The additional dangers associated with fleeing by boat were supported through the continued assertion that close to half of all refugees who fled by boat, perished at sea. Despite the lack of evidence supporting this claim, the claim that 'half never make it' was prominent in news coverage at the time. Howard Adelman has shown that the death rate of boat refugees was more likely around the 10-20\% range, a figure consistent with the death rates among the land refugees.\textsuperscript{225} However, the drama of life at sea, and the exaggerated death rate certainly succeeded in portraying the boat people as genuine refugees who faced further dangers from the sea. The 'land people' – those who fled Indo-Chinese states via land routes – were largely ignored both in the media coverage and in Canada’s resettlement efforts. The double victimization of the boat people from both their home state and by their mode of travel, increased the level of media attention lavished on them.

The third way in which the asylum seekers were said to be victimized, was by the response of the Southeast Asian states to which they fled. The announcement that Malaysian officials had expressly signaled their intention to send 76,000 refugees back out to sea, and to shoot any new boat arrivals on sight, became a prominent news story around the world; playing an important role in the success of the humanitarian-securitisation. Malaysia’s pronouncement figured prominently in all three Canadian


papers under examination: gaining front-page headlines in the *Globe and Mail*, the *Toronto Star* and the *Montreal Gazette* (the Vancouver papers were on strike at the time).\(^{226}\) In the press, the Southeast Asian states were depicted both as victims and perpetrators. They were perpetrators because they were no longer offering protection to refugees. Public statements threatening to force boats back to sea and to shoot new arrivals were depicted as ‘despicable’, ‘inhumane’, and ‘cruel’.\(^{227}\) Not only were the asylum seekers victimized by the Vietnamese government’s genocidal policies and the treacherous sea voyage, but also by states to which they had turned for protection.

Of course, the criticism of the Southeast Asian states’ new policies was somewhat restrained for two reasons. The first is that the Western states, such as the U.S., UK and Australia, wanted these states to continue accepting the refugees out of both humanitarian sympathies and self-interest; too harsh a criticism jeopardized that. Secondly, these states were viewed as victims of Vietnam’s policies as well. They were constructed as victims of a refugee exodus that was deliberately created in an attempt on the part of the Vietnamese government to de-stabilize its non-communist neighbours. These states were described as ‘being swamped’, ‘overwhelmed’ and ‘having their regional stability threatened’.\(^{228}\) It was this perception of threat that warranted the harsh response taken by these states – they were not the primary source of threat, but rather a victim of it. This, in turn, justified their harsh responses. Despite the justification of these policies, which played an important role in the Australian response to the crisis, the Canadian press


\(^{227}\) For examples, see articles noted above.

described it as 'retaliating under the strain', 'forcing refugees back to sea', 'pushing refugees back', and 'using gunfire to drive off boat people'. Thus, the newly emergent humanitarian-securitised discourse in the Canadian media coverage, portrayed the Southeast Asian states, in part, as victims of the Vietnamese state and in need of international assistance, but primarily as aggressors whose policies further traumatized the boat people.

The construction of those fleeing Vietnam as genuine refugees triply traumatized met little resistance in Canada, as there were very few who openly challenged these assertions. The most significant and contentious element involved in the humanitarian-securitisation concerned the level of responsibility Canada owed the Indo-Chinese refugees. The depiction of the boat people as genuine refugees in need of protection was accepted with little opposition, but this identity construct did not dictate the level of Canada’s responsibility. Thus, the depiction of the Indo-Chinese refugees as genuine refugees triply threatened was only one component of the humanitarian-securitisation, the second concerned Canada’s identity as a humanitarian state. Once the refugee outflow had successfully been attributed to the actions of the Vietnamese government, not former colonial powers, it implied that the problem had become an international concern – of which Canada was expected to take its fair share. Additionally, the inability of the Southeast Asian states to deal with the crisis provided further evidence that the refugee exodus required an international solution. Thus, the securitising actors instrumental to the construction of the asylum seekers as in need of protection sought to construct Canada’s identity as a humanitarian state, one that took its share of the international burden, particularly with regard to the resettlement of refugees.

229 See articles in footnote 228
Since the Second World War, Canada had been an international leader in the resettlement of refugees, and on the whole, aimed to take 10% of the refugees from any given movement. In the previous major refugee movements, including Hungary, Czechoslovakia, Tibet, Chile and Uganda, Canada had played a leading role. The humanitarian-securitisation initiated by the media in late 1978 and early 1979 highlighted this element of Canadian identity. However, the magnitude of the crisis and the astonishing success of the humanitarian-securitisation led many to conclude that Canada’s traditional response to a refugee crisis was insufficient. Thus, the announcement in December of 1978 that the Canadian government had agreed to accept 5,000 of the refugees for resettlement prompted calls for a more ‘humanitarian’ response. The announcement in June of 1979 that the Canadian government would increase the number of Indo-Chinese refugees resettled in Canada by 3,000, to a total of 8,000, did not placate the securitising actors. The government’s modest increases were portrayed as inadequate and unacceptable for a humanitarian state.

The intense media focus on the refugee exodus, which hit its peak in June of 1979, continued to emphasize Canada’s identity as a humanitarian state, and criticized the government’s less than generous response to that point. Having successfully established the asylum seekers’ identity as genuine refugees, the securitising actors focused on Canada’s identity, and consistently referred to Canada as a ‘humanitarian’ state, as a ‘good international citizen’ or as a ‘Christian’ state – with an obligation to help those in need. With these identity constructions, the refusal of the government to significantly

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increase the number of Indo-Chinese resettled, highlighted the inconsistency between its constructed identity and its actions toward the refugees. The now dominant humanitarian discourse, created an obligation on the part of the Canadian government to assist the refugees through resettling the refugees and by condemning the action of the Vietnamese government.

The vast majority of the editorials and letters to the editors from the four major Canadian daily newspapers strongly encouraged the Canadian government to accept a larger number of refugees. By appealing to certain ‘cosmopolitan’ values (‘civilized world has to act’, ‘show we are humane’, ‘being mean spirited’, ‘acting unjust’, ‘decency required more than present tokenism’, ‘show universal human love’) this discourse sought to re-construct Canadian identity as embracing a cosmopolitan identity that acted on universal values rather than parochial or national interests. The humanitarian discourse also drew on Canada’s founding myths and its more recent embarrassments to encourage increased levels of resettlement (‘prevent another Holocaust’, ‘are a nation of immigrants and refugees’, ‘founding fathers came by boat’). Another myth or construct utilized by securitising actors was Canada’s identity as a good international citizen (‘Canada must do...


its part, 'show leadership'). Some securitising actors appealed to economic rationalism to achieve their humanitarian objectives ('got jobs and space', 'makes economic sense') and to overcome criticism that Canada could not afford to do more. Lastly, some humanitarian securitisers appealed to the 'Christian' aspect of Canadian identity ('Christ will ask where were you when I was floating off Malaysia') partially as an expression of their cosmopolitan interpretation of Christian moral values and, in part, to delegitimize the views of those who had expressed concern that admitting non-Christian Indo-Chinese refugees would weaken the Christian character of Canadian society.

It was not merely members of the media or the public (as expressed through letters to the editor) who called for the Canadian government to respond in a more generous manner. The Opposition Spokesman for Immigration, the Liberal Member of Parliament, Robert Kaplan, openly called for a drastic increase in refugee intake, arguing in favor of resettling 100,000 refugees. The New Democratic Party called for Canada's intake to be increased to 30,000 refugees, while York University Professor Howard Adelman started an organization to pressure the government to increase its intake, a movement that gained considerable momentum due to the positive media coverage it

received, primarily from influential columnist Dick Beddoes. The role of the minority Conservative government led by Joe Clark should not be ignored in this process, though it is notable that they did not play the lead role in the humanitarian-securitising attempt. Immigration Minister Ron Atkey and Foreign Affairs Minister Flora MacDonald spoke out against the Vietnamese regime and called on the international community to do more to stop the flow of refugees. Behind the scenes, the Canadian government endorsed the humanitarian discourse and was working toward building support for private sponsorship of Indo-Chinese refugees.

Howard Adelman, a prominent humanitarian-securitising actor in the 1979 crisis, wrote that the NGO organization he founded to raise awareness of the crisis and to encourage private sponsorship of refugees, benefited immensely from behind the scenes support from government officials acting in an official capacity. He concluded that the government supported the large-scale resettlement of Indo-Chinese refugees, but acted in such a way to limit public backlash against such a course of action. My analysis supports such a conclusion, as the government at no time attempted to refute the humanitarian-securitisation, choosing instead to implement emergency action slowly and incrementally in an apparent effort to gauge the level of support for large-scale resettlement. This represents a case of the governing elite attempting to maintain cohesion in the core group for an extraordinary response to a securitising move.

The humanitarian securitised discourse was overwhelmingly supported by the newsprint media coverage. As Table 6.1 indicates, during the period between June 18, when Malaysia announced its intention to push boats back to sea and to shoot further

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240 Ibid.
arrivals, and July 18, when the Canadian government announced that it would take in 50,000 Indo-Chinese refugees, the Canadian news media covered the refugee crisis extensively and sympathetically to the refugees.

Table 6.1 Humanitarian Media Content: June 21-July 18, 1979

<table>
<thead>
<tr>
<th>% Humanitarian (Total)</th>
<th>Front Page</th>
<th>Articles</th>
<th>Editorials</th>
<th>Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Globe and Mail</td>
<td>90%(10)</td>
<td>90%(40)</td>
<td>88%(8)</td>
<td>83%(24)</td>
</tr>
<tr>
<td>Toronto Star</td>
<td>100%(12)</td>
<td>97%(38)</td>
<td>100%(11)</td>
<td>54%(118)</td>
</tr>
<tr>
<td>Vancouver Sun</td>
<td>100%(12)</td>
<td>93%(40)</td>
<td>75%(4)</td>
<td>53%(17)</td>
</tr>
<tr>
<td>Montreal Gazette</td>
<td>100%(19)</td>
<td>98%(41)</td>
<td>100%(6)</td>
<td>65%(17)</td>
</tr>
<tr>
<td>Macleans</td>
<td>100%(1)</td>
<td>100%(3)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As the table indicates, the vast majority of front page articles, articles and editorials were ‘humanitarian’ in their characterization of the Indo-Chinese as triply traumatized refugees, Vietnam as a refugee-producing state, and Canada as a humanitarian state that had a responsibility to take in and resettle a greater number. The letters to the editor are far less supportive, though in all four newspapers letters supportive of the humanitarian discourse comprise more than fifty percent of the responses.

**Implementation of Extraordinary Measures**

By July of 1979, humanitarian-securitising actors had successfully constructed the Indo-Chinese asylum seekers as refugees in need of protection by the Canadian state. This is an important observation for securitisation theory, as it shows how the state does not always act as the primary securitising actor. In this case, members of the media and
prominent societal actors initiated the securitising move, challenging the previously dominant discourse in which the Canadian state was not constructed as the security provider for the Indo-Chinese refugees. However, this case also demonstrates the veracity of the Copenhagen school's claim that the state is the primary, and in many cases, sole, securitising actor. Securitisation theory claims that those who control the machinery of the state must accept and adopt the securitising move in order to implement extraordinary measures to alleviate the threat. While the media and prominent societal leaders presented the Indo-Chinese asylum seekers as threatened, they were incapable of implementing the necessary means to provide protection for the asylum seekers. As such, they needed the ruling elite to accept the securitising move to implement extraordinary measures.

The Canadian government responded the way that it had to previous refugee populations that had been successfully securitised in a humanitarian manner; it increased the number it would resettle in Canada. The government signaled early on its willingness to protect the Indo-Chinese refugees starting with the airlift of 604 refugees from a stranded refugee freighter in late 1978. Until November of 1978, the Canadian government had been accepting fewer than 50 refugees per month from Southeast Asia, despite growing international pressure to resettle larger numbers. In November of 1978, the Canadian media widely reported on the situation of the Hai Hong, a freighter carrying 2,450 Indo-Chinese refugees who had been refused entry into Malaysia.241 This was not the first large freighter carrying refugees to be refused entry into Malaysia, nor would it be the last. It was the most widely publicized incident of its kind in Canada; the media

reported that the Malaysian government had threatened to force the freighter back to sea
with its human cargo on board. The situation facing the Hai Hong garnered significant
attention in the Canadian media, which spurred the government to adopt emergency
measures; namely, airlifting the refugees off the vessel and resettling them in Canada.242

The airlift of the Hai Hong refugees marks the beginning of the implementation
of extraordinary means. This emergency assistance signified that the Canadian
government had adopted a humanitarian construct regarding the identity of the Indo-
Chinese asylum seekers and Canada’s responsibility to them. In keeping with this, the
government announced just weeks later that the Indo-Chinese would be included as a
designated class of humanitarian migrants, of which the government would take 5,000
during 1979.243 This announcement represented an increase of nearly 4,500 from the
previous year. An intake of 5,000 would have represented the largest humanitarian
migrant intake since the South American Program of 1973, in which 7,000 were admitted
in one year.244 Previous to that, only the Hungarians (1956) and Czechoslovaksians (1968)
were admitted at a higher rate.245 The announcement in June 1979 that the Canadian
government would take in an additional 3,000 Indo-Chinese humanitarian migrants,
bringing the total to 8,000 for the year, signaled a significant response. An annual intake
of 8,000 made the Indo-Chinese rescue effort the largest refugee Canadian rescue

Co., Ltd.
243 The Indo-Chinese refugees were admitted as a special humanitarian class of migrants not as refugees.
This was Canadian refugee policy at the time since in 1979 Canada has not implemented the 1951
Convention or the 1967 Protocol into domestic legislation. Admitting them as humanitarian migrants
differed from current refugee resettlement in that it was group-based admissions rather than individual-
based – individual Indo-Chinese asylum seekers were not processed to determine their status, rather all
persons fleeing Vietnam, Cambodia and Laos were admitted as humanitarian migrants.
Institute for Research on Public Policy.
Associates Ltd.
operation since the Czechoslovakian intake. The implementation of extraordinary measures culminated in the acceptance of 50,000 Indo-Chinese refugees for 1979. By any standard this was an extraordinary response, and represented a tenfold increase from the initial announcement of 5,000.

The ultimate adoption of 50,000 resettlement places represents an extraordinary response, even in terms of refugee resettlement, which at that time was most always an emergency measure to rescue people under threat. The move from 8,000, which historically is a large number but not unprecedented in Canada’s immigration history, was, in great part, achieved as a result of the successful characterization of the refugees as triply traumatized – unlike any other refugee movement in history to that point. As Table 6.1 illustrates, the number of editorials and letters to the editor that called for Canada to do more increased drastically after June 1979, when the Malaysian government announced it would no longer accept any refugees and would shoot further arrivals. In late June, the Canadian government agreed to increase its refugee intake to 8,000, an increase of 3,000. Once again, this did not quell the societal and political actors clamoring for a larger intake. By mid-July, the Canadian government agreed to drastically increase its intake to 50,000 Indo-Chinese refugees through a private/public sponsorship program wherein the government would match the number of refugees sponsored for resettlement up to half of the 50,000 target. Canadian private sponsorship groups responded. Within the year close to 3,000 sponsorship groups had been created, with a combined number of refugees sponsored totaling over 29,000.246

intake of 50,000 represents the most significant implementation of extraordinary measures, as it represented a fundamental shift in Canada’s immigration policy.

**Legitimization and the Second Securitisation**

As was noted in chapter four, it is with the implementation of extraordinary measures that the cohesion of the core group, one of Buzan’s essential conditions for the success of a securitising move, is most likely to fail. The implementation of extraordinary measures provides an opportunity for opponents of the securitising move to challenge and potentially halt the securitisation process. Until now, securitisation theorists have been somewhat silent regarding who the ‘core group’ is, and how cohesion is maintained in this group. This section addresses this shortcoming through examination of the legitimization stage of the securitisation process, rather than stopping with the implementation of extraordinary means.

The level of resettlement initiated by the Canadian government to protect the Indo-Chinese refugees and prevent regional war in Southeast Asia was extraordinarily high, and met with significant resistance within Canadian society. As the government entered the legitimization stage, it faced a significant communitarian-securitising attempt that stood in stark contrast to the humanitarian-securitisation. The communitarian-securitisation sought to reconstruct the identity of the refugees as economic migrants, criminals or even security threats. Proponents of this challenge also attempted to change the discourse on Vietnam, challenging the dominant portrayal of that state as a refugee-producing state. Lastly, the communitarian securitisers questioned the dominant identity of the Canadian state as humanitarian, by reconstructing it as predominantly of one ethnic and/or religious group to whom the Canadian state owed protection. In short, it
represented an attempt to alter the referent object of security from the Indo-Chinese refugees and the Southeast Asian states to the Canadian state and society.

The challenge to the dominant humanitarian discourse was most openly advocated by the National Citizens Coalition; a large right-wing fiscally conservative non-partisan advocacy organization, concerned primarily with issues relating to free enterprise, free speech and accountable government. The NCC took out a large full-page ad in the *Globe and Mail* on August 24th, 1979 entitled ‘Canada’s Great Humanitarian Gesture: the Boat People from Vietnam’. In the ad, the NCC questioned the Canadian government’s policy of resettling 50,000 Indo-Chinese refugees, the ability of Indo-Chinese to adapt to life in Canada and highlighted the negative impact this level of resettlement would have on Canada culturally and economically. The ad was the first major challenge to the humanitarian discourse, and was met with exceptional hostility, both by members of the media and the government, which was now publicly playing the leading role in the humanitarian-securitisation process. Immigration Minister Ronald Atkey called the ad ‘racist’, while the letters to the editor were filled with counterclaims to each of the NCC’s points. Thus, the only significant challenge to the humanitarian discourse was quickly shut out of the public discourse by labeling it as racist and uninformed.

On September 12, the NCC responded with an open letter in the *Globe and Mail* defending its position. Acknowledging the incredibly hostile response to its initial ad, the second was entitled ‘Ouch! Pass it On: an open letter about Boat People Controversy’. Again, the NCC’s claims were met with harsh response. Atkey called it ‘misleading’.

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Gordon Fairweather, Chief Commissioner of Canadian Human Rights commission decried the ad\textsuperscript{249}, while Dick Beddoes used his editorial space to call the ad ‘mean spirited’.\textsuperscript{250} On September 28, Colin Brown, the President of the NCC wrote to the \textit{Globe and Mail} and in apologetic language, capitulated to the dominant humanitarian discourse. In his letter, Brown claimed that the NCC ‘shared the humane attitude of religious leaders’ and conceded that members of the NCC were ‘prepared to accept 50,000 boat people’.\textsuperscript{251} The purpose of the original ad, according to Brown, had been to ‘inject realism into a situation dominated by emotionalism’. Despite the public capitulation, Brown called on the government to respond to the real cause of the problem, Moscow and Hanoi,\textsuperscript{252} an internationalizing strategy employed to great effect in the Australian case, as the following chapter will show.

Other prominent members of society sought to challenge the dominant discourse as well, including eminent Canadian journalist and radio talk show host Gordon Sinclair. On his radio program, Sinclair spoke out against the resettlement plan and questioned the value of Indo-Chinese as Canadian citizens. Unlike the NCC’s ad in the \textit{Globe and Mail}, Sinclair’s comments were not widely reported outside the Toronto region, though his comments were met with a harsh response in both editorials and letters to the editors in the \textit{Toronto Star}. While some of these letters to the editor expressed support for Sinclair’s views, most of the editorials and many letters dismissed Sinclair’s arguments as narrow minded and callous.\textsuperscript{253}

\begin{flushright}
\textsuperscript{249} Fairweather, Gordon. Ibid.”NCC ad: Letter to the Editor.”
\textsuperscript{250} Beddoes, Dick. Ibid. “Ad Misleads.”
\textsuperscript{251} Brown, Colin. Ibid. “Boat People, Letter to the Editor.” Pp. 6
\textsuperscript{252} Ibid.
\end{flushright}
The communitarian-securitisation in late 1979 seems to have emanated primarily from private citizens expressing their views in the letters to the editor and a few prominent members of the media. For the most part, it remained largely unorganized and without a prominent political leader advocating the view. Thus, it was expressed through the occasional newspaper editorial, radio commentary or letter to the editor in which individuals sought to question the dominant identity constructions. There were a few who challenged the construction of Vietnam and Cambodia as refugee-producing countries, by calling the refugee exodus a 'phony mass exodus', accusing refugees of 'abusing the immigration system', or describing them in economic terms as 'merchants' or 'economic refugees'. In the vast majority of cases, the primary challenge to the dominant discourse focused on Canada's role and responsibility in the matter.

A number of letters challenged Canada’s role as a resettling state. Some argued that Canada ‘had no obligation’ to resettle, or that resettlement was the equivalent of ‘becoming a dumping ground for refugees’. Others, more diplomatic in their assertions, encouraged increasing levels of foreign aid to other countries to resettle the refugees or to ‘find an island’ for them to claim as their new homeland. Others sought to re-construct Canadian identity along ethnic or racial lines, emphasizing a white, European and non-Asian Canadian identity. This re-construction of Canadian identity thus portrayed the refugees as ‘threatening’ to the social, economic and cultural fabric of


Canadian society.\textsuperscript{257} They also called on Canada to allow Asian states to address ‘Asian’ problems. Some openly questioned whether China, Taiwan, and Japan were doing ‘their’ part to alleviate this ‘Asian’ problem, or whether Canada should get involved as the ‘Asian’ states got rid of their excess population.\textsuperscript{258} Still others argued that the place for the refugees was in Asia, and that they should return and ‘fight for their land, as the Americans did’ instead of leaving to seek protection in the West.\textsuperscript{259} Still others were concerned over the breeding habits of Asian immigrants and openly expressed their concern that the refugees would flood Canada and outbreed the Anglo-Saxon Canadians, turning the white population into a minority.\textsuperscript{260}

The most substantial element of the challenge, and the one most frequently expressed, came from those combining two discourses, one which viewed the refugees as the ‘other’ and one that portrayed Canada as economically weak. This was reflected in the very common refrain of ‘charity begins at home’. Among those who advocated this view of charity, they often highlighted areas where the Canadian government had failed to provide for the welfare of Canadian citizens (native population, high unemployment, seniors, military veterans) and encouraged the Canadian government to ‘take care of its


own’ before seeking to solve the world’s refugee problems.\textsuperscript{261} While this discourse did not reject the refugee identity, its primary motivating power was the construction of the refugees as ‘other’, as not one of us and therefore not justified in receiving help from an already overtaxed Canadian state.

As noted earlier, this challenging discourse had few notable societal or political leaders championing its cause. The Opposition Party firmly supported the massive resettlement efforts, with Pierre Trudeau labeling the government’s response overdue. For the most part, the media continued to promote a humanitarian conception of the refugees. As Table 6.2 indicates, there was little difference between media coverage pre-July 18 and post-July 18, though there is a noticeable increase in the number of articles not advocating a humanitarian discourse. Letters to the editor, while numerically changing little, were much more vehement in their assertions post-July 18. The Toronto Star, which published far more letters than the other papers, had a noticeable increase in the number of letters challenging the humanitarian discourse.

\textbf{Table 6.2 Humanitarian Media Content: July 18-Aug 31, 1979}

<table>
<thead>
<tr>
<th>%Humanitarian (Total)</th>
<th>Front Page</th>
<th>Articles</th>
<th>Editorials</th>
<th>Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Globe and Mail</td>
<td>100%(5)</td>
<td>76%(46)</td>
<td>80%(5)</td>
<td>71%(31)</td>
</tr>
<tr>
<td>Toronto Star</td>
<td>92%(13)</td>
<td>87%(54)</td>
<td>100%(5)</td>
<td>44%(116)</td>
</tr>
</tbody>
</table>

It is difficult to tell, based on letters to the editor and editorials, how much support the communitarian-securitisation had. Opinion polls seem to indicate that the Canadian ‘public’ opposed the increased resettlement of refugees. Table 6.3 indicates that the majority of the Canadian population felt the resettlement of 50,000 Indo-Chinese refugees was too high. What is most notable is the startling change leading up to July 18, and the startling change post-July 18. Prior to the increased media focus on the Indo-Chinese refugees, which began in June 1979, 50% of the population felt that resettling 5,000 Indo-Chinese refugees was too high. After the intensive focus on the refugee crisis, the poll indicates that 49% felt resettling 8,000 refugees was too low. This illustrates the power of framing through discourse by the media. After the announcement of 50,000 resettlement places, the Canadian population appears to return to the pre-media intensive focus on the refugee crisis level of 50% feeling the numbers were too high. Despite these indications that the majority of Canadians opposed this level of resettlement, none of the main political parties sought to use this for their advantage.

The two primary political parties supported this level of resettlement, and the issue remained out of the electoral politics in late 1979 and early 1980. When the Liberal party regained control of Parliament, it again increased the level of resettlement by 10,000 additional places. This leads us to conclude that the media and political leaders were well ahead of the public in the humanitarian-securitisation of the Indo-Chinese
refugees. While the media and certain societal leaders such as Howard Adelman helped initiate the humanitarian-securitisation, political leaders eventually embraced it wholeheartedly with the implementation of extraordinary measures, to the tune of 50,000 resettlement places. Additionally, the ruling elite were instrumental in the legitimization of the humanitarian-securitisation in the face of a communitarian-securitisation attempt that appeared to have the support of a significant portion of the Canadian public. In terms of securitisation theory, this implies that the core group in which cohesion must be maintained includes the media and political opposition parties, though not necessarily the 'public'. This should not be interpreted as meaning that the 'public' plays no role whatsoever. The feelings of the public and the potential for a public backlash loomed large in the strategies of the governing party; hence its slow implementation of emergency action. Additionally, there is likely a core constituency of the public for each political party to maintain as a cohesive core and is an area of securitisation that warrants further examination.

**Table 6.3 Public Opinion Polls: Summer 1979**

<table>
<thead>
<tr>
<th>Date (Sampled)</th>
<th>Sample Size</th>
<th>Too few</th>
<th>Too high</th>
<th>About Right</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1979</td>
<td>5000</td>
<td>7%</td>
<td>50%</td>
<td>37%</td>
<td>5%</td>
</tr>
<tr>
<td>July 1979</td>
<td>8000</td>
<td>49%</td>
<td>38%</td>
<td>7%</td>
<td>6%</td>
</tr>
<tr>
<td>August 1979</td>
<td>50,000</td>
<td>6%</td>
<td>52%</td>
<td>36%</td>
<td>6%</td>
</tr>
<tr>
<td>September 1979</td>
<td>50,000</td>
<td>5.9%</td>
<td>52.1%</td>
<td>36.1%</td>
<td>5.8%</td>
</tr>
<tr>
<td>October 1979</td>
<td>50,000</td>
<td>5.4%</td>
<td>47.4%</td>
<td>37.5%</td>
<td>9.6%</td>
</tr>
</tbody>
</table>

Ultimately, there were few prominent societal or political leaders who sought to challenge the humanitarian-securitisation, despite indications that such a challenge seemed to have support of about half of the Canadian population. Because of this, the communitarian-securitisation never really gained momentum. The government successfully legitimized the large resettlement of refugees by silencing the most vocal dissenters - the National Citizens Coalition - and ultimately gained their public capitulation. Additionally, the support of the Opposition party for an increased refugee resettlement intake left the dissenters without notable political leadership capable of enunciating the discursive challenge. The media continued to play an important role in this development, due to its continued advocacy of the humanitarian discourse.

The 1979 episode highlights the role that the media and private citizens can play in initiating the process of securitisation, but also demonstrates that the ruling elite are essential for the implementation of extraordinary means. The failure of the communitarian counter-securitisation attempt demonstrates the importance of the cohesion of the core group of political leaders. With the opposition party supporting the humanitarian discourse, the governing elite faced no significant challenge to the implementation of extraordinary means they had implemented on behalf of the Indo-Chinese asylum seekers.

**Case Two: 1986 and '87 Boat Arrivals**

The humanitarian-securitisation, and massive resettlement of the Indo-Chinese refugees, was constitutive of the identity of the Canadian state as generous, compassionate, humanitarian and a good international citizen. It was this construction of
the Canadian identity that permitted the government to extend protection to asylum seekers, as Canada shifted from being strictly a resettlement state to a country of first asylum during the early 1980’s. This change occurred as Canada faced a growing number of asylum seekers arriving at its borders, a development that ultimately produced a significant backlog of cases. This fundamental identity shift had not gone unnoticed by the Canadian ruling elite, as illustrated by the Liberal government’s attempt in the early 1980’s to amend the refugee determination process and its authorization of Rabbi Gunther Plaut to make recommendations for changes to Canada’s refugee policies. By 1986, it was clear that the issue of asylum seeking was regarded as a problem for the Canadian state, but one that remained outside the public discourse, free of security implications and inside the political realm. However, the unexpected arrival of two boatloads of asylum seekers in 1986 and 1987 provided an opportunity for communitarian-securitising actors to construct the issue of asylum seeking as a threat to Canadian security.

**Dominant Discourse and the 1986 Arrivals**

From the outset of the 1986 episode, the asylum seekers were constructed in much the same way that asylum seekers had been since the early 1980’s -- as individuals with legitimate refugee claims. The dominant perception in Canada was that Tamils fleeing Sri Lanka had legitimate refugee claims. The media portrayed the asylum seekers as refugees by focusing on their plight in Sri Lanka and their ‘abandonment’ at sea. A number of articles appeared in the newspaper coverage detailing the history and causes of the ethnic conflict in Sri Lanka. These articles stated that ‘the Tamil minority fear persecution’ and

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that ‘conflict (had) turned Sri Lanka into a killing ground’. According the newspaper coverage, Sri Lanka was portrayed as being ‘embroiled in civil war’. The successful depiction of Sri Lanka as a refugee-producing state prompted a number of editorials and a significant number of letters to the editor to question why Sri Lanka, ‘a country guilty of persecuting its minority population’, was one of the largest recipients of Canadian aid.

The media also reported on the past success of asylum seekers from Sri Lanka. Early on in the episode, the Canadian newspapers reported that refugee claimants from Sri Lanka ranked third overall in Canada with over 1,920 claims in the past five years and of those, over 960 had been accepted, an acceptance rate of close to 50%. The media also reported that in May of 1986, the Canadian government placed Sri Lanka on its list of 18 states to which Canada would not deport people, because of its repressive regime. The media’s coverage of Canada’s record of accepting claims from Sri Lanka was used to support the assertion that the present asylum seekers likely had a genuine refugee claim.

