***BETWEEN FEAR AND VULNERABILITY: THE
EMERGENCE OF THE HUMANITARIAN SECURITY-
NEXUS IN THE CANADIAN REFUGEE
PROTECTION REGIME***

by

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ABSTRACT

This thesis examines the humanitarian-security nexus in the Canadian refugee protection regime through a biopolitical and genealogical framework. Addressing the post-WWII period, it analyses the specific ways in which this nexus has been assembled in response to the Ugandan-Asian and Chilean refugee crises. Although diverse studies have focused on either security or humanitarian practices, there has been scant inquiry into the intersecting nature of these practices. Drawing from Michel Foucault and Giorgio Agamben's theoretical understandings of biopolitics as an assemblage of technologies of power, this dissertation argues that governing authorities' biopolitical power alternates among making live, letting die, and making survive.

In the aftermath of WWII, the humanitarian-security nexus primarily aimed to eliminate immigrants who were deemed racially, politically, and physically unfit to contribute to Canada's political and economic well-being, White-European heritage, and Western-liberal democratic values. As a result, the humanitarian response to the Ugandan-Asian refugee crisis involved a carefully orchestrated selection process that welcomed refugees who were deemed strong potential economic contributors. Meanwhile, the Chilean refugees, who were perceived to be a poor fit with Canada's Western-liberal democratic value system and economic interests, were excluded and denied the humanitarian welcome that was extended to Ugandan-Asian refugees. Examining past practices illuminates present attempts to reform the refugee system.

In the wake of the implementation of the Immigration Act in 1976, refugees were no longer considered politically or economically valuable to Canada; instead, they were regarded as "problems" that require management and control. By the beginning of the twenty-first century, governing authorities were revising their technologies of power in order to address the increasing numbers of refugees and asylum seekers arriving in Canada who were considered a threat to national security and a burden to taxpayers.

When these technologies have proven insufficient in addressing 'the refugee problem', the Canadian governing authorities have sought the power to make survive (as opposed to the power to make live and let die). This power strives to depoliticize life by appealing to fear and vulnerability. Refugees in the re-emerging humanitarian-security nexus are treated either as dangerous and illegitimate, or as vulnerable individuals in need of care and compassion. Through its critical analysis of this nexus, this study offers a new insight into the Canadian refugee protection system and the political foundation of its governing system.

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List of Acronyms

ATCR	Annual Tripartite Consultations on Resettlement
CBSA	Canada Border Services Agency
CCR	Canadian Council for Refugees
CIC	Citizenship and Immigration Canada
CIMM	House of Commons' Standing Committee on Citizenship and Immigration
CSIS	Canadian Security Intelligence Service
EU	European Union
EXCOM	Executive Committee of the High Commissioner
DFAIT	Department of Foreign Affairs and
GAR	Government Assisted Refugees
IBRD	the <i>International Bank</i> for Reconstruction and Development
ICEM	Intergovernmental Committee for European Migration
IGCR	Inter-Governmental Committee on Refugees
ILO	International Labor Organization
IOM	International Organization for Migration
IRO	International Refugee Organization
LAC	Library and Archives Canada
MANDI	Refugee Policy Division, Manpower and Immigration
NGO	Non Governmental Organization
PRS	Protracted Refugee Situations
PSEP	Department of Public Safety and Emergency Preparedness
RCMP	Royal Canadian Mounted Police
UNRRA	United Nations Relief and Rehabilitation Administration
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
VSI	Voluntary Sector Initiative
WAR	Women-at-Risk

WGR	Working Group on Resettlement
WRY	World Refugee Year
WWI	World War I
WII	World War I

INTRODUCTION

The notion of refugeehood frequently evokes two powerful images in Western societies. The first is that of the suffering victim, which creates an impulse to do *something*. This somewhat arbitrary impulse (arbitrary in terms of how “suffering,” i.e. a “deserving victim,” is determined) is the impetus for humanitarian practices and reflects a moral but non-political obligation. In this case, the United Nations High Commissioner for Refugees (UNHCR), as well as governmental and non-governmental agencies, intervene to end human suffering, either by supporting military interventions that tackle the root causes of displacement, championing aid to and development projects in countries hosting refugees, and/or providing resettlement of the most vulnerable refugees in a third country. The second image of the refugee is that of the invader, the dangerous ‘other,’ who can provoke, destabilize, and threaten Western societies’ very existence. To contain and control this threat, governing authorities justify the adoption of security practices to protect the sovereignty, health, and well-being of their citizens.

The Canadian government is no exception to these practices. Refugees are excluded from protection if they are perceived to endanger Canadians or Canada’s social, political, and economic structures and institutions. At the same time, Canadian authorities also intervene to end the human suffering of refugees, either through development projects abroad, financial assistance to states hosting refugees, and/or the resettlement of a few thousand refugees every year.

Humanitarian and security practices are evident in public discourse, governmental statements and philosophical propositions, and institutional changes, as well as in measures

adopted by the current Canadian government. For instance, when asked about his views on immigration in 2002, Stephen Harper, Canada's current Prime Minister, replied:

I am pro-immigration in principle. I think the biggest concern in the immigration system right now is the refugee determination process, which has become such a boondoggle. It not only threatens the integrity of the immigration system, it threatens national security. I've been saying for years that the most important thing is that this country makes its own immigration selection and that this policy be consistent with Canadian views. A refugee determination system that has effectively created a back-door immigration stream that bypasses legal channels is unacceptable. And we need to tighten that system. But I want to make it very clear: I don't want it to be said that I'm anti-immigration. I'm very supportive of [a] significant [level of] immigration and always have been (as cited by Flecker, 2008, p.171-172).

Harper's views are reflected in policy and legislation, as well as in institutional changes. For instance, the Department of Citizenship and Immigration Canada (CIC) adopted *The Protecting Canada's Immigration System Act* in 2012, which replaced the 2001 *Immigration and Refugee Protection Act* (IRPA). As the change in title indicates, this new act is concerned more with protecting Canadians from refugees than with protecting refugees from persecution. The act is aimed at 'bogus' refugee claimants who are perceived to be trying to abuse Canada's generosity and compassion.

Among other things, the legislation seeks to expedite decisions on asylum claims and establish faster removal processes for failed claims. Claimants from countries that have been designated safe and democratic by the Minister of Citizenship and Immigration have a shorter

timeframe for hearing an appeal than other claimants. Speaking in Ottawa on March 20, 2010, the Minister explained the implications of this legislation:

What does that mean? That someone who's just gotten off a plane, who somehow managed to get out of a prison in Iran or in North Korea, who arrives at one of our airports, won't have to wait a year and a half for protection, but could receive it in a matter of weeks (para. 14).

The Immigration Minister maintained that the act aimed to protect Canadians and "authentic" refugees deemed to be genuinely in need of protection. According to the Minister, Canada's "broken immigration and refugee system" has levied a heavy cost on Canadian taxpayers (CIC, 2012). It has also come at the expense of "legitimate asylum seekers who have been forced to wait at the back of an unacceptably long queue" (Kenney, 2012). The Minister went on to explain:

We are determined to prevent this abuse of our system and, in a time of fiscal restraint, we are committed to ensuring that our asylum system is as streamlined as possible while remaining fair... [The newly adopted legislation does] not change Canada's reputation as having one of the most generous and fairest refugee determination systems in the world (para. 10).

Suffice it to say, this amendment grants the Minister greater discretionary powers over the fate of refugees, especially those within the designated countries.

The act also involves a provision to "crack down on human smuggling" to ensure the safety and security of Canadian streets and communities. Under this provision, the Minister of Public Safety designates "the arrival of a group of individuals who entered or attempted to enter Canada in a manner that runs contrary to Canada's immigration laws as a designated

irregular arrival” (CIC, 2012, para. 2). Individuals involved are subjected to imprisonment and detention, as well as other disciplinary measures. The provision criminalizes and securitizes refugees by referring immigration issues directly to the Department of Public Health and Safety. The Minister of Immigration defended this institutional change by pointing out that the provision serves as a protective tool for those who are being smuggled or might be smuggled, by sending a clear message that Canada will not tolerate such actions.

Along with these security practices, the then Minister of Immigration, Jason Kenney, also announced his intention to expand the humanitarian refugee resettlement program by 20 percent (CIC, 2010). “While fixing our broken-in-Canada system,” the Minister announced, “we’ll increase the generosity of our overseas system” (CIC, 2012, para. 14). As well, Canada would rely more on the UNHCR to select refugees for resettlement from abroad¹. “Resources [are] better spent on UN-approved refugees,” noted the Minister of Immigration on September 9, 2009, since “‘fake’ applications here are hurting those waiting abroad” (as cited by Payton, 2009). The Minister’s statement not only justified the enactment of measures to scrutinize the in-land refugee protection system that was apparent in the newly adopted immigration act, but also pitted in-camp refugees against asylum seekers. The former are seen as genuine refugees who deserve Canada’s humanitarian intervention. The latter, which Canada has legal obligations toward under the 1951 Refugee Convention, are viewed not only as endangering Canada and Canadians, but also as prolonging the suffering of refugees in camps abroad.

¹The UNHCR defines refugee resettlement as the process “in which refugees are selected and transferred from the country of refuge to a third State which has agreed to admit them as refugees with permanent residence status” (UNHCR Resettlement Handbook, 2011, p.25). As one of the three durable solutions offered for refugees, refugee resettlement is a voluntary and non-binding act that falls primarily within the jurisdiction of the international burden-sharing principle.

In a debate in the Committee of the House on December 2006, Barry Devolin, a Conservative Member of Parliament in the Harper Government, provided an example of the type of genuine refugee Canada is pursuing for resettlement:

The Government of Canada is committed to providing a safe haven for victims of persecution [who are] genuine refugees. Refugees are the over 100,000 who have been registered in seven camps in eastern Nepal for over a decade now. Nearly a quarter of them are children born in the camps. Another 10,000 unregistered Bhutanese refugees are living outside the camps. These genuine refugees have been warehoused in camps for more than a decade. The monotony of camp life has amplified their depression, substance abuse, domestic and sexual violence, teenage pregnancies and crime. Refugees like these face life where up to eight people share one hut. They receive basic food rations available for short-term emergencies but inadequate for long-term living. The only informal work they can find pays low wages, barely enough to supplement their diet or buy extra clothes. If they are lucky, they may be able to eke out something for education. They have no options of integrating into the local Nepalese community and no hope of returning to Bhutan. Being stuck in these overcrowded refugee camps with little hope for any solution has taken its toll. Suicide in refugee camps is four times higher than [in] the local Nepalese population (House of Common, 2006, 1st Session).

When asked by the NDP for the reasons the government is not resettling Vietnamese refugees living in the Philippines, Devolin noted that these are “not refugees...[because] they are not in any danger...statelessness does not make someone a refugee” (House of Common, 2006). He

further explained that Vietnamese refugees have access to education and freedom of movement without being “restricted to refugee camps.” Devolin pointed out that Vietnamese refugees “have opportunities that no other refugee population enjoys” (House of Common, 2006).

Kenney and Devolin’s statements point to a peculiar and contradictory logic. From a government perspective, refugees deserve humanitarian intervention through resettlement if they wait patiently in a camp. Yet among those refugees, some are more deserving than others, depending on the magnitude of their suffering. It would seem that suffering is measured arbitrarily because it is considered in relation to the suffering of other refugee groups, as opposed to Canadian citizens. These statements emphasize the power the government has to determine the value of human lives. Additionally, such humanitarian practices are also limited by security concerns.

When deciding to resettle refugees from abroad, the government has the right to deny resettlement to refugees under the exclusion clauses (Articles 1D, 1E and 1F) of the 1951 Convention, or to those who do not pass security and criminal checks. Article 1D and 1E are concerned with refugees who already enjoy protection status or those who will soon receive protection or assistance. Article 1F applies to persons who have committed serious crimes or crimes against humanity, including terrorist activities.

Furthermore, humanitarian practices are also limited by security concerns unrelated to refugees’ activities. For example, despite Canada’s commitment in 2010 to increase the number of resettled refugees by 20 percent, the total number actually resettled to Canada in 2012 dropped by 26 percent from 2011, becoming the second lowest number of resettled refugees in the past 30 years. When questioned in the House of Commons on March 7, 2013, Jason Kenney acknowledged that there were “technical problems” due to the conflict in Syria, at the time

considered one of the top countries targeted by the Canadian government for resettlement. He explained that the civil war in Syria “has forced the closing of our Damascus office and that has affected the processing of settled files and we are working on that right now” (The Canadian Press, 2013). These security concerns hampered the government’s efforts to meet resettlement targets.

Given this context, humanitarian practices not only legitimize and justify security practices, but security concerns also penetrate humanitarian space. Furthermore, humanitarian and security practices are not straightforward, but reflect complex logic and rationalities. Different mechanisms and technologies are assembled together at a particular juncture “in relation to a given ensemble of population and territory” (Li, 2009 p. 78) in order to preserve and control these practices.

I am interested in questions centred around the assemblage and emergence of the humanitarian-security nexus in the Canadian refugee-protection regime. More specifically, my thesis seeks to explore the emergence of this nexus in the Canadian refugee-protection regime through an analysis of post-World-War-II mechanisms used to regulate and manage refugees. In place of a comparative case-study analysis, I apply a genealogical approach to understanding how this nexus was assembled over time, and in response to particular refugee crises, namely the Ugandan-Asian crisis in 1972 and the Chilean one in 1973. This approach denaturalizes practices and technologies of control that might otherwise appear as natural, commonsensical, inevitable, or predetermined.

In my original research proposal I sought to examine how humanitarian and security discourses and practices during the Cold War and in the aftermath of the September 11 attacks on the US affected Canada’s refugee resettlement practices and policies. I had planned to

conduct comparative case-study analyses to explore the Canadian government's responses to four refugee crises: the Ugandan-Asian refugees whom Idi Amin forced out of Uganda in 1972, the Chilean refugees fleeing the Pinochet regime in 1973, the Palestinian refugees fleeing Iraq after the fall of Saddam Hussein in 2003, and the Bhutanese refugees who were in refugee camps in Nepal since the early 1990s.

Upon receiving ethics approval in 2010, I approached different government and UNHCR representatives for interviews on the Palestinian and Bhutanese cases. However, none of the persons whom I contacted were willing to speak on the record. Instead, I decided to request information under the Freedom of Information Act. This venue was equally unsuccessful. Despite waiting for over two-and-a-half years, I received very little information relevant to the research questions or topic. During this time, I sought the assistance of my member of parliament, and filed a complaint with the Information Commissioner. However, despite their endorsement and support, both were unable to speed up the process of getting the proper data I requested, or guarantee that I would get any data in the near future.

In theory, the Access to Information Act aims to make government activities more transparent through availing relevant information to the public (Access to Information Act, 2014). However, in practice, the complicated bureaucratic process involved in filing the access-to-information request, the lack of resources available to process requests within reasonable time periods, and the legislative measures contained in the act that grant the bureaucracy the right to extend requests and levy discretionary powers over the type of information released contribute to the government's culture of secrecy. This secrecy serves as a mechanism to control knowledge, and ultimately manage and maintain a specific regime of 'truth.'

Due to my inability to access meaningful information, I had to abandon the Bhutanese and Palestinian case studies, and concentrate on the Chilean and Ugandan-Asian resettlement situations. The loss of these cases motivated me to slightly alter the scope of my dissertation and its methodological approach by focusing on the work of the humanitarian-security nexus in relation to the Canadian refugee-protection regime. This approach pays close attention to the discourses, knowledge (in terms of ideas and practices), and power involved in maintaining regimes of truth regarding refugee practices where some refugee groups are treated as worthy of human sympathy while others are feared. The appeal of genealogy lies in the fact that history is used as an instrument for understanding the present. This is particularly helpful since I was not able to access any relevant information about current government practices. It is also useful in uncovering how this nexus changed over time along with the technologies used to maintain it.

This dissertation tackles four main questions: First, how did the humanitarian-security nexus emerge in the Canadian refugee protection regime? Second, how was the humanitarian-security nexus assembled? Third, how did the humanitarian-security nexus distinguish between refugees and produce the effects that the Canadian government was trying to achieve? Fourth, how did the government utilize this nexus when intervening in the Uganda and Chile refugee crisis? How were these two interventions assembled? More specifically, what did the government say and do? What kind of rules were imposed and given?

The humanitarian-security nexus is understood here as the tension between the Canadian government's expressed desire, on the one hand, to intervene in order to protect the safety and security of Canadians and Canada's social, political, and economic institutions, and, on the other, to provide the humanitarian space to protect refugees. The nexus is used in this dissertation to refer to a link between security and humanitarian practices that denotes and justifies exclusionary

and inclusionary practices. At certain times, humanitarian practices are constrained by, or used to justify, security practices where refugees are excluded from protection. At other times, security practices are utilized to deny humanitarian practices; nonetheless, sometimes the term is simply replaced with humanitarian and security practices.

Security is conceptualized in terms of present and future threats and risks, as Dalby (2002) clearly articulates:

[Security is] about the future or fears about the future. It is about contemporary dangers but also thwarting potential future dangers. It is about control, certainty, and predictability in an uncertain world, and in attempting to forestall chance and change, it is frequently a violent practice. [Security] is about maintaining certain collective identities, certain senses of who we are, of who we intend to remain, more than who we intend to become. Security provides narratives of danger as the stimulant to collective action but is much less useful in proposing desirable futures (p.163).

The term humanitarianism, or humanitarian practice, usually implies that humans are bound together by universal experiences that are detached from politics. Humans are assumed to have the moral and ethical obligation to act in ending the suffering of fellow human beings (Fassin, 2011).

This dissertation examines the four main research questions by developing an analytic framework based on Foucault and Agamben's combined work on biopolitics, while also adopting a genealogical approach. For Foucault, biopolitics is a security apparatus that is assembled through different technologies of power to achieve certain goals. It ultimately functions to preserve governing authorities' power to make live and let die. The humanitarian-

security nexus reflects this biopolitical power, where some refugees, out of humanitarian concerns, are allowed entry to and settlement in Canada, while others are excluded, denied protection, or ignored altogether due to security concerns.

Agamben adds the role of sovereign power to make survive, which is a minimalist biopolitics to manage and administrate survival. This addition is critical in making sense of the contemporary Canadian refugee protection regime where state authorities are increasingly concerned with suffering and vulnerability when deciding on the refugees who deserve the protection. The humanitarian-security nexus no longer reflects the power to make live and let die, but the power to make survive.

In addition to biopolitics, the research project employs genealogy as a historical technique to examine the emergence of the humanitarian-security nexus. By doing so, this thesis reveals the conditions of possibility that allowed for the particular configuration of this nexus. This approach maps out the multiple matrices of power involved, and the technologies assembled in the Canadian refugee protection system, in maintaining and preserving the power to make live, let die, and make survive over time. It reveals continuities, discontinuities, and moments of rupture in the history of this nexus. It also shows how certain technologies used to maintain the governing authorities' biopolitical order were pursued, revised or abandoned over time in order to capture new local and global political, social, and economic realities.

Focusing on policies (laws and legislation), institutions, statements, philosophical and moral propositions, the thesis argues that the emergence of the humanitarian-security nexus is a response to the Canadian governing authorities' desire to control and manage the entry of immigrants and refugees to Canada. The Canadian governing authorities' decision to enact this biopolitical power reflects multiple and complex rationalities. It incorporates a range of

techniques and technologies, dealing with the multiple ways in which threats, risks, and saving strangers are framed, assessed, and interpreted.

In the post-WWII period, the problem faced by governing officials was expressed in terms of maintaining a healthy growth of immigration. Immigration was seen as both essential and a threat to Canada's survival. The act of saving lives and preventing risk and threat were simultaneously articulated in terms of the economic, political, and social contribution of refugees. Canadian governing officials selected refugees who were able to contribute to Canada's economy, preserve its racial composition, and promote its liberal-democratic values. All other refugees were viewed as endangering the governing authorities' order. As a result, they had to be denied entry and excluded from the humanitarian gesture through immigration, health, and security screening processes, or altogether ignored due to policies that prevented the entry of racialized groups.

The security apparatus in the post-WWII period was essential in maintaining this order. It was assembled through different techniques and technologies. It involved the discretionary powers of the Minister of Immigration and the Cabinet, which designated certain groups of refugees for resettlement; health and immigration officials and the Royal Canadian Mounted Police (RCMP), which oversaw the selection processes to ensure the 'right' refugees were selected; policies, legislative procedures and other institutional forms, which sought to control the racial composition of refugees and their geographical location; and philosophical and moral statements expressed by Canadian governing officials in order to legitimate the desired goals.

While Canada revised its racist immigration policies, which sought to exclude the entry of racialized groups in the 1960s, the newly adopted policies took on different racial techniques to legitimate exclusion. Canada's swift response to the Ugandan-Asian refugee crisis proved the

multiple ways in which racism operated. With the decline of the number of European immigrants, the governing authorities employed cultural racism, which prioritized the selection of immigrants and refugees on the basis of their physical well-being, education, occupational skills, and wealth. The assumption behind this practice is that certain cultures have progressed and adopted the individualistic Western way of living. Through the discretionary power and endorsement of the Prime Minister and the Minister of Immigration, immigration and health officials selected highly qualified Ugandan-Asian refugees to resettle in Canada.

The dissertation demonstrates that these practices involve contradictions and failures. In contrast to its quick response toward the Ugandan Asian refugees, the Canadian government aimed to ignore the Chilean refugee crisis. Many of these refugees held communist and socialist values, which were viewed by Canadian governing authorities as at odds with Canada's liberal-democratic values. Also, the governing authorities were more concerned with their economic interests in Chile, which were better served under the Pinochet regime. Nonetheless, the governing authorities undermined the role of the Canadian public in challenging their order. The Chilean refugee crisis revealed the growing public concern with Canadian government practices toward refugees and the national security apparatus.

With the introduction of the 1976 Immigration Act, refugees became a separate category from immigrants and, as a result, the problem of population decline was no longer linked to refugees. In the early years of the legislation, refugees did not constitute a problem for the governing authorities because only very few managed to arrive in Canada to seek sanctuary. By the second half of the 1980s, a greater number of asylum seekers were arriving in Canada. Meanwhile, in 1987 the Supreme Court ruled that refugee claimants have a right to a hearing

under the Canadian Charter of Rights and Freedoms. It was during this period that refugees became a problem requiring immediate intervention.

The governing authorities needed to intervene to assert power over life by assembling different technologies of power to manage the ‘unpredictable’ arrival of potential terrorists and criminals. Nonetheless, the governing authorities were unable to fully implement these technologies. This failure was largely due to the growing involvement of the Canadian public in refugee-related issues, as well as the failure of the authorities to preserve Canada’s imagined humanitarian identity, adopted in the post-WWII period. By the mid-1990s, the humanitarian-security nexus re-emerged to reflect the governing authorities’ power to make survive. In this biopolitical order, refugees, especially those in camps, became the immigrant subjects most worthy of the compassion and care of governing authorities. Asylum seekers who managed to arrive to Canada to seek sanctuary were considered illegitimate, and associated with crime and terrorism, especially after the attack on the US on September 11, 2001.

Contribution to Knowledge

First, this dissertation sheds light on the connection between humanitarianism and security, and its implication in the refugee-protection regime, especially refugee- resettlement practices. The conversation between Foucault and Agamben is rarely interpreted in a constructive way. Rather, the work of these two influential scholars is treated as separate, and sometimes as contradictory and adversarial, rather than complementary. Foucault’s concept of biopolitics is generally utilized to examine security mechanisms and technologies adopted to achieve governing authorities’ desire to control and manage refugees (Walters, 2006; Bigo, 2006; Fassin, 2005; Muller, 2004; Pratt, 2005), moral economy (Fassin, 2005), and humanitarian interventions (Duffield, 2005; Pandolfi, 2010; Orford, 2010; McFalls, 2011). Meanwhile, Agamben’s

concepts of the state of exception, *homo sacer*, and minimal biopolitics have been utilized to shed light on the logic behind humanitarian practices adopted toward refugees (Tickten, 2011; Redfield, 2005), refugee camps, and other spaces of confinement and detention (Diken, 2004; Rajaram and Grundy-Warr, 2004). By asserting the merits of each scholar and his contribution to the field of refugee protection, my dissertation makes a connection between two prevalent approaches that have been largely treated as separate to date.

Second, my methodological approach provides unique insights into the relation between ideas, policies, and practices while bridging the growing gaps between theory, policy, and practice. Genealogy has been utilized in various studies to explore a whole range of issues. Scholars have used this methodological tool to examine and critique poverty legislation (Dean, 1991), welfare dependency (Fraser and Gordon, 1994), gerontology policies and practices (Powel and Biggs, 2003), programmes dealing with threats and emergencies (Collier and Lakoff, 2008), the construction of the ‘new regionalism’ (Larner and Walters, 2002), citizenship (Isin, 1997/2002), sovereignty (Bartelson, 1995), trauma (Leys, 2010), transitional justice (Teitel, 2003), the moral illegitimacy of chemical weapons (Price, 1995), and the emergence of Western diplomacy (Der Derian, 1987), to mention only a few examples from the multitude that exist. Pratt (2005) uses this tool, along with Foucault’s concept of governmentality, to examine detention and deportation practices in Canada. Genealogy is a useful tool for uncovering the multiple and complex technologies and rationalities adopted, or abandoned, when responding to refugees. It attends to ideas and discourses, institutions, legislations and laws, institutional formations, and other philosophical, political and moral reasoning by highlighting moments of continuity, discontinuity, and rupture.

Third, the dissertation contributes to a rich, but fragmented, body of work on Canada’s

refugee protection policy. Some of this work has focused on the different actors that have shaped Canadian refugee and immigration policies, including the Ministers of Immigration and former Cabinets (Dirks, 1977; Knowles, 1992; Hawkin, 1988; Russo, 2008; Pratt, 1999; Basok, 1996; Whitaker, 1987), the bureaucracy (Abella and Troper, 1983; Schultz, 1982; Burstein et al., 1994), and civil society (Simmons and Keohane, 1992; Hawkins, 1988; Whitaker, 1987).

Other scholars have been concerned with the different means by which the Canadian government has used laws and legislation, ideas, discourses, and other technologies to manage and control the arrival of refugees (Hathaway, 1992; Whitaker, 1987; Triadafilopoulos, 2010; Pratt, 1999/2005; Pratt and Valverde, 2002; Russ, 2008; Nyers, 2006; Hyndman, 2000; Aiken, 2002; Macklin, 2001; Lippert, 1998/99). This work builds on these studies by highlighting the interplay of different actors, interests, and technologies that have shaped the trajectory of Canada's refugee protection regime since WWII. It also clarifies the relationship between the public, the government, and social actors, with a view toward discerning how the latter has undermined or facilitated governing authorities' refugee-protection regimes.

Fourth, the dissertation provides the first rich and detailed account of the different technologies utilized by the Canadian government in response to the Ugandan and Chilean refugee crises. The many studies discussing these crises are limited in scope and utility. Studies that have devoted some attention to Canada's involvement in the Ugandan-Asian refugee crisis tend to focus on the profile and character of the refugees. For instance, Lanphier (1981), Neumann (2011), Hamai (2011), and Bristow et al. (1975) assert that the Ugandan-Asians who resettled in Canada were relatively educated, skilled, and/or affluent. Bristow et al. (1975) maintain that Canada accommodated more Ismailis as compared to any other religious group in its resettlement scheme.

Likewise, the majority of studies on Canada's response to the Chilean refugee crisis focus on the factors leading to this crisis, stories and testimonies of exile and resettlement (Wright et al, 1998; Simalchik, 2006/2004; Kelly, 2013), the role played by human-rights and refugee-advocacy groups (Kelly, 2013; Simalchik, 2004; Simmons, 1993; Basok, 1996; Whitaker, 1987), and the ideological considerations that led to the exclusionary measures adopted toward refugees (Lanphier, 1981; Dirks, 1977; Troper, 1993; Whitaker, 1987). However, these studies provide very little context regarding how humanitarian and security considerations were formulated, applied, and assembled to achieve the governing authorities' desire to control the entry of the Ugandan Asian and Chilean refugees to Canada. The case studies contextualize and reveal another layer of complexity by exemplifying the ways in which the humanitarian-security nexus was adopted, adapted, and assembled in order to exclude refugees who were deemed unfit for resettlement by the governing authorities.

Finally, the phenomenon of the exclusion and marginalization of refugees has profound political, economic, and social consequences (Zetter, 2007; Castles et al. 2005). By exposing the premise behind this exclusion, this dissertation opens up a new space for contestation and resistance through imagining a new order.

Chapter Outline

Chapter 1 provides an overview of the literature discussing humanitarian and security practices toward refugees. The chapter situates the thesis questions in a broader range of academic research by identifying trends and contributions while also highlighting gaps and problems. I focus on two approaches to security and humanitarianism. The first encompasses scholars who recognize states' needs and obligations to secure their citizens, and scholars who are concerned with the security of refugees and thus advocate for the moral and political obligation to end

human suffering. The second approach questions security and humanitarian practices and seeks to uncover the rationalities and technologies used to maintain and justify these practices. Despite the rich contributions of the former, the latter was deemed a better fit for the thesis questions. Nonetheless, it is argued that an alternative theoretical approach is still required to explore the missing link between humanitarian and security practices.

Chapter 2 develops an alternative approach to the humanitarian-security nexus that acts as a guiding principle in protecting refugees. The chapter's theoretical framework begins with Foucault's analysis of biopolitics as a security apparatus, in which the governing authorities have the power to make live and let die (Foucault, 2004, p. 241). The security apparatus is an essential theoretical tool for understanding the Canadian refugee protection regime between WWII and the Cold War. The chapter also draws on Agamben's concept of minimal biopolitics where the sovereign is concerned with the power to make survive. The understanding of biopolitics as an intervention to make live, let die, and make survive, is essential in capturing the logic behind contemporary states' interventions to resettle refugees.

Agamben and Foucault's concept of the biopolitical apparatus is utilized in this chapter, along with genealogy as an approach for collecting and analysing data. Genealogy provides an understanding of the philosophical, social, and political underpinnings that allowed for certain 'truths' to emerge, and the technologies assembled to maintain them. The novelty of this approach lies in its emphasis on moments of emergence and rupture, and its focus on the multiple and complex relations of power and techniques assembled to achieve certain ends.

Chapter 3 examines the trajectory of the international refugee-protection regime since the early 1900s. It focuses on inter-state agencies, conventions, policies, and practices adopted during this period by the international community to deal with refugee crises. The chapter aims

to familiarize the reader with major concepts, conventions, institutions, and philosophical trends espoused by the international community pertaining to refugee protection. It also situates Canada's practices toward refugees within a changing global refugee-protection regime. The chapter demonstrates that this regime, which since the 1950s has been entrusted to the UNHCR, ultimately preserves the power of the state in managing and controlling refugee movements.

Chapter 4 utilizes a genealogical approach to examine the emergence of the humanitarian-security nexus in the Canadian refugee-protection regime. In light of the labour shortage in Canada in the post-WWII period, governing authorities became acutely aware of the need to secure a healthy growth of immigration without impeding Canada's social and political character, or its economic well-being. Refugees selected during this period were those able to contribute to Canada's economy. They were also used as a political tool to promote Canada's geopolitical interests.

Chapters 5 and 6 probe further into the humanitarian-security nexus by illustrating how governing authorities' power to make live and let die was temporarily utilized and assembled in response to Ugandan-Asians in 1972 and Chilean refugees in 1973. These interventions required the assemblage of different governing techniques—some were abandoned while others adopted or revised—to fulfill the objective of governing authorities' power to make live and let die.

Chapter 5 demonstrates that when it was clear to the international community that Idi Amin was serious about his decree to expel the Ugandan-Asians, the Canadian government was quick to offer its assistance to the British government by committing to resettle thousands of Ugandan-Asians in Canada. The government framed this resettlement as a response to human suffering caused by the brutality and savagery of Idi Amin, and a concern for England's stability due to racial tension. The chapter argues that Canada's swift humanitarian response to the

Ugandan-Asian crisis sought to affirm its loyalty and responsibility to Britain and the Commonwealth and secure the migration of a highly desirable group, especially given the financial assurances provided by Aga Khan. It also meant to address its need for immigration at a time when European migration was declining.

Chapter 6 points out that, in contrast to its response to the Ugandan-Asian refugee crisis, the Canadian government responded to the Chilean refugee crisis with apathy, reluctance, and suspicion. This latter response was largely due to Canada's economic interests in Chile, its relation to the US, and disapproval of the political beliefs held by the Chilean refugees. While General Pinochet's brutal repression of Allende's supporters and other opposition groups, especially in the first few months of the coup d'état, was recognized in many quarters, the Canadian government continued to deny the urgency of this refugee crisis. Only after a diplomatic exchange between the Canadian ambassador in Santiago and External Affairs in Ottawa was leaked to the media and pressure from civil society grew did the Canadian government finally consider the resettlement of Chileans. Nonetheless, the process of resettlement was met with major delays, and involved denying and excluding many refugees from protection. The responsibility of the governing authority to eliminate the communist threat ostensibly justified the death of Chilean refugees.

Chapter 7 utilizes a genealogical approach to examine the re-emergence of the humanitarian-security nexus in the post-Cold-War period. With the winding down of the Cold War and the enactment of the 1976 Immigration Act, the problem of migration shifted away from preoccupation with managing the entry of immigrants to a concern over the entry of asylum seekers and refugees. It will be argued that the governing authorities were no longer only concerned with the power to make live and let die, but also with the power to make survive.

Refugees and asylum-seekers became, either existential threats to Canada's social, economic, political and cultural fabric and its liberal-democratic practices, or bodies vulnerable to suffering. The compassion of the governing authorities is granted only to those who demonstrated victimhood, vulnerability, and suffering.

CHAPTER 2: LITERATURE REVIEW

This chapter provides an overview of the literature relating to the dissertation. It situates the specific questions of the thesis within a broader range of academic research. It identifies trends and contributions, while also highlighting gaps and problems. Since the end of the 1980s, academic analyses of the issue of security and humanitarianism pertaining to migration have burgeoned. This body of work tackles myriad questions relating to the interactions between security, humanitarianism, and migration. The primary questions with which it is specifically concerned are: Who is the referent object of security/humanitarianism objectives? Who securitizes? For which issues and whose benefit? What are the reasons and justifications? How is security/humanitarianism conducted? What does it mean to be secure/humane?

The literature on security, humanitarianism, and refugees can be loosely divided into two main categories. The first category, which I will simply call security and humanitarian practices, is concerned with both the dangers and risks faced by states and their citizens when hosting refugees, and the risks refugees face when forced to flee. To deal with this problem of insecurity, scholars in this category suggest the adoption of humanitarian practices based on a moral claim and political strategy. The second category, which I will simply call (in)security and (de)humanizing practices, is concerned with the ways that humanitarianism and security concerns and practices are enacted by governing authorities to achieve certain affects and goals. The literature review is divided into two sections in accordance with these respective categories. While the review provides a wide range of perspectives, it is by no means comprehensive. Given the limited space, it is focused primarily on humanitarian and security practices regarding refugee protection.

The sum of my analysis of the literature is that the first category dismisses the complex relations of power involved in adopting, utilizing, assembling, and preserving humanitarian and security practices. This category also pays very little attention to how security and humanitarian practices have changed over time to create certain affects. Thus, it is insufficient on its own to address my thesis questions. The second approach provides a better reflection of the interests of my thesis, but falls short in fully capturing the contemporary links between humanitarian and security practices in the Canadian refugee protection regime in the post-WWII period.

Securitizing and Humanitarian Practices

This category is divided into two interrelated schools of thought. One views states while the other refugees as the referent objects that need to be secured. According to both schools, in order to tackle the security problem, humanitarian practices need to be adopted on the basis of morality, ethics, and increasingly sound political strategies. Nonetheless, humanitarianism is possible only when the health and well-being of the state and its citizens is secured.

Scholars in this field provide insight into the ways in which politics is conducted between state and interstate actors. They also offer a rich description of contemporary refugee practices. Despite their normative appeal and emphasis on Western states' obligations and moral responsibilities, these scholars tend to pay very little attention to how security and humanitarianism are constructed and assembled as mechanisms of exclusion (and inclusion). They focus on the dangers inflicted on states when hosting refugees. For example, Barutciski and Suhrke (2001) point out that the influx of refugees in Macedonia raised serious national security issues for the government, which was faced with a 'delicate ethnic balance' between the Slavs and Albanians. With the increased number of Albanians, the government worried that it would be pulled into the conflict.

Similarly, when examining protracted refugee situations, Milner and Loescher (2011) found that hosting refugees for a long term leads to political instability in the hosting country, especially in weak and vulnerable states. Hosting refugees is associated with drug smuggling, human trafficking, recruitment of child soldiers (Milner and Loescher, 2011), tension between the local community and refugees (Crips, 2000; Ferris, 2008), instability in neighbouring countries, recruitment to terrorist movements (Mills and Norton, 2002), refugee warriors and refugee warrior communities (Turk, 2003; Loescher, 1993), the spread of civil war, prolonged or initiated conflicts and wars (Lischer, 2006), threatened social cohesion and stability of the host country and the region (Widgren, 1990; Milner, 2000), and terrorism (Collacott, 2002/2006).

To deal with these problems, Suhrke (1998) urges states to offer provisions to refugees based on moral, legal, and humanitarian obligations. These provisions include aid, resettlement, and other humanitarian interventions. Similar to Suhrke (1998), Gibney argues for the moral obligation to provide protection to refugees. While Gibney (2004) recognizes states need to pursue their interests in preserving national security², he asserts that security practices should not be absolute, especially when they infringe on other values (p. 257). These values include humanitarianism, which he defines as:

[A] principle [that] holds that states have an obligation to assist refugees when the costs of doing so are low... For the conception of 'low costs' suggests that states (or individuals) have room to protect other valued interests or obligations to which they attach significant value...Significantly, this is a moral principle that holds between *strangers*, those sharing in common nothing more than their humanity (p.231-232).

² Security, Gibney suggests, is "for the most part an instrumental value...it enables us to realize other values, such as freedom, peace of mind, justice" (p.257)

Notwithstanding, moral claims should neither impinge on a state's commitment to the security and the welfare of its own citizens and political institutions, nor generate a heavy financial burden on the state and its citizens. After all, he notes, “humanitarianism does not demand that states go right up to the edge of a morally undesirable state of affairs (such as where the viability of liberal institutions is threatened)...[it should keep] sacrifices required of citizens at a minimum to reduce the likelihood of backlash” (p. 234).

Stein (1983) and Howard’s (1980) earlier work further support Gibney’s (2004) position with respect to the limitations of humanitarianism. For instance, Stein (1983) points out the resettlement of refugees from the Third World to the First World, especially during crises and emergencies, has proven difficult and expensive; the needs of these refugees have been greater than during the earlier European refugee resettlements. In other words, economic concerns overshadow humanitarian considerations when public interest shifts from saving lives abroad to the domestic implications of resettlement. Similarly, Howard (1980) argues that the government’s rationale in selecting refugees who are able to integrate into the market economy is based on the fear of public hostility.

Suhrke (1998) also suggests that humanitarianism can be more productive if it is used strategically in ways that strengthen the international protection regime. By engaging in humanitarian practices, states might be encouraged to share the refugee ‘burden’, especially in exceptional cases where the influx of refugees leads to a conflict in host states (Barutciski & Suhrke, 2001). Rutinwa (1996), Barutciski (2001), and Milner and Loescher (2011) also support this pragmatic approach to humanitarianism, calling for strengthening the burden-sharing mechanism to resolve refugee crises.

Barutciski suggests that if countries from the Global North committed to a more equitable burden-sharing mechanism, countries from the Global South would be more willing to open their doors to refugees and asylum seekers and to accept other long-term solutions, such as local integration and repatriation. Milner and Loescher (2011), similar to Bradley (2011), urge for a strategic global, integrated and comprehensive action plan to sustain links between refugees, peace-building, migration, and development involving peace and security, development, and humanitarian actors. This strategic approach is evident, for example, in Canada's adoption of a 'whole-of-government' approach to protracted refugee situations (Dion, 2009).

The whole-of-government approach involves: (1) diplomacy, which aims to encourage refugee host states and countries of origin to respect their obligations under international humanitarian law, refugee law, and human rights law; (2) development and humanitarian assistance, whereby CIDA provides core funding for the UNHCR to pursue all three durable solutions, including voluntary repatriation, local integration, and resettlement; and (3) refugee resettlement, whereby resettlement functions as a strategic mechanism to resolve a protracted refugee situation (Dion, 2009).

The underlying assumption behind strategic humanitarianism and the burden-sharing principle is that refugees endanger states and societies. Thus, by facilitating a humanitarian response to one set of refugees, the safety of others will also be promoted. This pragmatic humanitarianism is at its core about protecting the security of the state and the stability of regions from refugees (Chimni, 2004).

This first group of scholars has been useful in emphasizing normative and ethical claims, and successful in persuading Western states to claim more responsibility towards refugees from the Global South (Huysmans and Squire, 2009). For example, the work of Adelman (2007),

Bradley (2011), Loescher (2006), Loescher and Milner (2004/2005/ 2009) has been critical in unlocking and resolving protracted refugee situations (PRS), and promoting the resettlement of a great number of Bhutanese, Somalis, Sudanese, Karen, and Rohingya refugees in the West. Nonetheless, this body of work has its limitations.