That the asylum seekers were fleeing persecution in Sri Lanka was supported by the terminology employed in the newsprint media coverage. The newspapers and news magazines primarily used the term ‘refugees’ to describe the arrivals. The use of this term, prior to an actual determination process to establish their refugee identity claim, served to construct the asylum seekers as victims who had a genuine claim to the


protections of the Canadian state under international law. This humanitarian characterization of the asylum seekers was supported by the use of the term ‘castaways’, which became a popular term used to describe the asylum seekers. Like the term ‘boat people’ in 1979, the term ‘castaway’ served to construct the asylum seekers as victims, as it emphasized their plight on the open ocean and their helplessness due to their abandonment at sea. They were further constructed as helpless victims by the coupling of humanitarian terms such as refugees and castaways with a narrative account of being ‘rescued’ by Canadian fishermen, after being ‘abandoned’ by the transport ship’s captain.\(^{268}\)

As such, there was considerable media attention on the ship that had dropped the refugees off, and its elusive captain. In nearly all accounts, the captain was accused of the ‘transporting’, ‘smuggling’, ‘unloading’, and ‘casting away’ of ‘Tamil refugees’\(^{269}\). In only a very few cases were his activities described as smuggling ‘illegal migrants’, a construction that has been visited on many others in reasonably comparable situations, in Canada and Australia, as well as most other countries around the world. The intense media attention devoted to finding the ship and its captain was due to the overall perception that the captain had ‘abandoned refugees at sea’ and had ‘exploited refugees’.\(^{270}\) This narrative further emphasized the asylum seekers’ victimhood.


Sustaining the humanitarian securitised discourse was the attribution of passive characteristics to the asylum seekers such as: 'living in fear', 'found adrift', 'fleeing', 'fleeing violence', 'rescued', 'discharged', 'forced to leave', 'smuggled', and 'cast away'.

In addition to portraying the asylum seekers as victims of the Sri Lankan state and a captain who would abandon refugees at sea, the media portrayed Canada as a humanitarian country that offered protection to those fleeing danger. In the news articles, editorials and letters to the editor, Canada’s action in permitting entry to the 174 Tamil refugee claimants was described as ‘welcoming’, ‘sympathetic and understanding’, ‘humanitarian and generous’, ‘commendable’ and ‘morally responsible’. At the same time, calls from those challenging the Canadian government’s decision were called ‘unthinkable’, ‘small-minded and ignorant’, ‘devoid of compassion’ and a ‘knee jerk reaction’ to ‘racist backlash’.  

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That the dominant discourse concerning asylum arrivals was humanitarian is evidenced by the coverage of the four newspapers under examination of the 1986 arrivals, illustrated in Table 6.4.

**Table 6.4 Humanitarian Media Content: Aug 13-Oct 7, 1986**

<table>
<thead>
<tr>
<th></th>
<th>Front Page</th>
<th>Articles</th>
<th>Editorials</th>
<th>Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Globe and Mail</td>
<td>67% (18)</td>
<td>89% (55)</td>
<td>100% (4)</td>
<td>53% (15)</td>
</tr>
<tr>
<td>Toronto Star</td>
<td>81% (42)</td>
<td>84% (75)</td>
<td>100% (4)</td>
<td>44% (27)</td>
</tr>
<tr>
<td>Vancouver Sun</td>
<td>43% (7)</td>
<td>74% (27)</td>
<td>0% (2)</td>
<td>25% (4)</td>
</tr>
<tr>
<td>Montreal Gazette</td>
<td>79% (14)</td>
<td>61% (33)</td>
<td>100% (3)</td>
<td>43% (21)</td>
</tr>
<tr>
<td>Macleans</td>
<td>100% (1)</td>
<td>100% (4)</td>
<td></td>
<td>67% (3)</td>
</tr>
<tr>
<td>Total</td>
<td>74% (82)</td>
<td>80% (194)</td>
<td>85% (13)</td>
<td>46% (70)</td>
</tr>
</tbody>
</table>

As Table 6.4 indicates, the media coverage of the boat arrivals presented a humanitarian representation of the asylum seekers. 74% of the 82 front-page articles maintained a humanitarian discourse, describing the asylum seekers as having legitimate refugee claims and permitting their entry as fulfilling Canada’s international obligations. 80% of the 194 other articles and 85% of 13 editorials sustained this discourse. Notably, less than 46% of 70 letters to the editors supported the humanitarian discourse – a subject I will return to in the last section.

The political elite, particularly the governing Conservative Party, publicly supported the humanitarian construction of the asylum seekers. Throughout the episode, Prime Minister Brian Mulroney repeatedly emphasized Canada’s humanitarian tradition
in dealing with refugees. In the face of public opposition to accepting the asylum seekers, on August 18, PM Mulroney urged 'Canadians to show compassion' to the Tamil refugees and argued that 'Canada’s humanitarian traditions dictate that they not be turned away'.\textsuperscript{274} Again, on September 6, he defended his decision to grant the Tamils entry by comparing the Tamils to Jewish refugees in World War Two and explicitly stated that 'refugees are welcome in Canada and we will open the doors'.\textsuperscript{275}

The Liberal and New Democratic parties supported the government’s approach to the asylum seekers, and endorsed the course of action they had taken. On August 18, Ed Broadbent of the NDP and John Turner of the Liberals publicly lauded the response of the Mulroney-led Conservative government. Broadbent stated that 'providing refuge was the only option' while Turner stated that ‘Tamils had to be given temporary shelter in Canada’.\textsuperscript{276}

The UN also played a role in supporting the dominant humanitarian discourse. It was at this time when the UN awarded the Canadian people the Nansen Medal for their assistance to refugees. It was the first time the medal had been given to an entire people, and political leaders used this distinction to bolster the humanitarian discourse concerning Canada’s response to asylum seekers: The medal was awarded to the Canadian people primarily due to their response to the Indo-Chinese refugee crisis from 1979 to the early 1980’s, and had little to do with the response of Canadians to the 1986 boat arrivals. However, the timing was fortuitous in its confirmation of Canadian humanitarianism and generosity to refugees.

\textsuperscript{275} Ruimy, Joel. Ibid. "People trust me despite the polls, Mulroney says." Pp. 12. September 6, 1986
Communitarian Challenge

Of course, the dominant humanitarian discourse did not go without challenge. The event demonstrated that there were divisions within the governing Progressive Conservative government over the unauthorized arrivals. On August 13, Immigration Minister Benoit Bouchard stated that 'the refugees could open the door to a flood of Third World castaways' and that Canada would need to review its refugee policies.\textsuperscript{277} Throughout the episode, other Conservative backbench MP's raised concerns over the government's quick acceptance of the asylum seekers.\textsuperscript{278} Despite these internal disagreements, the government publicly maintained its humanitarian discourse. As a result, Immigration Minister Bouchard, under pressure within his party, abandoned his initial challenge. On August 17, four days after his 'flood remarks', Bouchard stated that 'the situation is under control...I hope we let them (the Tamil asylum seekers) live their lives'.\textsuperscript{279}

Some elements of the media also sought to challenge the humanitarian discourse by reconstructing the identity of the asylum seekers. They did so by referring to the asylum seekers as 'migrants' or 'economic refugees' and by describing the actions of the asylum seekers as: 'standing by their story', 'leaving a safe haven', 'maintaining their silence', 'jumping the queue', 'blatantly entering', and 'entering illicitly'.\textsuperscript{280} Rather than depicting the asylum seekers as helpless, passive victims, these discursive devices


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constructed them as active and criminal elements exploiting Canada’s refugee determination process. A very small minority of those challenging the humanitarian discourse sought to identify the Tamil asylum seekers as a terrorist threat by attempting to tie the arrivals to the Liberation Tigers of Tamil Elam.\textsuperscript{281} Despite these assertions, no political leaders pressed this claim. The government quickly put these claims to rest by asserting that security checks on the asylum seekers showed no connection between the refugees and militant groups.\textsuperscript{282}

Many letters to the editors and a few editorials claimed that the refugees were ‘bogus’ or ‘illegal’ and depicted Canada as ‘a dumping ground’, a ‘soft touch’, as ‘suckers’ or as ‘gullible’.\textsuperscript{283} This discursive challenge sought to construct the asylum seekers as economic migrants and Canada not as a humanitarian or generous country, but as having fallen for some elaborate trick. Canada’s humanitarianism was not to be praised but rather, to be corrected and stopped. As in 1979, there is evidence to suggest that this perception of the asylum seekers and Canada was well supported within the public at large. As was noted earlier, over half of the letters to the editor employed this discourse. The media and political leaders often noted the existence of a significant public backlash, indicated by the large number of angry calls and letters from constituents.\textsuperscript{284} Opinion


polls also seem to support this. An Angus Reid poll, published in the Toronto Star on September 29 noted that 58% of Canadians favored a policy review to allow fewer refugee entries, 18% felt Canada should do more for refugees, while 17% wanted no change to the current policy.

The existence of a public backlash provided an opportunity for some political leaders. Liberal leader John Turner used this opportunity to challenge the government’s response to the asylum seekers. Initially, Turner had lauded the government’s acceptance of the refugees, though by late August, he was critical of the government for acting too hastily and for not doing a more thorough investigation into their story before allowing them into Canadian society. Turner stopped short of depicting the asylum seekers as a threat, but did publicly question whether they should have been admitted so quickly and without investigating their story first. Turner accused the government of not making refugee policies clearer to the Canadian public, which Turner claimed, fuelled the public backlash against the refugees. For Turner the issue was not only one of challenging the asylum seekers identity as refugees, but rather placing the blame on the government for the strong public backlash.

Like the 1979 Indo-Chinese refugee crisis, in 1986, the political elite played a leading role in maintaining a humanitarian discourse in the face of a communitarian-securitising move. However, unlike 1979, there was clearly division within the core group, both within the governing Conservative party and from opposition parties. So while few societal and political actors actually supported a communitarian-securitisation,


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the Canadian government did face significant criticism over how it handled the admission of the Tamil asylum seekers. In response to the public backlash, divisions within its own party, and increased pressure from the leader of the Liberal Opposition, the governing party began to review their refugee policies and by February of 1987 had introduced Bill C-55 in an effort to streamline the refugee determination process. Both opposition parties, the Liberals and the NDP, strongly opposed the legislation, calling it too harsh and draconian. The Liberal Party, due to its control of the Senate, was instrumental in delaying passage of the bill. By June of 1987, the bill had only just gone to second reading with the government exhibiting no urgency to pass the legislation. It was in this climate that the 1987 Sikh asylum seekers arrived.

**The Communitarian-securitisation: 1987**

The 1986 arrivals had set the stage for the response to the 1987 arrivals. While the dominant discourse concerning asylum seekers was humanitarian, the 1986 episode publicly highlighted the failures of the Canadian refugee determination system that had been noted by the ruling elite since 1984. By the end of the 1986 episode, there was a significant challenge to the humanitarian discourse, one that portrayed the government’s quick acceptance of the asylum seekers as contributing to the backlog of cases and the public backlash against asylum seekers. By early 1987, it was widely asserted that Canada’s refugee determination system was being abused by non-genuine claims and that it faced a significant backlog of claimants that required legislative changes. At that time, the Conservative government introduced Bill C-55, a piece of legislation designed to speed up the determination process and to exclude certain individuals from the determination system, including those who had already been recognized as Convention
refugees in another state, those making a repeat claim, those who fail to make a refugee claim at the beginning of an inquiry and those deemed a national security risk by the Minister.  

The introduction of this bill was a direct result of the growing communitarian security concerns expressed toward the end of the 1986 episode. It was in this atmosphere that the 1987 Sikh asylum seekers arrived. The discourse constructing the identity of these arrivals was distinctly different from that in 1986. The political elite and the media immediately challenged the identity claims of the asylum seekers upon their arrival, signaling an important shift away from the dominant discourse that considered asylum seekers as ‘refugees until proven otherwise’. In 1987, the media questioned the asylum seekers’ identity as refugees by focusing on three aspects: India as a refugee-producing state, the asylum seekers as individuals in need of protection and Canada as responsible for them.

Media coverage of the asylum seekers’ home state explicitly stated that there was far less certainty over India’s identity as a refugee-producing state. While India had been a prominent source of refugee claims within Canada, ranking only second to Guyana over the previous five-year period, the media was quick to point out that refugee claimants from India had been far less successful in their refugee claims. And, unlike Sri Lanka, India was not on the B-1 list of countries to which Canada would not remove individuals due to repressive regimes.

The *Globe and Mail* reported that very few Indians had been given the status of refugee in Canada since 1982.\textsuperscript{289} The day before that, the *Toronto Star* featured an editorial that noted the lack of success refugee claimants from India had had in Canada.\textsuperscript{290} On July 21, a story in the *Toronto Star* related that the ‘Canadian immigration board, with the exception of six, have decided that East Indians do not suffer from religious repression in their homeland.’\textsuperscript{291} From the very beginning of this event, the media had made it clear that Canadian immigration officials did not regard India as a refugee-producing state.

The claim that India was not a refugee-producing state did not go completely unchallenged. There were a few back page news stories outlining the conditions in India. On July 14, the *Toronto Star* featured an article outlining the abuses going on in the Punjab region of India, and the ongoing conflict between Sikhs and Hindus.\textsuperscript{292} Additionally, the asylum seekers were identified in a few articles as ‘fleeing danger’, implying that the region in India from which the Sikh asylum seekers came was, in fact, dangerous, but was not specific on what role the Indian government played in that.\textsuperscript{293} The Canadian newsmagazine *Macleans* also featured a story that addressed the problems in the Punjab.\textsuperscript{294} These stories were portrayed as speculative concerning the asylum seekers, since it was unknown from where in India they had originated. It was not until the August
17 story in *Macleans* that the Canadian media carried a story relaying the ‘refugees’ dramatic ‘tale of torture in the Punjab’. 295

The only societal actors who consistently asserted that India was a refugee-producing state were the leaders of the Canadian Sikh community, a group who did not enjoy a position from which to initiate a humanitarian securitising move, due in no small part to the Air India bombing in 1985. Even then, the Sikh leaders in Canada were not exactly enthusiastic about endorsing the refugee claims of these 174 arrivals, but they remained adamant in their construction of India was a refugee-producing state. In one article, the Sikh leaders acknowledged they could not say much about the arrivals but assured the press that the one thing they did know, was that Sikhs were being persecuted in India. 296 The President of the Sri Lanka United National Association, Ira de Silva wrote a letter to the *Toronto Star* arguing that India, like Sri Lanka, was a war torn country, and that sectarian and religious violence was a daily occurrence there. 297 Professor Uday Singh, who also wrote a letter informing *Star* readers that the government of India was persecuting its Sikh minority, supported De Silva’s claims. 298 Aside from these societal leaders, there were very few who challenged the dominant construction of India as a ‘safe’ country.

The asylum seekers’ claim that they had been persecuted at the hands of the Indian government was not helped by their silence. The refugees’ lawyers stated that the refugees were unable to give many details of their journey for fear of reprisals to their

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295 Ibid.
297 de Silva, Ira. Ibid. "India is a war torn country too." Pp. 20 July 24, 1987
298 Singh, Uday. Ibid. "Sikhs flee persecution in India." Pp. 3 August 1, 1987
family back in India. The lack of exposure early on to the refugees themselves made it difficult for sympathetic members of the media or government to use their story to support the claim that India was persecuting the asylum seekers.

The portrayal of the asylum seekers in the Canadian media supported the assertion that the asylum seekers did not have legitimate claims. Compared to the 1986 arrivals, the term 'refugee' was used far less often and less consistently across the papers to identify the 174 Sikh boat arrivals. In the first few days of the episode, many papers did refer to them as refugees, (some even mistakenly referred to them as Tamil refugees) but that quickly gave way to terms more consistent with an illegal migration discourse. The Toronto Star reported that the various newspapers across the country had used 23 different terms to describe the asylum seekers. The Toronto papers, the Star and Sun, still had used the word 'refugees' but the Globe and Mail was primarily using 'migrants' while stories from the Canadian Press, which featured prominently in all Canadian newspapers, used national identifiers such as 'East Indians or Asians'.

Across the four newspapers and one newsmagazine that I examined, 'migrants' or some variation thereof was the most common term employed to identify the newest arrivals. The term 'migrant' clearly denoted a non-humanitarian relationship and carried with it the norms of immigration, rather than refugee admission. Consistent with a migrant discourse, the terms 'economic migrants', 'illegal migrants', and 'illegal aliens' were extensively used. When the term 'refugee' was employed, there were often a host

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300 Goodman, Rod. Ibid. "Are they migrants or refugees?" Pp. 2.July 18, 1987
of qualifiers, such as: 'illegal', 'economic', 'financial', 'would-be', 'legitimate', 'bogus' and 'bona fide', used to differentiate between genuine refugees and the current asylum seekers.\(^{302}\) In many of the articles, editorials and letters this type of language was employed to construct the 174 Sikh arrivals as illegal economic migrants and not genuine refugees.

More importantly, communitarian securitisers portrayed the Sikh asylum seekers as a potential threat to both Canadian and Indian security. The Air India bombing had occurred just two years earlier, and provided a recent national event on which to draw in the reconstruction of the asylum seekers' identity. Thus, a number of articles and letters connected the arrivals with Sikh 'terrorists' and 'militants' groups\(^{303}\), terminology that would have been familiar to most Canadians as referring to the perpetrators of the Air India bombing. They were also labeled as 'mysterious', implying that their intentions were hidden and potentially dangerous.\(^{304}\) This general air of suspicion surrounding the asylum seekers intentions was highlighted by descriptions of the asylum seekers as living in 'secrecy' and 'silence' after they had been freed from detention.\(^{305}\)


RCMP's public announcement that seven of the ‘refugees said they would kill’ if instructed to do so by Sikh terrorist groups.\textsuperscript{306} The media also reported that the RCMP had discovered that one of the claimants had killed two men in India, while another had already been deported from Canada for working illegally.\textsuperscript{307} These stories, which featured prominently in all four of the print news sources under examination, constructed the asylum seekers as threatening to Canada and Canadian society. While many of these claims later proved to be either unfounded or untrue, they profoundly shaped the discourse on the asylum seekers by portraying them as potential threats.

In addition to the construction of the asylum seekers as threatening to Canada, they were also portrayed as representing a threat to India. The Canadian newspapers widely reported that the Indian government had expressed concerns about the asylum seekers, particularly the timing of their arrival.\textsuperscript{308} These news articles left the impression that the timing of the arrival of the 174 Sikhs seemed to fortuitously coincide with an upcoming visit to Canada by Indian Prime Minister Rajiv Gandhi. The Indian government speculated that the asylum seekers might have been sent to Canada for the purpose of assassinating the Indian Prime Minister. According to the Indian envoy in Canada, Canada had become ‘the world’s largest exporter of Sikh terrorism’, a phrase prominently reported and largely undisputed in the Canadian media.\textsuperscript{309}

\textsuperscript{306} Donovan, Kevin. Ibid. “Detained refugees said they'd kill if asked, Mounties testified at hearings.” July 24, 1987
\textsuperscript{309} See previous footnote
Table 6.5 illustrates that the dominant discourse concerning the Sikh asylum seekers was significantly different than in 1986. Of the total 146 front-page headlines, just 38% portrayed the asylum seekers in a humanitarian way, identifying them as victims in some manner and Canada as having a responsibility to take them in. Over 60% of front-page articles portrayed the asylum seekers in a communitarian-securitised manner; either as illegal migrants, bogus refugees, as Sikh terrorists or as some combination of the three. The back-page articles were slightly more favorable to the asylum seekers with close to 60% portraying the asylum seekers in a humanitarian fashion. Even Macleans, which had strongly favoured a humanitarian discourse in the 1979 and 1986 asylum seeker crises, adopted a significantly less humanitarian tone in its coverage.

Table 6.5 Humanitarian Media Content: July 11-Oct 31, 1987

<table>
<thead>
<tr>
<th></th>
<th>Front Page</th>
<th>Articles</th>
<th>Editorials</th>
<th>Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Globe and Mail</strong></td>
<td>43%(44)</td>
<td>64%(101)</td>
<td>44%(9)</td>
<td>69%(26)</td>
</tr>
<tr>
<td><strong>Toronto Star</strong></td>
<td>43%(54)</td>
<td>61%(108)</td>
<td>64%(14)</td>
<td>44%(34)</td>
</tr>
<tr>
<td><strong>Vancouver Sun</strong></td>
<td>23%(22)</td>
<td>52%(67)</td>
<td>67%(6)</td>
<td>40%(10)</td>
</tr>
<tr>
<td><strong>Montreal Gazette</strong></td>
<td>23%(26)</td>
<td>55%(31)</td>
<td>100%(1)</td>
<td>28%(18)</td>
</tr>
<tr>
<td><strong>Macleans</strong></td>
<td></td>
<td>57%(7)</td>
<td></td>
<td>33%(3)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>38%(146)</td>
<td>60%(314)</td>
<td>60%(30)</td>
<td>47%(91)</td>
</tr>
</tbody>
</table>

While the media played a crucial role in the construction of the asylum seekers as threatening to Canada, it was not the only societal actor securitising the asylum seekers. As was noted earlier, the RCMP had released a number of public statements portraying
the asylum seekers as potential threats. The governing Progressive Conservative Party also played a prominent role in the securitisation attempt. Immediately after the arrival of the asylum seekers, Immigration Minister Benoit Bouchard informed the media and government agencies that they should not be called 'refugees' but rather should be called 'migrants'. On July 18, Prime Minister Brian Mulroney referred to the 174 Sikh arrivals as 'illegal aliens', a far cry from how he had spoken about the 152 Tamil refugees a year earlier, and a term that was not widely used in Canada but more commonly used in the United States to refer to illegal economic migrants. It implied not only that the asylum seekers were doing something illegal, but also that they were alien to Canada and hence, did not belong. On another occasion, Immigration minister Benoit Bouchard called the asylum seekers 'bogus refugees...because they lie'. The discourse emanating from the governing elite was that these asylum seekers were illegal migrants.

Other prominent political leaders were outspoken in their depiction of the asylum seekers as threatening to Canada. John Buchanan, the premier of Nova Scotia stated publicly that the asylum seekers should not have been allowed to enter the country arguing that 'the floodgates will be open and we will have many more trying to enter in the same manner'. Bill Vanderzalm, the premier of British Columbia, said the asylum seekers should be sent home and those who did get to stay should be given mandatory AIDS testing. Both men asserted that the asylum seekers should not have been

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312 News, Toronto Star. Ibid. "Bouchard believes refugees lied about departure from India." Pp. 11.August 1

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permitted to enter Canada because they represented a threat and should have been prevented from arriving or, sent back.

The leader of the Liberal Party, John Turner, also supported this communitarian-securitised discourse, arguing on July 17 that had he been leader he would have intercepted and turned back the boat carrying the asylum seekers.\(^{315}\) He later accused the asylum seekers of exploiting Canada’s refugee system, of ‘destroying the humane and open way this country deals with visitors and refugees’ and of ‘underhanded cutting the queue and jumping the line’.\(^{316}\) Thus, the inhumane response of the Canadian government and the Canadian people was not a result of Canadians’ racism or a failure of the government to inform the public, as had been argued a year earlier, but was blamed on the asylum seekers themselves – they threatened Canada’s humanitarianism by showing up in the way that they did.

Other political leaders contributed to the communitarian-securitised discourse. The media reported that a ‘Canadian military officer’ claimed that the arrival of the asylum seekers had exposed Canada’s long coastline as ‘easily penetrated’.\(^{317}\) Within days of the asylum seekers’ arrival, a task force instructed to examine Canada’s immigration security well before the arrival of the asylum seekers, released its findings that Canada’s immigration security was too lax.\(^{318}\) Just one week after the task force released its findings, a Senate committee investigation into Canada’s immigration program revealed that it found that foreign terrorists were able to slip into Canada largely


undetected.\textsuperscript{319} One senator depicted Canada's refugee determination system as near collapse.\textsuperscript{320} Through the early part of July, it was clear that the dominant discourse relating to the Sikh asylum seekers was that they were illegal migrants and not refugees, and that they may represent a threat to Canada.

\textbf{Implementation of Extraordinary Means}

Unlike the 1979 refugee crisis and the 1986 arrivals, in 1987, the securitising move was communitarian rather than humanitarian, as it portrayed the asylum seekers as a threat to the Canadian state and society rather than the object of threat. Another important difference from 1979 was that the governing party had played a leading role in the securitisation process. This may have been a direct result of the aftermath of the 1986 boat arrival, when the government was accused of not acting; of standing pat; and providing no leadership. As a result, in 1987, the government was a leading securitising actor and quickly acted by implementing extraordinary measures to counter the threat.

The Canadian government implemented a number of extraordinary measures designed to alleviate the threat from the Sikh asylum seekers. Unlike previous boat and air arrivals, the asylum seekers were detained for a significant amount of time while their identity and security checks were carried out. Most of the boat arrivals were held in detention for two weeks and, in an effort to establish their identity, the Canadian government released the names of the asylum seekers to the Indian government.

These two policies were indeed extraordinary. At this time, it was unusual for asylum seekers arriving in Canada to be detained longer than a couple of days. These


asylum seekers were held for two weeks after making their refugee claim. After their claims had been registered and their identity confirmed, the asylum seekers were ordered released from detention. However, unlike other asylum seekers, they were only permitted to leave detention and enter the community after sponsors, who were willing to post a bond for them, had been found.

The release of their names to the Indian government violated the principle of limiting harm to the asylum seekers and clearly indicates that the immigration department did not regard the arrivals as individuals with genuine refugee claims. Traditionally, the names of refugees and asylum seekers are not reported back to their home state for fear of retribution to their family, though in this case it was done almost immediately. This practice reflected and reproduced the identity of India as a non-refugee producing state, that is, it was not tyrannical, totalitarian, genocidal or even repressive.

Two weeks into the crisis, it was reported that a second ship carrying Sikh asylum seekers was on its way to Canada. In response, the Canadian government ordered a full air and sea search for the vessel. The mobilization of Canada’s military forces to find the vessel represented an extraordinary response to the arrival of an estimated 50 or so asylum seekers. Two days after the search began, on August 3, the massive search was called off as the suspect boat was discovered near England with no asylum seekers on board.

Most notably, the Conservative government implemented an emergency recall of Parliament on July 31 to implement a ‘crackdown on illegal immigrants and to prevent

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321 Edward, Peter. Ibid. “Another refugee boat is off our coastline.” August 1, 1987
322 Brazao, Dale. Ibid. “Hunt ends as no refugees found on boat.” August 4, 1987
the smuggling of migrants'. It was only the second emergency recall in Canadian history. The government had taken the exceptional step of recalling Parliament during the summer in order to pass two pieces of legislation designed to alleviate the threat from asylum seekers and to legitimize the actions they had taken. They were bills C-55 and C-84, to which we now turn.

Legitimization Stage

As the implementation of extraordinary measures in 1979 demonstrated, it is at this stage when opposition to the securitization process is most likely to arise and when cohesion in the core group is most vulnerable. Thus, the legitimization stage is an essential element in the securitization process, for as this case demonstrates, in the legitimization stage it is possible for a securitization attempt to fail or lose momentum.

The need to legitimize the extraordinary actions the Canadian government had taken is illustrated by the strong language employed by the government in defending its actions. Addressing Parliament immediately after the recall, immigration minister Benoit Bouchard stated that Parliament had been recalled to deal with an issue of 'grave national importance'. In his speech, Bouchard claimed that the number of migrants entering Canada by posing as refugees had reached critical proportions. He claimed that the arrival of the Sikh asylum seekers had endangered the physical safety of the migrants, imperiled the security of Canada and worst of all, jeopardized public support for Canadian immigration and refugee programs.

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According to the government, the two refugee bills were essential to equip the government with the necessary tools to prevent smuggling people to Canada and illegal immigrants from abusing the refugee determination system. As originally formulated by the government and presented to Parliament, the two pieces of legislation provided the government with extraordinary powers in combating abuse of the refugee system: searching properties suspected of aiding people smuggling without a warrant, the authority to turn back boats without processing refugee claims, to detain asylum seekers indefinitely and to return asylum seekers to a safe third country.

The media, NGO's and the opposition parties helped generate a significant public backlash against the two pieces of legislation. The opposition parties strongly questioned the government over the bills and prevented the bills from being passed without significant amendments. The inability of the government to pass its proposed legislative changes reveals that the extraordinary measures implemented by the Canadian government in the summer of 1987 were only partially successful in surviving the legitimization stage, when the government faced a significant challenge to the communitarian-securitisation. However, the government did succeed in passing slightly revised versions of legislation that had been blocked by the Liberal opposition for close to a year.

The government's efforts to legitimize the extraordinary measures they had taken and sought to permanently implement through legislative change suffered from two developments. The first was that the immediate threat had passed and was re-constructed as non-existent. The media reported on the failure of the air and sea search to find any asylum seekers aboard the second suspected asylum seeker vessel on August 3rd. The
well-publicized failure of the search allowed Opposition leaders to desecuritise the issue. The Opposition parties, with the support of a receptive media, accused the government of ‘overreacting’ and ‘wasting a shocking amount of money’.\textsuperscript{326} The political opposition’s claim that the government had overreacted was further supported by the well-publicized findings of the refugee determination committee that the Sikh asylum seekers did not pose a threat to Canada and did not have connections with terrorist groups. The publication of these findings further discredited the communitarian-securitising move that the government had made.

Ultimately, the Canadian government failed to legitimize the extraordinary measures it had taken, such as the full air and sea search, the emergency recall of Parliament and the introduction of two draconian pieces of legislation. This failure occurred in no small part because of the desecuritising discourse of the opposition parties that depicted the government’s response as having exceeded the level of threat faced from the asylum seekers.

On August 4\textsuperscript{th}, when announcing an end to the full sea and air search, Immigration minister Benoit Bouchard faced heavy criticism for the government’s response. The government was accused of overreacting, while Bouchard defended the search as sending a message to the world. After August 4\textsuperscript{th}, criticism of the government increased dramatically. The Liberal opposition, whose leader had contributed to the communitarian securitised discourse, now harshly condemned the government course of action. Immigration critic Sergio Marchi accused the government of whipping up the

fears of Canadians. Criticism of the expensive air and sea search was mild compared with the heavy onslaught of criticism the government faced over bills C-55 and C-84.