Critics have pointed out that scholars operating under this category downplay the ways in which national security, along with moral and strategic humanitarianism, is utilized as a mechanism to control and contain refugees, and to justify the erosion of legal obligations to refugees under international human rights law and international humanitarian law. For example, Goodwin-Gill (2008) draws attention to how certain aspects of the UN Security Council or General Assembly resolutions were used by executive state powers to justify and impose security measures as a deterrence mechanism. This security agenda is at odds with the 2003 Security Council Declaration on Terrorism or the General Assembly Resolution 60/2888, which requires that state measures and practices toward refugees be in accordance with “human rights law, refugee law and international humanitarian law” (Goodwin-Gill, 2008, p. 12). Goodwin-Gill (1999) points out that state practices reflect a broader crisis in Western democracies and diminishing responsibilities toward human rights.

Likewise, focusing on the Canadian refugee protection regime, Aiken (2001), Pratt (2005), Russo (2008), and Dauvergne (2007) argue that some aspects of Canadian immigration and refugee law give the state the liberty to construct and filter the ‘good’ refugee from the ‘bad’ in the name of security and criminality, and ultimately to engage in exclusionary practices with very little accountability. Writing of the Australian context, Prem Kumar and Grundy-War (2004) point out that the Australian government was able to justify detention and interception practices through securitizing refugees. Similarly, Pratt (2005) shows how border control

practices adopted against non-Canadian citizens are conducted through “the violent and bodily technologies of detention and deportation” (p. 222). These technologies are utilized to exclude undesirables, and to affirm the necessity of borders in preserving the “‘make up’ [of] identities and citizens” (p.222).

Meanwhile, Van Selm (2004) asserts that states use refugee resettlements—a tool intended for protection and burden sharing—as a “‘humanitarian alibi’ for restrictive asylum policies” (Van Selm 2004, p. 40). The ethical concept of humanitarianism is corrupted into a political tool to deflect from the legal obligation to protect. Similarly, Chimni (2000) asserts that the appeal to humanitarianism masks strategies of control:

[Humanitarian] association with all that is humane and positive perhaps explains the irresistible urge to use it to qualify a range of practices...the word 'humanitarian' is omnifarious and lacks rigid conceptual boundaries. It has not been defined in international law, that is to say 'delineated with precision accorded such concepts such as 'human rights' or 'refugee'. It is therefore not captive to any specialized legal vocabulary and tends to transcend the differences between human rights law, refugee law and humanitarian law. A wide range of acts can therefore be classified as 'humanitarian'. Its extendibility facilitates ambiguous and manipulative uses and allows the practices thus classified to escape critique through shifting the ground of justification from legal rules to the logic of situations (p.2-3).

Another criticism of this approach lies in its methodological foundation. Its scholars tend to focus on one aspect of power while neglecting the complex relations of power that allowed for something (e.g. crisis, response, intervention, etc.) to be possible. In this case, they underplay

the power of discourses and other technologies of power as galvanizing forces that foster (in)security, suspicion, and fear of refugees. For example, Ibrahim (2005) shows how security experts' opinions, along with governmental statements that tinged migrant arrival to Canada with security and criminality concerns, were used in the media to create a regime of truth. This regime in turn informed citizens' response to migrants. Ultimately, Huysmans and Squire (2010) note that this approach reduces "the political and social complexity of migration to the strategic interaction between states. Migration becomes a factor in the calculation of power and national security of states (e.g. as an economic resource or as a cultural factor affecting social cohesion)" (p. 172).

A second group of scholars is concerned with the security of refugees. Since the mid 1990s there has been a growing emphasis on human security. Human security is defined in terms of a concern for the social and personal health and well-being of individuals, families, and communities. It challenges approaches to security that see the state as a referent object that needs to be secured. Instead, it focuses on the vulnerability of refugees as individuals and communities and their need to be secure and safe³. Individuals that are living through intra-state conflicts, hunger and diseases, environmental degradation, drug wars, terrorism and other forms of violence are treated as a referent of security. This people-centred approach is about "security with a human face" (Peoples & Vaughan-Williams, 2012, p. 120).

³ For an illustration of this concept, see Jeff Crisp (2000), *A State of Insecurity: The Political Economy of Violence in Kenya's Refugee Camps. African Affairs*, 99 (397), 601-632. Crisp argues that insecurities, such as domestic and community violence, sexual abuse, armed robbery, and clashes among refugee groups (clan or national based) in the camp or between local communities and refugees in the Dadaab refugee camp in Kenya are largely due to 'the political economy of the Kenyan state'. The government is not successful in managing refugees, which has to do with the way the state was formed, as well as its views of the 'characteristics and circumstances' of the refugees (p.631). After all, "You cannot create an island of security in a sea of insecurity" (as cited by Crisp, p. 618). In order to secure refugees and safeguard the camp, Crisp suggests the need for proper policing mechanisms and reformed state policies.

Human security is understood as “an ethical claim to improve the welfare of individuals” (as cited by Newman, 2010, p. 78). The underlying assumption behind this concept is that states play a fundamental role in, and bear a responsibility for, protecting their citizens from danger and violence. As pointed out by Zolberg, Surke and Agoayo (1992):

the elemental justification for the modern state, at least since Hobbes, is its ability to provide reasonable security for its citizens, the strongest pressures must be exerted on governments not to lash out at their own people (p. 264).

When states fail or refuse to fulfill their obligation to protect their citizens, the international community should intervene to reduce or prevent further human suffering according to human security scholars. Interventions pursued in the name of human security are evident in the support for burden-sharing mechanisms such as resettlement, repatriation, and especially local integration targeting development and aid projects, and policing mechanisms to sustain and secure the livelihood of refugees in the Global South (Macrae and Harmer, 2004; Jacobson, 2001; Crisp, 2000; Ferris, 2007; Bradley, 2011; Milner and Loescher, 2011).

The human security agenda is also reflected in the support of military and humanitarian interventions to tackle the root causes of displacement by preventing it altogether. The latter was the basis for the *Responsibility to Protect Initiative*, which was embraced by much of the international community in the mid 1990s to tackle the origins of refugee crises by creating a mandate for foreign humanitarian intervention in internal violence. While the claim of humanitarianism is that it protects refugees by tackling the root causes, Barnett (2009) and Chimni (2000) assert that in reality humanitarian interventions are more concerned with

containment and state interests⁴. By getting more involved in the affairs of refugee-producing countries in the name of threats to international peace and security, the UNHCR and other UN agencies “were now venturing beyond the border’s edge and proclaiming that their standing as humanitarian organizations permitted them to tread on once sacred ground” (Barnett, 2009, p. 80).

This widening of the humanitarian agenda is also apparent in the rationale of Western governments adopting preventative asylum policies and measures to reduce the exploitation and save the lives of refugees when enduring precarious journeys to reach the West. This agenda poses a threat to refugee rights by hindering flight (through imposing other solutions or becoming less involved in asylum seeking issues so that individuals are discouraged from fleeing), and ultimately serves as a containment mechanism. Barnett (2009) notes that this form of humanitarianism is a “foe of refugee rights” (p. 93) because it facilitates “the erosion of fundamental principles of refugee protection” (Chimni, 2000, p. 3).

Critics point out that the human security agenda, reflected in (humanitarian) development and military interventions, is utilized to sustain Western hegemony (Chimni 2000), preserve the Empire by shaping a new form of political ruling (Hardt and Negri, 2002), establish an imperial order (Novak, 2011), create ‘a neo-colonial form of liberal imperialism’ (Duffield, 2001), and entrench new geopolitical and neoliberal realities (Hyndman, 2000). It is largely concerned with Western states’ security, and managing threats to global security stemming from the Global South (Vaughan-Williams, 2012). For Chimni, the humanitarian project, with its colonial logic,

⁴ Barnett also points out that the UNHCR is limited in its power because it is “bound up with a global governance that is designed to maintain and reproduce an international order defined by a state’s system (sovereignty), whose principal beneficiaries are Western states (contain the refugees), and that contains a cultural hegemony (liberalism and individual rights)” (p.101) He also recognizes that other self-interested factors motivate the UNHCR, such as career advancement, reputation enhancement/protection, and international influence.

is a ‘Civilizing Project’ led by hegemonic and imperial forces that aim to reform the “other”—the Third World—which is seen as the cause of human displacement.

It is also an important technology of governance that enables the security manager “to enmesh, order and coordinate different loci of power” in the “external frontier zone” (Duffield, 2001, p.113-114). Pandolfi (2010) points out that the humanitarian intervention is a biopolitical tool that aims to transform the physical body through aid:

humanitarian intervention claims as its objective the food and health of refugees.

This aid process inevitably recasts the refugee as a victim, a remolding that is at the heart of security operations. Human security operations therefore exactly follow the lines of inequality that shape the international order. Security operations create a new space that fosters the implementation of liberal management on an international scale. In this managerial realm, absolutely every dimension of human life is recast as an issue of security, and the discourse of security gains more and more strength as it penetrates ever deeper into the body, eventually so circumscribing human life that security become purely a technique of survival (p. 167-168).

Despite their good intentions, both groups of scholars are only able to imagine refugees as threats to vulnerable citizens and states. Such a limited approach dismisses the complexity of the refugee problem and forecloses on the politics of possibility.

(in)Securitizing and (de)Humanitarian Practices

The second category in the literature focuses on how and why refugees became implicated in security and humanitarian practices. Scholars in this tradition are concerned with governing authorities’ decisions to act and protect some refugees while excluding others, and the

mechanisms used to enact such decisions. This perspective concerns “inclusion, exclusion and choices about sacrifice” (as cited by Guild, 2009, p. 7). Instead of depoliticizing security and humanitarianism, this approach problematizes and socially deconstructs related practices by situating them in the political realm. For Mutimer (2010):

Thinking in terms of social construction opens the prospect of other answers, as it renders the traditional answers contingent. It therefore also opens an important range of what are known as 'how' questions. That is, even if the traditional answers are a correct reflection of the world as we find it, how is it that they came to be that way, given that they are constructed, contingent features of the world? (p.48).

The migration-security nexus is relevant to scholars operating from this perspective. It raises a set of critical questions regarding security:

What kind of insecurities does migration raise, and for whom or what? What is the impact of framing migration in terms of security, and what alternative frames of reference might be used? How can a critical political analysis of mobility be developed out of the nexus of migration and security? (Huysmans and Squire, 2010, p. 169).

Scholars also question the moral framework that gives rise to a ‘global conscience’ and the practice of ‘saving strangers’ (Moore, 2012), as well as the utilization of humanitarianism as a tool to serve those in power.

Some of the work in this tradition examines the logic and rationale behind security and humanitarian practices, positing that these practices are about producing “the other” in order to justify mechanisms of exclusion and inclusion. For Rajaram (2007), security is a performative

act which “vindicates or reterritorializes ... space” (p. 266) through deploying fear, inciting threats, and disseminating uncertainty. By maintaining a politics of fear and ‘circulat[ing] anxiety’ (Bigo, 2002), authorities are able to administer the exclusion of ‘dangerous outsiders’ (Huysmans, 2006).

Huysmans (2006) asserts that security is “a political technique of framing” (xiii). It occurs when an actor “utilizes the rhetoric of existential threat in order to legitimize the deployment of ‘emergency’ measures with the consent of a specific audience, pushing in this way an area of ‘normal politics’ into the security realm” (as cited by Skleparis, 2011, p. 5).

Identity is a key concept in the securitization process whereby ‘outsiders’ are seen as a threat to the social, economic, and political national identity, and are consequently alienated from communities on the inside. Ahmed (2004) presents a lucid account of this logic. She suggests that certain bodies, or human forms, are identified as objects of fear. This generates anxiety and justify (in)security in the name of defending the community from the imagined other. Ahmed argues that the economies of fear legitimize detention and other exclusionary practices against asylum seekers who are viewed as ‘could be’ terrorists that are intruding on the nation. Those who are “without home” are seen as the source of “our fear,” which provides a rationale to tighten borders. The asylum seeker in this sense is “‘like’ the terrorist, an agent of fear, who may destroy ‘our home’”. The slide between figures involves the containment of others, who henceforth become the objects of fear” (Ahmed, 2004, p.136).

Likewise, Diken and Laustsen (2003) indicates that the refugee is the other who “threatens ‘our’ wealth, promising no more than uncertainty, insecurity and danger” (p.85); “the Other as he who essentially steals my own enjoyment” (Žižek, 1993, as cited by Diken, 2004, p. 89). Securitizing the other (the immigrant and refugee) emerges from “the political myth that a

homogenous national community or Western civilization existed in the past and can be re-established today through the exclusion of those who are identified as cultural aliens” (Huysmans, 2000, 758).

Reiterating Hannah Arendt’s concern for the universality of human rights, Douzinas (2000) eloquently depicts the absurdity of the notion of the refugee as a threat to the nation when in reality the refugee masks the violence of the modern state. Douzinas states:

When the roving foreigner arrives at the borders of the state, the assumptions of national and personal integrity come under severe pressure. For national law, the refugee is a threat to the principle of territorial jurisdiction. But she also represents the violence at the inception of the modern state, the exclusion of other peoples, nations and minorities necessary for the creation of territorial and legislative sovereignty. For the citizen of our globalized world, the refugee represents a threat to jobs and amenities, but also a deeper threat to the construction of national identity. As we saw, the modern subject reaches her humanity by acquiring political rights which guarantee her admission to the universal human nature, by excluding from that status those who do not have such rights. It is the law of the nation state which defines the alien as alien and the refugee as refugee. The alien is not a citizen. She does not have rights because she is not part of the state and she is a lesser human being because she is not a citizen. In the terms of the French Declaration, the alien is the gap between man and citizen, between human nature and political community lies the moving refugee. To have citizens we must have aliens, to have a home or a home country others must not share it, or they must be in movement or in transit, in perpetual flotation

or in orbit, like those medieval mad people who were travelling the rivers of Europe in the ships of the fools. Unable to speak our language, having left her community and with no community, the refugee is the absolute other. She represents in an extreme way the trauma that marks the genesis of state and self and puts to the test the claims of universalization of human rights (p.142).

The process of othering, which is manifested in identity division between ‘us’ and ‘them’, plays a pivotal role in humanitarian practices, and, oddly, is also the basis for compassion and the ethical response. For example, Orford (2003) argues that boundaries created by humanitarian intervention secure feelings of compassion toward the other who becomes a signifier of the vulnerability of the Western subject. For Dauvergne (2005), humanitarianism is a charity where the other who receives it has no right to claim it, and the giver has no obligation to provide. Humanitarianism is granted *only* when there is no risk or loss associated. She also notes that humanitarianism defines national identity, not only through creating the other who is the target of our beneficence by “direct manipulation of the identities admitted” (p. 163), but also by introducing and reinforcing laws that define the nation and its members as generous, compassionate, and caring.

Tickten (2006) points out that compassion and humanitarianism create “a limited version of what it means to be human”, which is based on minimal existence (Tickten, 2006, p.34). For example, through her study of the refugee protection system in France, she shows that asylum seekers were allowed residency in France only when they demonstrated suffering. Likewise, Rajaram (2002), Nyers (1999), Malkki (1996) point out that the representation of refugee figures as the other – ‘helpless’, ‘faceless’, ‘speechless’, empty and incomplete – in need of the compassion of the West depoliticizes, dehistoricizes and essentializes the refugee experience. In

this sense, refugees are viewed as “possessing temporary, aberrant identities because...there is no autonomous space in the political order of the Nation State for something like pure human in itself” (as cited by Nyers, 1999, p. 25). They are viewed merely in terms of their ‘biological corporeality’ (Puggioni, 2006).

This representation dismisses “subjectivity, aspirations, and the local historical context from where their condition of displacement first originated” (Puggioni, 2006, p. 252-253). Denying the link between these refugees and history amounts to what Gregory (2004) calls a ‘historical amnesia’. The subjectivity of the migrant is actively diminished and dismissed. For Hyndman (2000), humanitarianism “functions at times as a colonialism of compassion” (p.xvi). The neo-colonial representation of refugees as helpless victims legitimizes the need for outsiders, such as the UNHCR, to intervene in order to take care of them. This caring is administrated through iterative processes and “exercises of counting, calculating and coding refugees” (Hyndman, 2000, p.118).

Scholars in this school provide thought-provoking commentary on the ways that refugees and asylum seekers are constructed as the other; that is, a security threat, or victims in need of charity and compassion. The othering process is ultimately used as a screening device for state authorities to manage and filter the good from the bad. This understanding offers unique insight into the logic behind refugee resettlement whereby a fortunate few are granted resettlement based on a humanitarian rationale—as a privilege rather than a right, or as a gift with no entitlement. It also sheds light on the increased discretionary powers of Ministers of Immigration, especially after the September 11, 2001 attack on the US, to enact emergency legislation. The discretionary power of the Minister of Immigration and the Cabinet strengthens

the association between security and migration, while at the same time asserting a humanitarian national identity.

This perspective treats security and humanitarianism practices, along with the technologies used to preserve them, as fluid and ever evolving. For example, Walters (2008) insists that risk and security should not be treated as an existential threat “across time and institutional space” (p. 160) because doing so blurs the multiple ways that risk has been “interpreted and deployed as a political technology” over time (Walters, 2008, p. 160). Walters notes that during the Wetback crisis in 1951, risk was associated more with social and economic processes and less with the types of persons and security threat (p.160). Thus, instead of solely focusing on a contemporary understanding of security, it is important to pay attention to how migration has been “politicized, dramatized and problematized through languages and technologies other than ‘security’” in order to achieve “a sharper and more specific understanding of what security and risk mean today within the migration field” (Walters, 2008, p.161).

Walters’ analysis reveals a unique insight into the ways in which technologies of exclusions/inclusions can be experimental and innovative. It highlights how the governing authorities have problematized refugees at different historical moments in order to justify the need to control for unemployment (particularly during periods of economic depression), diseases, vagrancy, prostitution, criminal activity, racial and cultural tension, political and social beliefs, and terrorism. Walters (2008) also highlights the need to pay close attention to the different technologies used to manage and control refugees.

There is a tendency in the literature on security to place too much emphasis on the language and discourses used by politicians without considering how specific techniques and

technologies are assembled at particular moments to achieve the governing authorities' goals. Instead of being limited to what is said to be being done, for whom, and at whose expense, the focus should be expanded to consider how such discourse is conducted in practice.

For example, Bigo draws attention to the role of (in)security professionals, as opposed to elected officials, in the 'management of unease', and transformation of the global policing regime through the creation of a 'regime of truth'. (In)security experts are those "professionals that gain their legitimacy and power to define policy problems from trained skills and knowledge and from continuously using these in their work" (Huysmans 2006, p. 9). Bigo argues that these professionals of (in)security, such as analysts, military or policing strategists employed by think-tanks, universities, and bureaucracies, institutionally define threats and the governing technologies. Through the power-knowledge nexus, these professionals are able to monopolize the truth (C.A.S.E Collective, 2006), creating a field of (in)security or unease (Bigo, 2000).

Others focus on the utilization of sites such as borders, airports, detention centres, embassies, and camps as technologies of control. Walters (2006) and Bigo (2002) assert that in recent decades borders have been gradually disaggregated from "the formal apparatus of the state" into other zones of control that are remotely policed by states and the international community (Walters, 2006, p. 193). Borders are no longer a line that separates the inside from the outside. They are shifting inward and outward (Soguk, 2007; Vaughan-Williams, 2012).

Similarly, Bigo (2006) asserts that surveillance mechanisms and monitoring systems such as detention centres, refugee camps, and 'safe zones' are used to control and manage the movement of people *in the name of love*. However, the refugee camp is not a natural site for protection but a space of control, management, experimentation, and a locus of indefinite detention (Bigo, 2006). For Hyndman (2000), the camp is a containment institution.

The UNHCR personnel in this space act more like a military force in which physical boundaries are erected to examine refugees before their departure to Europe rather than as an agency protecting their international human rights (Bigo, 2006). Likewise, Ashutosh and Mountz (2011) point out that the International Organization for Migration (IOM) acts as a means of border enforcement and detention to contain human mobility on behalf of the sovereign state. The language of human rights and protection help to sanction and justify the practices of the UNHCR and IOM.

Crépeau and Nakache (2007) illustrate how legislation, laws, policies, and other acts are employed as technologies of control and security. They maintain that since the early 1980s, the government has been adopting a long list of preventative measures, including visa imposition, sanctions against carriers who are transporting undocumented individuals, and interdiction and interception practices to remotely control refugee movements. The Canadian government has also introduced deterrent measures: eliminating the appeal process for administrative decisions, reducing legal aid, increasing detention and excessive penalties for migrant smuggling, as well as adopting the Canada-US Safe Third Country Agreement. These measures, justified by security and unease, aim to control migrants inside and outside state territory.

The scholarly work discussed in this section provides a pivotal insight into the questions my thesis raises. It exposes how security and humanitarian practices are used to include or exclude refugees from protection. It also illustrates how these practices are fluid and constantly reassembled to filter and manage refugees. Furthermore, it highlights the growing role of (in)security experts in maintaining a regime of insecurity. However, scholars from this tradition tend to focus exclusively on one practice (i.e. humanitarianism) or the other (i.e. security) with

little effort directed at understanding how these practices are integrated by governing authorities to accomplish certain goals.

For instance, while the camp is indeed a space for control and management, it is also a space in which governing authorities in recent years locate the most “deserving” refugees to benefit from international compassion and resettlement schemes. The camp, as will be argued in the next chapter, does not only serve as a containment measure, it also serves as a place of ‘redemption’ where a person can be reconstituted. It is a disciplinary space where its inhabitants are made to survive. It is only through the sovereign’s compassion that these inhabitants are accounted for as humans.

Ticktin (2011) and Fassin (2005) attempt to tackle this issue by integrating humanitarian and security practices into a single whole, defining them as a *biopolitical* project that aims to govern migration. They maintain that ‘the regime of care’ where some ‘migrants’ are granted compassion on an exceptional basis, while others are subjected to security measures, is becoming the prevailing practice in France. Asylum seekers who are able to bypass security mechanisms are allowed to remain in the country on the basis of a moral imperative; they are victims deserving sympathy (Fassin, 2005), a category that mitigates their political and human rights (Ticktin, 2011).

Ticktin (2011) asserts that these practices employ humanitarian concerns to the most suffering bodies, such as “gendered, racialized and sexualized bodies of women and girls from the Global South” (p. 18) or those with life-threatening illnesses. This activism of compassion practiced by immigration officials, nurses, social workers, doctors, and NGOs working with migrants to save innocent and passive victims—that is, the most wretched—dehistoricizes and dismisses structural violence and inequality, and ultimately acts as a gatekeeper for the nation-

state that maintains colonial, racial and gender disparities. These determinations are arbitrary (Ticktin, 2011) and expose the moral economy of contemporary *biopolitics* (Fassin, 2005).

Despite the instrumental insight of Fassin and Ticktin, their contribution to the scholarship remains largely methodological. They lack, or do not fully develop, a solid theoretical basis that captures the link between humanitarianism and security, the rationalities and logic behind the humanitarian-security nexus, or the implications of what is to come. Furthermore, their study focuses on France with very little insight into how its 'regime of care' is mirrored in other countries, especially in North America. For instance, their analysis falls short of explaining why the regime of care in Canada applies to refugees in camps, but shows very little care or compassion for the so-called 'irregular arrivals' who are subject to punitive interception and interdiction practices under proposed legislation. For these reasons, it was appropriate to develop a theoretical framework that links and integrates humanitarian and security practices into a new whole. This nexus is crucial in understanding current practices toward refugees.

Conclusion

This chapter aimed to examine particular scholarship on humanitarian and security practices towards refugees. It specifically sought to explore how other scholars have formulated, defined, and approached security and humanitarian concerns. The chapter focused on two general trends among scholars in this field. In the first tradition, scholars tend to be concerned with the implications of refugee admission on the state's social, cultural, political, and economic structure. As a result, the solutions provided by these scholars seek ways to promote refugee protection while minimizing risk or harm to the state's interests. Since the mid 1990s, there has been a greater emphasis on human security, whereby human welfare theoretically takes

precedence over state interests in determining refugee policy. This approach, however, continues to assume state responsibility for its nationals.

The second tradition in the literature is concerned with how security and humanitarianism are employed to exclude/include individuals from refugee protection. By exposing the rationalities, technologies, and techniques of managing refugees, this approach seeks to challenge the basic assumption of humanitarian and security practices, and to assume new ways of conducting politics. While the second tradition is deemed to be more appropriate to my thesis questions, it is inadequate in fully addressing the relationship between security and humanitarianism, and its implications for refugee protection. The next chapter seeks to address this gap by combining and developing other theoretical lenses through which to examine Canadian refugee protection.

CHAPTER 2: A THEORETICAL AND METHODOLOGICAL FRAMEWORK

In this chapter, I elaborate on the theoretical and procedural approach adopted in response to the questions that the thesis proposes. The first part seeks to theoretically understand the rationale behind the Canadian government's depiction of refugee protection in terms of humanitarian and security practices. The second part sheds light on the concept of genealogy, and how this methodological approach is utilized, along with biopolitics, in order to respond to the thesis questions. This approach is particularly important in uncovering moments of emergence, continuities, and discontinuities. It questions the inevitability of the humanitarian-security nexus.

The chapter's theoretical framework begins with Foucault's analysis of *biopolitics* as a security apparatus in which the state has the right to 'make live' and 'let die' (Foucault, 2004, p.241). It also draws from Agamben's argument of *biopolitics* as the sovereign power to 'make survive' and its relation to humanitarianism. Agamben's argument concerning make survive provides the missing link in Foucault's reading of make live and let die, especially pertaining to contemporary practices adopted by the Canadian government toward refugees. Also, unlike Foucault, Agamben places the refugee at the centre of the biopolitical order.

The understanding of biopolitics as an intervention to make live, let die, and make survive is essential in fully capturing the logic behind *contemporary* practices adopted towards refugees. This logic fundamentally aims to manage and control populations while simultaneously depoliticizing, dehistoricizing, and moralizing the refugee. These dehumanizing biopolitical practices are the basis on which refugees are considered for protection.

Biopolitics and the Security Apparatus: The Power to Make Live and Let Die

In his work in the *History of Sexuality*, Foucault (1978) develops the concept of biopolitics to

refer to a new practice of power that emerged in Europe toward the end of the 18th and beginning of the 19th centuries⁵. Prior to this, disciplinary powers were used to regulate, control, modify, and infiltrate the body (Foucault, 1978). These powers reflected the sovereign's right to "take life or let live" (Foucault, 2003, p.241). The old sovereign right organized "relations between the members of a human collective by threatening to kill anyone who would subvert the intended organisation of relations" (Palladino, 2008, p. 117).

Once power over the body was seized, a second seizure took place in the 19th century that aimed at the biological man and population:

the living man, to-man-as-living-being... to man-as-species...the new technology that is established is addressed to a multiplicity of men ...to the extent that they form...a global mass that is affected by overall processes characteristic of birth, death, production, illness, and so on (Foucault, 2003, p. 242-243).

The power over men in this century became not only concerned with or limited to law, judiciary, territoriality or sovereignty, but also to men as species. The biological life of men was realized as "an independent, objective, and measurable factor as well as a collective reality that can be epistemologically and practically separated from concrete living beings and the singularity of individual experience" (Lemke, 2010, p. 5). With this realization, state authorities became concerned with ways to manage populations as a collective species of biological beings. The population during this period became "a political problem, as a problem which is at once scientific and political, as a biological problem and as a power's problem" (Foucault, 2003, p. 245).

Biopolitics is a security apparatus that aims to "optimize state of life" (Foucault, 2003,

⁵ Foucault uses the term biopower and biopolitics interchangeably (Lemke, 2010).

p.246). Regulated by freedom, as opposed to the oppressive nature of disciplinary powers, biopolitics secures the population from dangers through surveillance—that is, collecting, accumulating, and profiling data on individuals. Security technologies seek to “organize circulation, eliminate its dangers, make a division between good and bad circulation, and maximize the good circulation by eliminating the bad” (Foucault, as cited by Aradau and Blanke, 2010, p.44).

Foucault uses the term biopolitics to refer to an ensemble of technologies (of power) to manage and politicize life and population. By apparatus of security, Foucault refers to a network “complex of laws, regulations and policies whose purpose is to secure social and economic processes” (Walters & Haahr, 2005, p.292) that operates in milieu⁶. In this space, events are controlled and regulated. This security apparatus tries to plan for unforeseen, uncertain, and future events, that is:

to plan a milieu in terms of events or series of events or possible elements of series that will have to be regulated within a multivalent and transformable framework. The specific space of security refers then to a series of possible events; it refers to the temporal and uncertain, which have to be inserted within a given space... roughly what one can call the milieu (Foucault, 2007, p.20).

Law plays merely a secondary role in this security apparatus. “[T]he law prohibits and discipline

⁶ By milieu, Foucault refers to:

a set of natural givens – rivers, marshes, hills – and a set of artificial givens – an agglomeration of individuals, houses, etcetera. The milieu is a certain number of combined, overall effects bearing on all who live in it... Finally, the milieu appears as a field of intervention in which, instead of affecting individuals as a set of legal subjects capable of voluntary actions – which would be the case of sovereignty – and instead of affecting them as a multiplicity of organisms, or bodies capable of performances, and of required performances – as in discipline – one tries to affect, precisely, a population. I mean a multiplicity of individuals who are and fundamentally and essentially exist only biologically bound to the materiality within which they live (Foucault, 2007, 20-21).

prescribes,” Foucault (2007) notes, “and the essential function of security, without prohibiting or prescribing, but possibly making use of some instruments of prescription and prohibition, is to respond to a reality in such a way that this response cancels out the reality to which it responds—nullifies it, or limits, checks, or regulates it. I think this regulation within the element of reality is fundamental in the apparatus of security” (Foucault, 2007, p. 47).

Securitization processes are orchestrated in the name of the liberty and well-being of the majority. The logic here is to maximize the potential of this biological collective, and “make life live freely.” This requires purification from any containment and threat, even if enforced violently. Dillon and Lobo-Guerrero (2008) elaborate on this logic:

Through the regulation and enactment of the very aleatory character of species existence, modern freedom is the mechanism by which security is forcefully biopoliticised in the name of promoting the life and potentiality of the species. It does so... to the point of its self-immolation.... Only when the interrogation of security acknowledges that it must become an interrogation of the intimate operational correlation of security and freedom in the biopolitics of security will it begin to engage the aporia of security which threatens the very project of political modernity itself; that in seeking to secure the promotion of human being as species being, modern security practices threaten its very existence. Making live is a lethal business. Paradoxically, freedom from it may be required if species life is in fact to out-live its grip (p. 292).

Toward the end of *History of Sexuality*, which he revisited again in his last lecture in *Society Must be Defended*, Foucault asserts that biopolitics is about the power of “making live

and letting die”⁷ (Foucault, 1978, p. 240). This power is concerned with controlling mortality when death is ignored, or treated as a private issue. Power is no longer about having control over death. In fact, for Foucault (2003) death means the *end of power* (p. 248).

The death of the other is motivated by state racism. It aims to eliminate containment and threat to improve “the species or race” (Foucault, 2004, p.258). Death is enacted through state racism (Foucault, 2003, p.60-61), whereby a certain race is portrayed as “the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from that norm, against those who pose a threat to the biological heritage” (Foucault, 2003, 61). In this mode of intervention, the death of the other (i.e. the bad, the inferior, the deviant, the abnormal, etc.) is justified as making life for the true race generally healthier. The other is defined and redefined in opposition to the norms imposed by the dominant society.

Letting die is a function of exclusion and segregation for persons who are viewed as unfit when the norm has been defined (Foucault, 2003, 61). The other in this sense is perceived as a threat to the population’s social, cultural, economic, political, and economic cohesion. Foucault notes that racism is the only means by which a state can justify “its murderous function”. Essentially, letting die allows the return of the old sovereign right to kill. Letting die is not limited to the actual death. “When I say ‘killing’”, Foucault notes,

I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection and so on (Foucault, 2003, p.256).

⁷ Foucault did not provide any information on how this power is activated (Li, 2009, p. 66).

In order to preserve the power to make live and let die, the security apparatus needs to be properly enforced. In the *Confession of the Flesh* (1977) interview, Foucault elaborates on the concept of dispositive/apparatus, pointing out that it refers to the system of relations (of power) established between “a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the Apparatus” (Foucault, 1980, p. 194). Apparatus is an assemblage of different ways in which power is practiced, what Rose and Miller (1992) call ‘technologies’, in order to accomplish or maintain certain and strategic order:

[It is] a formation which had as its major function at a given historical moment
that of responding to an urgent need...[that] has a dominant strategic function
(Foucault, 1980, p. 196).

Foucault insists that power is everywhere. It is not given, or seized, or exchanged, but exercised (Foucault, 1980, p.89). Moreover, power is not always repressive and negative, but can also be a productive and positive force in society (DuBois, 1991).

Knowledge plays a pivotal role in maintaining and assembling power relations to achieve governing authorities’ strategic function. Foucault notes “there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations” (Foucault, 1991, 27). Knowledge is the power to define others. When exercised by institutions, certain knowledge is made apparent and prevalent, while other knowledge is concealed, undermined, dismissed, or ignored. Knowledge, then, is an important tool used to regulate, discipline and govern people (Burr, 2003). In producing knowledge, DuBois (1991) notes, “power produces truth”. Truth in this sense refers to “an

abstract system of ordered procedures for the production, regulation, distribution, circulation and operation of statements” (Foucault, 1980, as cited by DuBois, 1991, p. 7).

The power-knowledge nexus is fundamental in understanding technologies of power and how apparatus is assembled. For example, a discourse is a technology of power that defines and produces the object of knowledge (Burr, 2003) and determines the way we talk and reason about an issue. Furthermore, discourse influences how social practices are formed, informed, and transformed. Nonetheless, there might be different and contradictory discourses operating in any situation, each of which claims to be the Truth (Burr, 2003). Depending on the work of power, some will dominate more than others. For Foucault, “power is an effect of discourse” (as cited by Burr, 2003, p. 68); it is a strategy “that maintains a relation between the sayable and the visible” (Kendall, & Wickham, 1999, p.50).

Hunt and Wickham (1994) illustrate how knowledge-power is practiced through dominant discourses, institutions, policies, and so forth to create a certain effect:

Knowledge is involved in . . . attempts to impose more control or management: the economy should be slowed, the economy should be stimulated; the war should be stepped up, the war should be ended... Here knowledge is being used to select some techniques of [power] over others and to implement the chosen techniques in the attempts to impose control or management on the objects concerned... The knowledge used ranges from very simple, informal knowledge to very complex, formal knowledge and the range includes knowledge called rational, within modern social sciences, and knowledge called irrational...Even the governance of an economy...involves techniques which combine knowledge in a similar way. Monetarist techniques for governing inflation, for instance, are informed by a combination of: complex, formal (very rational) knowledge based on economic theories and models designed to determine the effects of changes in the money supply on economic well-being which is passed on in formal government documents, journal articles and newspapers; simple, informal knowledge to do with which policies are likely to find favour with government officials or international bankers which is passed on in informal conversations in hallways and tea-rooms; and, in addition, not a little blind faith that this is 'how people really are' (sometimes called voodoo economics) (as cited by Kendall and Wickham, 1999, p.52).

Apparatus reflects different connections and re-configurations between heterogeneous elements. Foucault (1977) notes, “a particular discourse can figure at one time as the programme of an institution, and at another it can function as a means of justifying or masking a practice which itself remains silent, or as a secondary re-interpretation of this practice, opening out for it a new field of rationality” (as cited by Bigo, 2006, p.33).

The power to make live and let die is clearly illustrated in the Canadian refugee protection regime. Refugee protection is a mechanism to control, regulate, and manage populations, some of which are made to live while others are let to die. This power to let die is conducted in the name of enhancing and securing the civilian population. For the most part, refugees are actively prevented from seeking asylum, and thus ignored and let to die. Few are made to live and allowed to be part of Canada’s political community.

This fact of life (or death) is particularly true when it comes to the resettlement of refugees from abroad, where the Canadian government opts to allow life enhancement for a subset of the population by remotely controlling the type and number allowed to reside in Canada. The making live of some of these refugees allows the exclusion and death of the others. Through collecting, accumulating and profiling individuals, refugees are included or excluded from this life enhancement intervention.

For instance, during the Cold War, depending on their political value and geographical proximity, the Canadian government supported schemes where refugees were either swiftly resettled in Canada, repatriated, or contained in refugee camps located in the Global South. Refugee resettlement was viewed as the most appropriate solution to the problem of refugees fleeing communism, as opposed to other US-supported oppressive regimes. The power to maintain the truth was critical during these years. The governing authorities portrayed refugees

fleeing communist regimes as freedom fighters. Refugee resettlement in which refugees were made to live highlighted the illiberal way of conduct and governance in the Eastern Bloc, as opposed to the 'liberal art of government' in the West and its respect of citizens' rights. This discourse, along with other government statements, reaffirmed the supremacy of liberal democratic values, and the oppressive nature of communist regimes. The communist threat also legitimated the adoption of legislation, institutions, laws, and administrative measures.

Making these refugees live justified the death of others. Refugees who were fleeing Western-supported regimes, or racialized refugees from the Global South, were for the most part denied entry and protection, and left to die. Even among those refugee groups fleeing communism, refugees resettled in Canada were largely selected based on their ability to contribute to Canada's economy (Lanphier, 1981). This exclusion was justified by governing authorities' obligation to secure Canadian social, cultural, and political cohesion.

Foucault's biopolitical intervention of make live and let die provides a pivotal insight into the governing authorities' decision to engage in humanitarian and security practices toward refugees. From this, for instance, we can understand how resettlement in recent years is used by Western states as a justification for containment policies whereby the *other* refugees are let die through the adoption of different techniques of containment. Furthermore, Foucault furthers our understanding of the 'art of governing' populations, which conceals the political economy of the governed. More specifically, his analysis can be extended to illustrate how the protection of certain groups of refugees aimed to maintain the economic, political, and social well-being of the Canadian governing authorities. Finally, Foucault's concept of apparatus whereby technologies of power are assembled together in order to achieve certain ends is pivotal in revealing the complexity, multiplicity, and contradictions manifested in the Canadian refugee protection

regime.

However, Foucault's analysis lacks the specificity in which these humanitarian and security practices are appealed to and reasoned by governing authorities. For example, during the Cold War, refugees who were considered for humanitarian practices needed to demonstrate the ability for integration, but in recent years, the Canadian government has targeted the most vulnerable populations regardless of their ability to integrate. The Resettlement Handbook (2011) maintains that with the exception of those who have a criminal record and/or combatants, stateless persons, women, children and the elderly, and refugees with special needs should be a priority for resettlement. In fact, resettlement in recent years is reserved for extreme cases of suffering. The 'logic of extremity' proposed by the Handbook, and by countless statements of the Canadian government, is justified by sympathy and humanitarian sentiments (Fassin, 2011). Foucault turns a blind eye to this moral and humanitarian aspect, which also plays a major role in maintaining the refugee camp.

Furthermore, Foucault tends to undermine the role of the law in defining the deserving and undeserving refugee. In recent years, Canada and other Western states have been actively seeking ways to abandon their legal obligation toward refugees and adopt discretionary practices solely based on moral sentiments. Biopolitical security measures, according to Härting and Kamboureli (2009), "function through discrimination and sorting that must, in contrast to Foucault's argument, regulate and ostracize the racialized body into para- and extra-legal spaces ...where it can be detained and killed with impunity" (Härting and Kamboureli, 2009, p. 681).

Finally, while Foucault's conceptual framework of *biopolitics* and make live and let die are a useful first step, some other yet crucial questions are unanswered. Foucault leaves the issue of the refugee camp and refugees unexamined. What happens to those refugees who are not

resettled and forced to stay in the camp? Or to those that are ignored and let to die? Does their death mean an end of power over their bodies? Moreover, are encamped refugees made to live and/or let to die? For instance, the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) has been providing basic healthcare and provisionary education for Palestinian refugees in Lebanon, Egypt, West Bank, and Syria since 1948. Similarly, the UNHCR has been involved for over 15 years in refugee camps in Kenya (Kakuma and Dadaab refugee camps) and Algeria (the Sahrawi refugee camps).

State intervention toward refugees is not limited to the power to make them live, or let them die. The rationale behind their encampment is to make live and enhance the life of *others outside* of the camp. It has less to do with the enhancement of the refugees' lives, as their lives continue, as Bauman (2004) points out, to be for the most part 'wasted and liquidated'. These refugees are not 'let [to] die', because they are not completely abandoned or ignored, but continue to benefit from minimal forms of survival. The political value of these refugees is manifested in their mere existence as biological beings.

Thus, Foucault's proposed conceptualization falls short in accounting for the contemporary complex reality of refugees, especially those in camps. To achieve a theoretically useful framework, this chapter augments and integrates Foucault's biopolitics with certain aspects of Agamben's work pertaining to refugees and the camps as well as his re-framing of biopolitics. Agamben sheds light on how humanitarianism becomes a biopolitical tool to manage life. Furthermore, unlike Foucault's tendency to gloss over refugees⁸, Agamben's discussion places the refugee in the centre of the biopolitical order. Agamben shows that the refugee figure occupies a unique position within the state/nation/ territory.