With the sudden discursive change brought about by the two developments noted above, the two bills the government sought to implement faced a serious challenge. The bills were overwhelmingly depicted as 'draconian', 'harsh', 'wide sweeping powers', 'overreaction', and 'un-Constitutional'. NGO and church groups widely condemned the bills and raised fears that the bills would allow the government to 'arrest church groups' and 'kick in the doors of ordinary Canadians'. The government, in an effort to defend the bills, argued that they would not use the powers contained in the bills. This concession was not enough; the government was forced to amend the two pieces of legislation. In an effort to legitimize its actions and to gain support for the passing of the watered down versions of the two bills, the government drastically increased its intake of refugees for the following year as a 'carrot' for the NGO and church groups critical of the bill.

While the early communitarian-securitisation of the Sikh asylum seekers permitted the government to detain them, release their names to Indian authorities, send out a full sea and air search mission and to initiate an emergency recall of Parliament; it

failed during the legitimization stage. The harsh new legislation proposed by the government faced a significant desecuritising effort that was buoyed by the failure of the air and sea search and the finding that the Sikh asylum seekers were not a threat to the state. The opposition parties, NGO’s and segments of the media succeeded in portraying the government’s response as an overreaction, as responding to, and fuelling, unfounded public fears, and of giving itself sweeping new powers that were un-Constitutional and a threat to many ordinary Canadians.

In short, the failure to legitimize their policies illustrates that the governing party is not able to securitise simply by saying so, unconstrained by ‘real-world’ events. The ruling elite are constrained not necessarily by material, objective criteria, but by socially constructed relevant criteria that they have used to substantiate their securitisation claims. Once the criteria on which the government had based their communitarian-securitising move (i.e. more boats and terrorists ties) was shown to be false, political opponents had an opportunity to challenge the government’s securitising discourse and its subsequent policies.

Additionally, successful securitisation requires that the core group, which includes the media and opposition parties, accept that the response is proportionate to the level of threat. Failure to maintain cohesion after implementing extraordinary measures can result in a failed or abortive securitisation attempt. In the Canadian case in 1987, the failure to legitimize the communitarian-securitisation did not occur as a result of a successful humanitarian counter-securitisation, with the asylum seekers being re-constructed as genuine refugees. Rather the media, NGO’s and opposition parties successfully desecuritised the issue and presented the government’s legislation as
violating Canada's identity as a generous, humanitarian, compassionate state. In essence, the government's securitisation attempt failed in the legitimization stage because the extraordinary measures the government attempted to implement were portrayed as betraying Canada's commitment to future refugee arrivals.

Case Three: the 1999 Incidents

By 1999, Canada's identity as both a refugee resettlement state and a country of first asylum was well established. This development, which dates back to the early 1980's, is of no small significance, particularly since Canada had not initially held the latter identity, which had undergirded its ability to be a strong supporter of the refugee regime. The greater ability of asylum seekers to arrive on Canadian territory presented Canada with a structural change that altered its incentives to support the refugee regime; yet its dominant response was not to challenge the regime, but to take on the identity as a country of first asylum. This was demonstrated by the failed communitarian-securitisation in 1987, where Canada's ability to maintain its commitment both as a resettlement state and a country of first asylum played a critical role in the significant amendments to Bills C-55 and C-84, demonstrating Canada's deep normative commitment to the refugee regime, rather than a rationalist, economically motivated commitment.

This commitment to the refugee regime and Canada's role as a country of first asylum was further entrenched by domestic legal changes, most notably the Singh decision. The Singh decision established that any person on Canadian soil was entitled to the benefits of the Charter. For asylum seekers on Canadian soil, this meant that they were to be given an oral hearing, because it was a matter of life, liberty and security for
the asylum seeker. The *Singh* decision impacted the Canadian refugee determination process, and essentially entrenched Canada’s identity as a country of first asylum. The *Singh* decision reflected the long-standing acceptance in Canada that refugees were in a situation where their security was endangered; consequently, Canadian values would not allow them to be turned away before their identity was established. As Catherine Dauvergne argues, the decision was both constituted by and constitutive of Canada’s identity as a humanitarian actor.\(^{331}\) As a result of this decision, all asylum seekers, even those specifically cast as ‘bogus’ or ‘economic’, such as Portuguese and Brazilian asylum seekers, had a right to have their claims processed. Despite changes to Canada’s place in the international structure regarding its new role as a country of first asylum, and domestic legislative changes prompted by the *Singh* decision, prior to the 1999 boat arrivals, there is very little indication that the government, the opposition parties, the media or the public felt that Canada’s borders or refugee determination process was under threat.

With the arrival of four (or five)\(^{332}\) boats carrying asylum seekers off the west coast of Canada in 1999, influential political and societal actors were presented with a window of opportunity to initiate a communitarian-securitisation. Thus, from the moment the boat arrived, communitarian-securitising actors portrayed the asylum seekers as illegal immigrants attempting to abuse the refugee determination system. They were not the first group of asylum seekers who were regarded as illegal economic migrants using the refugee determination process to achieve a positive migration outcome. However, the


\(^{332}\) Another boat was suspected of arriving and disembarking its passengers before sinking, though it was never confirmed.
intense media coverage of these arrivals portrayed the boat arrivals as a threat to Canada's sovereignty and control over its borders.

The Canadian government did not challenge the depiction of these arrivals as illegal migrants, yet they sought to dissuade a strong communitarian-securitising discourse by adopting a humanitarian-securitised discourse, with asylum seekers portrayed as threatened by people smugglers, rather than their home state. In doing so, the Canadian government emphasized Canada's role as a humanitarian state that fulfilled its international obligations toward refugees and asylum seekers. This was presented as meaning that the state gave every asylum seeker, regardless of how credible or unlikely their claim, an opportunity to present their case. Additionally, in this humanitarian discourse, the asylum seekers were portrayed as victims of people smugglers, who were still in need of the protection of the Canadian state.

The government successfully resisted fully securitising the issue, either in a communitarian or a humanitarian fashion, by implementing extraordinary measures that gave the perception of control over the crisis, but measures that were broadly consistent with its humanitarian discourse. Thus, bringing the asylum seekers into Canada and processing their refugee claims was consistent with Canada's humanitarian policy toward asylum seekers. Keeping the asylum seekers in detention for the duration of their refugee determination process was explained both as establishing control over the borders and simultaneously keeping the asylum seekers out of the hands of the smugglers.

Communitarian Securitising Discourse: the 1999 Boat Arrivals

Upon the arrival of the first boat in 1999, the media and the political elite, including the government, consistently identified the asylum seekers as illegal
immigrants with no legitimate claim to refugee status. All four of the newspapers under examination in this study employed the term 'illegal migrant' to describe the arrivals almost exclusively. Even papers that had historically favored the term 'refugee' for asylum seekers adopted an illegal migration discourse for these particular asylum seekers. The term 'refugee', with its humanitarian connotations, was rarely used; and when it was, modifiers such as 'bogus', 'economic' or 'illegal' accompanied it. Throughout the crisis, the asylum seekers were almost exclusively characterized by an illegal migration discourse.

The illegal migrant identity construction was supported by the reports of how much money the asylum seekers had paid smugglers to get to Canada. The Canadian news media reported that illegal migrants paid between $25,000 and $40,000 to be smuggled to North America. The dominant depiction of the asylum seekers was that they were willing to pay this sum of money because they had no economic prospects in China, and because they could pay off this debt quickly and then provide for their families back home. This story was supported by the media's use of the term 'climbing Golden Mountain' to describe the episode. This metaphor described the journey of the asylum seekers, not as an attempt to flee a persecutory home state, but as an attempt to 'climb Golden Mountain', a term used in the Fujian province in China to describe the

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United States, going back to the gold rushes of the 1800's. Thus, the movement of the asylum seekers was situated within a longer historical pattern of economic migration from poverty in China, to the wealth of the United States. This was supported by assertions in the media that out-migration from Fujian by sea was 'a way of life' and that it was an important 'rite of passage' for young people to attempt to reach the United States, where they would earn enough money to support their family back home in China. As evidence of this, the news media reported that the wealth evident in Fujian province came as a result of family members who had successfully made it to 'Golden Mountain'. The clear message to Canadians was that asylum seekers from Fujian province in China were economic migrants, not refugees.

Table 6.6 demonstrates the dominance of the illegal migration discourse pertaining to the asylum seekers. Over 75% of front-page articles referred to the asylum seekers as illegal immigrants, while 67% of non-front-page articles and 63% of letters to the editor identified them as such. Forty-five percent of the editorials, which historically have proven to favor a humanitarian discourse in relation to asylum seekers, employed an illegal migrant discourse and advocated sending them back to China. Of the articles and editorials that did employ a humanitarian discourse, the vast majority still referred to the asylum seekers as illegal migrants, but either advocated treating them in a humanitarian manner or in letting them stay because of their difficult voyage. I found that fewer than 5% of all news pieces claimed that asylum seekers from Fujian had a genuine refugee

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claim. This is all the more surprising because at the same time as the boats were arriving, there was considerable media coverage of China’s persecution of the Falun Gong spiritual sect.

Table 6.6 Humanitarian Media Content: Jul 21-Sep 30, 1999

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<th>Alligator(1,0)</th>
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<th>Articles</th>
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<td><strong>33%(223)</strong></td>
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The dominant discourse not only claimed that the asylum seekers were actually illegal migrants, it identified them as individuals who sought to abuse Canada’s refugee determination process. Most of the news articles portrayed the asylum seekers as using the refugee determination system to gain freedom to move on to the United States to find work. Prior to the asylum seekers actually requesting refugee status, newspapers across Canada cynically ‘predicted’ that the asylum seekers would seek refugee status, reminding readers that the process would ‘take years to process’ and that during that time they would either be free to move about Canada and have access to Canada’s social safety net, or that they were likely move on to the United States to find work.339 The

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continued assertion that the asylum seekers would abandon their refugee claims and disappear was one of the most prominent themes that emerged in the Canadian media’s coverage of the event.  

Thus, when the asylum seekers did actually apply for refugee status, the media’s cynical prediction was used to support their claim that the asylum seekers were actually illegal migrants. Once the asylum seekers made refugee claims, the media reported that the asylum seekers were ‘being evasive’ and ‘uncooperative’ during their initial hearings and that their answers were very similar and that they ‘had been coached in what to say’.

Further undermining their claims to be refugees was the widely reported RCMP seizure of makeshift weapons from the asylum seekers’ detention facilities, followed only days later by hunger strikes and protests over the quality of food they were receiving. The media also reported that many of the asylum seekers had lied about their journey, since it was unlikely the boat could have made the journey unassisted.

Some societal and political leaders sought to initiate a communitarian-securitisation by constructing the ‘illegal migrants’ as a threat to Canada. Immigration officials portrayed the asylum seekers as posing a risk and asserted that they needed to keep the asylum seekers in detention because they were ‘not satisfied with their identity’, ‘that they might be a danger to the public’ and that they were ‘unlikely to show up for

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their next hearing.

It was reported that immigration officials were unclear who among the asylum seekers were migrants and who were smugglers. This was supported by the reports that immigration officials had found makeshift weapons among the asylum seekers, and that certain of the asylum seekers appeared to be intimidating other asylum seekers. It was also reported that some of the asylum seekers had attempted to intimidate the immigration officials.

Some political leaders sought to initiate a full communitarian-securitisation of the issue of asylum seeking. In particular, the party in Opposition at the time, the Reform Party, sought to portray the asylum seekers as a threat to Canada. Upon the arrival of the first boat, Reform MP John Reynolds referred to the asylum seekers as ‘criminals’ and called for them to be sent back immediately. This assertion was supported by a couple of news articles and editorials in which Chinese authorities were quoted as saying that the asylum seekers were likely criminals. Reform Immigration critic Leon Benoit argued that illegal migration was fuelling an increase in crime, increasing the risk of communicable diseases and posing a risk to the economy due to a potential U.S. response.

To prevent these dangers from becoming reality, Benoit urged the Liberal government to recall Parliament to enact emergency legislation to deal with the issue, proposals clearly reminiscent of the 1987 episode. Preston Manning, the leader of the Reform Party and leader of the Opposition, urged the government to recall Parliament to use the notwithstanding clause in order to overrule the rights of all asylum seekers to a hearing, a

right that had been established by the courts as a result of the Singh decision. Manning argued that the courts had misinterpreted the Charter, and he sought to overturn the right of asylum seekers to a full hearing, which would allow the state to deport asylum seekers more quickly. To counter the threat Canada faced from asylum seekers, Manning argued that all asylum seekers should be jailed, have no avenue for appeals and face speedy deportation.\textsuperscript{348} The Reform Party sought to securitise the issue by labeling the asylum seekers as ‘threatening to the safety, health and economic stability of Canada’.\textsuperscript{349}

The Reform Party was not alone in its efforts to portray the asylum seekers as a threat to the country. Two prominent BC politicians, Moe Sihota, the Attorney General of BC, and Ujjal Dosanjh, former premier of BC, advocated an extraordinary response. Dosanjh referred to the arrivals as a ‘deluge of ships’ and called on the federal government to assist British Columbia with the asylum seekers. Sihota called for the immediate deportation of some of the asylum seekers.\textsuperscript{350}

The media also played a critical role in the communitarian-securitising attempt. Media reports consistently referred to the arrival of the asylum seekers as threatening, either by employing flood metaphors or by using military references such as ‘a ceaseless campaign’ and a ‘never-ending battle against illegal migration’.\textsuperscript{351} The media also constructed the Canadian public as hostile to the asylum seekers. The term ‘public backlash’ was a common term used to apply to Canadians’ response; media outlets also

\begin{thebibliography}{9}
\bibitem{thompson99} Thompson, Allan. 1999. "Manning wants refugees jailed as they arrive." Pp. 7 in \textit{Toronto Star}. Toronto. September 17, 1999
\bibitem{mclinnes99} McInnes, Craig. 1999. "Reform MP's call for debate to change immigration law, Gary Lund says Canada cannot be caretaker for worlds poor." Pp. 3 in \textit{Vancouver Sun}. Vancouver. September 3, 1999
\bibitem{beatty99} Beatty, Jim and Peter O'Neil. Ibid. "Ottawa back migrants rights: we are not in a position to remove anybody; Moe Sihota and Ujjal Dosanjh demand some boat people be deported immediately." Pp. 1,2. September 1, 1999
\bibitem{ouston99} Ouston, Rick. Ibid. "In Context: Ceaseless campaign to sneak into Canada." Pp. 1. September 4, 1999
\end{thebibliography}
reported ‘public rage’ and that ‘many (were) upset (that) refugees may stay’.\textsuperscript{352} One opinion poll that was reported in all four papers showed the Canadian population evenly split, with 49% opposed to taking in the asylum seekers, and 49% supportive.\textsuperscript{353} Other polls demonstrated extreme hostility. Radio phone-in calls were reported as overwhelmingly in favor of sending boats back, while the \textit{Toronto Star} reported that 93% of respondents answered that Canada’s refugee policy was no longer good for the country.\textsuperscript{354}

The dominant discourse pertaining to the asylum seekers was that they were illegal migrants who simply sought to use and abuse Canada’s refugee determination system to find their way into Canada, or, more likely, the United States, to find work. There were very few influential political or societal actors who challenged the construction of the asylum seekers as illegal migrants. The leaders of the governing Liberal Party did not attempt to dispel or counter the dominant illegal migrant discourse. Statements from officials in the Immigration Department, the Canadian Armed Forces and the RCMP created the impression that the Canadian government viewed the asylum seekers as illegal migrants. Thus, the discourse on the Chinese asylum seekers was from the start shaped by an illegal migration discourse, prompting the government to implement measures to deal with the unexpected arrivals.

That the Chinese asylum seekers should have been cast as illegal migrants rather than refugees is not immediately obvious. While, unlike other refugee populations, such as the Tamils and Sikhs, the Chinese asylum seekers from Fujian province were not

fleeing a battle zone; China was treated as a repressive state, both in media coverage and refugee acceptance. During this period, the Canadian news media reported on the persecution of the Falun Gong and women in China. China had been a prominent source of asylum seekers since 1994. Between 1994 and 1999, Canada received an average of 1,000 asylum seekers per year from China and no fewer than 600 in any year.\(^{355}\) During this time, China was the second largest source of asylum claims in Canada, next to Sri Lanka.\(^{356}\) While the percentage of claims accepted varied during this time period, it would not have been immediately obvious that the asylum seekers were not genuine refugees, nor that the boat arrivals posed any greater threat than those who arrived by plane.

**Implementation of Extraordinary Means**

The dominant discourse that constructed asylum seekers as illegal immigrants rather than refugee claimants prompted the government to implement extraordinary measures – primarily in the form of detention. Prior to this episode, the Canadian authorities detained very few asylum seekers, and those that were detained were held for a relatively short period of time. Between the early 1990’s and 1999 fewer than one third of asylum seekers were detained, and for those that were, the length of detention averaged less than 16 days. Only persons whose identity could not be established or who were suspected of being a security risk were held in detention. Once asylum seekers’ identities were established and confirmed to not be a security risk, they were released into the community with the expectation that they would appear before the IRB for their hearing. While the first boatload of asylum seekers were released into the community, all


subsequent boat arrivals were detained, even after their identity had been established. The average length of detention for the boat arrivals in 1999 was 212 days, fourteen times longer than other asylum seekers who were detained.\textsuperscript{357}

The conditions of detention were extraordinary as well. The initial detention facilities set up for the asylum seekers consisted of barbed wire, attack dogs and floodlights, and ultimately cost tens of millions of dollars.\textsuperscript{358} Later, most of the boat arrivals were transferred to detention facilities in Prince George, a remote area of northern British Columbia that was a long way from refugee advocates and the lawyers for the asylum seekers.\textsuperscript{359}

The exceptional nature of this response was highlighted by the arrival of asylum seekers from China by air during the boat episode. In September 1999, 75 Chinese asylum seekers arrived by air and were treated in the 'normal' manner for asylum seekers; the immigration department defended the treatment given to the Chinese asylum seekers who had arrived by air, stating that it was the unusual circumstances surrounding the arrival of the boat people that warranted their detention, but not the detention of the air arrivals.\textsuperscript{360} The treatment of the 1999 boat arrivals as illegal migrants was demonstrated by their incarceration, and the fact that they were brought into refugee


hearings amid tight security and in handcuffs, including minors who had made the journey.\textsuperscript{361}

The government also implemented one other rather extraordinary measure to deal with the asylum seekers: cooperation with Chinese authorities to prevent further incidents of people smuggling. To accomplish this, the Canadian sent RCMP officers to work with Chinese authorities in Fujian to break up people-smuggling networks and to convince people not to make their way to Canada.\textsuperscript{362}

The implementation of these measures was designed to demonstrate the Canadian state’s control over the movement of illegal migrants into Canada.\textsuperscript{363} However, these measures were also designed to alleviate the sense of crisis and to maintain Canada’s humanitarian approach to asylum seekers. As a result, for those who sought to securitise the issue of asylum seeking in a communitarian fashion, these measures were deemed inadequate and insufficient to effectively deal with this crisis. As a result the government was forced to legitimize both the measures it had implemented, and those it had not.

\textbf{Legitimization}

While the government did implement extraordinary measures to deal with the boat arrivals, it successfully resisted implementing the full range of extraordinary measures called for by political and societal actors attempting a communitarian-securitisation. The government continued to search for, rescue, and escort boats into Canadian harbours rather than turn them away. The government continued to process the

\begin{footnotesize}
\begin{enumerate}
\item O’Neil, Peter. 1999. "RCMP likely to go to China to combat people smuggling." Pp. 1 in \textit{Vancouver Sun}. Vancouver. September 11, 1999
\end{enumerate}
\end{footnotesize}
claims of these asylum seekers as they did for all others. The government was able to legitimize both the actions it took (detention) and the actions it did not (turn boats back) by invoking a new humanitarian discourse. This discourse portrayed the ‘illegal migrants’ as victims of people smugglers. Thus, the extraordinary length of detention in this case had the effect both of demonstrating to communitarian-securitising actors that the government was doing something to control the boat arrivals and to support their claim that the Canadian state was acting in a humanitarian fashion by preventing the asylum seekers from falling into the hands of people smugglers.

As was noted in the previous chapter, a humanitarian discourse need not only apply to refugees fleeing persecution in their home state, it can be applied to any actor. In this case, the humanitarian discourse sought to portray the asylum seekers as victims, not of their home state (which would make them refugees), but of people smugglers and human traffickers. The media played a significant role in this by highlighting the activities of the ‘snakeheads’. This term was used extensively during this crisis to describe the people smugglers who actively recruited and transported people for profit.\(^{364}\) Unable to pay the fee for being smuggled into North America upfront, the smuggled persons remained indebted to the smugglers, who would then force the smuggled persons to pay off their debt once in North America through indentured servitude, sometimes in the sex industry. The large number of unaccompanied minors among the boat arrivals was reported as being unusual and, perhaps, indicative of a human trafficking operation.

Consistent with this discourse, the response of the government was to prevent the ‘illegal immigrants’ from being further traumatized or exploited by the people smugglers.

\(^{364}\) Mickleburgh, Rod. 1999. "Migrant detention bites into profit of snakeheads; smugglers get most of their money later as illegals work off debt in sweat shops." Pp. 4 in *Globe and Mail*. Toronto. September 14, 1999
It was not until after as many as 30 asylum seekers from the first boat had gone missing and had failed to show up for their refugee hearing that the government initiated the detention of all further boat arrivals. This indicates a response to humanitarian rather than communitarian pressures. Segments of the media and the opposition party used the disappearance of the asylum seekers to demonstrate that the asylum seekers were a threat to the state, while other segments of the media and the governing elite portrayed this as the asylum seekers having been further victimized. It was claimed that the asylum seekers had abandoned their refugee claims because they had been kidnapped or forced to move on by the people smugglers.\textsuperscript{365} The news media reported that even the asylum seekers who continued their claims feared they were being ‘stalked and intimidated by local gangs’.\textsuperscript{366}

The humanitarian discourse not only constructed the migrants as victims of people smugglers, thus necessitating detention; it also focused on Canada’s identity as a humanitarian country that fulfilled its international obligations. This identity construct sought to portray the response to the current arrivals as consistent with previous asylum seeker arrivals. It was used to legitimize the processing of the asylum seekers’ refugee claims, even in situations where it was clear that the asylum seekers had questionable claims. It was based on the humanitarian principle of the international refugee regime that refugees would not be refouled. This meant that no asylum seeker could be turned away or sent back without first processing their refugee claims. Lucien Robillard, the immigration minister at the time of the first arrival, emphasized that Canada would not

turn the boats back because ‘Canada must abide by international agreements’.\textsuperscript{367} Robillard did state that the government would clamp down on smugglers, but would not do so at the risk of sending back refugees.\textsuperscript{368}

This theme was maintained even as further boats arrived. Eleanor Caplan, who replaced Robillard as Immigration Minister shortly before the arrival of the second boat, reiterated that the asylum seekers aboard the second boat would be treated ‘the same as the first boat, in line with Canada’s reputation as a humanitarian country’.\textsuperscript{369} While the asylum seekers aboard the second vessel were not treated exactly the same as the first arrivals (detention), like the first arrivals, they were brought into Canada to have their claims processed. When members of the Reform party stepped up their calls to recall Parliament and send back boats, Caplan again stated that Canada wouldn’t force boats back nor would the government use the notwithstanding clause to strip asylum seekers of the right to a refugee hearing.\textsuperscript{370} Prime Minister Chretien, defending the actions the government had taken, reiterated that ‘Canada’s laws are fair’ and that ‘Canada is a generous country’, even if it meant encouraging illegal immigrants to make false claims.\textsuperscript{371}

To underscore the importance of this point, it should be noted that this stands in stark contrast to policies in other countries like the U.S. and Australia. As we will see in the Australian case, preventing illegal immigrants from making false claims was more

\textsuperscript{368} Ibid, McIlroy. 1999. “Minister rejects call to get tough on illegal aliens: Robillard says smugglers not their victims should be target of international effort.” Pp. 3 in Globe and Mail. Toronto. July 30, 1999
\textsuperscript{370} Laghi, Brian. 1999. "Ottawa won’t force ships to turn back; Caplan refuses to endanger smuggled humans." Pp. 1 in Globe and Mail. Toronto. August 12, 1999
important than maintaining generosity and humanitarianism toward refugees. The leaders of the Liberal Party used Canada’s humanitarian identity to legitimize what had been widely referred to as ‘inaction’ by the media and competing political leaders. The governing elite also sought to defuse the securitising attempts by announcing cooperation with China to discourage and prevent further boat arrivals and by stating that it was unlikely that there would be any further boat arrivals because ‘inclement weather’ would make it impossible for further boats to arrive that year.\(^{372}\) Lastly, during the crisis the Immigration Minister announced that the government would make changes to the refugee determination process to reduce the level of abuse, though she was not specific on what changes would be made.

The governing elite’s effort to maintain a humanitarian discourse in the face of significant securitising pressure was successful in legitimizing both the extraordinary use of detention and its refusal to take further extraordinary measures, such as turning boats back or refusing to process the asylum seekers’ refugee claims.

**Conclusions**

In this chapter I have examined three episodes in Canadian history in which influential political and societal leaders have attempted to securitise the issue of humanitarian migration. I have used these three crises to broaden our understanding of securitisation and to demonstrate the three distinct stages of the securitisation process. In all three crises, securitising actors have attempted to re-construct the identity of asylum seekers and/or the identity of the Canadian state, by challenging the dominant discourse that had previously structured the relationship between the Canadian state and the asylum

seeker. In cases of successful securitisation, the governing elite has implemented extraordinary measures to alleviate the threat, altering either the normal immigration rules prohibiting the entry of certain persons or breaking the normal rules governing refugee admission and determination. This chapter demonstrates that the implementation of extraordinary measures is not the endpoint of the securitisation process. Following the implementation of extraordinary measures, the ruling elite attempt to legitimize the measures they have implemented, and in some cases measures, those they have not. In this stage, the governing elite attempt to silence dissenters, either those advocating greater securitisation or those calling for desecuritisation or counter-securitisation.

In 1979, increased media coverage of the boat people exodus from Vietnam spurred a humanitarian-securitising attempt. This attempt identified the Indo-Chinese refugees as the referent object of security and in turn, portrayed Canada's response as inadequate given its humanitarian identity. In response to this humanitarian-securitisation, the Canadian state admitted 50,000 Indo-Chinese refugees in 1979, a tenfold increase in its commitments from the year before. During the legitimization stage, the government was faced with a counter-securitising claim, identifying Canada as the referent object of security. This communitarian-securitising attempt failed as the government, aided by the opposition and the media, silenced this challenge.

In 1987, media coverage of Sikh boat arrivals off the east coast of Canada prompted a communitarian-securitising attempt, led primarily by the ruling elite. The government, opposition and the media played a critical role in constructing the Sikh asylum seekers as a threat to Canada, and to India. As a result, the Canadian government detained the asylum seekers, sent the navy to find other suspected asylum seeker vessels
and initiated an emergency recall of Parliament to enact draconian legislation. Failure to find a second vessel and the findings of the IRB that the asylum seekers did not pose a threat to Canada undermined the government’s extraordinary response. This demonstrates that political leaders face constraints in the construction of security threats. When the initial claim used to justify a securitisation is subsequently shown to be incorrect or baseless, the securitising attempt is less likely to succeed. However, this event also demonstrates the power of discursive practices in constructing security threats in the absence of a clear, material danger. While there was no evidence to support the claim that the Sikh asylum seekers were a threat to the state, the Canadian government succeeded in passing two bills that altered the refugee determination process in Canada, and introduced policies previously deemed unacceptable.

Ultimately, the media and opposition succeeded in desecuritising the issue, by portraying the government’s response as draconian and as incommensurate with the level of threat. As a result, the government’s proposed changes were only passed after much debate, several amendments and the provision of sunset clauses. Thus, the 1987 episode represents an initially successful securitisation that failed during the legitimization stage. It was successful in that the government implemented a number of extraordinary measures to counteract a perceived threat, and passed legislation that temporarily altered the relationship between the state and asylum seekers. Ultimately, the episode represents a case of failed securitisation during the legitimization stage because the government was forced to amend and seriously weaken the extraordinary means it had implemented, and because it failed to permanently alter the relationship between the Canadian state and asylum seekers.
Lastly, in 1999, media coverage of the arrival of 4 boats off the west coast of Canada succeeded in constructing the identity of the asylum seekers as illegal migrants, who were attempting to use the refugee determination process to achieve an economically motivated migration outcome. However, attempts to portray them as a threat to Canada failed. The opposition and segments of the media attempted a communitarian-securitisation, calling on the government to enact emergency measures. The government did implement some extraordinary measures such as detention, but succeeded in defusing the communitarian-securitisation attempt by adopting a new humanitarian discourse, one that portrayed the illegal migrants as being threatened by people smugglers. This discourse successfully legitimized both the detention of the asylum seekers and the government’s refusal to adopt further extraordinary measures such as turning boats back or refusing to process their claims.

In addition to tracing the securitisation process, this chapter has enhanced our understanding of securitisation by identifying the central actors relevant to the process of securitisation, as well as pinpointing what it means to implement extraordinary action. Furthermore, the Canadian case demonstrates that securitising actors have been successful in identifying non-state referent objects of security, which demonstrates the applicability and usefulness of this theory for a wider range of security issues. While this chapter has analyzed how movements of people were securitised in humanitarian or communitarian terms, it is the case that Canada’s response to the flow of people to its borders stands in stark contrast to the response of Australia. Since Australia was able to enact more harsh measures toward refugees and asylum seekers, it is imperative to
analyze these responses to understand the sources of variation in the successes and failures of securitisation.
Chapter Seven: Australia

In this chapter, I trace the securitisation process over three refugee crises in Australia. First, I examine the Indo-Chinese refugee crisis of 1979, in which the Australian government, foreign political leaders, and intensive media coverage played a key role in constructing the stability of the Southeast Asian region as threatened by the magnitude of the refugee outflow. I examine the communitarian-securitisation of ‘the second wave’ in 1992, a quiet securitisation in which there was modest media attention, but the government and opposition successfully securitised the issue of asylum seeking in a communitarian fashion, against a significant challenge from those attempting to maintain a humanitarian discourse. Lastly, I examine the 2001 Tampa crisis, a communitarian-securitisation in which the government, aided by intensive media coverage, successfully securitised the issue of asylum seeking, silenced dissent and gained the support of the opposition. Each of these crises enhances our understanding of the securitisation process, by demonstrating the variety of securitisation types and strategies, by identifying the three key stages of the process, the central actors involved in the process, and the measures implemented through this process.