⁸ Unfortunately, Foucault seems to take very little notice of refugees—understandably so, as he died shortly before the issue of refugees re-appeared as a central political concern in Western democracies.

Minimalist Biopolitics: The Power to Make Survive

In this section, I argue that in contemporary politics ‘make live and let die’ should be considered along with ‘make survive’ as a biopolitical intervention. The biopolitical intervention of make survive, which is missing from Foucault’s analysis, is very important in understanding recent practices toward refugees and refugee resettlements. It will be argued that the permanent contemporary feature of moral obligation and the ‘compassion protocol’⁹ in the refugee protection regime reproduces the new ‘human’, the depoliticized bare life. Under this condition of naked life, the sovereign is willing to show its compassion, sympathy, and humanitarian sentiments. Humanitarianism in this sense is derived from the logic of exception. Through Agamben’s analysis of *homo sacer*, the state of exception, and the camp, we come to understand the ways in which humanitarianism becomes the antithesis of politics, and the basis on which refugees are made to survive.

Toward the end of *History of Sexuality*, Foucault notes that “For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question (Foucault, 1978, p. 143). Agamben begins his investigation on *homo sacer* and bare life by contesting Foucault’s analysis of biopolitics¹⁰. Agamben argues that since its inception politics in the West has been biopolitical¹¹. The production of a biopolitical body through the inclusion of bare life in the political sphere is “the original activity [‘if concealed’] nucleus of sovereign

⁹ This term was borrowed from Fassin (2010), *Heart of Humaneness: the Moral Economy of Humanitarian Intervention*.

¹⁰ Agamben stated in an interview that his philosophical work is intended to “correct or at least complete Foucault’s work on *biopolitics*” (as cited by Mills, 2008, p.71). Agamben also insisted that he is “heavily indebted to Foucault” (Bussolini, 2010, p.108). For further reading on Agamben’s criticism of Foucault, see Agamben (1988), ‘introduction’. In *Homo Sacer: Sovereign Power and Bare Life*. Redwood City, CA: Stanford University Press.

¹¹ Agamben utilizes Aristotle’s distinction between simple natural life and politically qualified life or ‘bio’. The polis for Aristotle is “born with regard to life but exists essentially with regard to the good life”.

power” (Agamben, 1998, p.6).

Modern biopolitics for Agamben is characterized not so much by the inclusion of natural life in politics but rather “the inclusion of that very excluded element—that element which is included through its exclusion—whose exclusion alone first secured the constitution of the political sphere” (as cited Heron, 2011, p. 38). In this biopolitical order, human beings are progressively reduced to inhumane existence, to bare life. Agamben describes bare life as a werewolf state. It is a state of ‘irreducible indistinction’, neither *zoë* nor *bio*.

The foundation of contemporary politics lay in this hidden zone of biopolitic’s indistinction. The bare life reflects the lives lived by those who are excluded from participating in social, political, and/or economic activities, such as refugees, political prisoners and terrorist suspects, and slum dwellers. The displaced and refugees for Agamben (1998) are the sacred but world-less bodies who are living a life beyond oppression. Their plight, as articulated decades earlier by Arendt (1979), “is not that they are not equal before the law, but that no law exists for them; not that they are oppressed, but that nobody wants to oppress them” (p. 296).

Appropriating Carl Schmitt’s concept of the sovereign as the one ‘who decides on the state of exception’, Agamben maintains that the most telling characteristic of the sovereign is its ability to determine the applicability of the law that it “needs for its validity” (Agamben, 1995, p. 17). The sovereign is the one who decides to include and exclude itself from “the purview of law” (as cited by Mills, 2008, p.71). Nonetheless, the state of exception is related to the rule, because it applies in “no longer applying” (p.28). The exception in this sense

is taken outside, and not simply excluded ...[it] does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule

(Agamben, 1998, p.18).

Agamben characterizes the state of exception's relation to the bare life as a relation of ban. Abandoned by the law, the banned become indistinguishable. It is unclear whether the banned stands inside or outside the judicial order. More importantly, the ban introduces the moment in which the sovereign decides on the exception. In other words, it is a moment of naming the enemy, and deciding on the elimination of the political life. The line dividing these two zones of inclusion or exclusion is unclear. The sovereign is constantly redefining and redrawing 'the threshold in life' by deciding what is inside and what is outside (p.131) on the basis of "a factual state of danger" (p.169). Ultimately, for Agamben, the sovereign "is the one with respect to whom all men are potentially *homines sacri*, and *homo sacer* is the one with respect to whom all men act as sovereigns" (Agamben, p.84).

The state of exception is about the transformation from 'becoming wolf' to 'humanization', and vice versa. Agamben (1998) asserts that "[during this transformation] which (necessarily limited) time the city is dissolved and men enter into a zone in which they are no longer distinct from beasts" (p. 107). The state of exception reflects the state in which "the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and *zoē*, right and fact, enter into a zone of irreducible indistinction" (Agamben, 1998, p.8). Agamben contends that modern biopolitics is about relentlessly redefining the threshold of life, namely separating and distinguishing the inside from the outside. From Agamben's perspective, everyone is vulnerable to the state of bare life.

By shedding light on Auschwitz, Agamben (1999) argues that biopolitics is no longer an

intervention to ‘make live’ or ‘let die’, but rather to ‘make survive’. For Agamben, ‘make survive’ is about producing a naked life that separates the living from the speaking being, and *zoë* from *bio*. In this dehumanizing survival, what survives is the human in the animal and the animal in the human, with the result that an existence is transformed “into bare, unassignable and unwitnessable life (Agamben, 1999, p. 156-157). Contrary to Foucault, Agamben asserts that the sovereign power is concerned with the administration and management of survival.

Reiterating the thesis advanced by Arendt (1979), Agamben (1998) contends that the emergence of the nation state marks the unification of the principle of nativity and the principle of sovereignty, where “birth becomes immediately nation” (p.128). The simple birth of man is immediately implicated in the principle of sovereignty. For Agamben, man in this order is attributed the rights “solely to the extent that [he] is immediately vanishing ground (who must never come to light as such) of the citizen” (p. 128).

The refugee reveals the contradiction behind this modern biopolitical order and its relation to sovereignty and the nation state by “breaking the continuity between man and citizen” (Diken and Laustsen, 2003, p. 10). When confronted by the nation state, the refugee loses “every specific quality and connection except for the mere fact of being humans” (as cited by Agamben, 1995, p. 115). The refugee, a man of rights *par excellence*, is left unprotected because he does not belong to the nation state. In fact, his mere existence threatens the foundation of the nation state due exactly to his political act of trespassing and breaking the continuity between state/nation (nativity-sovereignty principle)/territory (Agamben, 1995). After all, “from the point of view of the sovereign only bare life is authentically political” (Agamben, p.106).

In her seminal work *The Origins of Totalitarianism*, Hannah Arendt examines the ways in which stateless persons were reduced to a complete state of “rightslessness” as “abstract

human being[s]” following the First World War (Hayden, 2008, p.256). She asserts that Europe’s stateless persons were first stripped of their nationality, and then restricted from the right to seek asylum. Stripped of all other rights, the stateless, without even committing any crime, were handled by the police who had the full authority to “rule directly over people” (Arendt, 1979, p.288). With a growing number of these stateless persons, European states became preoccupied with establishing their legal status; that is, “how can the refugee be made deportable again?” (p. 284). The answer, Arendt notes, was to establish internment camps, because they were the only remaining option available to deal with the stateless (Arendt, 1979, p. 288).

Agamben (1995) uses this Arendtian insight to develop a unique understanding of the logic behind the camp. He points out that the current full inclusion of the natural life in the polis, which can be seen in refugee camps, marks the identification of a new living dead man, a new sacred man (p.131). Agamben (1998) views the camp as “the space that is opened when *the state of exception* begins to become the rule” (p. 168-9). The camp, contrary to what interstate agencies insist on, is not a place of protection, but a space of exception where the “most absolute inhumane condition ever to appear on earth were realized” (Agamben, 1998, p. 38). In this space, the sovereign is not limited by factual situations or danger to the public because legality and illegality does not make sense. The camp is a zone of indistinction between inside and outside, the rule and the exception (Agamben, 1998). The people in the camp are reduced to naked life and stripped of all political status.

The birth of the camps is associated with the “biopolitical paradigm of the modern state” (Agamben, 1998, 117). In this biopolitical order, state power is only concerned with managing biological life directly (Agamben, 1998). It is marked by a political system that ensures “the functional nexus between a determinate localization (territory), and a determinate order (the

state), which was mediated by automatic regulations for the inscription of life (birth or nation)” (Agamben, 2000, p.42, 3). In this rigid structure of the camp:

Refugee camps boast a new quality: a ‘frozen transience’, an on-going, lasting state of temporariness, a duration patched together of moments none of which is lived through as an element of, and a contribution to, perpetuity. For the inmates of a refugee camp, the prospect of long-term sequels and consequences is not part of the experience. The inmates of refugee camps live, literally, from day to day—and the contents of daily life are unaffected by the knowledge that days combine into months and years. As in the prisons and ‘hyperghettoes’ scrutinized [...] encamped refugees ‘learn to live, or rather survive [(sur)vivre] from day to day in the immediacy of the moment, bathing in ... the despair brewing inside the walls’ (Bauman, 2002, pp. 114–5).

What is disconcerting for Agamben is the manifestation of this biopolitical order in refugee protection agencies, including the UNHCR and other humanitarian organizations. These agencies provide protection only when refugees are considered *homo sacer* who are “a referent of *biopolitics*” (Diken and Laustsen, 2010, p.86). The work of the agencies that insist in portraying their work with refugees as social and non-political reveal their secret solidarity with the sovereign power. Despite their good intentions, these agencies operate within “reciprocal agreements and treaties between sovereign states; and for the time being, a sphere that is above the nations does not exist” (Arendt, 1979, p. 298). Žižek (2002) provides a lucid account on the logic behind biopolitics in contemporary societies when he maintains:

Today’s *homo sacer* is the privileged object of the humanitarian *biopolitics*—it is the one who is deprived of his full humanity through the very patronizing way of

being taken care of. One should therefore assume the paradox that concentration camps and refugee camps for the delivery of humanitarian aid are the two faces, 'human' and 'inhuman', of the same socio-logical formal matrix. In both cases, the cruel joke from Lubitsch's *To Be Or Not To Be* applies: when asked about the German concentration camps in the occupied Poland, the 'concentration camp Erhardt' snaps back 'We do the concentrating, and the Poles do the camping'. In both cases, the population is reduced to an object of *biopolitics*. It is thus not enough to enumerate the list of the figures of today's *homo sacer*: les sans papiers in France, the inhabitants of the favelas in Brazil, the African-American ghettos in the US, and so on. It is absolutely crucial to supplement this list with the humanitarian side: perhaps those who are perceived as recipients of humanitarian aid are the figures of *homo sacer* today (Žižek, 2002, p. 91- as cited by Diken, 2010, p.89).

If used carefully and selectively, Agamben's work offers a complementary addition to Foucault's analysis by providing insight into certain political moments, albeit some more than others. Agamben's concepts of *homo sacer* and the camp, and his insights into the ways in which the sovereign can suspend and create the law for its benefit, are imperative in understanding the figure of the refugee and the contemporary fixation on humanitarian politics. For example, the state of exception and its emphasis on the sovereign right to suspend the law sheds light on Western states' employment of emergency measures such as detention, deportation, etc. to suspend their legal obligations toward refugees. Thus, the law still holds a central role in this reconfiguration.

More importantly, the camp becomes a violent space that produces the bare life, as this is

the only life that is worth protecting. The camp does not only serve as a containment measure, but also as a space of repentance and salvation. The camp is a tool with which to manage biological lives by enabling “vital technologies of power” (Mallki, 1995, p. 498). Mallki (1995) maintains that the concentration of people in a confined space along with the bureaucratic processes involved in the ordering of people allowed for:

The segregation of nationalities; the orderly organization of repatriation or third-country resettlement; medical and hygienic programs and quarantining; ‘perpetual screening’ (173:59) and the accumulation of documentation on the inhabitants of the camps; the control of movement and black-marketing; law enforcement and public discipline; and schooling and rehabilitation were some of the operations that the spatial concentration and ordering of people enabled or facilitated. Through these processes, the modern, postwar refugee emerged as a knowable, nameable figure and as an object of social-scientific knowledge (p. 498).

Refugees who survive this space, as opposed to the ones who dare to cross borders to seek asylum, are the ones who are worthy of the sovereign’s compassion.

The template of the stripped bare, dehumanized and depoliticized figure of the refugee in the camp is precisely the model that Canada now selects for resettlement, which relies solely on the discretionary powers of the Minister of Immigration and the Cabinet. Only when these refugees are conceived as *homo sacer* do they become beneficiaries of Canada’s benevolence and humanitarianism. By representing the refugee as *homo sacer* – ‘in command’ of moral respect due to their suffering – humanitarian and governmental organizations are able to act toward refugees.

Humanitarianism emphasizes the bare life in the camp as a separate and exceptional

space. The ones who find their way out of the camp are illegitimate, criminal, suspicious, and as a result undeserving of protection. Had these refugees endured their encampment, they might have been selected for the sovereign's compassion through resettlement. This logic, as will be demonstrated in chapter 7, is captured by the Canadian government authorities' insistence on associating asylum seekers who 'jumped the queue' with criminality and national security, and those who have been patiently waiting in camps with authenticity and legitimacy, having earned the opportunity for resettlement through their suffering.

The selection of certain refugee groups as worthy of Canada's, and other Western states', moral sentiments deliberately ignores and dismisses the subjectivity, politics and history of displacement. In this humanitarian order, images of refugees are linked to their speechlessness and silence, as if they need someone to speak for them (Malkki, 1996, p. 388). They are reduced to bare life where their humanity counts only through the sovereign's compassion. In order to be granted this compassion, refugees have to express humility to the beholden (Fassin, 2011, p.4).

Humanitarian politics (of survival) that seize the moral obligation to act toward human suffering is a useful extension of biopolitical practices in which states intervene to make live and let die. Through suspending the rule of law to prevent asylum seekers from reaching their territory, governing authorities rely on both security and humanitarian practices. Taken together, these practices aim to control and manage refugees as well as to delegitimize, depoliticize, and moralize human suffering. For the refugee, there is the camp to survive (or make live), and for the asylum seeker, there is a system in which the sovereign makes live or lets die. In order for resettlement to operate effectively, states must appeal to security and humanitarianism. This way "both the territorial and the moral boundaries between the two worlds ...[are] sealed as tightly as possible" (Fassin, 2011, p. 253).

Given the theoretical contribution offered by Agamben in chapter 7 of this dissertation, it is appropriate to address some of the major critiques aimed at his work. The most common criticism to Agamben's work, even more than Foucault, is his dismissal of subjectivity and human agency, including issues of resistance and contestation¹² (Rancière, 2004; Papastergiadis Puggioni, 2006; Žižek, 2002; Nyers and Moulin, 2007; Ramadan, 2012; Jabri, 2006). For example, Jacques Rancière argues that while the sovereign creates the space of exception and exclusion, this space is also open to political contestation. According to Rancière (2004), "Politics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this very confrontation" (p. 27).

Similarly, Papastergiadis (2006) asserts that Agamben "presents the camp as a sealed and impermeable space" while also dismissing "the complex forms of resistance and dissent emerging within and beyond nation-states, and the complex enmeshment of the refugee and the citizen in the global flows that shape contemporary subjectivity" (p.430). Žižek is equally concerned about Agamben's inability to envision "the 'democratic' project of 'renegotiating' the limit which separates full citizens from *homo sacer* by gradually allowing their voices to be heard. His point is, rather, that in today's 'post-politics', the very democratic public space is a mask concealing the fact that, ultimately, we are all *homo sacer*" (As cited by Nyers, p.49). Nyers & Moulin (2007) and Ramadan (2012) provide a vivid account of the ways in which Sudanese and Palestinian refugees contested the authority of state and refugee protection agencies, respectively.

While there is no doubt that Agamben made very little effort to address issues of

¹² Most evidently, Agamben used a passive voice to describe those who can be killed but not be sacrificed.

subjectivity, there are few critical issues that contribute to this limitation¹³. This limitation might be attributed to the ways in which his perception of politics leaves no possibilities for resistance. Western politics today, he notes, has been ‘contaminated by the law’, as it is intertwined with the problem of sovereign (Agamben, 2005, p.2). In other words, Agamben does not dismiss resistance per se, but he is skeptical of the ways in which it is conducted in the West.

Reiterating Debord, Agamben believes that contemporary Western capitalist society is the “society of the spectacle” that is marked by social alienation. Agamben notes that, “When the real world is transformed into an image and images become real... the practical power of humans is separated from itself and presented as a world unto itself” (Agamben, as cited by La Durantaye, 2009, p. 174). In this form of social alienation, according to Agamben, a community is imagined and seen as possible only in terms of exclusion and violence (Durantaye, 2009). As noted by Soguk (2007):

What makes such a non-democratic condition of democracy acceptable to many is the claim that a community is only possible through the introduction of exclusionary borders not only physically in erecting concrete boundaries, but also, more importantly, through institutions of limit that proscribe access to rights (p. 297).

Nonetheless, it is clear from Agamben’s work that the refugee, despite his legal rightlessness status, is a figure that truly threatens the sovereign, especially when considering his ‘irregular’ arrival. Soguk (2007) examines how this logic is translated into resistance. Agamben’s bare life,

¹³ In his book *Profanations*, Agamben (2005) hints at the work of resistance, which is manifested in the notion of a gesture, where the act is not organized and has no specific goal. Gestures, says Agamben, bring the student protester at Tiananmen Square who stood before a tank. A gesture, Agamben notes, “puts your life into play, irrevocably and without reserve—even at the risk that its happiness or its disgrace will be decided once and for-all” (Sonek, 2010, p. 56).

Soguk notes,

has its own voice even as it dwells in the polis as ‘excluded’, as a site of intervention by sovereign power in which modernity’s borders (inclusions and exclusions) are shaped ... Similarly, the insurrectional migrants as bare lives, as sacred but expandable bodies in the order of the state, have their own voices. As Agamben, too, suggests, they take away and conserve their own voices shaped in their experiences with the sovereign power, voices that have the sensation of the just and the unjust. The bare migrant bodies develop their own active agency or subjecthood to counteract the logic of the sovereign power and to articulate and enact alternative borders and roots in life (p. 305).

A second body of criticism of Agamben aims at his concept of the ban and state of exception. Bigo (2007) argues that the ban is more widespread than the state of exception¹⁴. The ban involves those who have full political rights, but are still excluded from social processes (Lemke, 2005). It is developed “through routines... technologies, by (in)security professionals and not only by professionals of politics...in their conflicts with the courts, lawyers, and the rule of law” (Bigo, 2007, p.21). While this criticism might be justified when discussing communities and individuals with some access to political and social rights, asylum seekers and refugees who are prevented from reaching Canada are unique since they do not have these rights.

A third body of criticism aims at Agamben’s depiction of the centrality of the law and sovereignty. For instance, Lemke (2005) argues that Agamben’s analysis is ‘too state-centred’ and legalistic. Lemke maintains that Agamben provides a limited conceptualization of the state where biopolitics is about the political economy of life and reduced to state agencies or law. A

¹⁴ Through examining zones of social abandonment in Brazil, Biehl (2002) provides a clear example of Bigo’s conceptualization of the ban and highlights the gap in Agamben’s application of the ban.

related criticism is also expressed by Pandolfi (2010) who insists that the sovereign is “on the move”, and not “a political body that is constrained (or unconstrained) by law” (p. 11).

Likewise, Ramadan (2012) points out that the refugee camp reflects “more complex and multiple sovereignties” (p.68). For example, on his research about Palestinian refugee camps in Lebanon, Ramadan points out that the state of exception and humanitarian space declared by the host state in the refugee camp is challenged by ‘outside’ sovereigns, including the UNHCR or groups that exercise considerable powers, such as community and religious leaders, international NGOs, and others representing the ‘political grievances’ of refugees. In fact, in some instances, national liberation movements in these camps, such as the Palestinian refugee camps in Lebanon, are institutionalized and govern the camp through disciplinary mechanisms. These movements largely oppose third country resettlement, as such humanitarian gestures depoliticize the refugee and close any dream of return.

In his most recent book, *Il Regno e la Gloria*, Agamben addresses his critics by moving away from sovereignty and political theology toward governmentality and economic theology. “The real problem...the central mystery of politics”, Agamben (2011) notes, “is not sovereignty, but government; it is not God but the angel; it is not the king, but the ministry; it is not the law, but the police—that is to say, the governmental machine that they form and support” (p. 276). The modern sovereign “rules but does not govern” (Agamben, 2011, p. 68-9). In an interview, Agamben further elaborated on this shift:

It became clear to me that from Christian theology there derive two political paradigms (in the wide sense): political theology, which locates in the one God the transcendence of sovereign power, and economic theology, which substitutes the idea of *oikonomia*, conceived as an immanent order—domestic and not

political in the strict sense, as much a part of human as of divine life. From political theology derives the political philosophy and modern theory of sovereignty; from economic theology derives modern biopolitics, up until the current triumph of the economy over every aspect of social life (As cited by Snoek, 2010, p. 50).

In another short essay, Agamben (2001) further reflects on the relation between sovereignty and governmentality. He contends that Western political systems reflect the combination of “a political-juridical rationality and an economic-governmental rationality, a ‘form of constitution’ and a ‘form of government’”. Incommensurable they may be, they legitimate and confer mutual consistency on each other (Agamben, 2011, p.4).

This shift is not a break from Agamben’s earlier work. Rather in this book, Agamben elaborates on the “complex relation between sovereignty and biopolitics (governmentality) and to understand the complicated, if fractured, fusion between sovereignty and biopolitics... where sovereignty and government have always worked in tandem” (Snoek, 2010, p. 50-51). Agamben conceptualizes governmentality differently than Foucault. Agamben notes that since Foucault left out any judicial analysis, he was unable to fully articulate the “bipolar character of the government machine” (Snoek, 2010, p.50). Also, while Foucault situated the idea of the economy in the Christian pastorate, Agamben argues that Foucault dismissed the impact of theology on the economy. Foucault paid very little attention to the role of providence in the economy of the world (Snoek, 2010, p.52). The government, for Agamben, is “the epiphenomenon of the providence” (Zartaloudis, 2010, p.78).

When incorporating Agamben’s analysis in *Il Regno e la Gloria* it becomes clear that bare life where humans are made to survive is a way of governing. Agamben (2009) derives the

notion of apparatus from the Greek term *oikonomia*, which refers to “the administrative government of ‘men and things’” (p. 84). Similar to Foucault, Agamben posits that dispositive is “Literally anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviours, opinions, or discourses of living beings” (Agamben, 2009, p. 14). Agamben maintains that apparatus is “that in which, through which, one realizes a pure activity of governance devoid of any foundation in being” (Agamben, 2009, p. 11).

The work of Foucault and Agamben on biopolitics lends insight into the humanitarian-security nexus. This nexus reflects, as suggested by Foucault, the governing authorities’ power to make live and let die. However, it is recently evident that the governing authorities, as Agamben suggests, are increasingly seeking the power to make survive. In other words, the humanitarian-security nexus is understood both as reflecting the governing authorities’ power to make live and let die, and the power to make survive. With that in mind, the next section discusses my thesis’s approach. It seeks to understand how this power emerged in response to a problem in migration.

Genealogical Approach

In addition to the combined work of Foucault and Agamben on biopolitics, the thesis utilizes a genealogical approach to examine the emergence of the humanitarian-security nexus in the Canadian refugee protection regime. This approach is particularly useful in uncovering moments of emergence, continuities and discontinuities, and technologies utilized to maintain the ensemble of power. By problematizing migration, this approach reveals the emergence of the humanitarian-security nexus, as conceptualized by Foucault and Agamben. It sheds light on the relation of power that made this nexus possible.

Genealogy is a form of analysis that focuses on the question of ‘how’ rather than ‘why’. It is concerned with “the processes, procedures and apparatus by which the truth and knowledge are produced, in what Foucault calls the discursive regime of the modern era” (Tamboukou, 1999, p.202). Genealogy maps out systems of relation and provides critiques of contemporary norms, practices, and institutions by revealing “their multiple conditions of formation” and effects (Dean, 1994, 33). For Foucault, genealogy is not about historical evolution:

[genealogy] does not resemble the evolution of a species and does not map the destiny of a people. On the contrary, to follow the complex course of descent is to maintain passing events in their proper dispersion; it is to identify the passing accidents, the minute deviations – or conversely, the complete reversals – the errors, the false appraisals and the faulty calculations that gave birth to those things that continue to exist and have value for us; it is to discover that truth or being do not lie at the root of what we know and what we are, but the exteriority of accidents (Foucault, 1987, p.225).

Genealogy is a historical tool to diagnose the present (Kendall and Wickham, 1999). It rejects the idea of meta-history, or that there is “a guiding hand or set of regulatory principles that are the grand determinant of the present” (Prado, 1995, p.33-4). Instead of looking for causes, genealogy is concerned with contingencies, discontinuities, recurrences, and conditions of possibility. By conditions of possibility Foucault refers to various events and relations that existed in order for something to be possible (Kendall & Wickham, 1999, p. 37). Understood in this sense, the emergence of an event is not about necessity, but rather the result of complex relations between events, and a “matrix of discursive and non-discursive practices that have

given rise to its existence” (Tamboukou, 1999, p.206). Dean (1994) further elaborates on this genealogical method by pointing out that:

[It] is a way of linking historical contents into organized and ordered trajectories that are neither the simple unfolding of their origins nor the necessary realization of their ends. It is a way of analyzing multiple, open-ended, heterogeneous trajectories of discourses, practices, and events, and of establishing their patterned relationships, without recourse to regimes of truth that claim pseudo-naturalistic laws or global necessities...the history of the present is, above all, a new form of criticism, able to induce critical effects and new insights without grounding itself in a system of values exterior to the domain and object under analysis (pp. 35-36).

Uncovering relations of the power-knowledge nexus is at the heart of Foucault’s genealogical approach.

Doing genealogy is accomplished by selecting and organizing certain elements, such as a program, problem, event, or a practice that is “‘emergencer’ and the ‘descent’ of an issue or, in this case, regime of practices” (Prado, 1995, p. 36 As cited by Lippert, 1997). By utilizing this approach, the dissertation focuses on the ‘accidental’ ‘moment of arising’ (Foucault, 1984, p.83) in the governing authorities’ responses to migration that led to the emergence of the humanitarian-security nexus since WWII. The problematization of migration, along with the shift in the governing authorities’ biopolitical power, is an effective strategy in revealing how the humanitarian-security nexus has changed over time to reflect different conditions of possibility and relations of power.

Once the practice is isolated, Tamboukou (1999) suggests, “the analyst [traces] the current practices that could relate to the diagnosed ‘problem’ and [...then] formulate[s] the

network of relations between the practices and the problem” (p. 213). This process involves mapping out the complex network of power and techniques formulated and assembled in order to preserve the governing authorities’ power of make live, let die, and more recently its power to make survive, which is articulated in the humanitarian-security nexus.

To accomplish this task, I examined institutional changes; legislations and laws adopted or abandoned; changing moral, social, political and economic environments; and statements expressed by governing authorities that sought to humanize or securitize refugees and asylum seekers. I relied on multiple sources of information, including an in-depth study of selected archival records, a systematic study of policy documents, and other influential secondary sources. The selection of files and documents for this study was based on defining moments (moments of rapture) where documents “‘impose’ vision, or a new way of ‘conceptualizing the problem’” (Kendall & Wickham, 2004, p. 133). These moments are not exhaustive or conclusive and they might not be the most important, but they have been selected after a long process of ‘digging’ where change in governing authorities’ thinking was identified. Once these moments were identified, the different pieces of the ‘puzzle’ were assembled (Kendall and Wickham, 2004).

In her book *Along the Archival Grain*, Stoler (2010) maintains that engaging with the ‘archive as subject’ rather than ‘source’ opens up new avenues in analyzing the past where facts are produced by the state’s power to contain the reality of governance (Stoler, 2010, p. 93). The research project, which relies for the most part on archival material, examines the silences and how ‘facts’ were produced. Foucault asserts that an archive is not a collection of historical texts but a “general system of the formation and transformation of statements” (as cited by Dean, 1994, p. 16).

Archival records were accessed from the Library and Archives Canada (LAC) Citizenship and Immigration Canada Library. Other documents were accessed through *Wikileaks*, the Access to Information Act, governmental websites, and various secondary sources. In my search, I focused on documents discussing Canada's refugee policies and practices since WWII, as well as documents discussing the Ugandan and Chilean refugee crises. These documents included:

- 1) Past statistical digests and other studies on immigration, committee reports on immigration and security, Ministerial and Prime Ministerial speeches, letter-exchanges and memorandums between the Prime Minister, Ministers, the Cabinet, and bureaucracy, immigration legislative reviews and reports, and annual reports from several ministries. These documents provided an overview of issues and controversies, as expressed by governing authorities. They were also instrumental in understanding how governing authorities' solutions were sought and implemented.
- 2) Contemporary policy-related records, such as Citizenship and Immigration Canada reports, evaluations, statistical data, policy reviews, the Minister of Immigration and the Prime Minister's statements and speeches, press releases, Parliament and Parliament committee discussions, including minutes from consultation meetings on refugee resettlement, NGO reports, proposals, and calls for actions on issues related to refugee protection, UNHCR's handbooks, statistical data, annual and progress reports on resettlement and toolkits, and consultation reports on or related to refugee resettlements. The information obtained was essential in mapping out contemporary practices toward refugees.

- 3) Secondary sources including studies, articles, biographies and autobiographies, and books. The studies were used to support further policy and archival analysis.

In reading these documents, I focused on the relationship between humanitarian and security practices and institutional changes pertaining to the Canadian refugee protection regime. Institutions in this sense are treated as carriers of ideas and collective memories (Schmidt, 2006). They justify policies by “logic and necessity” (Schmidt, 2008, p. 306) and attach values to political action aiming mainly to legitimize policies.

To understand how governing authorities assembled the humanitarian-security nexus in response to the Ugandan Asian and the Chilean refugee crisis, I reviewed archival records prior to these crises and leading to the resettlement of some of these refugees. These records included letters, memorandums, and reports written by the Canadian High Commissioner in Nairobi and Santiago, Ministers and their deputies, the Prime Minister, the Cabinet and the bureaucracy relating to the crisis in Uganda and Chile. I also consulted the diaries of Rogers Saint-Vincent, the head of the Canadian Immigration mission in Uganda, which documented the daily activities of the immigration team while in Kampala. Furthermore, I surveyed reports written by advocacy groups, including church groups, university professors, unions, and other ordinary Canadians appealing for the resettlement of the Chilean refugees. Finally, I briefly scanned news clippings (audio and written), articles, and editorials appearing in media outlets and other community newspapers discussing the Ugandan and Chilean refugee crises.

Conclusion

This chapter examined the logic according to which security and humanitarian practices are utilized in the Canadian refugee protection regime. While useful in uncovering the rationalities

behind humanitarian and security practices in the aftermath of WWII, Foucault's pivotal insight into the governing authorities' power to make live and let die was argued to be insufficient in capturing contemporary humanitarian and security practices toward refugees. Instead, the chapter suggested that these practices increasingly reflect, as Agamben proposes, the governing authorities' power to make survive. This understanding reveals the logic behind contemporary humanitarian and security practices in which refugees are constructed as either dangerous others that needed to be excluded, or suffering bodies that deserve care and compassion.

By characterizing refugees as in demand of the compassion of governing authorities, the violence utilized in preserving security practices is forgotten (Fassin, 2011). In this process, the law is suspended and replaced by the arbitrary and discretionary power of the Minister of Immigration and the Cabinet. By insisting on humanitarian practices, Chapter 7 demonstrates that the Canadian governing authorities succeed in establishing some form of political legitimacy, one that has "no structures of accountability built in" (Butler, p. 66).

This chapter also described the genealogical approach of the thesis in terms of collecting and analyzing data. This approach, which seeks to examine the emergence of the humanitarian security nexus, is useful in uncovering moments of rupture and change in the humanitarian-security nexus. It questions practices and technologies of control that are presented as natural and inevitable. This approach will be employed in chapters 4 and 5. The next chapter seeks to situate Canada's refugee practices within the international refugee protection regime. It seeks to familiarize the reader with the different concepts, institutions, and philosophical underpinnings of the international refugee protection regime, which made it possible for the Canadian refugee protection regime to emerge.

CHAPTER 3: THE INTERNATIONAL REFUGEE PROTECTION REGIME

This chapter offers an overview of the international refugee protection system since the early 1900s. It examines major transitions and shifts in the philosophical, political, institutional, and legal instruments adopted by the international community. The chapter seeks to familiarize the reader with the relevant concepts, legal and institutional instruments, and trends in the international refugee protection regime, which influenced and was influenced by Canada's involvement. It is divided into four parts, reflecting four historical periods—including the Pre-WWII, Post-WWII, the Cold War, and the Post-Cold War—where there was a significant shift in the international refugee protection regime.

The chapter argues that the formulation of the international refugee protection regime is intertwined with Western states' desire to control and manage the movements of refugees. It illustrates the ways that security and humanitarian practices informed and framed the international refugee protection regime, with the states having the ultimate power to decide their security. This regime, which was sponsored by few European countries, emerged under certain circumstances to provide a technical solution to a temporary refugee problem in Europe. This regime also made it possible for the Canadian refugee protection regime to emerge, especially considering Canada's legal obligation to provide sanctuary to refugees who have a well-founded fear of persecution.

Due to the changing political priorities of the international community, and other program 'failures', the international refugee protection regime became a complex global institution that sought to address a growing concern over refugee movements. The increased role of the Canadian government in this regime in the 1990s and 2000s underscores the recognition

among states that the refugee problem required properly enforced global management mechanisms.

The Pre-WWII Period: the Emergence of the International Refugee

Protection Regime

During the period between WWI and WWII, the concept of the ‘refugee’ was officially articulated as a technical problem (Haddad, 2008). The urgent need of the international community to intervene and address the refugee presence in Europe was meant to manage and control for the growing number of refugees and displaced persons who were viewed as disturbing states’ social and economic order. The practical solutions that sought to remedy the refugee problem focused on particular social groups rather than individuals.

Despite the increased number of refugees in the post-WWI period, there were very few incentives for states to promote or accept a legal definition of a refugee. Western states that were experiencing social, economic, and political unrest feared that accepting a universal and legally binding definition would limit their power to control and decide the number or type of refugees allowed entry into their territories (Holborn, 1938). Any attempt to accept a legal definition during this period was limited in scope, and focused on specific refugee groups that posed a problem to European countries. The first of these groups were the Russian refugees who were fleeing the Russian Revolution of 1917 and the subsequent Civil War. European countries considered these refugees “the most disruptive to the new European order”¹⁵ (Lui, 2004, p. 125).

To deal with the perceived Russian refugee problem, European countries through the office of the League of Nations appointed Fridtjof Nansen of Norway as the High Commissioner

¹⁵ For a thorough discussion of the Russian refugees, see George Ginsburg (1957), *The Soviet Union and the problem of refugees and displaced persons 1917-1956*. *The American Journal of International Law*, 51 (2), 325-361.

for Refugees, granting him specific responsibilities in addressing the issue of the increasing Russian refugee population. The High Commissioner was tasked with arranging “the coordination of the relief work for the refugees, securing a definition of the legal status of refugees, and considering a solution through repatriation to Russia, employment in the country where they were then residing, or emigration to other countries” (Holborn, 1938, p. 683). The term ‘refugee’ was adopted to respond to the Russian refugees, and referred *only* to refugees of Russian origin “who [do] not enjoy, or who no longer [enjoy], the protection of the Government of the Union of the Soviet Socialist Republics (respectively, of the Government of the Turkish Republic) and who [have] not acquired another nationality” (as cited by Holborn, 1938, p. 685).

Through his skill and innovation, Nansen succeeded in convincing fifty-one countries in Europe to allow Russian stateless refugees to carry ‘Nansen Passports’, legally binding certificates valid for a year and approved by the League Council (Loescher, 1993). Russian refugees who held this passport were allowed to move freely in Europe and elsewhere. Holborn (1938) points out that the passport was used by states as a management tool to provide accurate information on the number of Russian refugees in their territories, as well as to document and facilitate the departure of these refugees to a third country.

During this period too, the international community executed the first ‘involuntary’ repatriation of refugees. Given his success in resolving the Russian refugee crisis, the League of Nations in 1922 trusted Nansen to mediate and arrange an exchange of population during the Greco-Turkish war. In his appeal to the Turkish and Greek governments, Nansen argued that the refugee problem might destabilize the social, economic, and political order of both countries in the long term (Kontogiorgi, 2006). Through providing financial and relief work incentives, he succeeded in negotiating the exchange, which eventually became a compulsory one where 1.1

million Turkish nationals of the Greek Orthodox and 380,000 of the Greek Muslim religion were repatriated¹⁶. Another 100,000 refugees were exchanged and repatriated between Bulgaria and Greece (Loescher, 1993).

In 1924, the mandate of the High Commissioner of the League of Nations was extended to Armenians persecuted and deported by the Turkish government due to religious and cultural differences, as well as to other smaller groups of refugees¹⁷ (Hathaway, 1984). Similarly to the Russian refugees, the creation of an official definition reflected a concern for a social group. Refugee status was granted to “any person of Armenian origin, formerly a subject of [the] Ottoman Empire, who does not enjoy the protection of the Government of the Turkish Republic and who has not acquired any other nationality” (van Selm-Thorburn, 1998, p.22).

The resettlement of the Russian and Armenian refugees required the adoption of the Arrangement Relating to the Legal Status of Russian and Armenian Refugees in 1928, which defined the legal status of these refugee groups. In 1933, nine states adopted and ratified the Convention Relating to the International Status of Refugees, which obliges states to act on behalf of the Russians and Armenians along with other refugee groups (Jaeger, 2001, p. 730). The right to *non-refoulement* proposed in this agreement, which became the basis for the 1951 Convention, reflected a serious commitment to end the irregular presence of these refugees in Europe. Nonetheless, the economic upheavals facing Western countries in the mid 1930s and leading to the outbreak of WWII halted other states’ ratification of this Convention.

Meanwhile, the refugee definition was extended in 1933 to include refugees and stateless persons who were fleeing Nazi Germany. The Assembly of the League of Nations described

¹⁶ See Elisabeth Kontogiorgi (2006), *Population exchange in Greek Macedonia: The rural settlement of refugees 1922-1930*. New York: Oxford University Press.

¹⁷ These included Assyrian, Assyro-Chaldean, and Turkish refugees who were not under the protection of the Turkish Republic (Hathaway, 1984, p. 355).

these refugees as “an economic, financial and social problem” (as cited by Hathaway, 1984, p. 363). Refugees who were considered disruptive of the national order and security were excluded from protection (Holborn, 1938). The refugee definition was later extended to victims of Nazism and Fascism who were fleeing Germany, Austria, and Italy, as well as to Spanish refugees fleeing the Franco regime.

In the aftermath of Austria’s occupation by Germany in 1938, US President Franklin Roosevelt initiated the Evian conference to deal with Jewish and Roman Catholic refugees fleeing Nazi persecution (Vernant, 1953). During this conference, where Canada was a participant, the Inter-Governmental Committee on Refugees (IGCR) was formed. The IGCR was mandated to deal with German and Austrian Jews fleeing Nazism “who must emigrate on account of their political opinions, religious beliefs or racial origin” (as cited by Hathaway, 1984, p.377).

Despite this US initiative, neither the US nor any other participant country seriously committed to solve this refugee problem. The total number of refugees resettled in the US, Britain, and Australia was less than 35,000, which was far below the actual number of individuals declared stateless by Hitler. Still, the IGCR was the first international refugee organization established on a permanent basis (Lippert, 1997). It reflected the first attempt to establish a universal definition of refugees that recognized the “would-be refugees inside the country of potential departure”¹⁸ (Jaeger, 2001, p. 732). While the IGCR was suddenly dissolved in 1947 this agency laid the foundation of the International Refugee Organization (IRO) (Holborn, 1965).

¹⁸ Prior to WWII, there was no specific reference to refugees. ‘Emigres’ and ‘exiles’ were generally used to describe individuals who were fleeing persecution. Even when the term ‘refugee’ was used, it was used inconsistently by international agencies, and other governmental and non-governmental bodies (Lippert, 1997, p. 105).

Despite Canada's participation in the Evian Conference as a means of resolving the problem of Jewish refugees, it is important to point out that in earlier years Canadian governing officials prevented the entry of many refugees who were fleeing Nazi persecution. For instance, in 1929, Canadian authorities prevented the S.S. St. Louis ship from docking. The ship, which was carrying 936 asylees, mainly Jews, was forced to return to Europe, where many faced escalating persecution that culminated in the Nazi genocide during WWII. The anti-semitic sentiment of the Canadian government was clearly reflected in a memorandum written by the Department of External Affairs to Prime Minister Mackenzie King in 1938, in which it was noted:

We don't want to take too many Jews, but in the circumstances, we do not want to say so. Certainly, we don't want to legitimize the Aryan mythology by introducing any formal distinction for immigration purposes between Jews and non-Jews. The practical distinction, however, has to be drawn and should be drawn with discretion and sympathy by the competent Department laying down any formal minute of policy on the matter (As cited by Abella and Troper, 1983, p. 17).