Case One: the Indo-Chinese Refugee Crisis of 1979

The discourse on the Indo-Chinese refugee crisis was significantly more complicated in Australia than in Canada, with strong international, communitarian and humanitarian security concerns. Australia’s geographic proximity to the crisis, and its involvement in the Vietnam War, contributed to the multitude of competing securitising actors vying to shape Australia’s response. Ultimately, the ruling elite in Australia advanced an international-securitising move; supported by the media and aimed at
defending the security of Southeast Asian states from an aggressive Vietnamese state employing refugees as its primary mode of attack. This securitising move identified the international community as the primary securitising actor, rather than individual states, and individual states as the referent object, rather than refugees.

While there were elements of this discourse in the Canadian case, the primary focus in Canada was to offer protection to refugees, not states. Insofar as its international commitments were evoked, Canada was to be a good international citizen, which it interpreted as contributing to a humanitarian solution, defined as large-scale refugee resettlement. In Australia, international security became the dominant feature of the discourse on Indo-Chinese refugees, with humanitarian security concerns playing a less significant role.

In both Canada and Australia, there were also communitarian-securitisation attempts. In Australia, the aim of this securitising move was to defend the state’s identity, constructed as a white, resettlement state. The communitarian-securitisation attempt was a more significant feature in Australia due to historical fears of Asian migration and the arrival of boats carrying asylum seekers to its shores, an experience Canada never had. The communitarian-securitisation was stronger in Australia, and appears to have been more influential in the Australian case, limiting policy options available to the government.

Lastly, there was also significant humanitarian-securitising pressure. In Australia, the Indo-Chinese refugees had been securitised in a humanitarian manner much earlier than in Canada, which played an important role in the implementation of a generous resettlement effort starting in 1978 and in the acceptance of unauthorized arrivals.
Australia's involvement in the Vietnam War and the unauthorized arrival of boats carrying Indo-Chinese asylum seekers to Australia's shores had forced Australia to confront the issue of the Indo-Chinese refugees as early as 1977. Though the initial response to the refugee exodus in 1975 was shaped by the vehement opposition of the government to Australia's previous involvement in Vietnam, by 1976, the humanitarian-securitisation of the refugees by the media and political leaders in Australia had succeeded in portraying the Indo-Chinese refugees as victims of the Vietnamese state and the cruelties of fleeing by boat; and in justifying the large-scale resettlement of Indo-Chinese refugees in Australia. By the end of 1978, the Australian government had agreed to resettle 10,500 refugees, in addition to the asylum seekers who occasionally found their way to Australia by boat.

Comparatively, at this point in time, Canada had announced the acceptance of 5,000 Indo-Chinese refugees, less than half of Australia's resettlement commitments. Given that Australia had only recently abandoned its White Australia policy and faced significant domestic opposition to Asian migration, this level of resettlement has been referred to as nothing short of a revolution. The humanitarian-securitisation of the asylum seekers had been used to support an extraordinary change in Australia's migration policies, and permitted the admittance of unauthorized arrivals of Indo-Chinese asylum seekers.

The large-scale resettlement of Indo-Chinese refugees in Australia was not motivated purely by humanitarian considerations. There were pragmatic, political considerations at play. Australia faced significantly greater pressure from its Southeast

Asian neighbours to increase its rate of resettlement than had Canada. Political leaders in Australia feared that if Australia’s northern neighbours chose to stop providing temporary protection for the Indo-Chinese refugees, the boatloads of asylum seekers would continue south to Australia. Thus, the government’s extraordinary resettlement program reflected a communitarian security concern with maintaining control over the entry of refugees. According to this discourse, the Australian government needed to resettle a large number of Indo-Chinese refugees from the Southeast Asian states to maintain its identity as a resettlement state, rather than a country of first asylum; consequently, the refugees who were resettled in Australia came almost exclusively from Malaysia, the state from which the majority of boats that had made it to Australia had disembarked.375

Thus, unlike in Canada, there were clear political and strategic interests that influenced the adoption of large-scale refugee resettlement, rather than arising predominantly from humanitarian interests, as had been the case in Canada. This demonstrates that securitisation, in both its communitarian and humanitarian forms, is often used to make otherwise unacceptable policies, which are designed to achieve political or strategic ends, acceptable to a potentially hostile audience. As a result, the dominant perception in Australia in early 1979 was that by responding to the Indo-Chinese refugee crisis in a generous, humanitarian fashion, Australia had saved many refugees and had also helped sustain the ability of the countries of first asylum to accept the refugees; thus, protecting Australia’s identity as a country of resettlement rather than of first asylum. Australia’s Indo-Chinese resettlement policy had achieved two goals: it

had maximized the level of protection offered to the refugees while minimizing the economic, political and societal impact to Australia.

The international-securitising attempt that began in late 1978, and culminated in the summer of 1979, portrayed the increased outflow of Indo-Chinese refugees as a threat to the stability of the states in Southeast Asia, with the potential to threaten Australia. It presented the existing arrangement to deal with the refugee outflow (large-scale resettlement) as an inadequate response to the threat. This international-securitisation attempt sought to re-identify the securitising actor, from the Australian state to the international community, and privileged state security over refugees; consequently, the large-scale resettlement of Indo-Chinese refugees, which had been previously legitimized on both humanitarian and communitarian grounds, faced a significant challenge from proponents of a renewed international-securitisation.

**Discursive Challenge**

In 1979, international-securitising agents claimed that the outflow of refugees from Vietnam represented a significant, deliberate threat to regional stability in Southeast Asia and potentially, to Australia. This securitising discourse asserted that the Indo-Chinese refugees, in addition to being threatened themselves, represented a double threat to Southeast Asian states, due to the massive numbers fleeing Indo-China and the ethnicity of the asylum seekers. According to this securitising discourse, the refugees fleeing Vietnam in early 1979 were fundamentally different than those who had fled previously. They were different in two ways: first, they were predominantly ethnically Chinese; and second, they were being forced to leave Vietnam. Prior to this point, the humanitarian and communitarian discourses did not address the refugees’ ethnic identity
as a reason for their having fled Vietnam. Additionally, prior to this point, Vietnam was regarded as a communist refugee-producing state. Much like the communist states of Eastern Europe, it was expected that citizens were fleeing life under communist rule against the wishes of the ruling elite; consequently, Vietnam was depicted as a refugee-producing state that lacked the capacity to prevent the departure of those who did not want to live in a communist state. By early 1979, the discourse on Vietnam was changing. The international-securitising discourse identified Vietnam as a refugee-producing state, but one that was intentionally expelling its Chinese minority population for monetary profit and as a deliberate attempt to destabilize its non-communist ASEAN neighbors.

The Australian media played a crucial role in this re-construction of the Vietnamese state. According to Australian media reports, Vietnam was seeking to expel its entire ethnic Chinese minority, which was reported to be 1.5 million citizens. 376 That the refugees were being forced out, rather than choosing to flee, was summed up by media reports that ‘the popular view in Australia is that they are being evicted or at least pressured by their home country’. 377 Others depicted it as the ‘tragic and dramatic expulsion of Chinese refugees from Vietnam’. 378 One report described the exodus as a ‘racket’ and reported that ‘official permission to escape is granted only to ethnic Chinese’. 379 Richard Holbrook, the U.S. diplomat, supported this portrayal when he

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accused Vietnam of 'embarking on a deliberate effort' to expel its Chinese citizens.\(^{380}\) This differed from the traditional Cold-War view of refugees, which was that communist states did not want their citizens leaving for the west. Indicative of this, was the cooperation between Hong Kong and China to prevent people taking advantage of the Indo-Chinese exodus and fleeing communist China.\(^{381}\)

The reason for the expulsion commonly stated in Australia, was that of monetary profit. Media reports in early 1979 pegged Vietnam’s profit from the expulsion at $2500 million.\(^{382}\) It was later reported that the Vietnamese government ‘stood to gain $300 million from its terrible program of exporting human beings’.\(^{383}\) The *Daily Telegraph* reported that Vietnam was charging $3250 a head for Chinese who dared to leave, and that refugees had become Vietnam’s most profitable export.\(^{384}\) That the Vietnamese government was profiting from the refugee flow led to it being labeled the ‘biggest and most despicable present day human traffickers’.\(^{385}\)

In addition to portraying Vietnam as a profit-minded human trafficking state, the international-securitising move portrayed the expulsion of Vietnam’s Chinese citizens as an intentional strategy against its non-Communist neighbours. In doing so, the asylum seekers were portrayed as weapons rather than as victims. Political leaders, both Australian and foreign, consistently reiterated this construction of Vietnam to the Australia media. At the ASEAN meetings called to deal with the refugee crisis, Indonesian President Suharto accused Vietnam of ‘driving refugees from Vietnam and

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\(^{380}\) Dickey, Christopher. Ibid. "Urgent UN action wanted on pending refugee disaster." Pp. 4 June 15, 1979


Kampuchea to destabilize, disrupt and cause turmoil and dissention in ASEAN states.\textsuperscript{386} Singapore’s PM claimed that ‘each junkload of men women and children sent to our shores is a human bomb’.\textsuperscript{387} The ASEAN leaders explicitly tied Vietnam’s military expansionism to the outflow of refugees into ASEAN states.\textsuperscript{388} On another occasion, Singapore officials told the Australian press that the ‘refugee exodus was a military exercise’ and a ‘prelude to invasion’.\textsuperscript{389} The Australian news media reported that Japan’s foreign minister ‘believed Vietnam’s invasion of Kampuchea and the refugee exodus was part of a strategy against ASEAN countries’.\textsuperscript{390}

Rather than simply reporting the claims of foreign political leaders, the Australian newsprint media adopted the ‘war’ discourse by consistently reporting that the ‘refugees threatened the stability of Southeast Asia.’\textsuperscript{391} According to the Australian media, the ‘Southeast Asian refugee crisis was worsening with no sign of relief’ and ‘Thailand, Malaysia, Indonesia and Hong Kong are desperate’.\textsuperscript{392} Some members of the Australian press asserted that the refugee exodus could lead to war,\textsuperscript{393} while the ASEAN states were

reported to be on ‘red alert’.\textsuperscript{394} One Australian editorial went so far as to claim that due to the refugee exodus, ‘ASEAN and Hanoi were now at war’.\textsuperscript{395}

Australia’s political leaders played a critical role in the international-securitising effort. Australia’s Prime Minister Fraser strongly supported the ASEAN leaders, attending ASEAN conferences on the refugee crisis, and publicly condemning the Vietnamese government on multiple occasions for attempting to destabilize its non-communist neighbours.\textsuperscript{396} Andrew Peacock, Australia’s foreign minister, was reported as ‘attacking Vietnam’s deliberate policy of exporting refugees’.\textsuperscript{397} On another occasion, Peacock suggested that Vietnam was ‘forcing people out to upset stability and economic development in neighbouring non-communist countries’.\textsuperscript{398} Michael Mackellar, the Immigration Minister, condemned the Vietnamese government on numerous occasions for its ‘callous’, ‘cruel’ and ‘deliberate’ policy of expelling its Chinese minority. The construction of the refugee exodus as a deliberate strategy by the Vietnamese government, in turn, constructed the Southeast Asian states as seriously threatened.

By early June 1979, the Australian media had begun to report extensively on the refugee situation in countries of first asylum. The Australian media emphasized the size of the outflow and employed flood metaphors to depict the dire situation in Southeast Asia. The Australian news media reported that the Southeast Asian states had been

'swamped' with refugees,\textsuperscript{399} and that the number of asylum seekers 'threatened to drown Southeast Asia'.\textsuperscript{400} Some states were depicted as 'already deluged with refugees fleeing communist Indo-China' amid worries that they 'may face another influx'.\textsuperscript{401} The problem of numbers of asylum seekers was a prominent theme. Hong Kong was reported as already being 'overcrowded' and now facing 'Vietnamese boat people arriving in record numbers' aboard the 'latest armada of 27 flimsy junks'.\textsuperscript{402} Because of the large numbers of asylum seekers in these state, the Australian press reported that the 'ASEAN nations cannot feed more people' and that they might 'cause problems with the local population'.\textsuperscript{403}

It was not simply the size of the exodus and the numbers of asylum seekers who threatened Southeast Asia, but also the ethnicity of the asylum seekers. The Australian press reported Singapore's Prime Minister Goh Keng Swee as saying that Vietnam's 'intention was to aggravate the difficulties facing all ASEAN countries with its Chinese minorities.'\textsuperscript{404} Again, Singapore's foreign minister accused the Vietnamese of 'driving hundreds of thousands of refugees into neighbouring non-communist countries to provoke a race war'.\textsuperscript{405} According to Malaysia's home affairs minister the problem was

\textsuperscript{402} Staff, Sydney Morning Herald. Ibid. "Thai army continue to push refugees back." June 12, 1979
that the 'refugees are mostly Chinese and in such numbers they would upset the delicate racial balance we have here'.

In addition to creating severe racial friction, the Australian media reported that the Asian countries were reluctant to accept the refugees for ‘fear of infiltrators’. That the boatloads of asylum seekers might have Vietnamese communist sympathizers on board was supported by the Australian press reporting that the Vietnamese government was placing spies on refugee boats to set up spy networks in host countries.

Commensurate with the portrayal of these states facing a significant threat from the Vietnamese government via the refugees, the policy of turning back boats carrying asylum seekers that was adopted by a number of Southeast Asian states, was presented as an appropriate and justified response by Australia’s political leaders and by the Australian press. Unlike the Canadian press, the news media in Australia gave significant space to the justifications offered by the Southeast Asian leaders for their policies. After the policies had been announced, Malaysian officials were quoted in Australian papers claiming that they had resorted to these measures because they ‘were now desperate’ and would have to ‘resort to very harsh measures’. Malaysian officials claimed that they had ‘reached the limit of our endurance’; and that turning back boats was the only way to ‘contain the problem that is seriously affecting our country.’ In a succinct description of the competition between humanitarian and communitarian logics of securitisation,

Malaysian officials lamented that they were ‘forced to make a choice between national survival and maintaining humanitarian principles’.\footnote{Richardson, M. 1979. "Refugee armada facing Australia." Pp. 7 in The Age. Melbourne. July 17, 1979}

Australian political leaders supported this assertion. Michael MacKellar, the minister for Immigration was reported as ‘expressing sympathy for the attitude of countries such as Malaysia that have had to bear the brunt of the wave of refugees’.\footnote{O'Reilly, Neil. 1979. "More Pressure for us to take Viet Refugees." Pp. 3 in Sydney Morning Herald. Sydney. June 17, 1979}

While expressing hope that Malaysia would not turn refugees away, Andrew Peacock, the foreign minister, argued that ‘people have got to understand the strains that are put on recipient countries’.\footnote{Staff, Sydney Morning Herald. Ibid. "Local Vietnamese ask government for help." June 18, 1979}

Following the ASEAN meeting, Peacock ‘expressed full support for the ASEAN stand’ against taking in more refugees and in favor of forcing Vietnam to stop the outflow.\footnote{Rodgers, Peter. Ibid. "ASEAN gives in...very reluctantly." Pp. 5 July 5, 1979}

In Canada, public officials had offered no sympathy or excuses for Malaysia’s policies; rather they had condemned them without reservation. The justifications and constrained criticism of these policies by Australian political leaders reveals the strength of the international-securitised discourse.

Of course, the restrained criticism also reflected communitarian concerns: condemning these states too harshly would result in reduced cooperation in preventing boat arrivals to Australia. Reduced cooperation meant that in the near future Australia could face the same difficult decision, one that Malaysian officials had characterized as a choice between national security and humanitarian principles.

Thus, the international-securitisation attempt was strongly buoyed by communitarian concerns over the spontaneous arrivals of Indo-Chinese asylum seekers in Australia. The inability of Southeast Asian states to cope with further arrivals meant that
Australia faced a potential ‘invasion’ of boat people. The Australian press repeatedly asserted that with the new outflow of refugees, Australia could expect a ‘new invasion of boat people’. The news media reported that ‘the Australian and Asian governments believe 750,000 ethnic Chinese will be buying their way out of Vietnam in the next 18 months’ and that ‘there will then be only one alternative left – Australia’. Some editorials claimed that Australia was facing the ‘specter of tens of thousands of starving refugees landing on Australia’s shores’, while others reported that the ‘federal government fears there will be an upsurge in the number of boat people arriving in Australia following refusals by Malaysia and Indonesia to take any more refugees’. Darwin’s mayor, Dr. Stack, also publicly stated that ‘it was inevitable that boats turned away from Malaysia would head for Darwin’. Though few members of the government, or their political opponents, publicly espoused this position, few denied the possibility. Mackellar was quoted as saying that he did not want to speculate and that ‘we will deal with that situation if it arises’.

There were influential political leaders outside Australia who were willing to make this claim. Malaysian official Tan Sri Ghazali warned the Australian press that ‘Australia could be faced with an armada of boat refugees from Vietnam if the mass exodus of Indo-Chinese refugees continued’. He further predicted that one-day ‘Australia

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418 Staff, Herald Sun. Ibid. "Darwin alert for refugees." Pp. 3 July 1, 1979
will be pushing boats out'. There was a clear sense in Australia that a failure to stop the refugee exodus would result in an increasing number of boat arrivals to Australia.

In essence, proponents of the international-securitisation had strong communitarian commitments. Importantly, the international-securitisation advocated an international response, rather than a strictly Australian response. As indicated in Chapter Four, international-securitising attempts appeal to the international community as the primary securitising actor, rather than individual states. The solutions proffered by Australian political leaders, and in the media, were commensurate with an international-, rather than humanitarian or communitarian, securitisation.

The coverage of the Australian media played an instrumental role in re-focusing attention on the international community as a securitising actor. Editorials in Australian newspapers claimed that "the U.S. and Australia have responded heroically to dealing with the appalling human tragedy... but a few countries cannot cope on their own". Extensive coverage of international pleas for emergency action from Margaret Thatcher, Kurt Waldheim, Jimmy Carter and the Pope constructed the issue as an international crisis, rather than a domestic one. Editorials in the Australian press also called for an emergency international conference to address the issue. Once an international conference had been arranged, the Australian press emphasized the importance of this conference. There were frequent comparisons to the failed 1939 Evian Conference, in

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which the western leaders had failed to adopt a policy to save Jews from Germany. In this construction, the failure of the Evian Conference represented a colossal failure of the international community, not Australia, to respond to a security threat.

Australia's political leaders also portrayed the international community as the primary security provider in the current situation. Andrew Peacock called for 'an international offensive to force Vietnam to stop exporting its domestic problems'. On other occasions, Australia's foreign minister stated that 'the refugees were the responsibility of the international community'.

Table 7.1 demonstrates how prevalent international concerns were in the Australian discourse, as captured by news coverage. 45% of all news articles across the five daily Australian newspapers examined in this project, supported the international-securitised discourse, either by depicting the Southeast Asian states as threatened by Vietnam due to the size and/or ethnicity of the outflow, or by depicting the international community as the security provider. Though the majority of editorials advocated a humanitarian-securitisation, there was a significant number (30%) focusing on the international security aspects of the crisis, demonstrating relatively strong support from prominent members of the media for the international-securitising discourse. The international-securitisation discourse was least clearly enunciated in the letters to the editor, most of which advocated a humanitarian discourse.

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424 Jackson, Frank. Ibid. "Obligation on all." Pp. 7 June 20, 1979
The news coverage indicates that the political elite in Australia were the primary international securitising actors, though they had significant support from the media, both in the editorial component and in the tone of the news articles. The public, not surprisingly, was far less concerned over the security of the Southeast Asian states or international solutions, expressing far more concern over the safety of the refugees, and to a lesser extent of the Australian community. However, as the following section demonstrates, the strong humanitarian discourse played an important role in the success of the international-securitising attempt.

The Humanitarians

As Table 7.1 demonstrates, in 1979 there was a humanitarian discourse in which the refugees were identified as the primary referent object. As in the Canadian case, the push back policies of the Southeast Asian states evoked a strong reaction from humanitarian securitisers. Proponents of this humanitarian discourse, which had helped shape Australia’s earlier large-scale resettlement policy, once again called for an emergency response by way of drastically increasing the level of resettlement of refugees in Australia. This discourse constructed Vietnam as a refugee-producing state, the

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<td>Articles</td>
<td>45% (311)</td>
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Southeast Asian states as cruel and barbarous, and the Australian response as inadequate and inhumane.

However, unlike in Canada, few political leaders advocated a humanitarian response. Government leaders, particularly Peacock and Mackellar, repeatedly stated that the crisis required political, rather than humanitarian, solutions. When the 1979 Geneva Conference was arranged, and Kurt Waldheim (high commissioner of the UNHCR) called for a focus on humanitarian solutions, political leaders in Australia expressed doubt that a conference arranged to deal only with humanitarian issues would succeed in diminishing the threat.\(^{425}\)

While the governing elite did not singularly adopt the humanitarian-securitising discourse, there are indications that the government was aware of how a successful humanitarian discourse could impact the receptiveness of the public and the opposition to resettlement. The Australia media reported that the humanitarian discourse was an intentional strategy on the part of the government and media to shape public opinion to increases receptiveness to Indo-Chinese refugee resettlement.\(^{426}\) Non-government organization admitted that they were engaged in massive public relations exercise on behalf of the refugees to try and change public opinion...so that greater numbers of refugees could be settled in Australia.\(^{427}\)

That the government supported the humanitarian discourse to generate support for the measures it would implement to counteract the international threat, is indicated by the resettlement measures they did take. First, Australian authorities chose to resettle

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\(^{425}\) Collies, Malcolm. Ibid."Peacock taking gamble by asking the Russians to lean on Vietnam."July 7


refugees from states that threatened to send boats on to Australia. Thus, the majority of refugees resettled in Australia came from Malaysia.\textsuperscript{428} While Hong Kong and Thailand had far larger refugee populations in need of resettlement, resettlement from these states was minimal. Second, Australia’s resettlement program still took some immigration concerns such as education, language skills and family reunification into account. This led to the charge by Southeast Asian leaders that Australia was taking only ‘useful’ refugees, leaving non-skilled refugees behind. While Mackellar denied taking only useful refugees, he explicitly stated that family reunification was the first priority in the resettlement of refugees.\textsuperscript{429}

The humanitarian-securitising discourse played a much different role in Australia than in Canada. In Australia, the government encouraged humanitarian-securitising discourse to generate public support for measures the Australian government intended to implement as part of its effort to encourage the international community to act as the security provider.

**Implementation of Extraordinary Measures**

Consistent with the international-securitisation, the Australian government implemented means to deal with the threat only as part of an international effort aimed at reducing the threat to Southeast Asia. Australia played a leading role in encouraging this international response as early as December 1978, when it called for an international conference to deal with the refugee exodus. Though the conference failed to produce much in the way of results, it highlighted Australia’s efforts to have the international community act as the security provider.


In July of 1979, a conference on the Indo-Chinese refugee crisis was convened in Geneva, in part due to Australia’s efforts.\textsuperscript{430} Kurt Waldheim, head of the UNHCR, expressed hope that ‘politics could be kept out of the conference…and concentrate on providing financial aid and a permanent home for the refugees’.\textsuperscript{431} More important than the actual conference was the nature of the conference. Vietnam agreed to attend on the rather ironic condition that the conference be geared toward finding a humanitarian solution, i.e. resettlement places. Australia’s political leaders openly called for an international emergency response geared toward a long-term political solution to the crisis. Thus, the conference itself was not the sole aim of Australian diplomacy, but rather one devoted to political and humanitarian solutions. The media reported that Australia’s political leaders supported an international conference but that they ‘think it will achieve little unless pressure is place on Vietnam to stop the refugee exodus’.\textsuperscript{432} This is what made the international-securitisation distinct from a humanitarian-securitisation. The Australian government was concerned primarily with ending the outflow of asylum seekers, not providing for the security of persecuted peoples in Vietnam, Cambodia and Laos. Australian political leaders and media continually asserted that an international solution must not be concerned only with ‘humanitarian’ issues, defined as the resettlement of refugees, but that it must find a permanent political solution.

The political leadership of Australia made a clear distinction between humanitarian and political responses. Mackellar expressed concern that the international conference would fail if it sought only to find a humanitarian solution. He and foreign


\textsuperscript{432} Collies, Malcolm. Ibid."Peacock goes to ASEAN talks on refugees." Pp. 3 June 30, 1979
minister Peacock called for Vietnam to halt the refugee exodus. Mackellar was reported as calling on the international community to focus on the real cause of the refugee crisis, not on criticizing the Southeast Asian states’ policy of forced repatriation. According to the international-securitisation attempt in Australia, there was only one way to solve the international crisis, to convince or force Vietnam to provide for the orderly departure of refugees.

Having established the necessity of international action, Australian political leaders advocated and helped implement two extraordinary measures to counter the threat the countries of first asylum faced: coerce Vietnam into controlling the outflow and increase the international commitment to resettlement to help alleviate the strain on the countries of first asylum in Southeast Asia.

Notably, the media and political actors in Australia repeatedly asserted that Australia had done its fair share and that it was other states that needed to respond. The call for increased resettlement by other states was not simply a strategy to excuse itself of further resettlement, Australia had already initiated a generous resettlement program, and signaled a willingness to increase its commitment, provided it was done as part of an international effort to help the Southeast Asian countries of first asylum. To demonstrate its participation in the international effort to resolve the crisis, the Australian government announced an increase of 3,500 resettlement places, bringing the total for 1979, to 14,000. While humanitarian securitisers labeled Australia’s increase as modest.

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and insufficient, it was a significant increase given the level of public hostility to refugee resettlement at the 10,500 level, a subject I turn to in the next section.

The most significant measures taken to counteract the threat were to coerce Vietnam into controlling the outflow. Part of the international effort to force Vietnam to change its policies was the withdrawal of all aid, which according to the EEC 'could put enough pressure on Vietnam to accept back its people'.435 Australia was among the first to withdraw aid from Vietnam, and Prime Minister Fraser called on all countries to follow suit.436 Australia had originally implemented its aid program for Vietnam after the Vietnam War to help with the reconstruction efforts. The purpose of this plan was to normalize relations with the new Vietnamese government and to integrate them into the new order in the region.437 Withdrawing aid from Vietnam was an extraordinary measure, in that it altered the relationship between Australia and its ASEAN allies toward Vietnam, from normalization to isolation. The Australian government diverted this aid from Vietnam to assist with refugee protection, and the aid was in turn given to the countries of first asylum. Like the resettlement increase, the diversion of aid was announced as part of the international community’s response, with the EEC, Britain and the United States also adopting these measures.

In addition to the diverted aid, the Australian government announced it would give an additional $4.5 million to assist the Indo-Chinese refugees, primarily through the UNHCR.438 This increase brought Australia’s total contribution to 11.5 million, and was

436 Costin, Warwick. Ibid."Fraser says Viets like Nazis." Pp. 1 July 9, 1979
done to minimize the arrival of more boat people to Australia.\textsuperscript{439} The Australian government had provided close to $3.5 million for each of the previous two years, but on June 27, 1979 announced that they had more than doubled the amount for 1979 to help further reduce the burden on countries of first asylum.

One of the most drastic measures advocated by the Australian government, and eventually implemented by the international community, was to pressure the Soviet Union to encourage Vietnam to stop the refugee flow. Peacock officially called on the Soviet Union to use its influence on Vietnam to stop the flow of refugees\textsuperscript{440}, and he set up talks with a Soviet envoy to this end. As a result, Australia was described as ‘taking the lead in putting pressure on the Soviet Union to stem the flood of refugees’.\textsuperscript{441} This was extraordinary in two respects. First, previous policy had been to normalize relations with Vietnam, to gradually draw it away from Soviet influence. Isolating Vietnam and encouraging the Soviet Union to exert its influence, meant driving Vietnam further into the Soviet sphere of influence, which was an abandonment of Australia’s foreign policy up to this point.

Encouraging Vietnam to stop the refugee flow was extraordinary in another sense. In essence, they were asking Vietnam to override the refugees’ right to seek asylum. The international effort to have Vietnam stop the flow of refugees, which was championed by Australia as a long term political solution to the crisis, actually advocated the forceful prevention of refugees from seeking asylum in a third state. In coercing Vietnam to accept this solution, and the subsequent orderly departure program, the Australian


government supported a communist government using force to prevent refugees from seeking asylum. While the Western states continued to argue that asylum seekers be allowed to leave the Eastern bloc countries, they successfully argued against that right in the case of the Indo-Chinese refugees, due to the perceived level of threat that the exodus represented to regional stability in Southeast Asia.

As outlined in Chapter Four, the implementation of extraordinary measures often produces competing securitising claims and the need to legitimize the course of action taken to maintain cohesion in the core group. In Australia, there were counter-securitising claims prior to the implementation of international measures, dating back to the original securitisation following the Vietnam War. These competing securitising claims were evident throughout the crisis, as indicated by Table 7.1, and worked alongside the international-securitisation to limit policy options available to the Australian government. Prior to examining how international-securitising actors in Australia legitimized the policies they implemented to deal with the threat, I briefly examine the communitarian-securitising discourse in Australia in 1979.

**Communitarian-securitisation**

Like international-securitisation, communitarian-securitisation has as its primary referent object, the state. In 1979, the communitarian-securitising attempt focused on the threat that Australia faced from the Indo-Chinese refugees, in much the same way as the international-securitisation had identified Southeast Asian states as threatened by the refugees. In this discourse, Australia’s identity was constructed as a white, resettlement state threatened by the arrival, both spontaneous and resettlement, of Indo-Chinese refugees. This communitarian-securitising discourse had two distinct forms in Australia,
the first arguing that Indo-Chinese represented a threat to Australian society, and another, which maintained that Australia’s resettlement commitments were already pushing the limits of what was politically possible.

Influential members of the media emphasized that ‘for Australia, accepting large numbers of refugees…will bring enormous social and political problems’. The Department of Immigration supported the notion that Australia had reached its resettlement capacity. Mr. Lindenmayer, the First Assistant Secretary of the Department of Immigration, stated that the federal government would lose office if it increased the intake of refugees. The reason given for the claim that Australia had reached its resettlement capacity was because it was depicted as facing a significant backlash. The Australian news media portrayed the Australian public as strongly opposed to further resettlement of the refugees. In addition to persistent references to a public backlash, the newspapers conducted and published polls demonstrating opposition to resettlement. The Sydney Morning Herald published the results of a survey in which thirty percent of respondents thought fewer Indo-Chinese refugees should be accepted; thirty-seven percent said no more; twenty-three percent thought Australia should continue to accept the refugees in same numbers, while only seven percent of the respondents thought Australia should take more. Compared to Canada, a much larger portion of the population opposed taking more refugees. While the number supporting an increased intake was seven percent in both states; fifty-two percent in Canada said fewer should be admitted versus sixty-seven percent of Australians favoring fewer or none. Those

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443 Molloy, Susan. Ibid. "Danger for government seen in bigger refugee flow." Pp. 1. August 1
444 Staff, Sydney Morning Herald. Ibid. "Wide disagreement with present refugee intake." June 13, 1979
indicating that current resettlement rates were fine, comprised thirty-six percent of the respondents in Canada and twenty-three percent in Australia.