Canada's response to the refugee presence in Europe was carefully considered and managed. The selection process, as will be further argued in chapter 4, reflected its economic, social, and political interests. Initially, Canada refused to accept Nansen Passports, because it feared that once these individuals entered Canada, authorities would not be able to deport them. Nonetheless, in 1926, the government changed its position on Nansen Passports and allowed the entry of refugees under the same category as other immigrants according to the terms of the 1910 Immigration Act (Kaprielian-Churchill, 1994). Between 1923 and 1929, 20,000 Russian Mennonites fleeing persecution from Russia were granted settlement in Canada (Knowles,

1992). This active policy attempt to settle refugees was halted in the 1930s during the Great Depression due to high unemployment rates (Knowles, 1992).

During this early period of interstate intervention, the presence of refugees in Europe was viewed as a technical problem of refugees disturbing states' social, economic and political order. To deal with this problem, states formed an interstate agency to recognize that they might acquire certain, but manageable sacrifices. However, the Second World War proved that these agencies and the technologies that they adopted were inadequate in addressing and managing the great number of refugees and stateless and displaced persons in Europe caused by the war.

The Post-WWII Period: the Solidification of the International Refugee Protection Regime

The massive displacement caused by WWII forced the international community to revise its refugee policies and practices. To deal with the immediate presence of refugees in Europe, European countries sought to restore order by creating refugee camps. This technical solution, which was entrusted to interstate agencies and other international institutions, aimed to closely monitor, manage, and control the movement of these persons.

Between 1943 and 1947, two expensive and politically controversial refugee agencies were developed (Loescher, 1993): the United Nations Relief and Rehabilitation Administration (UNRRA) and the International Refugee Organization (IRO). Canada helped to create and finance both institutions (Dewitt & Kirton, 1983). The average annual contribution to the IRO from Canada was well over five million dollars a year¹⁹.

¹⁹ Library and Archives Canada (LAC), RG76-I-B, volume 772, file 536-25, Interdepartmental Sub-Committee on Migration Policy, "International Refugee Organization", 3 July 1951, p.2.

Initially, UNRRA was created in 1943 by the United Nations to repatriate nationals who were displaced during WWII. However, with the growing Cold War rivalry between the two superpowers, the US resisted UNRRA's mandate of repatriating refugees back to the eastern bloc. As a result, UNRRA's work became limited to providing humanitarian aid and development assistance to refugees in the Global South, and it eventually ended its operation in 1947. Meanwhile, in 1945, the United Nations established the International Refugee Organization (IRO), which replaced the League of Nations and UNRRA. Hathaway (1984) points out the establishment of this UN-mandated agency highlighted the "importance of the refugee phenomenon" (Hathaway, 1984, p. 374).

Due to the politics of the Cold War, only 18 states became full members of the IRO. These included Australia, Belgium, Canada, the Republic of China, Denmark, the Dominican Republic, France, Guatemala, Iceland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Switzerland, the United Kingdom, the US, and Venezuela (Mendar, 2007). The IRO started its operation in 1948 by taking over the million and a half refugees under the care of UNRRA. Despite its acknowledgment of repatriation, the IRO actively sought resettlement and, in some instances, local integration of European refugees (Vernant, 1953). 'Eligibility officers' and a quasi-judicial body oversaw the resettlement procedures to ensure the proper screening of refugees. Refugees were excluded from the IRO mandate if it was proven that they were:

war criminals, quislings and traitors, enemy collaborators, ordinary criminals, persons of German ethnic origin having gone to or left Germany, individuals in receipt of assistance from their country of origin, persons in the military or civil service of a foreign state,...leaders of movements hostile to a Member State of the United Nations (Hathaway, 1984, p. 376).

The IRO became the first organization to deal with a “large-scale, planned, international resettlement effort” (Stein, 1983, p.192) based on individual cases. Nonetheless, the IRO, similar to other international agencies, continued to view the refugee problem as a temporary one caused by the war, and assumed it would end with time.

Before its termination in January 1952, the IRO resettled more than 1,038,750 refugees overseas (US - 329,000, Canada - 123,000, Australia - 182,000, Israel - 132,000, France - 38,500, United Kingdom - 86,000, Belgium - 22,500, Argentina - 33,000, Brazil - 29,000, Venezuela - 17,000)²⁰ (Vernant, 1953, p. 38). Resettlement countries diligently selected refugees based on their age, health status, and skills. During this period, the IRO also repatriated more than 72,834 refugees to their country of origin (Bender, 1955), and provided care for more than 1,000,000 refugees in camps.

With the termination of the IRO, the international community sought the creation of a new agency to assist with the remaining 700,000 European refugees. A proposal was submitted during the International Migration conference in October 1951 recommending the resettlement of these refugees overseas, which would be managed by the International Labor Organization²¹ (ILO). This proposal was rejected by the US, Canada, and Australia; the US alleged that Communist countries dominated the ILO, while Canada and Australia refused to entrust this international agency with “the delicate and controversial problem of deciding the numbers and types of immigrants they should admit” (Holborn, 1965, p. 335).

Instead, the US supported a counter-conference that was held in Brussels. During this conference, Canada assisted in creating the Intergovernmental Committee for European

²⁰ Chile, Bolivia, Paraguay, Peru, Sweden, the Netherlands, and Norway also participated in this resettlement scheme, but offered a smaller number of resettlement spaces.

²¹ This agency was created in 1919 to improve the working and living conditions of workers.

Migration (ICEM)²². The newly formed agency aimed to assist in international migration movements and to promote cooperation between governments and NGOs. The ICEM, later known as the International Organization for Migration (IOM), recognized the link between domestic governmental policy and international migration. More specifically, it acknowledged the close relationship between economic development and immigration (Holborn, 1965, p. 335). In addition to their resettlement efforts, the IRO and ICEM provided inexpensive training and language acquisition programs, which helped in the process of resettling refugees (Holborn, 1964). Between its creation in 1952 and its termination in 1965, the ICEM succeeded in resettling over 1,366,149 refugees and national migrants who needed international assistance.

Canada was willing to participate in these international refugee protection agencies only if they performed an advisory role without interfering with Canadian selection standards²³. Canadian governing officials sought to have full control over the selection process because it was key to managing the absorptive capacity of the Canadian economy, the integration of immigrants into existing economies, the preservation of the social, cultural, and political character of the Canadian population, and the maintenance of Canada's international interests²⁴. Canada sent well-trained government officials from the Department of Citizenship and Immigration, the Department of National Health and Welfare, the Canadian Mounted Police, and the Department of Labour to refugee camps in Europe (Vernant, 1953) to oversee and guarantee the quality of the selected refugees.

²² Canada withdrew its membership from the ICEM during the Diefenbaker government, only to return in 1990; by then the ICEM had been renamed the IOM. Diefenbaker argued that Canada had sufficient expertise to deal with the settlement needs of migrants, and that Canada had achieved its main objective of helping European refugees from the Second World War. "It has become increasingly difficult", he maintained, "to justify paying such a price for an organization of marginal use to Canada" (as cited by Holborn, 1964, p.211).

²³ LAC, RG76-I-B, file 536-25, vol. 772, Interdepartmental Sub-Committee on Migration Policy, "Report of the Interdepartmental Sub-Committee on migration policy", 3 July 1951, p.2.

²⁴ LAC, RG76-I-B, file 536-25, vol. 772, Interdepartmental Sub-Committee on Migration Policy, "II: Canada's interests and responsibilities", 4 July 1951, p. 2.

Canada enacted Emergency Orders and Orders-in-Council legislation, which authorized the Minister of Immigration to control the entry of refugee groups. Between 1947 and 1953, the Canadian government resettled nearly 165,000 displaced persons from the camps in Europe (Knowles, 1992). “[A]mong the dispossessed,” Troper (1993) notes, “preference was given to refugees from the Baltic republics, seen by many as hard-working ‘Nordic types,’ rather than to Jewish and Slavic settlers” (p.261).

By the time the UNHCR was formed in 1950, refugee protection had become a deeply rooted regime in the international arena²⁵. The General Assembly’s adoption of Resolution 428(v) in 1950 further enforced the UNHCR’s role as the legitimate international refugee protection body. The resolution describes the High Commissioner’s functions, as well as the responsibilities of governments toward the UNHCR. It entrusts the UNHCR with the responsibility to assist in finding a permanent solution to refugee problems, including coordinating repatriation and resettlement. Paragraph 1 of the resolution states:

The United Nations High Commissioner for Refugees...shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

²⁵ The Executive Committee of the High Commissioner’s Programme (EXCOM), which is made up of member states, reviews and approves the UNHCR’s agenda, programs, and budget, and fulfills an advisory role on the international refugee protection to the UNHCR (Barnett, 2002).

The resolution recognized three durable solutions for refugees, including local integration, voluntary repatriation, and third country resettlement. It approved voluntary repatriation as the most appropriate durable solution to the problem of refugees, while reserving resettlement for cases where there is no prospect for local integration or repatriation. States are not legally obliged to resettle refugees, and they have full control over the number and composition of refugees accepted.

The international community also adopted the 1951 Convention and Protocol Relating to the Status of Refugees. This treaty sets out the definition of the refugee, and states' responsibilities and obligations toward refugees. Article 1 of the 1951 Convention defined the term *refugee*, which applies to:

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 his country of nationality and is unable ...or unwilling to avail himself of the protection country.

This definition of 'refugee' initially applied to European refugees, but incorporated refugees from the rest of the world in 1967. The main principle in the Convention is *non-refoulement*, according to article 33(1) of the Convention, which states:

No Contracting State shall expel or return ("refouler") 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.

The *non-refoulement* principle holds states to a minimum standard when a decision is made to remove individuals to a country where their lives might be in danger (Hunter, 2001). The only

exception to this fundamental provision is Article 33(2), which gives states the right to expel or return refugees deemed a risk to national security or public order. Through the exclusionary clause of Article 1F, the Convention upholds that individuals who have committed a serious crime or crime against humanity, or were involved in terrorist activities, are excluded from refugee status and protection. It is designed for individuals who are fleeing “prosecution rather than persecution” (Turk, 2003, p. 118). Article 1F reads:

The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

- (a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) He has been guilty of acts contrary to the purposes and principles of the United Nations.

The Preamble of the 1951 Convention also acknowledges that “the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation.” The role of international cooperation was further voiced in the 21 EXCOM Conclusion, which notes that “States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, states that have admitted a mass influx of refugees” (EXCOM 21, 1981, IV (1)).

The UNHCR was entrusted with supervising and implementing the Convention. With only one amendment since 1967, the Convention continues to be the major tool in the international refugee protection regime, and the basis for refugee law (Goodwin-Gill, 2001). While Canada did not accede to the 1951 UN convention until 1969 due to its concern regarding the *non-refoulement* provision, it participated in the formation of the UNHCR. Following the Hungarian refugee crisis, in which it resettled over 38,000 refugees, Canada finally joined the Executive Committee of the UNHCR (Lippert, 1997).

The 1951 Convention marks a clear departure from considering protection on the basis of social grouping to individual claims (Kneebone, 2009). Refugees become authentic and worthy of protection once they rationally and objectively proved fear of persecution due to one or more of the five grounds listed in Article 1A(2) (Nyers, 2006). For Nyers (2006), the Convention reflects Western liberal thinking that emphasizes individualism and the supremacy of state sovereignty:

Not only is the impact of the Convention limited to how it individualizes the whole phenomenon of refugees and their movements through its appeal to Western liberal political values; but at a more fundamental level, the Convention works to reproduce the entire architecture of sovereignty on which the Western concept of the political is based. The UN Convention, for all its enthusiasm for a refugee definition that universally applies to all human beings (by virtue of a common fear), actively assumes a world where meaningful and authentic political identities (i.e. citizenship) are monopoly of particular sovereign states (p. 57).

The Height of the Cold War: the Politics of Refugee Protection

The Cold War demonstrated that refugees are valuable ideological instruments in showing the superiority of Western democratic values. During this period, the refugee became a symbol of the illiberal way of conduct and governance in the eastern bloc, as opposed to Western liberalism and its respect for citizens' rights. Refugees who opposed communist regimes were treated as freedom fighters by Western governments. For the most part, the needs of non-European refugees were ignored, or addressed through aid and development projects and repatriation, which aimed to contain refugees in their regions.

In its early years of operation, the UNHCR worked in parallel with the US-supported IRO and ICEM; however, during these years, the IRO and the UNHCR had fierce interagency battles. Unlike the UNHCR, the IRO's work was mainly focused on maximizing overseas resettlements. It prioritized clearing refugee camps over providing protection. Nonetheless, the IRO left over 400,000 'hardcore' refugees to the care of the UNHCR because they were considered unfit for resettlement. These included the sick, disabled, the elderly, and those whose skills were not needed²⁶.

The establishment of the UNHCR, and the adoption of the 1951 Convention occurred at the height of the East-West Cold War confrontation, where both technologies were highly influenced by its ideology. Initially, neither the USSR nor the US trusted the UNHCR, even though both countries recognized the ideological value of refugees. The Soviet Union viewed the UNHCR as supporting Western powers (Loescher, 1993). It consequently dismissed all the UNHCR's decisions that did not have repatriation as the prime goal. Likewise, the US felt that

²⁶ In 1959, over 100 countries forged the World Refugee Year (WRY) campaign to clear refugee camps in Europe, Middle East, and the Far East by adopting resettlement and local integration schemes (Gatrell, 2011). By the end of 1960s, refugee camps in Europe were shutdown. As part of its contribution, Canada resettled close to 826 'hard-core' refugees in a three-year period, including 325 persons with Tuberculosis (TB) and others who were ill or disabled.

the UNHCR did not fully share its anti-communist political ideology. As a result, it took measures to marginalize the newly formed agency by encouraging the creation of two United Nations agencies outside the UNHCR mandate: the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) and the United Nations Korean Reconstruction Agency (UNKRA) (Loescher, 1993).

Due to a lack of financial support in the early years of its formation, the UNHCR was limited to executing and implementing refugee relief programs and integration only when possible²⁷ (Loescher, 1993). This period demonstrated the powerlessness and worthlessness of the UNHCR when its activity was not endorsed by powerful states. Its functionality and contribution proved to be inherently tied to states' interests.

American attitudes towards the UNHCR changed dramatically following the 1956 Hungarian Revolution. The Hungarian Revolution caused the first major refugee crisis since WWII that the UNHCR had to oversee. The crisis was a result of a series of uprisings in Eastern Europe against the Stalinist government and Soviet-imposed policies on Hungary. By the end of November 1956, over 200,000 Hungarians had fled to Austria and Yugoslavia. Within a few days, the UNHCR and other aid agencies succeeded in guaranteeing resettlement in a total of thirty-seven countries. The management of the Hungarian crisis earned the UNHCR the approval of the US, its funding, and long-term viability (Gallagher, 1989)

Given substantial US financial support, the UNHCR's work became implicated in the politics of the Cold War. Depending on their political value and geographical proximity, refugees were either repatriated, contained in refugee camps located largely in the Global South,

²⁷ In 1954 the UNHCR was awarded the Nobel Prize for Peace. This prize aimed to draw attention to the plight of refugees and the need for more financial support (Nobel Prizes and Laureates, 1954). See also Read (1962) on the efforts of the United High Commissioner for Refugees to secure alternative funding.

or swiftly resettled in northern states. In fact, Keely (2001) argues that during the Cold War there were two international refugee protection regimes:

one in the industrial countries of the first world vis-à-vis Communism and one for the rest of the world. The second regime was the sphere in which the UN High Commissioner for Refugees primarily acted, but it too was affected by the Cold War, particularly the proxy wars sponsored and supported by the great powers of east and west (p. 306).

The West's exceptional treatment of refugees from the Eastern bloc, particularly the Czechs and Poles—which was reflected in the US, Canada, and other Western countries' responses to the refugee crisis—continued throughout the Cold War.

Meanwhile, the response to the increased number of refugees from the Third World due to struggles for independence in the late 1950s was dependent on Western colonial powers' interests. In most cases, the United Nations, through the support of key powerful states, authorized the High Commissioner to provide humanitarian assistance and aid to refugees (Keely, 2001). With the exception of the Ugandan-Asian, the Indochinese, Southern Latin American, and other returning citizens from the colonies, most refugees of the 1960s and 1970s generated by wars of decolonization remained in their homes of origin or in refugee camps, were repatriated, or were given long-term asylum in neighboring countries. A similar approach was adopted toward refugees fleeing the US and USSR proxy wars in the 1980s and 1990s. Nobel (1988) notes:

The overwhelming majority of the refugees originate in the Third World. The direct cause of their flight are conflicts kept alive mostly by super-power politics and by weapons forged and manufactured at bargain prices in the rich countries,

who export death and destruction, and import the natural and partly processed products of the poor countries. At the same time they refuse to a great extent to receive those who try to escape the suffering and the sorrow generated by the super-powers politics (p. 29).

Canada, along with other Northern states, supported aid programmes in the developing world to build capacity for other durable solutions, namely local integration and repatriation. This approach, according to Hyndman and Mountz (2008), “require[d] poorer states to shoulder more responsibility for refugees than they already [did]” (p.268). It was a mechanism to contain refugees who might otherwise seek entry to the West (Chimni, 1998). For Malkki (1995), the development approach served as a tool to depoliticize refugee movements:

While there is certainly good reason to look beyond immediate emergency relief in cases of mass displacement, it is also worth tracing precisely how the discourse of development has colonized refugee issues, and what other intellectual or political connections have been erased and rendered unthinkable in the process. If nothing else, the development discourse on refugees has sometimes facilitated the continued depoliticization of refugee movements; for instead of foregrounding the political, historical processes that generated a given group of refugees, and that reach far beyond the country of asylum and the refugee camp, development projects tend to see a whole world in a refugee camp (p. 506-507).

Nonetheless, with the winding down of the Cold War, the UNHCR became more critical of the development approach, recognizing that it was inadequate for dealing with the refugee problem. This concern coincided with a decline in funding for development projects due to the decrease of the strategic importance of the Third World in the

aftermath of the Cold War. Western states were reluctant to politically endorse or finance the maintenance of refugee camps (Duffield, 1994), and thus the aid and development approach to refugees was proving too costly for the UNHCR to sustain, which affected the willingness of poorer countries in the Global South to host refugees.

Furthermore, Western countries were less enthusiastic about third country resettlement, as refugees were no longer ideologically valuable. For example, while one in 20 refugees were resettled in the West in 1979, this ratio dropped to one in 400 in 1994 (UNHCR, 2011). The sharp decline in the number of refugees resettled in the West was also evident in Canada between the late 1980s and the mid 1990s.

The Post-Cold War Period: The Politics of Vulnerability, Suffering, and Security

With the end of the Cold War, refugees ceased to be ideologically valuable, and instead became a liability and a threat to the peace and stability of states and regions. The arrival of refugees from the Global South in the West, along with the decline in funding for development projects, required a reconsideration of the development approach. The development approach on its own proved that it was insufficient in fully controlling for refugees' movements.

To deal with the new challenges largely induced by the end of the superpowers' rivalry, the UNHCR adopted a more active approach to refugees that encouraged repatriation (voluntary or involuntary) and humanitarian interventions. Sadako Ogata, the United Nation High Commissioner, declared the 1990s "the decade of voluntary repatriation," recognizing that repatriations might happen even when the conditions are not ideal (As cited by Rogers, 1992, p.1129). The 'voluntary repatriation' policy marked an attitudinal shift towards the 'new refugee'. Unlike the previous practices adopted toward European refugees fleeing communism,

refugees now had the ‘right’ to return to their country of origin, which was presumed to be where their best interests lie (Chimni, 2004).

The scheme for repatriation was first articulated in July 1985 at the San Remo Round Table on voluntary repatriation. The High Commissioner urged governments “to continue [their] efforts to realize durable solutions for refugee problems, in particular voluntary repatriation, which was recognized as the preferred durable solution where feasible” (UNHCR, 1985, para. 1). Toward the end of the 1990s, the UNHCR became more aggressive in this approach. For instance, in 1998, Dennis McNamara, the Director of the UNHCR’s Division of International Protection, stated that refugees might be returned to their country of origin, even if the circumstances were “less than ideal” (UNHCR, 1998, para 1).

Between 1975 and 1991, Stein (1983) estimates over 7 million refugees returned to their country of origin, either spontaneously or through assisted repatriations. Another 9 million refugees were repatriated between 1991 and 1996 (UNHCR, 2000). A similar trend was observed in the UNHCR funding allocated for repatriation. Crisp (2001) notes that UNHCR funding for repatriation activities increased from 2 percent of the total budget of the organization in 1984 to 14 percent between 1990-1997. To encourage this scheme, the UNHCR instigated a ‘return aid and development’ strategy to assist refugees in the short term when they returned to their country of origin.