It was not simply polls that demonstrated the public’s hostility to resettlement. The editors of the *Sydney Morning Herald* cited the number of letters to the editor they received as a clear indication that the ‘majority of Australians are unhappy with the present intake of refugees’, despite the fact that they published three times as many humanitarian letters as communitarian.445 This clearly indicates that the editors of the Australian newspapers were acting as humanitarian-securitising actors.

It was common for all of the newspapers under examination to report on the ‘growing backlash against Vietnamese refugees’.446 To support this depiction of Australia, the newspapers reported on the increasing popularity of radical, right-wing groups opposed to Asian immigration, such as the National Socialists447 and the National Alliance448. There were even reports of refugee advocates receiving bomb threats, obscene calls and letters.

The communitarian-securitisation attempt was more successful in Australia than in Canada. A greater portion of the public opposed resettlement, and there appeared to be greater organization of the communitarian position in Australia, indicated by the existence of fringe political parties opposed to Indo-Chinese resettlement. Additionally, the Australian government was unsuccessful in silencing the communitarian-securitisation attempts. Unlike their Canadian counterparts, political leaders in Australia

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gave support to the communitarian securitising discourse by occasionally expressing concern over the spontaneous arrival of Indo-Chinese refugees.

**Legitimization**

In the face of these two counter-securitising attempts, the government was forced to legitimize the policies they had implemented, and those they had not. The push for an international solution was widely supported. There were very few who challenged Australia’s insistence that Vietnam stop the refugee exodus. Rather than viewed as overriding a fundamental human right to seek asylum, Australia’s insistence that Vietnam stop the flow of refugees was legitimized as ‘a strategy to attack the Indo-Chinese refugee policy at its source’.

Because the dominant discourse portrayed the asylum seekers as having been forced to leave Vietnam, it was assumed that Vietnam could easily stop the refugee outflow by stopping this ethnic cleansing. In the Australian media, this solution was depicted as a ‘political’ solution, and as succeeding where the ‘humanitarian’ solution of refugee resettlement had failed.

Australia’s modest increase in resettlement numbers at the Geneva conference was compared negatively, by a number of media commentators, to the generous response of Canada and the United States. The leaders of the governing party, supported by the large element of the media, legitimized this response by citing Australia’s generous humanitarian record. A theme that would become the Australian mantra through to the present time was that Australia ‘had done more than its fair share’ and that Australia was

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the most generous resettlement state on a per capita basis.\textsuperscript{451} This was repeated often by members of the media and the political leaders in the face of criticism from humanitarian securitisers of Australia’s resettlement commitments. Mackellar sought to legitimate the number of resettlement places by stating that the government was limited by the lack of available facilities. Denying that fear of a public backlash influenced the government’s decision, Mackellar noted that Australia did not have the necessary facilities to resettle more than they had.\textsuperscript{452} Additionally, as noted previously, political leaders in Australia emphasized that humanitarian solutions, such as resettlement, would not solve the crisis. The Australian press supported such a view with reports that the Southeast Asian states, including Australia, could not solve the problem by taking more refugees in.\textsuperscript{453}

The communitarian securitisers also challenged the increase in resettlement. The government legitimized its decision to increase resettlement to 14,500, as part of the international effort to counter the threat facing the Southeast Asian states. Accordingly, Australia was essentially being forced to take in refugees, rather than taking them in due to humanitarian factors, such as compassion or generosity. Reports in the Australian media concluded that ‘Australia expects to be forced into allowing thousands more refugees from Indo-China’ and in response was ‘preparing public opinion for a larger quota’.\textsuperscript{454} The media portrayed Australia as being pressured by Britain, the U.S.,

Southeast Asian states and the UNHCR to take in more refugees. Mackellar summed up the decision this way: ‘Australia faces a dilemma if it wants to maintain the existing composition of its population’... ‘either we must put up the barricades around Australia and be seen as isolationist or we must maintain continuing immigration’. Calls to stop all Indo-Chinese resettlement were dismissed on the basis that given the threat to Southeast Asia, and Australia’s place in it, it was not possible for Australia to not resettle more refugees. In an effort to placate one group opposed to Indo-Chinese resettlement, the Australian government announced it would increase traditional migration from Europe with an emphasis on family reunion.

There were also a small number of prominent political and media actors who challenged the withdrawal of aid from Vietnam. They argued that withdrawing aid would make the situation in Vietnam worse, which would then lead to a larger refugee exodus. Justifying the decision to withdraw aid, Prime Minister Fraser stated that ‘aid would have been a subsidy for invasion’. The government legitimized this measure by implying that the countries of first asylum needed it more, and that in the end, the cessation of aid would more quickly lead to the end of the crisis.

The most significant challenge to the emergency measures the government implemented came from the Australian Labour Party, and focused more on emergency

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measures not adopted, than questioning measures that were adopted. During their annual Congress, the ALP announced that they favored establishing transit camps on Australian territory.\textsuperscript{460} This solution had been suggested by the Malaysian government months earlier, but received little attention, from either political party. Once the ALP advocated setting up transit camps in Australia, it was front-page news. The ALP advocated giving uninvited boat arrivals temporary protection in a transit camp while they awaited resettlement in other countries of resettlement or in Australia itself. Until this time, there was a consensus among the political elite in Australia to not politicize immigration matters. The ALP's plan to establish transit camps in Australia represented the first break between the two parties on the Indo-Chinese refugee issue.\textsuperscript{461}

Media commentators and the Australian government strenuously opposed the transit camp plan.\textsuperscript{462} According to the government, there were several reasons why Australia should not set up transit camps. First, the government claimed that the Australian population would never accept 'concentration camps' on its soil.\textsuperscript{463} While events that have transpired in the twenty-seven years since the Indo-Chinese refugee crisis cast this assertion into doubt, it was a successful strategy for silencing the opposition. Labeling the camps as concentration camps employed the 'Holocaust' metaphor, which effectively de-legitimized the plan. Secondly, members of the media and the government asserted that other countries would never resettle asylum seekers and the government asserted that other countries would never resettle asylum seekers.


\textsuperscript{463} Cornford, Philip. 1979. "Camps may be only answer for refugees." Pp. 9 in \textit{The Australian}. Sydney. June 21
from Australia. This would force Australia to resettle all the refugees themselves, or to keep the refugees in the camps – neither of which were acceptable.

Thirdly, the government claimed that transit camps in Australia would bring about a return to the White Australia policy. Equating transit camps with White Australia had a similar discursive impact as the Holocaust metaphor. Keeping Asian migrants or refugees segregated from the Australian population in camps was far too reminiscent of a history that political the ruling elite were trying to move away from. Lastly, it was claimed that the establishment of transit camps would blur Australia’s identity as a country of resettlement rather than a country of first asylum. The Secretary of the Department of Immigration, Mr. Engledow, espousing a communitarian position, publicly rejected the idea of refugee transit camps stating that ‘Australia is a country of settlement not refuge’. Editorialists in the Australian press took a humanitarian position in rejecting the transit camp plan, arguing that boat people who arrive in Australia ‘should be treated with as much compassion as those that drag themselves ashore elsewhere in Southeast Asia’.

Conclusion

The international-securitisation of the Indo-Chinese refugee exodus was strongly influenced by political leaders outside Australia. Foreign political leaders from surrounding Southeast Asian states successfully constructed the refugee exodus as an intentional strategy on the part of the Vietnamese state to destabilize ASEAN, using

refugees as its weapon of choice. This securitising discourse was supported by Australian media coverage of the situation in these states, and by Australia's political leadership. However, the strong communitarian- and humanitarian-securitising attempts arising from domestic securitising actors limited the policy options available to the Australian government to respond to the international refugee crisis.

The international-securitisation attempt portrayed the international community, of which Australia was a part, as the primary security provider. Portraying Vietnam as the source of threat with refugees as their weapon of choice meant that Australia's efforts were to be coordinated with other states toward stopping the outflow at its source - Vietnam. Consequently, Australian political leaders advocated and acted in concert with other international actors in calling for an international conference, the cessation of aid to Vietnam and in setting up an orderly departure program.

The range of policy options available to the ruling elite in Australia was not only shaped by the international-securitising discourse. The communitarian and humanitarian-securitising discourses also restricted the government's policy choices. Humanitarian-securitising actors portrayed the refugees as the primary referent object, and Australia as the primary security provider. In doing so, they called for a renewed commitment to large-scale resettlement of refugees to Australia. In addition to humanitarian-securitisers, there were those who supported the humanitarian discourse for instrumental reasons. The Australian media, and to a lesser extent Australian political leaders, advocated a humanitarian-securitised discourse in an effort to shape public opinion and to prepare Australians for resettlement policies that were opposed by a growing communitarian-securitising move. The communitarian-securitising attempt portrayed Australia as
threatened by the resettlement and spontaneous arrival of Indo-Chinese refugees, calling for a cessation of resettlement and the establishment of transit camps.

By internationalizing the crisis, the Australian government legitimized the extraordinary measures that they had adopted, and those they had not. As a result of these intersecting, and sometimes competing, discourses, the Australian government implemented a number of policies, including the continued acceptance of spontaneous boat arrivals, the resettlement of a significant number of Indo-Chinese refugees, two international conferences on the refugee crisis, cessation of aid to Vietnam and the implementation of an orderly departure program.

**Case Two: the Two Securitisations of 1992**

Australia’s place in the international system as a resettlement state or as a country of first asylum was a prominent element of the communitarian-securitisation attempt during the Indo-Chinese refugee exodus. Though not resolved during that crisis, the absence of spontaneous asylum seeker arrivals to Australia during the 1980’s had essentially resolved the question, in favor of resettlement state. The significant increase in the number of onshore asylum applicants in 1989 and the early 1990’s again forced influential political and societal actors in Australia to confront this question.

One small part of this increase was made up of Chinese and Cambodians arriving by boat, now referred to as ‘the second wave’ (the first occurring during the Indo-Chinese refugee crisis). In 1989, an unauthorised vessel arrived in Pender Bay carrying 26 Cambodian asylum seekers. Two more boats followed in 1990, carrying a total of 198

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468 In addition to Cambodians and Chinese asylum seekers, there were also a small number of Vietnamese, Pakistani and even Polish asylum seekers.
people. This was followed by between six and eight boats in 1991 carrying 213 people.\(^{469}\) Four more boats arrived in 1992, bringing the total number of unauthorized boat arrivals to 654 people aboard fifteen boats.\(^{470}\) This small number of boat arrivals paled in comparison to the growing number of onshore asylum applications who had not arrived by boat. In 1989, 1148 people applied for refugee status onshore; in 1990, 11,335 and in 1991, there were 13,045 onshore asylum claims.\(^{471}\) Though Australia’s identity as a country of resettlement, rather than of first asylum, was incommensurate with the number of onshore refugee claimants who had arrived by air rather than on boats, it was the arrival of one particular boat that prompted a serious communitarian-securitisation attempt.

The increase in the number of asylum claims in the late 80’s and early 90’s represented a significant structural change for Australia vis-à-vis the international refugee regime. As we saw in the previous chapter, Canada, too, had undergone such a shift in the 1980’s, though the response was significantly different. In Australia, the spontaneous arrival of asylum seekers by boat contributed to a successful communitarian-securitisation move that resulted in a permanent change in the relationship between the Australian state and refugee claimants.

Somewhat surprisingly, unauthorized humanitarian migrant arrivals between 1989 and 1991 warranted little attention from the Australian media. Even spontaneous boat arrivals carrying humanitarian migrants were not prominent news items. The most


prominent asylum seeker related news item during this period of Australian history was the controversial decision to grant asylum to Chinese students and intellectuals following the Tienanmen Square incident. As a result of this decision, many Chinese students already in Australia applied for asylum, resulting in a dramatic increase in the number of onshore asylum claims in the early 1990’s. While this decision provoked significant discussion and debate between, and within, the major political parties, it was not until 1992 that there was a significant communitarian-securitising attempt with regard to humanitarian migration. It was the success of this securitising attempt that led to the implementation of extraordinary measures, such as removing judicial review and the legitimization of mandatory detention for all asylum seekers.

Communitarian-securitisation

In 1989, Prime Minister Hawke labeled the recent Cambodian boat arrivals, the first in the ‘second wave’, as illegal migrants. Of note, this statement occurred in the same speech in which he announced the policy to give Chinese students asylum in Australia. While the comment attracted some criticism, it was all but lost in the ensuing debate regarding Chinese students in Australia. Future boat arrivals were similarly labeled, such that by 1992, referring to boat arrivals as illegal migrants was standard in Australia.

Like all boat arrivals since 1989, the dominant discourse concerning the 56 asylum seekers who arrived in January 1992 was that they were illegal immigrants. The news media coverage of the event constructed the asylum seekers as illegal migrants almost immediately. The media questioned the grounds on which their refugee claims were based by identifying them as ‘working people’, ‘from villages in Southeast China’,
The unquestioned acceptance of Chinese students and intellectuals following the Tienanmen incident constructed China as a refugee-producing state, but in a very narrow manner: it only persecuted one particular group of its citizens, namely the pro-democratic intelligentsia.

The legitimacy of the asylum seekers' refugee claims was cast under further suspicion by reports that the asylum seekers had spent up to five months in Indonesia arranging and planning their trip to Australia. While the time spent by the boat people in Indonesia was not a prominent element of the story, it did not need to be. For many, spending this amount of time in a third state in which they were not persecuted supported the construction of the boat arrivals as illegal immigrants, even though Indonesia was not signatory to the 1951 Convention and was under no obligation to abide by the principle of non-refoulement. Spending this amount of time in Indonesia did not alter their refugee claims under international or Australian law, but was used by the media to construct the identity of the asylum seekers as illegal migrants.

The discourse successfully constructing the boat arrivals as illegal immigrants was achieved partially by silencing the asylum seekers. It was not until July of 1992, over six months after their arrival, that the refugees themselves were able to tell their story to the media and to the Australian public. After 9 of the 56 were recognized as refugees, they flew to Perth from the extremely remote detention center in Port Hedland. Once in Perth, the refugees told their story to the media. By this time, their arrival was old news,

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so to speak. As a result, their story warranted little more than a short story on the back pages of the Australian newspapers, or in some cases, no story at all. Unlike in 1979 where stories detailing the struggles of Indo-Chinese refugees appeared with relative frequency, in 1992, the refugees had no input on the securitising attempt.

Table 7.2 supports the conclusion that the dominant discourse constructed the January boat arrivals as illegal immigrants. In this respect, these arrivals were no different from previous boat arrivals. However, compared with previous boat arrivals as far back as 1989, the 56 Chinese boat people garnered far more news coverage. In comparison, one boat that arrived in late 1991 received no national news coverage at the time of its arrival. Notably though, the amount of news coverage for the January 1992 arrival was rather modest compared to the 1979 and 2001 crises, indicating that the Australian press was not the primary securitising actor.

### Table 7.2 Migration Media Content: January-March 1992

<table>
<thead>
<tr>
<th></th>
<th>Front Page</th>
<th>Back Page</th>
<th>Editorials</th>
<th>Letters</th>
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</thead>
<tbody>
<tr>
<td>Migration</td>
<td>75% (12)</td>
<td>60% (49)</td>
<td>83% (10)</td>
<td>81% (30)</td>
</tr>
<tr>
<td>Humanitarian</td>
<td>25% (4)</td>
<td>40% (33)</td>
<td>17% (2)</td>
<td>19% (7)</td>
</tr>
</tbody>
</table>

Unlike previous arrivals, this boat had arrived undetected. The Chinese asylum seekers had landed on Australia’s north coast and wandered around that deadly terrain for ten days before some of them turned up at a remote outpost. Once it was learned that there were a number still wandering around the crocodile- and snake-infested bush, Australian authorities implemented a massive rescue effort to find the remaining asylum
seekers. The rescue effort garnered significant media attention and indicated an initial humanitarian-securitisation, wherein the safety of the asylum seekers was the primary concern. The extraordinary rescue effort was successful in finding all of the Chinese asylum seekers. However, the humanitarian response was short-lived, as political and societal leaders sought to reconstruct the arrival and survival of the 56 Chinese asylum seekers from an incredible survival story, to a matter of Australian national security.

Even before the last asylum seeker was found, societal and political actors used the arrival of these asylum seekers to portray both the Australian border and the refugee determination process as threatened. The border was threatened by the possibility of undetected arrivals, and all the dangers associated with this type of activity. The concern over undetected and uncontrolled entry was reflected in the construction of the asylum seekers as potential health risks, to both humans and Australia's ecosystem. The Australian media reported that some of the asylum seekers may have had tuberculosis, while others speculated on the potential impact of undetected asylum seekers introducing foot and mouth disease or rabies to Australia's ecosystem.\(^{474}\)

While ecological concerns play an crucial role in legitimizing the need for Australian authorities to maintain absolute control over their borders, a more prominent element of the communitarian-securitisation attempt was the failure of Australia's defenses, and the signal such a failure sent to other nations and illegal migrants. The Australian press reported that the Immigration Department knew that these asylum seekers were on their way to Australia and had failed to intercept the vessel. Australian papers reported that this disclosure highlighted concerns that there were serious flaws in

the surveillance of Australia’s northern coast. A Coastwatch announcement was used to support this view; it said that with ‘37,000 kilometers of coastline to cover, the organization could not be expected to catch everything’.\textsuperscript{475} Furthermore, media commentators reported that the ‘manner of this group’s arrival – unannounced and undetected – has reawakened fears about encouraging more boat people to follow’.\textsuperscript{476}

The opposition played a particularly important role in the communitarian-securitisation attempt. MP Graeme Campbell asserted that ‘illegal arrivals would arrive in their tens of thousands and reduce the standard of living (in Australia) to that of a Bangladeshi village’.\textsuperscript{477} Campbell even recommended using the Australia air force to ensure that Australia maintained control over who may enter the country. Senator Newman called for greater protection of Australia’s vulnerable top end.\textsuperscript{478}

While many in the media and government cited the undetected arrival to depict Australia’s borders as under threat, prominent members of the opposition used this event to depict the entire refugee determination system as being in crisis. Philip Ruddock, the shadow minister for immigration, explicitly stated that the government is ‘no longer able to adequately control and supervise entry’.\textsuperscript{479} Ruddock repeatedly referred to Australia as a ‘soft touch’, a term he would use frequently as the minister for immigration later in his career.\textsuperscript{480} The leader of the Opposition, Dr. Hewson, said the migrant system was ‘in crisis’ and called for the government to ‘scrap judicial review and to stop illegal

\textsuperscript{478} Staff, Sydney Morning Herald. 1992. "We are vulnerable to top end invasion." Pp. 10 in Sydney Morning Herald. Sydney. February 5, 1992
immigrants from mounting costly and time-consuming appeals through the courts. Hewson depicted Australia as lacking control of its refugee system and called on the government to reassert control.

The trade unions also played a role in the securitising attempt. Australia’s Council of Trade Unions (ACTU), a powerful political actor in Australian politics and one that exerts significant influence on the Labor Party, raised fears that millions of illegal workers could arrive on Australia’s shores illegally. The ACTU’s immigration officer, Alan Matheson stated that massive illegal population movements in Asia were the greatest threat to Australia’s control over its own immigration program.

Media commentators also acted as securitising agents, calling for the government to immediately deport illegal immigrants. Other media commentators depicted the January arrivals ‘a precedent for future action’ and as ‘calamitous invitation to land in growing numbers’. Australia was depicted as vulnerable to increasing numbers of boat arrivals and to the social strain they would cause. It was frequently asserted that this boat would be followed by ‘thousands more’ and that these arrivals would ‘cost millions’. Allowing the latest arrivals to remain in Australia was labeled as a ‘dangerous precedent’ and encouraging ‘another flood of so-called refugees’. As part of this communitarian-securitised discourse, the Australian government was encouraged to increase surveillance and intelligence, and to streamline the refugee determination system, which was acting as

a draw for illegal migrants. There were also calls to use the military, rather than the
civilian Coastwatch system, to patrol Australia’s northern coastline.

Days after the asylum seekers were found, the government announced that it
would conduct a review and would hold talks with other department to see what could be
done to ‘prevent further arrivals’. The federal government’s inquiry into the
Coastwatch system essentially exonerated that organization. The inquiry found that
Coastwatch had failed to detect the January boat arrival due to ‘the prevailing
philosophy’ at Coastwatch that asylum seekers would not take the route they did, nor
would they attempt to arrive in the area in which they had. The inquiry concluded that
with an ‘urgent reconsideration of this philosophy’ Coastwatch would continue to be an
effective monitor of Australia’s northern coastline.

Though the communitarian-securitising discourse portrayed Australia as
threatened by the unauthorized arrival of asylum seekers, the government’s investigation
into Coastwatch indicated that a change in the philosophy of the organization would
increase its effectiveness. Changing philosophy does not qualify as an extraordinary
measure, nor did it alleviate calls to reassert control over the refugee determination
process. The opposition had identified the refugee determination process and the legal
avenues for appeal that prevented the speedy deportation of failed claimants, as
illustrating that Australia had become a soft touch for illegal immigrants. It was this
aspect of the communitarian-securitising discourse that the government picked up on.

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April 28
Sydney. February 28, 1992
It was not a new area of concern for the government. After the boat arrivals had been quarantined and detained, the Immigration department attempted to deny lawyers access to them. Upon being challenged on this, Immigration Minister Gerry Hand said the asylum seekers had been offered legal representation and had refused.\textsuperscript{489} He later publicly stated that legal representation for the asylum seekers was ‘an unnecessary use of taxpayers’ funds’.\textsuperscript{490} Thus, early on, the government gave a clear indication that it regarded judicial interference as a key problem in the refugee determination process.

The most important moment in the communitarian-securitisation process occurred on February 13, when Immigration Minister Gerry Hand announced new legislation governing the processing of refugee claims. In announcing the government’s sudden change in policy, Gerry Hand accused the judicial branch and legal representatives for asylum seekers as undermining the government’s control over the borders. On a prominent television news program, Mr. Hand announced that all illegal entrants who do not qualify as refugees within two months would be deported, including the 56 boat people who arrived in January.\textsuperscript{491} Long considered a compassionate Labor member on the left of the party, Mr. Hand stated that he had been ‘duped’ into being too soft on boat people. Hand claimed that lawyers had manipulated the system in order to extend the amount of time refugee claimants spent in Australia. He referred to refugee claimants and their advocates who had managed to delay their departure up to 18 months as “rorters”.\textsuperscript{492} Hand described himself, and Australia as a whole, as a victim of “rorters” – an Australian

\textsuperscript{489} Mackinolty, Chips. Ibid. “Lawyers are refused access to boat people.” January 21, 1992
\textsuperscript{491} Austin, Greg. Ibid. "Govt Gets Tough on Refugees." Pp. 1.February 13, 1992
\textsuperscript{492} Ibid.
term used to describe people who manipulate the system for their own personal advantage.493

Having adopted the communitarian-securitised discourse depicting Australia as the primary referent object, the government identified Australia as being threatened by the inordinate amount of time the asylum seekers were permitted to stay while their claims were being processed. While the media and opposition first made these claims in January, the government’s adoption of the securitised discourse marked a significant moment in the securitisation process. With the government now claiming that Australia was no longer in control of its borders and that its policies were not deterring unauthorized asylum seekers, the government was able to implement extraordinary measures to counteract the threat.

**Implementation of Extraordinary Measures**

In response to the perceived threat posed by “rorters” and manipulative lawyers, the government introduced a number of legislative changes designed to speed up the refugee determination process and reduce their influence on the process. In the new legislation, the onus of proof of refugee status was to fall on those making the claim, requiring the claimant to provide documentary evidence to support their claim. This established an incredibly difficult standard for refugee claimants to meet and has contributed to Australia’s low acceptance rates for asylum seekers. The new legislation also set a 28-day limit for lodging refugee applications, meaning that asylum seekers who did not contact immigration officials within a month were not eligible to claim refugee status. The legislation was designed to fast-track asylum seekers through the system, with

the explicit goal of deporting failed claimants within two months of their arrival. To accomplish this, the government later introduced legislation in the summer of 1992 that set up independent tribunals to review refugee applications and restricted grounds on which appeals to the federal court could be made.\textsuperscript{494}

More extraordinary than the fast-track amendments to the Migration Act was the government's implementation of forced repatriation of failed refugee claimants to countries in which their safety could not be assured. The Australian government entered into negotiations with the Cambodian government to facilitate the repatriation of failed refugee claimants at the same time they were considering withdrawing their peacekeeping troops due to the deteriorating situation in Cambodia.\textsuperscript{495} Despite the renewed hostilities, the government claimed that there were areas of Cambodia that were safe for refugees to be returned to. In defending the repatriation, Hand claimed that the Cambodian asylum seekers had been assessed against the UN's criteria.\textsuperscript{496} Earlier in the year, the Australian government had provided a significant amount of funds for Cambodian refugees in Thai camps to return to the western regions of Cambodia.\textsuperscript{497} This precedent set the stage for repatriation agreements to be concluded with China, Indonesia, and Pakistan, none of whom had signed the 1951 Refugee Convention.

The most significant extraordinary measure implemented by the government actually began in 1989, with the first boat arrivals of the second wave. Beginning with the 1989 arrivals, the arrivals that the Prime Minister labeled illegal immigrants, all boat

arrivals had been held in detention while their refugee claims were processed. This extraordinary measure had encountered little resistance in the Australian community despite its questionable legal basis, both in Australia and internationally. Thus, by 1992, some of the original claimants had been held in detention for close to three years. In May 1992, the Federal Court was set to hear the first challenge to this detention, which sought the release of some failed claimants while their claims were re-processed because of a government error. The government, with the support of the opposition, hastily introduced legislation preventing the courts ordering the release of detained boat people. Mr. Hand referred to the amendments as an exceptional step to protect Australia.\textsuperscript{498}

Mandatory detention of asylum seekers was legally introduced by the Migration Amendment Act of 1992, which stipulated that asylum seekers were to be held in custody until they leave Australia or are given an entry permit. The legislation was retroactive to include those that had arrived after, and had been detained since, November 18, 1989, the day before the landing at Pender Bay that initiated the second wave of boat arrivals. With this policy, Australia became the only first-world state that detains unauthorized asylum seekers for the entire duration of the determination process.\textsuperscript{499} The UN Working Group on Arbitrary Detention has referred to Australia’s policy as mandatory, automatic and indeterminate.\textsuperscript{500} Nancy Viviani has argued that mandatory detention was adopted and maintained in Australia, not because it had any observable effect on numbers of asylum

\textsuperscript{500} Ibid.
seekers, but to provide a public demonstration that Australia's borders are under control.\(^{501}\)

To further establish the perception of control over the refugee determination process, the government attempted to remove the judicial branch from the refugee determination process further by creating the Refugee Review Tribunal. The Tribunal was set up as an independent body to handle appeals from refugee claimants whose claims had been rejected by the Immigration department.\(^{502}\) Though the creation of the RRT did not have the desired impact, its original intention was to speed up the refugee determination process and to create independent, non-judicial review of refugee claims.

The government continued to implement policies designed to make claiming refugee status in Australia less attractive. In an attempt to crackdown on refugee applicants, the federal government announced that applicants would be denied welfare benefits for six months after making their application.\(^{503}\) And, in an attempt to quickly remove existing refugee claimants, the government announced an additional $26 million to help clear the backlog of refugee claims.\(^{504}\)

**Humanitarian-securitisation of the Asylum Seekers**

Of all the extraordinary measures implemented by the government, the forced repatriation of Cambodian asylum seekers faced the most significant challenge from humanitarian-securitisers in 1992. This humanitarian challenge was prompted by the announcement of the final results of the determination process for earlier boat arrivals.


While almost all of the 400 ‘second wave’ boat arrivals to that point had had their initial claims rejected, most filed appeals of the original decision; this meant that many had been in detention in Australia for close to three years. In April of 1992, it was reported that the first 37 of the boat people had been rejected at the final stage of the appeal process and, in keeping with the government’s aim of re-establishing control, were to be deported to Cambodia.

The failed refugee claimants initiated the humanitarian challenge by engaging in various forms of protest to prevent deportation to Cambodia and to gain public attention. The failed Cambodian asylum seekers engaged in hunger strikes in the detention centers, a few threatened mass suicides, while some even managed to escape. The Australian press contributed to the humanitarian-securitisation by covering these protests and printing a letter from the refugees pleading with the Australian government and its people to save them from death in Cambodia. The pleas of the refugees initiated a humanitarian-securitising attempt, led by the Catholic Church, the Refugee Council of Australia and several members of the law community. This securitising attempt sought to re-construct the identity of Cambodia as a refugee-producing state, and Australia as inhumane and a poor international citizen.

The government had consistently depicted Cambodia as having made substantial progress toward ensuring protection of human rights. The letter from the refugees to the Australian public, excerpts of which were reprinted in all five newspapers, challenged this construction and portrayed Cambodia as a state that was in the midst of a civil war that was clearly unsafe for them to return to. This construction of Cambodia was

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supported by important Cambodian public figures. The Venerable monk Long Siphon, spiritual leader of the Khmer people in Sydney, claimed that the boat people would die if returned to Cambodia by the federal government.\textsuperscript{506} Even visiting Cambodian politicians supported such a view. A member of Cambodia’s Supreme National Committee, Mr. Son Sinn, argued that Cambodian asylum seekers faced significant danger if returned to Cambodia. In a press conference held alongside Senator Garth Evans, Mr. Son Sinn said, “human rights is [sic] not yet respected in Cambodia”.\textsuperscript{507} It was not only Cambodian political and societal leaders who shared this view of the political situation in Cambodia. News articles detailing Australian peacekeeping efforts in Cambodia supported such a view, describing the country as ‘in ruins’, ‘war torn’, ‘destitute’ and ‘unsafe’.\textsuperscript{508}

The debate over the identity of Cambodia as a refugee-producing state was a key element in the humanitarian-securitisation of the asylum seekers. Casting Cambodia as a refugee-producing state, or even as state where the protection of the asylum seekers’ human rights could not be guaranteed, meant that Australian authorities could not forcibly return people there, even if their refugee claims had failed.

Humanitarian-securitisers attempted to construct the actions of the government as inhumane and in violation of its international obligations. They called Australia’s identity as a generous, humanitarian state into question by repeatedly emphasizing that Australia’s acceptance rates of asylum seekers compared unfavorably with Canada and the United States – indicating that Australia’s refugee determination system was

\textsuperscript{507} Wright, Tony. Ibid. “Minister Rejects Cambodia’s Plea on Boat People.” Pp. 6.April 30, 1992
somehow unfair or biased against the asylum seekers. Australia was also often portrayed as being in breach of its international treaty obligations. Justice Marcus Enfield, along with other members of the law community and some media commentators, emphasized such a view and portrayed the government's legislation as in violation of the International Covenant on Civil and Political Rights. Australia's Human Rights Commissioner, Mr. Brian Burdekin, publicly condemned the legislation and claimed to have warned the government, weeks prior to introduction of the legislation, that such a course of action was in violation of Australia's international treaty obligations.

A forum held at the University of Sydney attacked the Government's policies and accused the government of 'violating the human rights of innocent people'. At that forum, the president of AustCare, Major-General Paul Cullen, accused the government of 'bureaucratic persecution' of refugees. The Australian Council of Churches, one of the most prominent organizations advocating the humanitarian discourse, held press conferences calling on the government to grant amnesty to the Cambodian refugees. They claimed, that after two years in custody in Australia they constituted a special case, that detention of the asylum seekers breached international law and that, furthermore, the boat people in detention had been treated differently than the other 23,000 refugee claimants in Australia that had not been detained for the duration of their claims. The challenge from the ACC rested on the claim that Australia owed a special obligation to the Cambodian asylum seekers due to their unnecessarily long detention and unfair treatment.

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513 Ibid.

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compared to other asylum seekers – particularly the Chinese students after Tiananmen, who had been granted protection en masse without going through the determination process.

Other humanitarian agents, including the vocal Federal Court Justice Marcus Enfield, supported the claim that Australia owed a special duty to Cambodian refugees. He accused the government of shirking its ‘moral obligation to look after refugees from Cambodia’. The special obligation to Cambodian refugees was perceived to rest on both the lengthy detention and their history in the region, participation in the Vietnam War, and Australia’s quick recognition of Pol Pot’s genocidal regime.

The humanitarian discourse not only portrayed the lengthy detention as unjust, but also depicted life in detention as unnecessarily cruel. The religious leaders of the ACC accused the government of keeping the asylum seekers in ‘concentration camps’. Describing the detention centers as concentration camps made an explicit comparison between Australia and Nazi Germany, and served as one of the strongest, if not overused, metaphors in the humanitarian discourse.

It is unclear how strong the humanitarian-securitisation attempt was. Table 7.3 indicates that the humanitarian discourse was significantly stronger than it had been prior to the announcement of forced repatriation of failed Cambodian asylum seekers in mid-March 1992. The media coverage of failed asylum seekers during this period appears to be almost evenly divided; illustrating that the political leadership’s communitarian-securitised discourse was contested. Again, coverage was modest, indicating that the issue was not regarded as particularly pressing for the Australian media.

Opinion polls seem to support this conclusion. One poll reported by the *Daily Telegraph* indicated that 59% of respondents said the boat people should not be allowed to stay, with 41% saying they should.517 This is the same percentage as the letters to the editor of all five papers, with 41% advocating in some manner or another the humanitarian discourse. While polls and media coverage indicate strong support for the humanitarian-securitising attempt, of critical importance in 1992, is that the humanitarian challenge had no support from either of the two major political parties, the primary securitising actors. There was clear bi-partisan support among the political elite for the government’s policies designed to re-assert control over the refugee determination process through mandatory detention, forced repatriation, fast-tracking the process and removing the judiciary from the process.

**Legitimization**

In the face of a significant and well-publicized humanitarian challenge, the government sought to legitimate their actions by refuting most of the claims of the humanitarian agents. Aided by a supportive Opposition and the arrival of two more boats during the summer months, the government maintained that the refugee system was in...
crisis due to the delaying tactics of asylum seekers and the interference of the courts in the detention and deportation process.

The government, and segments of the media, used the protests and actions of the asylum seekers to further identify them as illegal immigrants attempting to undermine the authority and control of the Australian state. Media reports of the protests by failed refugee claimants derisively identified the claimants as ‘roof jumpers’, ‘hunger strikers’, ‘rioters’ and ‘escapees’. Media commentators and the opposition described their behavior as ‘exercising moral blackmail’, while immigration minister Gerry Hand referred to the appeals and protests of the boat people as ‘antics for photographers and television cameras’ and as ‘other such stunts’.

Hand accused the asylum seekers of using ‘delaying tactics to gain sympathy’. Dismissing the pleas of the asylum seekers as another stalling tactic, the government was successful in preserving the depiction of asylum seekers as illegal migrants attempting to delay their deportation. Hand also deflected criticism of the conditions inside Australia’s detention centers by comparing them with the refugee camps to which most refugees had fled. According to Hand, Australia’s detention centers were ‘plush’ compared to Thailand’s camps. In describing the camps in such a way, Hand dismissed the criticism that Australia was in breach of international law and that the conditions in Australia’s detention centers created a special obligation toward the refugees.

521 Ibid.
Since early February, the government and the opposition maintained their stance that Australia's humanitarian approach to refugees was facing a threat from illegal immigrants delaying their deportation by manipulating the refugee system. The government, opposition, and members of the media consistently argued that refugee claims that took over two years to complete were an invitation to illegal immigrants waiting in Asia, and was sending a signal to further illegal immigrants. The refugee determination process, particularly the lengthy avenues of appeal, was depicted as pulling illegal immigrants to Australia. As mentioned previously, Minister Hand legitimized the government's policies by accusing immigration lawyers of manipulating the system and of "rorting"; and, in an effort to support his sudden discursive and policy change, he admitted to having been duped by the "rorters". According to Mr. Hand, in '(his) endeavours to be fair, to the boat people in particular, (he) might have been played for a bit of a dill'. Hand's remarks undermined the humanitarian discourse by identifying himself as having previously held that view, but now recognizing that he had been duped and played for a dill or simpleton. By implication, Hand constructed those advocating a humanitarian discourse as naïve dupes or as manipulative rorters. During the strongest appeals by the ACC, the government accused the supporters of the refugees of 'campaigning to undermine the integrity of Australia's refugee determination process'. By portraying Australia as threatened by the intentional actions of asylum seekers and their lawyers, and by the naivety of the humanitarian churches and refugee advocates, the

government was able to dismiss the humanitarian-securitisation and thereby legitimize its actions.

Another tactic employed by political leaders to legitimize the emergency actions they had initiated was to co-opt the humanitarian discourse. The government depicted the actions it had implemented as being commensurate with Australia's identity as a humanitarian state that fulfilled its international obligations toward refugees. Government representatives, such as the Prime Minister and Immigration Minister, described Australia's refugee determination process as 'just and fair' and 'the fairest in the world'. 524 Hand reiterated that Australia 'was fair, will continue to be fair and if you are what you say you are, there is nothing to fear'. 525

In support of this claim, and to counter the claim that the government had tried to keep legal representation from boat arrivals, the government emphasized that the asylum seekers had received 'extensive legal assistance'. 526 In stressing the fairness of the process and the extensive legal assistance, Australia was depicted as having fulfilled its humanitarian obligations. Furthermore, Hand claimed that the government's legislation, aimed at limiting the ability of the Australian courts to rule on detention, as 'consistent with Australia's international obligations'. 527

The impending and eventual arrival of two more boats in the summer of 1992 aided the government in withstanding the humanitarian challenge. Coastwatch announced it was on the lookout for a boatload of Indonesian asylum seekers, while Australian

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Customs Service told a federal inquiry that ‘the boat option for people wishing to leave their homeland is a real and continuing threat’. After the subsequent arrival of Chinese boat arrivals, the Department of Immigration claimed that the Department could not prevent their arrival because they cannot stop them in international waters, and that it was government policy to give anyone who came to Australia a fair hearing. The only option available to Australian policy makers was to escort the boats to Australia, assess their claims in a fair, speedy and consistent manner, and to quickly deport failed refugee claimants.

That there was a clear discrepancy between the failed refugee claims and the media coverage of the ongoing conflict in Cambodia did not go unnoticed by refugee advocates, churches, and prominent media personalities. In response to the humanitarian challenge portraying Cambodia as an unsafe place, the government maintained that it was now safe enough for asylum seekers to return to Cambodia. As a result, the government negotiated a repatriation agreement with the Supreme National Council in Cambodia. While many members of the Australian community questioned whether Cambodia was safe, the government was unswerving in its assertion that asylum seekers would be safe upon return to Cambodia. During the same press conference in which Cambodian SNC member, Mr. Sun Sann, claimed Cambodia was unsafe, Senator Gareth Evans said that Australia judged Cambodia’s human rights situation to be ‘improving’.

The government’s construction of Cambodian identity was bolstered by the voluntary repatriation of some Cambodian refugees. During the contentious appeals

process, a number of Cambodian refugees chose to return home rather than carry on with their refugee claims and stay in detention. They were assisted by the Australian government, which paid for their airfare and gave them a monthly stipend to help restart their lives in Cambodia. Those who opted to go this route and return to Cambodia rather than sit in remote Australian detention centers were identified in news reports as 'voluntarily repatriating' or as 'deciding to return home'. The manner in which the media reported on the return of these refugees supported the government's claim that Cambodia was a safe place for asylum seekers.

In a last effort to de-legitimize the government's policies, representatives of the asylum seekers sought to have the government's policies overturned through legal channels. However, the humanitarian challenge was dealt a fatal blow by the High Court's decision. The court decided that the Australian government's legislation was within its constitutional powers, paving the way for the deportation of most of the failed refugee claimants to Cambodia. Subsequent arrivals would face mandatory detention and a new, more difficult, refugee determination process.

The communitarian-securitisation in 1992 demonstrates the prominent role of political leaders in the securitisation process. Cohesion within the core group of the political elite, including the governing and opposition parties permits the legitimization of extraordinary measures in the face of a strong counter-securitising claim. As we saw in the Canadian cases, the success of the government in maintaining support from potential political challengers is essential to the success of the securitisation process.

This case also reveals important insights into humanitarian-securitisation and the 'speech act' approach to security. The humanitarian-securitisation attempt was initiated

531 Lloyd, Graham. Ibid. "Boat people ask to be sent back." Pp. 5 June 11, 1992
by the protest actions of the asylum seekers themselves, indicating that security does not always follow a speech act, but other types of actions, such as hunger strikes and protests. However, it also reveals the importance of discursive practices as an essential component of the securitising attempt. The humanitarian challenge required the media and NGO’s to give voice to the asylum seekers, by printing their letter and by constructing their actions as a legitimate effort to avoid deportation to an unsafe state. Though the humanitarian-securitising attempt enjoyed significant levels of support from the general population, from the media and from prominent societal actors in Australia, the lack of support from the political elite, notably the political opposition, reduced its chances of success.

Case Three: The 2001 Tampa Crisis

In 2001, the dominant discourse in Australia portrayed unauthorised boat arrivals as illegal immigrants who had jumped both the migration and refugee queue to come to Australia. As a result of this dominant view, there continued to be bipartisan support among political leaders for the government’s refugee policy, which was to ‘hoover up asylum seekers and deliver them to detention’.532 There even continued to be bipartisan support for mandatory detention, though by the spring of 2001, some humanitarian-securitisers had begun to challenge the policy as inhumane and in violation of the 1951 Refugee Convention.

Despite the small humanitarian challenge, the manner in which unauthorized boat arrivals entered the refugee system remained virtually unchanged since 1992. Government policy was to find and escort boat arrivals to an Australian port where the asylum seekers would be quarantined and given health checks, after which they were taken into custody and detained for the duration of the refugee determination process.

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Asylum seekers whose refugee claims were successful would be released into the community with the newly implemented temporary protection visas, while rejected claimants could appeal their decision. After they had exhausted all their appeals, asylum seekers were to be repatriated to their home state.

As had been the case in 1992, the length of processing claims and, consequently, of detention, was of particular concern, while the conditions inside the detention centers had become a contentious topic and had garnered a fair bit of media attention. In addition to this problem, the number of asylum seekers, buoyed by rising numbers of unauthorized boat arrivals, increased during 2000 and 2001. The combination of mandatory detention, the lengthy appeals process, and rising numbers of asylum seekers meant that detention facilities in Australia were close to capacity.

Despite these challenges, the government’s initial response to asylum seeker arrivals was to maintain and improve the existing system, through legislative changes designed to speed up the determination system, by further limiting appeals on failed claims. Furthermore, the government planned to build three more asylum seeker detention centers, which were designed to have the parallel effect of improving conditions inside detention facilities and increasing the number of detention places for the growing numbers of unauthorized boat arrivals. Thus, when the second largest boatload to ever reach Australia landed on Christmas Island on August 16, 2001 with 348 souls aboard, the government gave no indication of a need to radically change its policies. Howard noted that ‘we have to deal with them as we have with the others’. And true to its word, the government did deal with them as it had with previous boat arrivals. Certain

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segments of the media, especially the virulent and popular talk back radio hosts, called for the boats to be turned back. Howard, in response, stressed that a humane nation like Australia could not ‘turn (away) un-seaworthy boats, which are likely to capsize and the people on them be drowned, we can’t behave in that manner’.  

There was growing pressure on the Australian government to securitise the issue of asylum seekers in a communitarian fashion, and the arrival of the *Tampa* provided a safe opportunity to do so. The *Tampa* was a Norwegian commercial vessel that had rescued asylum seekers whose boat had sunk between Australia and Indonesia. Unlike most sea-going vessels carrying asylum seekers to Australia, the *Tampa* was a large seaworthy vessel that was in no danger of sinking. Additionally, the government stood on far less shaky legal and moral ground in refusing the *Tampa* access to Australian ports than they did with other unseaworthy, unauthorized boat arrivals. The *Tampa* represented an ideal opportunity for communitarian-securitising actors to implement a new system designed to prevent the arrival of asylum seekers.

**Discursive Challenge**

The Australian media initiated the communitarian-securitisation in the months and days prior to the *Tampa* incident. Since early July, the Australian news media had been describing the arrival of asylum seekers in terms of a flood metaphor. It was not the character of the ‘illegal immigrants’ that had changed and represented a threat to Australia, but the number and manner in which the media depicted their arrival. According to this discursive challenge, Australia was facing a flood, flow, tide, or wave of arrivals. The use of flood metaphors was an effective discursive device commonly used to imply that the situation, if left unchecked, would wreak havoc on Australia.

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535 Ibid.
Because a flood is conceived of as large in magnitude and uncontrollable, it implies that an emergency solution must be found as quickly as possible. This metaphorical language set the stage for the government to adopt the communitarian-securitisation depicting Australia as threatened by the asylum seekers.

The opposition party picked up on the depiction of Australia in danger of being ‘swamped’ or ‘flooded’ by asylum seekers, as it presented an opportunity to attack the Liberal government on an issue area in which Labor was typically viewed as softer than the government. Beginning in early August, Labor Immigration spokesman Con Sciacca accused the government of having failed to control Australia’s borders. Sciacca claimed that ‘the latest influx showed the government’s approach was not acting as a deterrent...they have failed miserably to stem the numbers of asylum-seekers arriving on our coastline’. The week before the *Tampa* incident began, Sciacca claimed that ‘if the government was serious (about stopping boat arrivals) they would establish an Australian coast guard service, which would acts as a maritime police force’. According to the Labor Party, the coast guard would protect Australia’s borders by boarding boats and encouraging boat people to turn around and head back for Indonesia, and would send a message that Australia was serious about protecting its borders. Again on August 24, only two days before the *Tampa* arrived, Sciacca claimed the government ‘had lost control of the situation’. The combination of the media’s use of flood metaphors and

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539 Ibid.
the accusations of the Labor opposition that the government had lost control over Australia's borders, created political incentives for the Liberal party to securitise the issue.

With the _Tampa_, the government was given the opportunity to appear firm on the issue of border control and to re-establish control over Australia's refugee system. The communitarian-securitisation attempt of August 2001 asserted that control could not be maintained without drastically altering the government's policies toward boat arrivals. For the media, the opposition and the government, the growing number of boat arrivals represented a threat to Australia, even though the number of asylum seekers who had not arrived aboard unauthorized boats exceeded those who had, by a margin of three to one. According to the OECD, Australia faced 12,400 asylum seekers in 2001\(^{541}\), of those 4,100 arrived by boat\(^{542}\).

With the announcement that the _Tampa_ had been refused port access in Australia, the government adopted the communitarian-securitised discourse, claiming that the asylum seekers were 'creating a situation where we lose control of our capacity to determine who comes to this country'.\(^{543}\) Furthermore, the government claimed that large numbers of asylum seekers meant that 'our detention facilities are now at a breaking point as far as capacity is concerned, they really are and that is because we have had far more unauthorized arrivals than we had originally thought likely'.\(^{544}\) Howard claimed that it was in the 'national interest to draw a line on what is increasingly becoming an

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\(^{541}\) OECD. 2003. "International Migration."


\(^{544}\) Ibid.
uncontrollable number of illegal arrivals in this country. According to this communitarian securitised discourse, the system that had been in place, and had worked effectively since 1992, was now under threat of collapse.

While the political elite in Australia depicted its refugee system in crisis, by most standards, Australia's refugee system was under no greater strain than most OECD countries. The OECD reported that in 2001, Australia faced an inflow of 12,400 asylum seekers, the same number as Denmark, half as many as Belgium, a third as many as Canada, and a sixth of what Germany faced that same year. Norway, the country with which the Tampa would become a significant diplomatic row, had 14,800 asylum seekers arrive in 2001. By the percentage increase in asylum seekers, Australia was hardly exceptional. Australia had seen the number of asylum seekers arriving at its borders increase by 47% over a three-year period (1999-2001). During the same period, Canada saw the number of asylum seekers increase by 43%, while the United States experienced an increase of 98%. Many European countries faced similar or even larger increases; Sweden faced an increase of 110%, Denmark 91%, France 53% and Norway 45%. The numbers reaching Australia's shores did not even represent the largest number of asylum seekers it had faced in its history. In both 1991 and 1992, more asylum seekers made refugee claims in Australia than in 2001. While securitising attempts are based on events or developments that lend themselves to being constructed as a threat, comparison with other states that did not securitise the issue of asylum seeking demonstrates that what counts as a crisis in need of securitisation is politically constructed.

547 Based on numbers reported by OECD. See previous citation.
In Australia, the Prime Minister played a prominent role in constructing the 
arrival of the asylum seekers aboard the Tampa as a crisis. On August 29, Prime Minister 
John Howard appeared on the popular television program ‘The 7:30 Report’ and stated 
that ‘we have an absolute right to decide who comes to this country and there is a 
concern...that we are fast losing that right’.\footnote{Enderby,,Kep. 2001. "Immigrants: Case for the third umpire." Pp. 11 in The Australian. Sydney. August 30, 2001} Using militaristic terms, Howard proclaimed that ‘they [asylum seekers aboard Tampa] will never enter Australia...we won’t retreat’.\footnote{Kelly, Paul. Ibid. "Red-faced backdown on cards." Pp. 1} Howard described the government’s stance as ‘protecting Australia’s 
issue in militaristic terms, such as protecting and defending, the policy options available 
to the Howard government were narrowed considerably, making it difficult to 
compromise and take in the asylum seekers without suffering a politically damaging 
retreat. Rather than backing away from the militaristic language he had used, the Howard 
government explicitly stated that it would do ‘whatever was necessary’ to prevent the 
Australia was left with no other choice, Howard remarked ‘the government was left with 
no alternative but to order the chief of the Australian Defense Force to arrange for 
defense personnel to board and secure the vessel.’\footnote{Grattan, Michelle. Ibid. “Howard set on a Risky Political Course.” Pp. 7.August 30, 1979}

The arrival of the \textit{Tampa} also presented the government with an opportunity to re-
construct the identity of asylum seekers attempting to reach Australia, and, in so doing, 
alter the expectations regarding Australia’s response. Prior to this, the government had
portrayed asylum seekers as queue-jumpers and abusers of the system that the government needed to assess and deport as quickly as possible to maintain control over the refugee system. For Howard the key was to ‘make it less encouraging and beckoning for people to come to Australia’. This was to be achieved by ‘toughen(ing) the laws. If you toughen the laws and shorten the time within which people’s status is resolved you make it harder for people to abuse the legal system’. This discourse was reminiscent of 1992, in which abuse of the legal system was presented as the primary threat to Australia’s ability to control its borders. That the government had failed to toughen the laws was, according to Howard, because the Labor Party and the Democrats had blocked Liberal Party bills aimed at such an end, in the Senate.

The communitarian-securitised discourse in August of 2001 reconstructed the identity of the asylum seekers as violators of international law, by having forced the Tampa’s captain to change course from Indonesia, to Australia. Speaking on talkback radio on August 28, 2001, PM John Howard characterized the asylum seekers as ‘unauthorized arrivals’ who ‘forced the captain to turn from his original course’ and who were ‘exercising moral blackmail’ on Australia. According to the Howard government, the captain had changed course ‘under duress’. While Howard stopped short of calling the asylum seekers pirates or hijackers, backbench politicians, media commentators, talkback callers and letters to the editors did not.

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555 Peter Slipper MP (SBS TV News, August 30, 2001)
556 Jim Ball (radio 2GB Sydney, August 30, 2001)

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Not only were the asylum seekers guilty of bullying the captain into changing course; they were accused of attempting to do the same thing to Australia. The government claimed that asylum seekers aboard the Tampa, and later boat arrivals, were 'exercising moral blackmail' and were 'intimidating us with our own decency'. These actions caused the government to 'lose control of our capacity to determine who comes to this country and in what circumstances.' While this portrayal of the asylum seekers was not a large departure from the existent dominant discourse that portrayed asylum seekers as queue-jumping illegal immigrants, it altered their identity from queue jumpers to people who would intimidate their rescuers to get what they wanted. This was supported by recurrent references to hunger strikes and throwing children overboard, even before they actually happened.

Howard's decision to prevent the *Tampa* from landing its passengers on Australian soil was supported by various political leaders, many of who called for an even harsher response. The premier of South Australia called for the death sentence for people smugglers, while Liberal Senator Ross and Queensland Premier Mr. Beattie called for a permanent naval and air force presence in the north. Senator Ross and others openly called for a revision of Australia's international obligations, which 'subvert national sovereignty'.

As the government securitised the issue in a communitarian manner, it had near full cooperation from the opposition. The opposition had been advocating a clampdown on illegal migration, and though they had not advocated the response the government

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initiated, they did support the government's course of action. The Labor party essentially removed itself from its role of questioning the government when, on August 30, Kim Beazley, leader of the Labor opposition party, stated: 'in these circumstances this country and this parliament do not need a carping Opposition'.

'These circumstances' clearly created the impression of a crisis situation in which unity of the government was essential.

Not only had the media helped initiate the communitarian-securitisation through the use of flood metaphors, its coverage of the crisis continued to depict the asylum seekers as a threat to Australia. In the news coverage, the asylum seekers were cast as fundamentally un-Australian and as a source of disorder. Asylum seekers aboard the Tampa and subsequent vessels were constructed as being hostile, and of not respecting Australian law. News stories about the asylum seekers described how they had 'sabotaged their boat', been 'hostile and aggressive', 'engaged in moral blackmail', and had been 'stubborn' and 'uncooperative' with Australian authorities.

While Australian officials and the Australian military were portrayed in a positive manner, either as rescuing boat people or being engaged in 'a standoff' with people smugglers and illegal immigrants, the asylum seekers were labeled as 'hijackers', 'holding the ship hostage', and 'saboteurs'. Even when the Australian military used force to remove asylum seekers from the navy vessel, they were depicted as 'professional', 'patient', 'behaving

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dignified’, ‘using minimal force’, and ‘showing restraint’. In contrast, the asylum seekers ‘trashed the navy ship’, ‘did not cooperate’, ‘coerced others into not complying’ and ‘refused to disembark’.565 Few of the media reports investigated why some of the asylum seekers had behaved this way, nor did they differentiate between the few who fit this description and the majority who had cooperated with the Australian authorities. Conditions aboard the Australian naval vessel transporting the asylum seekers to third countries were not ideal. Marr and Wilkinson report that the areas in which the asylum seekers were held was extremely hot, overcrowded, and had an insufficient number of beds and bathrooms for the number of asylum seekers on board.566 Additionally, they noted that many of the asylum seekers had been tricked into getting on board; on the assumption they were going to Australia. Others had no idea where they headed. The conditions surrounding the transportation of the asylum seekers certainly contributed to the uncooperative behaviour of some of the asylum seekers, and this was another instance of state actions in response to a perceived threat contributing to behavior that supports this construction.

Implementation of Extraordinary Means

The communitarian-securitisation that cast Australia’s borders as being threatened by the number of asylum seekers making their way to Australia narrowed the range of policies available to the government to deter the constructed threat. The first extraordinary measure taken by the Australian government was the refusal to allow the

Tampa access to Australia’s ports. Both the international refugee regime and the laws of the sea indicate that the Tampa should have been given access to Australian territory to unload the asylum seekers.\(^{567}\) It was highly unusual to deny a Norwegian commercial vessel permission to disembark rescued passengers, particularly when it was the Australian Coastwatch service that had initiated the rescue call to which the Tampa had responded to pick up the asylum seekers.

As the government employed a communitarian discourse to assure the Australian public that the asylum seekers aboard the Tampa would never reach Australian soil, the government escalated the extraordinary measures they were prepared to take. To end the weeklong standoff, the government approved the use of force against the Tampa, ordering the SAS to board and take control of the vessel. The use of the elite Australian military unit was not cheap; it cost the government $3 million per day to have the SAS housed on Christmas Island, and subsequently on board the Tampa. Having secured control of the vessel, the government coerced and tricked the asylum seekers into disembarking onto an Australian navy vessel.\(^{568}\) From there, the asylum seekers were transported to third countries willing to take the asylum seekers as part of Australia’s Pacific Solution and physically forced to disembark.

The Pacific Solution was initially implemented as a way out of the international incident created by the government’s response to the Tampa, but it was subsequently used to deal with further boat arrivals. The Australian government arranged for third countries, such as New Zealand, Nauru and Papua New Guinea to take the asylum seekers.

\(^{567}\) Ibid.

\(^{568}\) To convince the asylum seekers to board the navy vessel, some asylum seekers claimed the government told them they would be taken to Australia. See: Mares, Peter. 2002. Borderline: Australia's Response to Refugees and Asylum Seekers in the Wake of the Tampa. Sydney: University of New South Wales Press Ltd.
seekers and process their claims. With the exception of those headed to New Zealand, the asylum seekers were held in detention while their refugee claims were processed, at first with the help of the UNHCR, and later, by Australian immigration officials. In exchange for this arrangement, the Australian government offered increased aid to the PNG and Nauru. The cost of the Pacific Solution was staggering. Australia dramatically increased its aid budget to Nauru and Papua New Guinea to house the refugees. The $6.8 million given to Nauru in exchange for processing the asylum seekers represented a 200 per cent increase over the previous year. The government then re-prioritized a further $34 million to Papua New Guinea over the course of nine days.\textsuperscript{569} To fund the Pacific Solution, the government was forced to double its budget for dealing with unauthorized boat arrivals, from an initial budget of $250 million in 2001-2002 to over $570 million by the end of that fiscal year.\textsuperscript{570}

The Australian government also initiated a naval blockade named Operation Relex. For the first time, the Australian government had replaced the civilian Coastwatch system with a military response, something it had repeatedly rejected since 1992. In this military exercise, the Australian Navy were guided by aircraft to intercept boats carrying asylum seekers on the high seas, and to forcefully prevent them from entering Australian territorial waters. Operation Relex lasted four months, during which the Australian navy intercepted 12 boats, returned four to Indonesia, had three sink and impounded five.\textsuperscript{571}

The cost of the naval blockade was significant, $20 million a week to deploy their fleet to

\textsuperscript{569} Ibid.
\textsuperscript{570} Ibid.
the northwestern approaches to prevent further boat arrivals. There were other costs to the blockade as well. It directly resulted in three drowning deaths and contributed to a further 352 drowning deaths after SIEV X, a vessel carrying asylum seekers, sank while attempting to sail to Australia.

To further re-assert control over the refugee determination process, the Australian government limited judicial reviews of migration cases. The government also excised a number of Australian territorial possessions including Christmas Island, Ashmore Reef and the Cocos Islands. Asylum seekers who arrive on these excised territories are not considered to have landed on Australian territory for the purposes of the Migration Act. As such, they cannot apply for asylum under Australian laws and are processed under a different set of rules, with fewer procedural safeguards and fewer appeal rights.

One last extraordinary measure implemented by the government was the enforcement of a complete news blackout on the asylum seekers. In an effort to prevent photos from being taken and humanizing the asylum seekers, the media was not permitted to go near the Tampa, or other vessels holding asylum seekers. The naval officers who dealt directly with the asylum seekers were also under a 'no communication order', preventing them from releasing photos or stories about their work, even to family. The Australian government also mandated a black out on news from refugee detention centers, and required those who worked in the detention centers to sign secrecy clauses and to refrain from speaking to the media.

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573 Ibid.


575 Ibid.

Humanitarian Challenge and Legitimization

Not all political and societal leaders were supportive of the government's response. Humanitarian and refugee advocacy groups, such as the Australian Association of Churches and the Australian Council for Refugees, openly challenged the government's response. There were also a number of political actors who dissented from the communitarian-securitised discourse and the extraordinary measures implemented by the government. At least one Liberal backbencher, Petro Georgiou, challenged the response of his party and called for a return to acceptance of the 1951 Refugee Convention. The Labor Party was more clearly divided over the decision of its leadership to support the government. Several Labor MP's challenged the direction of the Labor's leadership in following Howard's course of action. Representatives from two smaller Australian parties, the Green Party and the Democrats, also advocated a humanitarian response.

The media was also clearly divided over the actions of the government. As Table 7.4 shows, the editorials in the five newspapers under examination differ significantly in their support of the government's response. As noted in the previous section, the popular tabloid papers, along with talkback radio, were extremely hostile to the asylum seekers and continued to support the communitarian securitised discourse; while the editorial staff of the national broadsheets (the Age, the Australian and the Sydney Morning Herald) were critical of the government's response and advocated a humanitarian-securitised discourse.

Table 7.4 Newspaper Editorial Coverage: Aug 15-Oct 15, 2001

<table>
<thead>
<tr>
<th>Editorials</th>
<th>Australian</th>
<th>The Age</th>
<th>S. M. H.</th>
<th>Daily Telegraph</th>
<th>Herald Sun</th>
</tr>
</thead>
</table>

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This same pattern is evident in the letters to the editor that were published in each of the papers. While the difference in letters printed may reflect actual differences in letters submitted to each newspaper, it also likely reflects an intentional effort on the part of the editorial staff to construct the paper and its readers as a monolithic identity, as conservative or liberal, or, in this case, generally supportive or opposed to the government’s response to asylum seekers. What is clear from the letters to the editor and the editorials is that there was a significant portion of the Australian media that opposed the government’s actions and advocated a humanitarian response.

Table 7.5 Letters to the Editor: Aug 15-Oct 15, 2001

<table>
<thead>
<tr>
<th>Letters</th>
<th>Australian</th>
<th>Sydney Morning Herald</th>
<th>Daily Telegraph</th>
<th>Herald Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communitarian</td>
<td>26% (47)</td>
<td>39% (75)</td>
<td>74% (145)</td>
<td>70% (205)</td>
</tr>
<tr>
<td>Humanitarian</td>
<td>74% (134)</td>
<td>61% (118)</td>
<td>26% (52)</td>
<td>30% (87)</td>
</tr>
</tbody>
</table>

In the face of a humanitarian challenge, the government’s first response was to disclaim responsibility for the asylum seekers. On talkback radio, Howard asserted that the asylum seekers “were picked up in a search and rescue zone for which Indonesia was responsible...the port of nearest feasible disembarkation was Merak, an Indonesian

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Howard reiterated Indonesia’s responsibility several times: ‘the fact that they came from Indonesia, it was an Indonesia vessel, it had an Indonesian crew...our interpretation of the international law applicable, it is appropriate that they be returned to Indonesia.’ When the Indonesians proved unwilling to accept responsibility for the asylum seekers, the Howard government tried unsuccessfully to gain greater cooperation with the Indonesians, and to legitimize the extraordinary measures they had implemented.

The political and societal actors who supported the communitarian-securitisation sought to legitimize the extraordinary means the government had implemented through three strategies. The first was to implement legislation authorizing the use of force that they had already undertaken, and to prevent further court challenges that might hinder their efforts. Secondly, they continued to re-construct the asylum seekers’ identity from illegal migrants who would do anything to get into Australia, to outright threats to Australian safety and values. Lastly, political and societal leaders silenced the humanitarian challenge and those dissenting from the communitarian discourse, by labeling them as traitors or anti-democratic. It is to each of these strategies that the analysis now turns.

**Legislation**

One central element of the humanitarian counter-securitisation was that the government’s response violated Australian law. Thus, the first legitimization strategy employed was to construct the new rules that were to govern the new relationship between the state and the asylum seekers. To accomplish this, the Australian government implemented the Border Protection Act. In addition to implementing the extraordinary

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579 Ibid.
measures already mentioned, such as redefining persecution, limiting judicial appeals to failed refugee claims and excising parts of Australian territory, the Border Protection Act was used to legitimize the use of force against the asylum seekers and to prevent further court action against the government. The Border Protection Act made the government’s use of force against the *Tampa* and subsequent boat arrivals legal; eliminating the criticism that the government had acted illegally. In doing so, the government essentially eliminated a court challenge over the ‘detention’ of the asylum seekers aboard the *Tampa*. To prevent further court action from giving the appearance of illegality to the government’s response, the Border Protection Act prevented the courts from ruling on the use of force.

**Reconstructing Identity**

Having established the legality of their actions, the government and members of the media supportive of its response, escalated the communitarian-securitisation by further re-constructing the identity of the asylum seekers as representing a threat to Australian society. Thus, at various time throughout this crisis, the asylum seekers were identified as queue jumpers, pirates, intimidators, blackmailers, hostile to Australian authorities, terrorists and people who throw their children overboard. The asylum seekers were no longer portrayed as jumping the queue to find work and better economic opportunities in Australia; rather the boat arrivals were identified as intending to cause harm to Australia by bringing in values that differed widely from the core Australian values, or by intending to do Australians harm. After the September 11 attacks in the United States, influential political and societal actors in Australia portrayed the asylum seekers as potential terrorists by drawing a connection between the asylum seekers and
terrorism. Defense Minister Peter Reith made the connection when he stated that the terrorist attacks on the United States would only 'reinforce the whole security issue in terms of dealing with terrorism and that means you’ve got to be able to control your borders'.

Queensland Liberal MP Peter Slipper claimed that it was not ‘beyond the realms of possibility that the Taliban regime could well be sending people to Australia as terrorists under the guise of illegals’. In addition to prominent members of the government making this claim, newsprint media commentators, prominent talk back radio hosts and legions of talkback radio callers and writers of letters to the editor expressed fears that asylum seekers had some connection to Osama bin Laden and terrorist networks. While several organizations and commentators attempted to demonstrate the absurdity of this claim, neither the government nor the opposition party rejected this assertion. The degree to which the asylum seekers had been ‘securitised’ by the government and media, made the leap to associate them with terrorists hardly unthinkable.

In addition to terrorists, the government also attempted to portray the asylum seekers as inhumane people who would intentionally endanger the lives of their children. One episode that featured prominently in the news coverage of the asylum seekers was the government’s claim that asylum seekers aboard an unauthorized vessel that had been turned away by the Australian navy, had ‘thrown their children overboard’. The actions of the asylum seekers made headlines across the country, and were used to illustrate their

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un-Australian character, indicated by their profound lack of respect for the lives of their children. In response to the alleged incident of asylum seekers throwing their children overboard, Howard proclaimed that ‘these are not the type of people we want in Australia’.  

By the end of the refugee crisis of 2001, political and societal leaders in Australia had legitimized the harsh measures adopted to prevent the arrival of asylum seekers by successfully depicting the asylum seekers as pirates, hostage takers, terrorists and of throwing their children overboard.

Co-opting Humanitarianism

Another legitimization strategy, seen in the 1992 communitarian-securitisation, was to co-opt the humanitarian discourse, by stressing that Australia’s humanitarianism was threatened not by the Australian government’s response, but by the actions of the asylum seekers. Throughout the crisis, the media and the leaders of the governing party, including the Prime Minister, accused the asylum seekers of ‘trying to intimidate us through our own decency’. Thus, the only way to protect Australia’s humanitarianism was to stop the abuse of Australia’s humanitarianism and to prevent moral blackmail. The best way to do this, according to the communitarian-securitisation was to ensure that ‘everyone has a chance at a fair assessment’. In this discourse, it was the ‘queue-jumpers’, ‘rorters’ and ‘manipulators of the system’ that undermined the fairness of the system. To emphasize this point, the government and media repeatedly referred to the asylum seekers as ‘illegal arrivals’, whose refugee claims were ‘less meritorious than

those in refugee camps'. Because their claims had less merit than those in camps, the asylum seekers were accused of taking spots from genuine refugees.\textsuperscript{586} Howard claimed that 'every person who comes here illegally keeps somebody else out'.\textsuperscript{587} Thus, preventing unauthorized arrivals enabled the government to let in others in greater need and with more meritorious refugee claims. The Immigration Minister stated that the influx of asylum seekers had created 'the potential that Australia would lose the capacity to be able to help refugees through a proper resettlement program'.\textsuperscript{588}

For those who argued that it was the government that excluded refugees from camps for every asylum seeker that arrived, the government retreated to defending Australia's humanitarianism. Howard claimed that Australia was 'a nation that always tries to do the right thing'\textsuperscript{589} and, sounding a familiar refrain, stressed that 'we take more refugees per capita than any other country in the world, except Canada'.\textsuperscript{590} The claim that Australia takes the most refugees per capita is not entirely accurate. It is true of refugee resettlement; Australia resettles the second most number of refugees on a per capita basis. However, many non-resettlement states house far larger refugee populations per capita, than Australia. According to the UNHCR, between 1999 and 2003, Australia housed 3 refugees per 1000 inhabitants, good for 46\textsuperscript{th} in the world.\textsuperscript{591} The top country in the world is Armenia, with 86 refugees per 1000 inhabitants. While the per capita claim has a long

\textsuperscript{587} Ibid.
history in the construction of Australia's humanitarian identity, the evidence does not support such a claim.

Australia's per capita resettlement rate was used to deflect international criticism. The Norwegian press' criticism of Australia became a significant story in the Australian press. Norwegian diplomats also publicly expressed their displeasure with Australia's treatment of the Tampa's crew and rescued passengers. The response from the Australian government and media to Norway's criticism was to bolster Australia's identity as a humanitarian state by comparing Australia's refugee intake to that of their chief critic, Norway. As a result, Norway's refugee determination system, the numbers they resettled and the number they accept from in-country determination all came under critical scrutiny in Australia. The Prime Minister, without naming Norway explicitly, claimed that international criticisms were not warranted because per capita, Australia was more generous than any other state – excluding Canada. Media commentators were far more direct, referring to their Norwegian critics as 'living in glass houses', and 'hypocritical'. While this was a minor diplomatic row between the two countries, this response to international criticism illustrated how important the appearance of humanitarianism was/is to many Australians and the Australian government.

The government sought to further bolster its humanitarian identity by emphasizing what it was doing for the asylum seekers. The government constantly relayed to the public that it was providing food, water and medical care to the asylum seekers aboard the Tampa, and to asylum seekers who were subsequently taken aboard Australian navy vessels. The government also announced a drastic $14 million dollar

increase in its contribution to the UNHCR’s activities in Afghanistan and Pakistan, and offered generous assistance to the Indonesians to build a transit camp for refugees.

The government’s actions were further legitimized by the perception that the Australian public was wholly supportive of the communitarian-securitisation. In addition to the discursive strategies described below, some segments of the Australian media that supported the communitarian discourse used questionable polls used to portray a nearly united Australian public, strongly supportive of the government’s stance. Thus, humanitarian-securitisers were dismissed as being in a very small minority who were either naïve or fundamentally anti-democratic.

The Daily Telegraph published a series of polls that indicated extremely strong support from the Australian public. In a poll taken on August 30 by the Daily Telegraph, the question was phrased as: ‘was Howard right to refuse landing rights to the ship carrying illegal migrants’. 98% of the 1335 respondents answered that Howard was right. The next day the paper polled people asking ‘is it right to insist Indonesia take responsibility for the Tampa boat people’. 97% of the 1042 calls responded yes. On September 22, the Daily Telegraph ran its last poll of the crisis, asking ‘is the high court appeal over the Tampa boat people a waste of time and money’. Of the 182 calls, 90% said yes. The three polls, all of which targeted a very narrow audience and asked clearly biased questions, were used to support the claim that the Australian public overwhelmingly supported the government’s actions. Research in the social sciences

595 Polls, Voteline/Survey. 2001. "Is the high court appeal over the Tampa boat people a waste of time and money?" Pp. 29 in Daily Telegraph. Sydney
demonstrates, amply, the effects of framing on poll results, and these are prime examples not simply of gauging, but constructing, public opinion.

The Herald Sun conducted polls as well. In the first poll they asked ‘should Australia stand firm and not accept the illegal immigrants’. 11,454 (93%) people responded in the positive, while only 904 (7%) thought the opposite.\(^{596}\) A day earlier, the Herald Sun had asked readers ‘do you support turning away the boat people’. 13,572 (98.5%) said they did, while less than 3% (207 callers) did not.\(^{597}\) On October 9, the Herald Sun asked ‘should boat people who throw children into the sea be accepted into Australia as refugees?’ 97.2% of the 8474 respondents said no.\(^{598}\) Again, all three polls reflect bias in their samples and the wording of their question, yet were consistently used to show high levels of support for the government’s actions.

While the broadsheets reported on independent polls to establish the level of support among the Australian public, they also reported the results of talkback radio polls, as well as the Daily Telegraph and Herald Sun polls, with little questioning of their bias or accuracy. The Australian reported that a Newspoll, which had asked whether respondents ‘supported turning back either all or some boats carrying asylum seekers’, resulted in 85% of respondents in the 35-49 age group saying yes, while 90% of the 18-35 and 50+ age groups responded positively.\(^{599}\) On October 31, the Australian reported that the latest Newspoll indicated that 56% of respondents said all boats should be turned.

\(^{597}\) Voteline/Surveys/Polls. Ibid. "Yesterday’s Results." August 29, 2001
back. The *Sydney Morning Herald* and the *Age* both reported a Herald-ACNeilsen poll that found 77% of the population agreed with Howard’s decision to refuse the boat people entry. These polls were used to demonstrate that the vast majority of Australians supported the government’s decision, though few examined how discursive practices of the political and media elite had shaped the public’s response, or whether the polls themselves may have impacted the response rate.

The widespread acceptance that the majority of Australians supported turning the boats away was used to silence and discredit those that dissented from this majority view. Those who accused the government of ad hoc governing in response to the opinion polls were labeled as ‘anti-democratic’ and denying the ‘will of the majority’. This was not the only discursive practice employed to silence dissent. Those who opposed the government’s policies were dismissed through a number of discursive practices. Refugee advocates were labeled as ‘do-gooders’, who were too naïve to realize the folly of their views, or as the ‘chattering classes’ whose snobbery led them to believe that they knew better than the rest of society. The refugee advocacy group and legal counsel, who took the government to court on behalf of the asylum seeker, were accused of ‘wasting taxpayers money’, ‘abusing the system’, being a ‘thorn in the side’ and ‘prolonging the

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process and making life more difficult for the asylum seekers’. Some members of the media used militaristic terms to describe their method of opposing the government. Thus, the opposition was described as ‘torpedoing the Ship bill’, ‘sinking the government’s plan’ and ‘compromising the government’. Reflecting the heavily securitised discourse, media commentators, and at least one government backbencher, referred to those who opposed the government’s stance as traitors. This issue became so heated that anger against those who publicly opposed the government’s stance was frequently and inappropriately expressed, indicated by hate mail, indignant phone calls and even bullets sent in the mail.

The communitarian-securitisation attempt in Australia in 2001 demonstrates nicely the process of securitisation, including the discursive challenge, the implementation of emergency action and legitimization. The ability of the government’s leadership party to maintain cohesion in the core group (the governing party and the political opposition) attests to the importance of these actors in the securitisation process. The media also played an important role, in silencing dissent and constructing a supportive public, by the nature of their coverage (i.e. use of flood metaphors) and through biased opinion polls. The extraordinary means implemented by the Australian government indicate the type of action states are capable of when humanitarian migration has been cast as a threat to the state. The success of these policies in preventing further boat arrivals (Australia has faced fewer than three boat arrivals since 2001), demonstrates

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that the constraining effects of globalization and features of liberal democratic states can be suspended in the case of successful communitarian-securitisation.

Conclusions

In this chapter, I have examined three refugee crises in Australia. As with the Canadian cases, the examination of refugee crisis highlights the extent to which refugee matters necessarily entail a securitised discourse. Communitarian-securitising attempts that portray the state as threatened by the unauthorized arrival of asylum seekers, often encounter humanitarian counter-securitising claims that attempt to maintain the construction of the asylum seeker as the primary referent object of security. In all three Australian episodes, political and societal leaders have attempted to securitise the issue of humanitarian migration in a communitarian manner, with the state as the primary referent object and the Australian state as the primary security provider. However, the communitarian discourse was not successful in all three episodes. The international- and humanitarian-securitising attempt in 1979 legitimated policies opposed by communitarian-securitisers.

Like the previous chapter, I have used these three crises to broaden our understanding of securitisation, and to demonstrate the three stages of the securitisation process. In all three crises, securitising actors have attempted to re-construct the identity of asylum seekers, by challenging the humanitarian discourse that had previously structured the relationship between the Australian state and the asylum seeker. In cases of successful securitisation, the government has implemented extraordinary measures to alleviate the constructed threat, breaking the normal immigration rules governing the
admission of humanitarian migrants, or breaking the normal rules governing the
treatment of asylum seekers.

Another central focus of this chapter is to show that the implementation of
extraordinary measures is not the endpoint of the securitisation process, but rather a mid-
point in the process, one that engenders counter-securitising claims, forcing securitising
actors to legitimize the measures they have implemented. Importantly, I identify some of
the strategies the ruling elite in Australia have employed to legitimize their extraordinary
measures, demonstrating how, in democratic states, opposition to securitising attempts
has been silenced and how cohesion among the political elite has been maintained.

In the Australian case, the Indo-Chinese refugees had already been securitised in
humanitarian fashion well before 1979, which, in combination with political factors,
contributed to the significant resettlement of Indo-Chinese refugees. In late 1978 and
early 1979, increased media coverage of the response of Southeast Asian states to the
refugees prompted an international-securitising attempt, in which the security of the
countries of first asylum was the primary referent object, and the international
community the provider of security. The international-securitisation attempt in 1979
identified the Southeast Asian states and, by geographical proximity, the Australia state
as the referent objects whose security was threatened by the actions of the Vietnamese
state. There were also strong humanitarian- and communitarian-securitising claims, and
in combination narrowed the range of policies available to the governing elite. Having
identified the international community as the primary security provider, the Australian
response was geared toward an international response, including cutting off aid to
Vietnam, pressuring the Soviet Union to act, organizing an emergency international
conference, and strongly encouraging other states to increase their resettlement numbers. In concert with the international effort to solve the crisis, the Australian government implemented a modest increase in the number of refugees they would resettle, and drastically increased aid to the UNHCR.

In 1992, the undetected arrival of 56 Chinese asylum seekers presented communitarian-securitising actors with an opportunity to portray Australia as threatened by the arrival of asylum seekers. The government adopted the communitarian-securitised discourse and portrayed the Australian state as threatened by asylum seekers and their lawyers’ manipulation and ‘rorting’ of the refugee determination system. After implementing extraordinary measures, including mandatory detention and forced repatriation to states such as Cambodia, there arose a strong humanitarian-securitisation attempt. To legitimize its policies in the face of this challenge, the government, supported by the opposition, attempted to portray Cambodia as a safe state, the asylum seekers as abusing Australia’s generosity, and their advocates as undermining the integrity of Australia’s refugee determination process. In theoretical terms, securitisation was attempted by re-constructing the role-identities of the relevant actors: refugee-producing states were re-constructed as safe countries; asylum seekers as illegal migrants; and Australia as threatened. As a result, expectations regarding the behaviours of each of these actors were altered, along with the policies acceptable to implement in response.

Lastly, in 2001, intensive media coverage of boat arrivals, often employing flood metaphors, created a sense of crisis in Australia. The Labor Opposition Party used this window of opportunity to challenge the ability of the government to maintain control of Australia’s borders. The government adopted this communitarian-securitised discourse,
and immediately implemented extraordinary means to prevent the *Tampa* from delivering asylum seekers to Australia. Having succeeded in portraying the asylum seekers as threat, the government escalated the extraordinary measures used to prevent the threat, ultimately implementing the use of force against asylum seekers in the form of a naval blockade and the Pacific Solution. To legitimize these measures, the government employed a number of strategies, including the re-construction of asylum seeker identity from illegal migrants to potential terrorists and child abusers. The government, supported by an influential segment of the media, silenced the humanitarian challenge by labeling dissenters as naïve do-gooders, the chattering class or as traitors. As it had in the past, the Australian government attempted to co-opt the humanitarian discourse, by portraying their actions as essential to protect the humanitarian character of the Australian people and state.
Chapter Eight: Conclusion

In its broadest context, the primary question motivating this project is how an issue becomes considered as a security issue, and what implications that has for the referent objects involved. To help illuminate this concern, and narrow down the field of study, the project focused on how humanitarian migration has been cast as a security threat in western democratic states.

On the face of it, there seems to be very little inherent risk to western states from people fleeing oppressive regimes in search of protection. The number of refugees worldwide has declined from a high of 16.4 million in 1993, to less than 9.2 million in 2004.\textsuperscript{607} Including all persons of concern to the UNHCR (which includes refugees and the internally displaced), there are currently 20 million people worldwide that one might reasonably expect to flee to the west for protection. However, less than 300,000, or 1.5\%, seek asylum annually in the western liberal states. Furthermore, given the scrutiny asylum seekers receive upon entering the state and through the refugee determination process, it seems highly unlikely that terrorists would use this route to infiltrate western states. William Maley has shown that terrorists have been far more successful in using tourist and student visas for such purposes.\textsuperscript{608} If the arrival of asylum seekers invokes deep-seated fears for the security of the state, it is hardly because so many make it to the west or the historical proclivity of humanitarian migrants to bring ruin to receiving states.

The securitisation process, advanced by the Copenhagen school, takes us a long way down the path to answering the question of how humanitarian migration has been


cast as a threat in western liberal states. The pioneering work of Barry Buzan and Ole Waever point us to role of discursive practices in the construction of security. They identify practices such as speech acts, argumentation and the credibility of claims as instrumental to the securitisation process. Their principal failing was not going far enough in developing this theory. As Chapter Four demonstrates, securitisation theory remains highly abstract; as a result, the process is unclear, the central actors unidentified and the consequences unspecified.

The primary goal of this project is to address the shortcomings of the theory of securitisation by engaging in the empirical examination of six securitisation attempts. The purpose behind the comparison of six securitising attempts has not been to compare cases in the manner traditionally undertaken in comparative political research, which is to test the causal effect of independent variables in accounting for variations in outcomes. Rather, it has been to trace the process of securitisation in a way that provides both historical depth and methodological rigor. Examining multiple cases in one country, as I have in this study, provides a historical understanding of the issue across time and an appreciation for the multiple discourses impacting that issue in that state. It also enables the researcher to hold constant a number of variables that plague cross-country analysis employing discourse analysis and interpretive methods. Furthermore, examining the securitisation process in two comparable states eliminates some of the concerns with research based on single country analysis, and enables the researcher to identify general trends and processes. It also enables the researcher to identify the conditioning impact of international structure on domestic threat construction.
Researching the securitisation process using this methodological approach has provided an empirical basis for evaluating the theoretical claims in securitisation theory, and this study's refinement of it. The examination of the securitisation of humanitarian migration, in both Canada and Australia, has contributed to a better understanding of the stages involved in the securitisation process and of the actors and structures that impact this process.

The empirical examination of securitisation attempts involved intensive discourse analysis during each episode. Employing analytic tools such as predicate and metaphor analysis, this project identified common themes and discourses that emerged in both states concerning the phenomenon of humanitarian migration. In addition to shedding light on the process of securitisation, my empirical analysis demonstrated that there are multiple securitising discourses surrounding the issue of humanitarian migration. In addition to cases of state and societal securitisation, the two types explored by the Copenhagen School, I found multiple securitising discourses, with varying referent objects and security providers. The most common securitising discourses surrounding the arrival of asylum seekers were communitarian, in which the state was the primary referent object and security provider, and humanitarian, in which the asylum seekers were the primary referent object and the receiving state was the security provider. In addition to these dominant discourses, there were also instances of international- and societal-securitisation, whereby societal and political leaders attempted to relocate the security provider from the state to the international community or societal groups. This finding expands the applicability of securitisation theory beyond the narrow confines of state and
societal security, and supports the claims of human security proponents who claim that individuals can be the referent object of security.

The interesting thing about the role of humanitarianism in the discourse on asylum seekers is that, as a fundamental aspect of both Canada and Australia's national identity, it often becomes the subject of communitarian securitising attempts. Thus, we see in both states, that communitarian securitisers often present the securitising attempt as a defense of the state's humanitarianism. Like all aspects of a state's identity, its humanitarianism becomes available as an element that needs protection from those who would undermine it. In the cases examined in this study, asylum seekers were, on several occasions, presented as undermining the state's humanitarianism. By jumping the queue and rousing public opposition to refugees, asylum seekers were often portrayed as undermining the state's humanitarian efforts, most often associated with large-scale resettlement of refugees. Like all aspects of state identity, humanitarianism is constructed and is contested by competing discourses within the state; it is an element of state identity that warrants further research.

The Securitisation Process

Despite the uniqueness of each securitising attempt, my findings have contributed to a greater understanding of the securitisation process by identifying a three-stage process of securitisation and the central actors involved in the process. The three stages of securitisation include the discursive challenge, the implementation of extraordinary means and legitimization. In the discursive challenge, a securitising actor challenges the dominant discourse structuring the relationship between the state and the other unit, in this case, a specific group of asylum seekers. The relationship between the state and
asylum seekers varied in each of the securitisation attempts, though on the whole was
based on the humanitarian construction of the international refugee regime. Once the
dominant discourse was challenged, other political and societal actors engaged in this
competition between discourses. When the leaders of the government adopt the
discursive challenge, they move to the implementation stage. In the cases under study,
government leaders adopted the discursive challenge and attempted to move on to the
implementation stage when they had, or thought they had, the support of other influential
political leaders who could challenge their claim.

In the implementation stage, the ruling elite used the mechanisms of the state to
implement measures previously not permitted. In many instances this involved activating
the coercive capacity of the state, either to detain asylum seekers or to find and prevent
further arrivals. In the case of humanitarian-securitisation, this resulted in the acceptance
of asylum seekers and a drastic increase in resettlement numbers. In all cases, the
implementation of extraordinary measures involved breaking past rules regulating the
state's behaviour toward the other actor. However, these rules are not easily broken, and
as this study shows, dominant discourses structuring these relationships are not always at
the whim of the state, as neo-realism and the early speech act approach to security imply.
Non-state actors play an important role in shaping the discourse that structures the rules
regulating behaviour of the state toward other units in the international system. The
difficulty of breaking the rules is demonstrated by the need for the ruling elite to
legitimize the implementation of extraordinary measures.

Political actors who have implemented extraordinary measures are forced to
legitimize the actions they have taken. This is one of this study's key contributions to the
theory of securitisation. Buzan and Waever's formulation implied that the ruling elite gains consent prior to the implementation of extraordinary means. My empirical examination revealed that much of the discursive activity of state leaders occurs after the implementation of extraordinary measures. Non-state actors attempting to force political leaders to implement extraordinary policies against a perceived threat, most often initiate securitising attempts. In that sense, discourse has a causal impact on the behaviour of political leaders. A securitising attempt causes political leaders to respond, either by defending the status quo, as we saw in the 1986 case in Canada, or to adopt the securitised discourse, and, subsequently, implement policies to alleviate the perceived threat, as we saw in the other cases in this study.

The implementation of these measures produces either a desecuritising move or a counter-securitisation attempt; in essence, a second discursive challenge. The ruling elite and their supporters employed a number of tools to legitimize their actions and defeat the discursive challenge, including introduction of legislation authorizing the implementation of extraordinary measures, continued re-construction of asylum seeker identity, labeling and silencing dissenters, exercising control over the media, and constructing a supportive public. As our cases demonstrate, such strategies do not always succeed, indicating that state leaders are not free to securitise at will.

In addition to more clearly identifying the securitisation process, my empirical examination reveals the central actors in the process of securitisation. Political leaders are the key actors, as they hold a unique and privileged position in the identification of threats. Obviously, the leaders of the governing party are key to this process, as they are the actors that implement the extraordinary measures. As noted previously, in many
cases, the government does not initiate the securitisation attempt, but rather responds to
discursive challenges initiated by other political or societal actors. Once the government
responds, its discursive practices dominate the public discourse on the issue, as illustrated
by the attention given to these actors in the newspaper articles, commentary and letters to
the editor. Because I have examined successful or partially successful securitising
attempts, obviously the government was essential in the success of the securitisation.

However, in all of the cases, there were desecuritisation or counter-securitisation
attempts. Not all political leaders were successful in legitimizing their measures in the
face of these discursive challenges, as was the case in Canada in 1987 and, to some
extent, Australia in 1979. The failure to legitimize indicates that the ruling elite alone are
not sufficient for the success of an attempted securitisation, which supports Buzan and
Waever's contention that successful securitisation requires cohesion in the core group.
However, their formulation is silent regarding who constitutes the core group, and how
this cohesion is maintained. I have shown that the political opposition is an essential
component of the core group and hence, to the success of the securitising attempt.
Furthermore, they contend that failure occurs with desecuritisation, whereby the issue is
returned to the realm of the political. My analysis has shown that this is not always the
case, particularly with regard to humanitarian migrants. When cohesion in the core group
is lost, it often occurs because some element of the core group has adopted a counter-
securitising attempt, not because they have successfully engaged in desecuritisation.

As important to the process were political leaders in a position to challenge the
government, i.e. the official Opposition party. In some cases, the Opposition party was
instrumental in initiating the discursive challenge, such as in Australia in 1992 and, to a
lesser extent, 2001, and in Canada in 1987 and 1999, which led to the implementation of extraordinary measures. In cases where the Opposition was not instrumental in the initial discursive challenge, they still played an important role. In none of the cases did the ruling elite attempt to implement extraordinary measures without the support of the Opposition party. This supports and illuminates Buzan and Waever's conclusion that the implementation of extraordinary means requires internal cohesion in the core group. 

This analysis indicates that the Opposition in democratic political systems is clearly part of this core group. Whether this holds in all other parliamentary systems or non-parliamentary systems is a subject for further study, but this finding is particularly intriguing since Parliamentary systems have more leeway in implementing policy than more divided presidential systems, implying that successful securitisation may be more difficult in Presidential systems – again a subject for further study.

The level of cohesion needed for the implementation of extraordinary means should not be overemphasized. In some cases, the Opposition called for even more extraordinary measures to be implemented (Australia 1992, Canada 1999), while, in others, the Opposition opposed the magnitude of the measure imposed (Australia 2001, Canada 1987). In some cases, the Opposition was silent during the legitimization stage, contributing to the success of the government's strategies to defeat counter-securitisation attempts. In one case, where the Opposition played an instrumental role in initiating the counter-securitisation during the legitimization stage, the securitisation was not as successful (Canada in 1987).

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The securitisation process was not dependent solely on the actions of political actors. The media played a critical role in all stages of this process. While the media was hardly a monolithic actor in any of the crises, the media as a whole contributed to the sense of crisis in all of the cases by dramatically increased coverage of the issue, and through the use of metaphorical language that implied a sense of crisis, such as flood metaphors. The sense of crisis created by the media coverage often initiated the discursive challenge and prompted political leaders to act. Certain segments of the media and individual influential media commentators acted as securitising actors by directly challenging the dominant discourse and the relationship between the state and the asylum seekers.

The media also played an important role in the legitimization stage. Media commentators commented more openly, freely and often on dissenters than did political leaders, and played a critical role in labeling dissenters to de-legitimize their claims. The media also played a role in the construction of the supportive public. They played a direct role in this by heightening the sense of crisis and relaying information to the public in a particular manner. The editorial content and the letters to the editor were used to establish the position of the public or a particular public (i.e. the newspapers’ readership). They also conducted informal opinion polls and reported on independent polls to establish how the public positioned itself on the issue. In turn, these polls were used to support (or in some cases oppose) the securitising discourse, to silence dissenters and to justify the extraordinary response. The cases exemplify that an explanation based upon rational reaction to objective events and threats insufficiently accounts for the role the media played in framing events as a security issue.
While these three groups played the most important role in the securitisation process, other societal and political actors contributed as well. The speech acts from foreign political leaders played a crucial role in the securitisation process in Australia in 1979, and Canada in 1979 and 1987; as well as in the counter-securitisation process in Australia in 1992 and 2001. Non-governmental groups played an important role not only in the humanitarian-securitisation in both Canada and Australia during the 1979 Indo-Chinese refugees, but also in the counter-securitisation attempts in all six crises.

While not figuring prominently in my analysis, the courts play a role in most of these crises, and have had a profound impact on structuring the relationship between states and asylum seekers.\textsuperscript{610} In some of the cases, the courts did not become involved or became involved much later in the process, often months or years down the road as policies implemented in response to a threat were subsequently challenged in the courts. In others, the courts were instrumental actors as policies were challenged immediately, and securitising actors were forced to respond to the decisions of the courts.

In some instances, the courts were identified as a source of threat to the state’s ability to control its borders during the securitisation process: by the government in Australia in 1992 and 2001, and by the Opposition party in Canada in 1999. The cases examined in this study indicate that political leaders in Australia were far more willing to portray the courts as a threat to the state’s ability to control its borders than were Canadian political leaders. Not surprisingly, in Australia, political actors were far more successful in removing the courts from reviewing migration decisions or detention policies. While this study accepts that courts have played a fundamental role in the

construction of national identity and shaping the relationship between the state and asylum seekers, its part in the process is profoundly influenced by the securitising discourse. Where securitising agents have successfully portrayed the activities of the courts as a source of national insecurity, the government has been successful in sidelining the ameliorating impact of the courts. Where the courts have not been portrayed in this manner, political leaders have been far more willing to accept the role of the courts, and even adverse decisions. This finding opens up fruitful avenues of further study on the relationship between the courts and the executive branch, and the discursive practices impacting this relationship.

This empirical examination of the process of securitisation across six refugee crises in two western liberal states has contributed a great deal to our understanding of the securitisation process. It has identified multiple types of securitisation, the specific stages of the process, and the most influential actors that lead to successful securitisation. In addition to these contributions, my findings provide specific details of the securitisation process, something lacking in the abstract formulations of securitisation theory. The Canadian and Australian cases reveal that each securitisation attempt is unique in its timing, severity of the response and in the discursive tools employed by securitising actors. The humanitarian-securitisation attempt in Canada in 1979 was initiated and led by non-state actors, particularly the media. Nationally-known media commentators such as Dick Beddoes and prominent spokespeople for NGO’s, such as Howard Adelman, played a key role in the humanitarian-securitisation of the Indo-Chinese refugees. The intensive media coverage of the boat people exodus, and the humanitarian representations of the asylum seekers, produced a dominant humanitarian
discourse. The initial response of the Canadian government, to implement a resettlement program of 5,000 per year, was depicted as an insufficient and unacceptable response. So too, was the increase to 8,000. The dominant humanitarian securitised discourse narrowed the range of possible actions for political leaders, such that drastically increasing the number of Indo-Chinese resettled in Canada was the only acceptable policy option. Canada's government effectively silenced a communitarian-securitisation attempt, which appeared to have the support of the majority of Canadians by late summer of 1979. The leading proponents of the communitarian-securitising attempt publicly capitulated and accepted Canada's humanitarian response.

The Indo-Chinese crisis of 1979 played out much differently in Australia. While there was a strong humanitarian securitising discourse in Australia, the government encouraged this discourse in an effort to generate public support for policies it intended to implement to protect regional (including Australian) security. In essence, the humanitarian discourse was used to counteract the strong communitarian-securitising discourse, which advocated the cessation of Indo-Chinese resettlement to Australia – a response that was unacceptable given the perceived threat the Southeast Asian states faced from an aggressive Vietnam.

The international-securitising attempt of the Australian government sought to relocate the primary security provider from the Australian state to the international community, and was intended as much for an external audience, as it was for the domestic one. Thus, the speech acts of the Australian ruling elite focused on expressing support for ASEAN and calling on other states to act with Australia and other international leaders, to resolve the political causes of the crisis. Thus, unlike in Canada,
political leaders in Australia played a leading role in the securitisation process. The media also played an important role, by giving significant space to Australian and ASEAN political leaders and also by the consistent depiction of other Southeast Asian states as seriously threatened by the refugees.

Thus, one of the most important differences between Canada and Australia that was evident in the 1979 crisis, and that was true of future refugee crises, was the strength of the communitarian-securitising discourse. In 1992, securitising agents launched a communitarian-securitising attempt using the undetected arrival of a mere 56 asylum seekers. The Opposition party served as the key securitising actor in this instance, by accusing the government of having lost control of the borders. The perceived inability to control the external aspect of the communitarian-securitising attempt (patrol the entire northern coast), prompted the government, represented by the immigration minister Gerry Hand, to adopt the communitarian discourse and to identify the primary source of insecurity as internal—Australia’s refugee determination process and the judiciary. The major challenge to this discourse came months later in the form of a humanitarian-securitisation. Initiated by the asylum seekers themselves, then taken up and led by NGO’s such as the Australian Council of Churches and the Australian Council for Refugees, the humanitarian-securitisation attempt identified asylum seekers in Australia facing deportation as the primary referent object. The government legitimized its policies by reconstructing the identity of the refugees’ home state as safe, by passing legislation implementing mandatory detention for asylum seekers and by reducing the ability of the Australian courts to overturn refugee and detention decisions.
On the other hand, in Canada communitarian-securitising attempts have met with less success. In 1999, segments of the media and political leaders outside the government initiated a communitarian-securitising attempt after several boats arrived carrying asylum seekers from China. However, as in 1979, this securitisation attempt met with little success. The government in Canada publicly rejected the communitarian-securitisation and the policies its proponents were calling for, such as turning the boats back and denying the asylum seekers the right to make a refugee claim. The government, supported by media reports of human smuggling, forced labor, and the rise of smuggled children forced into the sex trade, initiated a strong humanitarian-securitisation. This humanitarian-securitising discourse differed in that it did not depict the asylum seekers as the victim of an oppressive state, and therefore as refugees, but rather as victims of people smugglers. As a result of this representation, the asylum seekers were detained for the duration of their refugee determination process. Normally a sign of communitarian-securitisation, the detention was legitimized on humanitarian grounds, to keep the asylum seekers out of the hands of people smugglers. Conveniently, it also diffused much of the communitarian-securitising attempt, by establishing a perception of control. Thus, the government attempted to legitimize the policies it had implemented, and those it had not, by portraying the asylum seekers as victims and by focusing on Canada’s humanitarian identity.

The geographic location of Australia, and its historical fears of Asian immigration have played a role in the resonance of communitarian-securitising discourses. Conversely, Canada’s isolation and less pervasive fear of Asian immigration may have contributed to the failure of communitarian securitising attempts there, despite the fact
that it has historically received nearly three times as many asylum seekers as Australia. While these historical and geographic differences play an important role in the success and failure of communitarian-securitising attempts, one should not interpret this as being determinative of the success or failure of communitarian-securitising attempts. In 1987, the arrival of 174 Sikh asylum seekers prompted a communitarian-securitising attempt in Canada. Fuelled by media reports and RCMP pronouncements that the asylum seekers represented a threat to Canadian security, the communitarian-securitising attempt in 1987 was more successful than previous, and future, attempts. The Canadian government, having helped lead the communitarian-securitising attempt, implemented a number of extraordinary measures, including an air and sea search, emergency recall of Parliament, and draconian legislation including a safe third country provision. The government’s attempt to pass legislation implementing the new rules governing the relationship between the state and asylum seekers faced a significant desecuritising challenge, one that depicted the legislation as an overreaction and inhumane. The opposition party played a key role in this challenge, and was supported by the media and NGO groups. The government attempted to alleviate these criticisms by increasing the refugee resettlement program and financial aid to the UNHCR, but was ultimately forced by the Opposition-controlled Senate to amend its legislation.

The Canadian government’s failure to gain cooperation from its political opponents demonstrates the importance of maintaining cohesion in the core group for successful securitisation. However, as the Australian case of 2001 demonstrates, the failure of the Canadian government to maintain cohesion was not a product of its failure
to control both houses of Parliament, but its inability to maintain cohesion in the core group by maintaining the communitarian-securitised discourse.

The Australian government in 2001 faced similar political constraints as did the Canadian government in 1987, as the Opposition party controlled the Senate and had the ability and demonstrated willingness to block legislative changes to migration law. However, the communitarian-securitising discourse severely constricted the political opposition’s range of options, to the point that failure to support the government was tantamount to traitorous behaviour. While the communitarian-securitisation in 2001 was led by the government, the media’s use of flood metaphors and the political opposition’s critique of government policy paved the way for this securitisation attempt. The Australian government portrayed the asylum seekers as threatening Australian’s refugee determination system by portraying the system as on the brink of collapse. The asylum seekers aboard the Tampa and subsequent boats were portrayed, not just as illegal immigrants, but, also, as violent hijackers who were uncooperative with Australian authorities. To legitimize the extraordinary measures the government had implemented to alleviate the perceived threat, the government further reconstructed the identity of the asylum seekers as potential terrorists and as people willing to throw their children overboard. The government, with the support of a key segment of the Australian media, continued to portray the asylum seekers in an increasingly securitised fashion to legitimize their policies and maintain the support of the opposition party. In Australia in 2001, those challenging the communitarian-securitisation were silenced in ways not evident in the other refugee crises. Dissent was silenced by labeling them as anti-
democratic and as traitors, and by imposing silence on those working with the asylum seekers, such as the navy and the media.

The comparison between Canada and Australia reveals the various strategies, discourses, actors and policies associated with the securitisation of humanitarian migration. It contributes to an empirically informed theory of securitisation, in which securitising actors and the strategies they use to initiate securitisation and create cohesion among principal actors are clearly identified. Just as importantly, this project contributes to the broader understanding of international relations and opens several avenues for fruitful future research. In the next section, I examine three broader contributions this project has made to the study of international relations.

The first is to show how the study of ‘negative’ changes in the international system, such as the decline of the international refugee regime, can enhance the contribution of constructivist analysis to international relations. The second is to critically reconsider the role of the state in both the practice and the study of security. While the state has held a privileged position in the study of security for some time, there is a growing challenge to this dominant position. Drawing on the cases examined in this project, I argue that, for some good and some not so good reasons, the state continues to hold a privileged position in the practice and discourse of security. The replacement of the state as the primary referent object of security can contribute to greater levels of security for many individuals, not least refugees. However, replacing the state as the primary provider of security would likely result in increased levels of insecurity for a great many individuals, and, as such, we should not rush to remove the state from the practice of security. An alternative option is to challenge the dominant construction of the
state and the political community, so that it is possible to reconstruct the identity of the political community as more open and receptive to the arrival of asylum seekers.

The third and last contribution is to study the emergence of new actors in the international system. A growing number of actors in the international system impact the activities of states and the lives of individuals, yet they remain outside the dominant theories of international relations. The study of how and why states construct relations with other non-like units in the international system will lead to a greater understanding of the field of international relations.

**Erosion of Norms and the Study of Securitisation**

One of the central emerging critiques made of constructivist scholarship is the focus on normatively 'positive' developments in international politics. 611 Constructivist scholars have devoted much of their work empirically demonstrating that 'positive' or 'progressive' change is possible in world politics. As a result, they have tended to focus on the emergence of international norms that are defined as morally progressive, such as the elimination of slavery, the ban on certain types of weapons, and the spread of human rights norms. 612 The near-exclusive focus on positive developments is a problem, particularly for critical theorists, who argue that constructivist scholars do not pay significant attention to relationships of power and domination inherent in all political developments, including those that constructivists regard as 'positive'. 613 While I accept

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the validity of this criticism, I think this project makes a significant contribution to this debate by identifying what I believe is the dissolution of a 'good' norm: the protection of people fleeing political persecution. The depiction of asylum seekers as a threat to the state and the resultant implementation of policies designed to deter, detain and deport asylum seekers, often have wretched consequences; such as, the imprisonment of desperate, traumatized refugees for years; the detention of children; the separation of young children from their parents; and the forceful repatriation of people to states where they face persecution and torture. These policies have also encouraged desperate people into more desperate measures, taking more dangerous routes, and employing the services of unscrupulous people smugglers and human traffickers, usually resulting in conditions of forced labor, often in the sex industry.

In the two states under examination in this study, Canada and Australia, successful securitisation attempts that have identified asylum seekers as a threat to the state have resulted in the erosion of the positive developments embodied in the international refugee regime. In other words, they have affected a decline in the protection offered to asylum seekers. This is not only the case in Canada and Australia, but is a trend common to almost all advanced, western, industrial democracies. The tightening of borders through the use of migration control policies, such as visa requirements, carrier sanctions and safe third country agreements has occurred as the ruling elite attempt to prevent the arrival of humanitarian migrants. There are few academics who argue this is a positive development.

In this study, I have shown how the erosion of the refugee regime has occurred to a greater or lesser extent, in two western liberal democracies. Ultimately, this project
argues that the communitarian-securitisation of humanitarian migration undermines the international refugee regime and the protections it offers to those seeking asylum from persecutory states. For a time, the international refugee regime seemed to have established itself as a strong international regime enhancing the protection of human rights. 146 states are party of to one or both of the 1951 Convention and the 1967 Protocol, the primary international agreements regarding the treatment of humanitarian migrants. Furthermore, these international agreements have been incorporated into the domestic legislation of nearly all western liberal democracies. The norm of non-refoulement has proven to be one of the strongest international human rights norms, having achieved the status of customary international law. Yet, the increasing treatment of humanitarian migration as a threat to national security seems to indicate a decline in the strength of the international refugee regime.

The most obvious response to the decline of the international refugee regime is that the end of the Cold War produced a structural shift that reduced the importance of the refugee regime. Indeed, as Chapter Five demonstrates in detail, the creation and implementation of the international refugee regime cannot be understood outside of the prevailing international structural conditions at the time of its inception. The refugee regime was constituted by and constitutive of the international rivalry that emerged after the Second World War; it constructed refugees in a distinct manner, based on the western liberal commitment to political rights. In doing so, it constructed refugee-producing states as morally bad, and receiving states as good. In this formulation, refugees served as a form of moral power in which ‘the West’ was the clear beneficiary.
While the end of the Cold War removed the structural condition supporting the refugee regime, the actors created by this regime have persisted beyond the structural conditions that gave birth to them, and acted in ways not predicted by the existence of the international structure. Thus, the erosion of the positive norms embodied in the refugee regime cannot be explained by changes in international structure. While the structural conditions following the Second World War shaped the international refugee regime and constructed actors within that context, it constructed actors with agency. Under the refugee regime, the state maintained the ability to re-construct the identity of other units in the system, permitting the alteration of those states it considered to be refugee-producing states, and those individuals it considered to be refugees. Because of this, at various times during the Cold War, refugees from Communist states were alternatively welcomed as a form of moral power, and during other periods, shunned as infiltrators and fifth columns.

The argument here is that the erosion of the international refugee regime cannot be explained entirely by the end of the Cold War. Had the Cold War persisted, it is likely that a similar decline in the refugee regime would have occurred. Indeed, there were signs of erosion in the international refugee regime before the Cold War had ended. Furthermore, the current international structure may be replicating conditions that existed near the beginning of the Cold War, and that have not produced similar responses to people fleeing rival states. Thus, based solely on the prevailing international structure, it is not clear why refugees from Islamic fundamentalist states have not been constructed in the same manner as Cold War refugees – that is, as a form of moral power.
Ultimately, understanding changes in refugee norms requires an understanding of how states situated in a particular international structure constituted new actors in the international system to reproduce the identity constructs shaped by an emergent international rivalry, and in turn, how those actors have persisted beyond and responded to changes in that international structure. Thus, while international structure is an important component in the establishment and erosion of international norms, changes in international norms cannot be explained without studying the practice of agents. This project examines an important activity in which agents are involved: securitisation.

While further research into the erosion of the international regime is required to identify causal processes and the association between international structure and agents, this project has made an important contribution by highlighting how the positive norms of the international refugee regime have been eroded over time as a result of agents engaging in securitisation attempts. I hope that this signals a shift in constructivist scholarship toward a greater concern with ‘negative’ change in world politics.

While constructivists have attempted to show that positive change in world politics is possible, it is also important to note that the ontological, epistemological and methodological commitments of constructivist scholarship do not preclude the study of ‘negative’ developments. The near exclusive focus on ‘positive’ change may emanate from a normative commitment amongst constructivist scholars to not participate in, or contribute to, the potential development and implementation of ‘negative’ norms. In other words, there is a concern that academics should refrain from doing work that may assist political actors in reducing commitments to human rights. Nowhere has this concern been more strongly voiced than in the study of securitisation. Critical scholars have argued that
the study of securitisation encourages or demonstrates to political actors how to securitise issues.\textsuperscript{614} Waever has defended the Copenhagen school, asserting that they denounce securitisation, arguing instead for a process of desecuritisation and a return to normal politics.\textsuperscript{615}

Thus, the Copenhagen school and many of its critics share a normative commitment that the process of securitisation is a ‘negative’ development to be avoided. This is largely due to unnecessarily restricting the number of potential referent objects to the state and society. This study has shown that, in some cases, this concern over communitarian- and societal-securitisation is justified, as it has led to xenophobic reactions that have contributed to a decline in the protection offered to asylum seekers. However, the examination of the creation of the refugee regime and the humanitarian-securitisation of certain asylum seeker populations, such as the 1979 Indo-Chinese refugees, demonstrates that not all successful securitisations are actually ‘negative’ developments. The successful humanitarian-securitisation of the Indo-Chinese in Canada resulted in the resettlement of 50,000 refugees in one year alone, an extraordinary achievement by any standard. Similarly in Australia, the humanitarian securitising discourse contributed to the resettlement of close to 20,000 refugees between 1977 and 1978. Though the international securitising attempt in Australia in 1979 limited the resettlement response, the Australian government was still able to resettle an additional 14,500 refugees in 1979, due to the continued depiction of the asylum seekers as a victim of the Vietnamese state. This extraordinary rate of refugee resettlement was due to the


leadership provided by political and media actors in Canada and Australia. These actors were instrumental to resisting counter-securitisation attempts by communitarian securitisers who sought to identify the asylum seekers as a threat to the receiving state and society.

The role of the humanitarian securitised discourse should not be underestimated. In all of the securitisation attempts in Canada and Australia in which the primary referent object was the state, there was a significant challenge to that discourse, which sought to maintain the asylum seekers as the referent object of security. These humanitarian discursive challenges, while not always successful in supplanting communitarian-securitising attempts, often ameliorated the extraordinary measures the ruling elite sought to implement, and forced concessions and legislative amendments from the government.

The positive contribution of a humanitarian-securitised discourse goes beyond these six particular crises. As Chapter Five demonstrates, the creation of refugees as a distinct actor in international politics rested on the successful humanitarian-securitisation of asylum seekers following the Second World War. It was that securitisation that produced an international commitment to refugee protection, which has resulted in an extraordinary increase in protection offered to individuals fleeing persecution in their home state. It needs to be emphasized that millions of asylum seekers have been offered protection because of the successful humanitarian-securitisation of asylum seekers that was embodied in the international refugee regime. In 2004 alone, the UNHCR provided direct assistance to 5 million refugees. 30,000 of these found homes through resettlement programs, while 1.5 million voluntarily repatriated to their home state.  

Of course, the refugee regime is not without flaws. Chapter Five demonstrated that the international refugee regime and the form of protection it provides was created by, and for, select western states. This was accomplished by defining a ‘refugee’ in a very specific manner that maintained the power of the state to determine who was, and was not, a refugee; and benefited particular states in the emerging international rival structure. Could more refugees have been saved if the western powers had implemented a different, less narrow definition of refugee, or invested far less power in the hands of states to determine who qualifies as a refugee? Most definitely. Will more refugees face persecution and death in their home state, in transit and in receiving states if the international community continues to undermine the integrity of the international refugee regime? Without a doubt. Like most constructivist scholars, I contend that positive change in world politics is possible, and in this case can be accomplished by identifying how the erosion of ‘positive’ international norms occurs.

One of the purposes of this project has been to demonstrate that positive normative change in the form of refugee protection has occurred as a result of the successful securitisation of humanitarian migrants in western liberal democratic states. However, unlike the Copenhagen school, I have not identified securitisation as an inherently ‘negative’ force for change. The referent object of security is an important element in the consideration of whether the process of securitisation is a ‘positive’ or ‘negative’ development. A return to a humanitarian-securitisation, with individuals or groups at risk of persecution in their home state, would represent a positive development,

one in which scholars can make a contribution by identifying the processes by which asylum seekers have been re-constructed as a threat to the state.

**The State and Security**

This project also speaks broadly to the place of the state in the study of international relations. Specifically, my examination of the securitisation of humanitarian migration addresses the role of the state in the study of security and migration. As noted in Chapter Four, the place of the state in the study of security is contested. Neo-realists in security studies assert that the state should remain the sole referent object in the study of security, while critical security theorists and human security advocates argue that privileging the state in the study of security may lead to increased insecurity for individuals.\(^{618}\)

In that regard, this work comes down on the side of the critical security theorists and the proponents of human security. One important contribution of this work has been to demonstrate the negative repercussions on humanitarian migrants of communitarian-securitisation attempts that maintain the state as the primary referent object of security. In cases where the state was identified as the primary referent object over humanitarian migrants, the policies implemented increased the level of insecurity for humanitarian migrants; in some cases there were deaths. In cases where humanitarian migrants were cast as the primary referent object of security, policies were implemented that enhanced protection for them, and had little-to-no impact on the security of the receiving state.

However, this project does not support the conclusion that the state should play no role in the practice of security. The empirical examination undertaken in this study

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demonstrates the preponderance of the state in the practice and discourses of security, an insight noted in the earlier works of the Copenhagen school.\textsuperscript{619} The dominance of the state in the security discourse was demonstrated both as a referent object of security and as a security provider.

As Buzan and Waever have noted, successful securitisation requires an actor with sufficient capability to provide security. As the examples in this work have demonstrated, successful humanitarian-securitisation requires an actor capable of providing for the security of individuals outside the state. Humanitarian-securitisers in Canada and Australia appealed to the state to act, as it alone had the capacity to provide for the protection of the asylum seekers. Even with the generous level of private sponsorship that made the Canadian response possible, these extraordinary measures would have been impossible to implement without the capability of the Canadian state to transport the refugees to Canada. Again, in 1979, many of the Southeast Asian states responded in a humanitarian manner to the influx of Indo-Chinese refugees, though, unfortunately, some were simply incapable of providing for the refugees’ security. These examples demonstrate the positive role that a strong, wealthy state can play in the provision of protection for individuals.

The fact that discursive practices appealing to the state are so readily available is testimonial to the strength of the state in the practice of security. While critical theorists may debate the value of this, the multiple discourses on migration strongly advocate the retention of the state in the provision of security. The dominance of the state in the

practice of security is also highlighted by the near unchallenged assertion that a state response was the appropriate response to the threat. While there were expressions of what Buzan and Waever have termed societal security, few securitising agents called on any actor other than the state, to provide security. Anti-immigrant groups that sought to securitise the influx of humanitarian migrants, in most cases, had the government as their primary audience. These groups sought to influence the government, so that the government would implement the coercive capacity of the state to prevent immigration. Similarly, the asylum seekers and their humanitarian advocates called on the state, via the government, to act, by offering protection to the asylum seekers.

One element that warrants greater attention than could be given in this study, were the manifestations of societal-securitisation, in which societal leaders called on some segment of society to respond to the enunciated threat rather than the state. Violence by anti-immigrant groups against asylum seekers in Australia, while rare during all three crises, was one indication of societal-securitisation. These groups normally identified a particular race as a threat to society, and advocated a societal response – against the wishes and authority of the state. Perhaps of greater interest, is the asylum movement that emerged in both Canada and Australia. The most evident and vocal of these groups emerged in Australia, from groups that openly advocated providing refuge for asylum seekers who had escaped from mandatory detention. The act of providing protection to escaped detainees clearly signals a shift in both the referent object and security provider. For both the asylum movement and the anti-immigrant groups, it was the state’s policies of permitting immigration or detaining refugees that represented the threat. The existence of such groups does not undermine the claim that the state remains the dominant actor
within the discourse on security, but does demonstrate that there are other potential non-state security discourses.

The dominance of the state in the discourse on security should not be used analytically to exclude all other potential referent objects, or normatively to justify any and all policies in the name of state security. As the success of the humanitarian-securitised discourse demonstrates, states are capable of offering protection to individuals outside the community. Additionally, the relocation of security provider from the state to individuals or other referent object may increase insecurity for a great number of individuals and groups, as was evident in cases where societal groups such as anti-immigrant groups or the asylum movement acted against their perceived threat. These episodes prompted significant discursive challenges reiterating the importance of maintaining law and order. Thus, from the perspective of avenues for protecting refugees, rather than removing the state from the practice of security, the better strategy appears to be to challenge the identity of the state, to show that not offering protection to those outside the state actually represents a greater threat to the state or the existing political community, than does incorporating others into the political community through immigration.

Other Units in IR: Refugees as Actors

The assertion that the international refugee regime constituted refugees as relevant actors within the international system is a major departure point of this project, and one I hope will encourage further research into this area. Building on the work of Hedley Bull and Alexander Wendt, I argue that refugees, following the implementation of the 1951 Refugee Convention, were constituted as actors in the international system, with a
rightful claim to existence. They constituted actors in the system because from that period on, states were forced to consider the actions of refugee populations in their calculations.

Refugees, like other actors in the international system, have been endowed with particular characteristics, intentions and behavioral expectations. Conversely, states are obliged to behave in a particular manner toward those claiming refugee status, and to offer certain protections to them. The basis of the relationship between states and refugees is humanitarian in character and has been securitised in a particular manner. This humanitarian-securitised relationship portrays the refugee as the unit being threatened, with receiving states having obligations as providers of security.

This relationship is clearly not equal. The formulation contained in the international refugee regime is designed to maintain the place of the state as the primary actor in the international system, and it imbues the state with the power and authority to decide who is and is not a refugee. As Prem Rajaram observes, the humanitarian representation of the refugee essentially circumscribes the refugee as a helpless, powerless and voiceless actor. Even the refugee advocacy network within, and between, states is complicit in this construction of the refugee, and helps maintain the state-dominated relationship.

The individual state’s power to decide who is and is not a refugee has led to a number of inconsistencies. This is highlighted by the wide variation in the acceptance rates of asylum seekers within the advanced liberal democracies. In the late 1990’s, Canada’s acceptance rate consistently averaged between 40-50% , while in Australia

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Taken from Canadian Immigration Statistics provided by Citizenship and Immigration Canada, Yearly Reports 1993-2002
the acceptance rates of asylum seekers' claims ranged between 10-35%. We find similar disparities of acceptance rates in the European states and the United States. While each state faces different flows of asylum seekers with varying levels of legitimacy to their claims, this wide variation is also the result of different implementations and interpretations of the refugee convention. Under the refugee regime, each state has been free to interpret the refugee convention as liberally or conservatively as the ruling elite see fit. Thus, the cases under examination in this study reveal that there are differing standards of persecution and of 'well founded fear', as well as different standards relating to membership in appropriate groups. There is also variation with regard to the amount of evidence asylum seekers need to provide, and in the type of determination process itself. There exists variation in the process because individual states are given the power and authority to act. The minor variations between western liberal states in the interpretation and implementation of the refugee regime should not obscure the fact that there was/is general acceptance of the role identities of refugees. Rather, it demonstrates that the refugee regime was designed to maintain states as the dominant, though not sole, actor in the international system.

While the relationship between states and refugees provides states with a range of freedom regarding their actions, in essence, only two actions have been ascribed to the refugee in this relationship: the act of escaping, by leaving their home state and the act of claiming refugee identity, by presenting themselves to authorities of the receiving state. Refugees are the victims of a state's actions; they flee, and are then subject to the actions of the receiving state. Attempts on the part of the refugee to take further actions become

622 Taken from Australian Immigration Statistics provided by the Department of Immigration, Multiculturalism and Indigenous Affairs, Yearly Reports, 1994-2000
highly suspect. The discourse analysis engaged in this project reveals that when asylum seekers attempt to act beyond the act of escaping or claiming the identity of refugee, this has been used to re-construct the identity of the asylum seeker. Hunger strikes, roof-top protests, making demands, evading authorities, escaping detention, writing letters, extensive planning, paying for their escape: all these actions that asylum seekers take to find security or to be treated humanely, became part of the discursive challenge to their identity claims. This has clear practical relevance from the perspective of refugees. While desperate persons may be led to do any number of such things to save themselves and their family, the relatively narrow confines of the role identity ascribed to refugees constructs such acts as illegitimate, ruling out numerous behaviours (that are often otherwise understandable in situations of desperation) as constitutive of genuine refugees.

While the relationship between the state and refugees reflects and maintains the power disparity between the two units, we should not overlook the many ways in which refugees act in the international system. As the list of actions asylum seekers have taken in the previous paragraph demonstrates, they have not lost the capacity to act in a manner outside the provisions of the state. States have been unsuccessful in limiting the actions of refugees to the two acts ascribed to them by the international refugee regime. Therefore, it is important that these actions in defiance of the state become known and that these actions are interpreted by discursive practices in the host society in a manner consistent with a humanitarian-securitisation. For this to occur, political leaders must exercise moral leadership, and the freedom and objectivity of the media must be maintained. As was highlighted in Chapters Six and Seven, these were two crucial elements in the success of securitisation attempts.
The examination of the relationship between states and refugees opens the door to further theorizing the manner in which states form their relationship with other units in the international system. Bull's and Wendt's analyses of the relationship between units in the international system focused on like units. This unnecessarily limits the range of actors and actions that take place in the international system, and does a further disservice to the potential contribution of their theories. Units such as terrorist groups, people smugglers, and international organized crime all seem to fit within the enemy construct from Wendt's analysis, in that states recognize they are actors in the international system, but do not recognize their claim to exist. Addressing unlike units within existing theories would certainly help academics explain a greater range of phenomenon that occur in international politics.

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