During the 1990s, the UNHCR also supported humanitarian and military interventions, which prevented, directly or indirectly, refugees from seeking asylum in other countries (Martin, 2001). This proactive policy in relation to country of origin is different from previous reactive policies, where the international community might have been inactive or waiting to assist refugees in the country of asylum (Rogers, 1992). By supporting these interventions, Barnett

(2002) notes that the UNHCR was transformed into a ‘humanitarian agency’ that endorsed the containment of refugees rather than their protection.

The UNHCR’s actions during this decade were part of a larger trend, embraced by the international community and academics, which made the link between human rights and international security. Wheeler (2000) points out that the NATO intervention in Northern Iraq marks “the first time ... that the Security Council had collectively demanded an improvement in the human rights situation of a member state as a contribution to the promotion of international security” (p. 146). This connection was based on the assumption that claims and causes of the exodus are separate from its consequences. The consequences are seen as a threat to international security and as a target for humanitarian intervention (Yamashita, 2004). This humanitarian approach to refugee containment was adopted in Rwanda, Afghanistan, Iran, Somalia, Iraq, and throughout the Bosnia and Herzegovina conflict.

The refugee-security nexus was fully embraced by the UNHCR. In the 49th Session of the EXCOM in 1998, Sadako Ogata, the United Nations High Commissioner for Refugees, asserted that “the best way to uphold refugee protection ... is to take into consideration the security interests of states” (as cited by Milner, 2000, p. 10). In another speech delivered to the Third Committee of the UN General Assembly in 1999, Ogata further noted:

The events of this decade—and, indeed, those of the past year—indicate very clearly that refugee issues cannot be discussed without reference to security. This is true in different contexts: security of refugees and refugee operations; security of states, jeopardized by mass population movements of a mixed nature; and security of humanitarian staff...today’s refugee crises in fact concern all

dimensions of security. Measures to address this problem have become an imperative necessity (Ogata, 1999, *The Issues*, para. 2).

Meanwhile, due to the increased number of refugees reaching the West, northern countries were adopting management and control mechanisms to prevent the arrival of refugees. These refugees were portrayed as security risks, and as illegitimates who were only “seeking a better life in the affluent North” (Chimni, 1998, p.352). In order to deal with this perceived threat, over the past two decades Europe, North America, and Australia have adopted a series of preventative measures and global policing mechanisms, including joint border policing agreements (e.g. the Canada-U.S. Safe Third Country Agreement and Frontex); interception and externalization practices (e.g. the Pacific Solution and offshore transit processing centres); and visa requirements from refugee-producing countries and other pre-screening devices. Hyndman and Mountz (2008) point out that these measures cost billions of dollars compared to the 900 million dollar budget of the UNHCR used to provide protection for over 12 million refugees and 5 million displaced persons.

By the mid-1990s, impoverished refugee-hosting countries in the Global South were again outspokenly critical of Western countries’ refugee management techniques. Many of these countries felt that they were carrying the largest refugee burden, with Western states doing very little to share this burden (Barutciski, 2002). As a result, many countries in the Global South began implementing restrictive refugee policies that either prevented the entry, or severely restricted the basic rights of refugees. Worried about this new policy direction, a UNHCR official commented in 1997 that: “non-compliance with international treaty obligations for refugees is becoming something of a global norm” (as cited by Suhrke, 1998, p. 396). By the end

of the 1990s, there was a growing consensus among Western states that in order to properly manage refugee movement, they had to co-operate with refugee hosting countries.

With the encouragement of the UNHCR, Western states renewed their interest in the burden-sharing principle to compel countries in the Global South to allow refugees temporary or permanent protection. This pragmatic and proactive approach took into account the security of the state and the humanitarian needs of refugees. By adhering to this principle, states committed to share the ‘burden’ of hosting refugees through “regulatory (policy sharing), distributive (resource-sharing), re-distributive (people-sharing), and a market-based approach (based on the idea of countries' comparative advantages in contributing to international public goods)” (Thielemann, 2006, p.1). In addition to providing financial assistance to the UNHCR, refugee hosting countries, and countries of origin, northern countries committed to resettling a greater number of refugees.

In exchange, it was expected that southern countries would accept local integration and repatriation—a solution that could save the lives of many asylum seekers who were embarking on precarious journeys to reach Europe, Australia, and North America. Erika Feller, the Assistant High Commissioner for Protection, captured this logic in her closing address at a conference in Australia in 2005:

If I have focused on the protection gaps for refugees who somehow manage to make their way to chosen destination countries, it is because this has particular relevance for today’s audience here in Australia. There is also, however, a whole other side to refugee protection where it is undertaken in the developing world—in countries of first asylum. Here, more often than not, we are talking of large-scale arrivals, insecure camp hosting environments, under-funded programmes

and protracted stays. The gaps in protection are, as a result, many. UNHCR is currently piloting a new approach to gap-identification, consensus-building and programme delivery, which we sincerely hope will assist us to improve the quality of protection and the accessibility of solutions closer to the point at which the need first arises, and before it becomes acute (UNHCR, 2005, Refugees- para. 7).

During this period, northern countries, especially Canada, became more active in advocating for resettlement as a durable solution, a tool of protection, and a principle for sharing the burden, with the focus shifting to the vulnerability of refugees as opposed to the ability of refugees to integrate. According to the 2011 UNHCR Resettlement report, resettlement serves three functions:

First, it is a tool to provide international protection and meet the specific needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have sought refuge.

Second, it is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration.

Third, it can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share each other's burdens, and reduce problems impacting the country of first asylum (p.45).

This attitude towards resettlement and burden sharing is evident in the UNHCR adoption of administrative procedures and policies, the EXCOM conclusions, and northern countries growing involvement in resettlement activities. In 1995, the UNHCR established its first

Working Group on Resettlement (WGR). Initially consisting of traditional resettlement countries (i.e., USA, Canada, Australia, New Zealand, Finland, Sweden, Norway, Denmark, Switzerland, and the Netherlands), the group aimed to discuss refugee resettlement quotas. The WGR defined the strategic use of resettlement as:

the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general (UNHCR, 2010, p. 2).

In same year, the UNHCR also initiated its first formal annual consultation with governments and NGOs, the Annual Tripartite Consultations on Resettlement (ATC), which aimed to enhance partnership and improve resettlement policies (UNHCR, 2010). In 1996, the EXCOM encouraged the UNHCR to consult governments and NGOs regarding resettlement and provide annual reports on it. Following extensive roundtable consultations, the UNHCR unveiled the first Resettlement Handbook in 1997.

The Handbook, revised in 2002, 2004, and 2011, provided an articulation of the UNHCR's resettlement criteria, procedures in field office resettlement operations, training on resettlement, and reporting mechanisms. According to the UNHCR (2004), resettlement is generally granted to refugees whose security would be threatened if they were to return to their country of origin, or if their legal physical security was threatened in the country where they first sought sanctuary. The Handbook also emphasizes that refugees should not be selected on the basis of the likelihood of integration, but rather on their protection needs.

When selecting refugees for resettlement, UNHCR officers must consider socio-economic indicators of the host country, overall living standards of the local population, as well

as resettlement opportunities for other refugees in the same region. While excluding those with criminal records, combatants, and persons suspected of having committed ‘terrorist’ acts from any prospect for resettlement, the Handbook maintains that stateless persons, women, children, the elderly, and refugees with special needs should be a priority for resettlement. Recognizing the potential exploitation of this exclusionary clause, the UNHCR advises that when states exercise their discretion concerning refugee selection, they must avoid using it to limit minorities or as a deterrent to settlement (UNHCR, 2004).

In the fall of 2002, the UNHCR initiated the Convention Plus framework to sensibly address the refugee problem. This initiative sought to strengthen and improve the 1951 Convention and the 1967 Protocol, and promote burden sharing through mechanisms of local integration, repatriation, and resettlement. The initiative aimed for a “stronger multilateral commitment to finding durable, sustainable solutions to refugee problems in a burden sharing framework [...] and a stronger multilateral commitment ” (UNHCR, 2003, para. 3). Reiterating the EXCOM Conclusion on International Protection²⁸, the Convention Plus proposed:

- 1) The strategic use of resettlement, not only as a durable solution and a tool for protection, but also as a mechanism of burden sharing.
- 2) Assisting in aid development agreements and poverty reduction strategies to support other durable solutions for refugees either in countries of asylum-seekers or upon return, while at the same time ensuring that “adequate protection or assistance [is] as close to home as possible” (As cited by Zieck, 2009, p. 389).

²⁸ This conclusion urged states to use resettlement “as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations” (UNHCR, 2001, Resettlement, para. k).

Similar schemes were raised in the Canadian-proposed Multilateral Framework of Understandings on Resettlement (MRUR). Nonetheless, neither the Convention Plus nor the MRUR were legally binding. This issue led some observers to question the rationale behind these instruments, as the refugee protection regime did not lack regulatory instruments, but rather enforcement tools through which to provide adequate protection to refugees (Zieck, 2009).

In 2002, Canada helped craft the UNHCR's 'Agenda for Protection' report. Turk (2003) notes that the Agenda for Protection was "the most comprehensive international document to date acknowledging the multi-faceted security dimension of refugee protection and the manifold inter-linkages that exist between forced migration and security" (p. 125). This initiative urged states to increase the number of designated spaces for resettling refugees and share the burden more equitably with refugee-hosting countries. It also encouraged resettlement countries to diversify their intake and introduce flexible criteria for resettlement (UNHCR, 2003). By highlighting security-related concerns, the Agenda for Protection encouraged states to meet the protection needs of women and children, as they were perceived as the most vulnerable in unstable environments (UNHCR, 2003).

The Agenda for Protection too urged addressing the plight of refugees in Protracted Refugee Situations (PRS)²⁹. It was argued that these refugees continued to burden host states by putting pressure on the environment, security, and scarce resources. PRS, according to Erika Feller (2008), the Assistant High Commissioner, "serve as breeding grounds for unrest, conflicts with local populations, or partisan support to still simmering conflicts in neighboring countries" (p. 13). Addressing PRS, Feller adds, "is thus an objective that goes far beyond the issue of

²⁹ The UNHCR defines refugee situations (PRS) as a state of displacement in which refugees have been in exile for five years or more. PRS account for over 70 percent of persons of concern to the UNHCR (Milner and Loescher, 2011).

humanitarian concern and has important implications for local, national and regional security” (p. 13).

Likewise, the 2009 EXOM Conclusion that Canada played a significant role in developing encouraged states to pursue resettlement as a durable solution for refugees in protracted refugee situations (Barutciski, 2011). It urged states to redouble international efforts and cooperation to find and implement practical and comprehensive approaches to resolving protracted refugee situations (UNHCR, 2009).

In addition to focusing on PRS, there was a growing concern over the functionality of camps. The refugee camp was no longer necessarily a humanitarian space to accommodate vulnerable refugees, but had too often become a dangerous site in which already vulnerable refugees were further victimized by internal violence, or were influenced to commit crime and terrorism. This evolution prompted the international community to develop policies to police the camp.

The concern regarding the camp was again voiced in the EXCOM Conclusion on Civilian and Humanitarian Character of Asylum in 2002. The conclusion addressed the security of the camp, and urged states to ensure the peaceful and humanitarian character of refugee camps and settlements. It asserted that camps should be used exclusively to accommodate refugees on purely humanitarian grounds. It expressed concern over the presence of armed elements, the promotion of military objectives, and criminal or terrorist activities in the camp, because camps “expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations” (EXCOM, 2002, para. 8).

Once again Canada was a key player in this development, leading the Security Council Resolution on the Protection of Civilians in Armed Conflict in April 2000 (S/1296/2000), and the 2009 EXCOM on PRS, which also dealt with the presence of armed elements in refugee camps. To show its commitment to the burden-sharing principle and the security of the camp, Canada deployed the Royal Canadian Mounted Police (RCMP) to Guinea to help government officials working with the UNHCR improve security in refugee camps (Globerg and Scoffield, 2004). Canada also organized two international workshops on how the police and military forces can be used to support refugee-hosting governments (CIC, 2007).

Some critics have argued that strategic resettlement, and the burden-sharing mechanism, is yet another mechanism to force countries of the Global South to accept local integration as a durable solution for refugees in their home countries³⁰ (Barutsciski, 2010). Refugee-hosting countries resisted the EXCOM 2009 Conclusion on Protracted Refugee Situations, arguing that the provision of a small number of resettlement spaces by countries of the Global North was an attempt to pressure non-Western countries to accept local integration for the remaining refugees (Barutsciski, 2010). Barutsciski (2010) argues:

Promises of (limited and discretionary) so-called “strategic” resettlement are not enough, particularly when it is relatively clear that it forms part of larger Western attempts to persuade the poorer southern states to ultimately accept local integration as the actual durable solution for warehoused refugees. For the optimists inclined to believe that massive repatriation will resolve PRS, the historical record suggests we should be a little more pessimistic. Indeed, as

³⁰ This logic was articulated in a paper written by Alexandra Fielden (2008) of the Policy Development and Evaluation Service at the UNHCR. The paper proposed that local integration is not a forgotten or non-solution, but has “great potential as a solution where repatriation or resettlement are not viable options; particularly in protracted refugee situations” (p.1).

relatively few refugees in protracted situations will be resettled and as it is unlikely that many countries of origin will become safe for return, it would not be surprising if poorer states realize that behind the rhetoric may lie an attempt to prepare the terrain for the actual solution favoured by rich states: local integration in the faraway poor countries (p.137)

The post-Cold war period pointed to another shift in the international refugee protection regime, where there was a growing emphasis on global mechanisms to control refugee movements. Western states placed more emphasis in co-operation with other countries, including countries from the Global South, through bilateral agreements and other burden-sharing mechanisms to manage refugee arrival in the West. The role of the UNHCR, which has turned into a complex global institution, became more crucial in administrating and managing refugees in the Global South. The innovative approach to burden sharing, and the strategic use of resettlement, which is administrated by the UNHCR, reflect a new technology of control.

Conclusion

This chapter provides an overview of the international refugee protection regime. It draws attention to the role played by interstate agencies, legal instruments, and programs adopted to deal with the refugee problem. The chapter also surveys certain agencies, programs, and other instruments that were adopted, amended, or abandoned to address new needs or past ‘failures’.

Due to their ideological value, the resettlement of refugees fleeing communist Europe during the Cold War period was viewed as the only solution. Meanwhile, refugees from the Global South were largely sidelined and sustained in host countries through aid and development projects. With the end of the Cold War, refugees ceased to have political value and became associated with burden, liability, and (in)security. Resettlement emerged again in the mid-1990s

to address southern countries' resistance to Western challenges introduced by the international protection regime; however, unlike the political refugees of the Cold War, the refugees of the 1990s became either apolitical-vulnerable victims in urgent need of humanitarian intervention, or political subjects who endangered the security of the state and its citizens.

The international refugee protection regime contributed to the emergence of the Canadian refugee protection regime. By finally signing the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the government, as will be discussed in the next chapter, was legally obliged to consider the claims of asylum seekers. Nonetheless, the Convention grants the ultimate power to states over refugees when states' security is compromised.

Currently, refugee resettlement is used within two supposedly independent frameworks: the first is a durable solution/burden-sharing framework, and the second is an asylum-seeking regime. The first is viewed as a voluntary act and is not legally binding (i.e., 'soft law'), which has been recently used to pressure poor countries from the Global South to commit to local integration or repatriation. Western states have a wide discretion over these resettlements, including whom, how, and how many refugees are resettled. The second, the principle of *non-refoulement*, is legally binding, but clearly not enforced due to the lack of a legitimate international agency to enforce it. Furthermore, in the last two decades, the anti-terrorist/national security campaign has been used by host states to trim, even through forceful expulsion at times, the numbers of refugees within their borders. Understanding these contradictions between the humanitarian and security practices is pivotal when reading Chapter 7.

The next chapter discusses the emergence of the humanitarian security nexus in the Canadian refugee protection regime, which was made possible due to the already well-

established international refugee protection regime, and other changing political, social, and economic environments.

CHAPTER 4: CANADA'S RESPONSE TO REFUGEE, THE END OF WWII AND THE ADOPTION OF THE 1976 IMMIGRATION ACT

In the aftermath of the WWII, the Canadian government resettled hundreds of thousands of refugees and displaced persons from refugee camps in Europe, as well as other refugees who were fleeing communist regimes. Since then Canada's immigration and refugee policy has evolved rapidly. In the post-war period, Canada has not only signed the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, but also adopted policies, organizational frameworks, and other practices to manage and administrate refugee movements at home and abroad.

This chapter examines how the humanitarian-security nexus emerged in the Canadian immigration and refugee protection regime in the post-WWII period. The chapter maps the development of a set of techniques and technologies adopted by governing authorities to address security and humanitarian concerns toward refugees. The first section of the chapter identifies the refugee problem faced by government officials during WWII. The second section examines the problematization of migration and the conditions of possibility that allowed for the emergence of a particular understanding of the humanitarian-security nexus. It also seeks to uncover how technologies of power were assembled to maintain this particular nexus.

It is argued that the emergence of the humanitarian-security nexus toward refugees ultimately aimed at preserving the state authorities' biopolitical power whereby some were chosen to live while others left to die. This nexus reflected multilayered and complex government rationalities. These rationalities, which at times were contradictory, were based on domestic and international interests, and demonstrated the need to adapt to changing economic, social, cultural, technological, and political environments.

Geopolitically, Canada demonstrated a growing interest in playing an active role in the international community during the post-war period, but at the same time recognized its limited capacity in exercising control over this community. Domestically, refugee protection was treated as an issue of immigration control. The governing authorities participated in resettlement schemes when refugees enhanced Canada's social, political, economic and cultural well-being; otherwise refugees were excluded, ignored, and denied entry to Canada. To assemble these interests, governing authorities used various techniques and technologies, including legislative, procedural, and institutional protocols.

The Problem of Population

By the end of WWII, the Canadian government was acutely aware that the decline in immigration was a political problem demanding an urgent intervention in the short-term, and a carefully planned solution that met its goal of controlling population growth and composition in the long term. While the government acknowledged the pivotal role of immigration for Canada's survival, it recognized that this survival was also dependent on its power to exclude those who were deemed a risk or threat. In other words, immigrants and refugees were seen as both a source of security and instability. This problem led to the prescription of technologies adopted to maintain the power to make live and let die.

In late 1946, a governmental committee convened to discuss immigration and labour shortages. This committee aimed to achieve a healthy growth in population without impeding the survival of Canada's social, political, and economic institutions, or the cohesion of the nation. The committee consisted of representatives from the Privy Council, Prime Minister's office, and the Departments of National Health and Welfare, Immigration, Labour, Trade and Commerce, Agriculture, External Affairs, and the Bureau of Statistics. The problem of immigration,

according to these officials, was “largely administrative and [could] be solved by an energetic immigration department, properly financed and intelligently directed”³¹.

The committee insisted that Canada was not, as it was perceived in previous decades, a land of abundance with great open spaces; rather, it was a country of limited capacity and scarce resources³². This perspective was further emphasized in a paper written by the Department of Labour in December 1946, which asserted that immigration should not be used for the sake of populating the country. Instead, the paper advised that immigrant selection should accord with Canada’s needs without hampering the living standards of Canadians. The selection of immigrants, the committee suggested, should also reflect industrialization and limited agricultural land, while at the same time ensuring immigrants’ “political trustworthiness” and ability to contribute to the social, cultural, and economic fabric of Canada³³.

The problem expressed by government officials was further laid out in Mackenzie King’s speech to the House of Commons on May 1, 1947. As Canada’s tenth Prime Minister, King outlined his government’s position on post-war immigration. He emphasized the governing authorities’ right to exclude, administrate, and manage immigration to secure Canada’s population. He proclaimed:

... Apart from all else, in a world of shrinking distances and international insecurity, we cannot ignore the danger that lies in a small population attempting to hold so great a heritage as ours... the fear has been expressed that immigration would lead to a reduction in the standard of living. This need not to be the case. If immigration is properly planned, the result will be a reverse. A larger population

³¹ LAC, RG76-I-B, file 536-52, vol.777, Cabinet Committee on Immigration Policy, “The Determinants of Canadian Immigration Policy: the Background”, December 1946, p.1-7.

³² Ibid.

³³ Ibid.

will help to develop our resources. By providing a larger number of consumers, in other words a larger domestic market, it will reduce the present dependence of Canada on the export of primary products. The essential thing is that immigrants be selected with care, and that their numbers be adjusted to the absorptive capacity of the country... With regard to the selection of immigrants, much has been said about discrimination. I wish to make it quite clear that Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. It is not 'a fundamental human right' of an alien to enter Canada. It is a privilege. It is a matter of domestic policy... this does not mean, however, that we should not seek to remove from our legislation discrimination which appears to be objectionable... The government has already initiated action for the repeal of that statute [i.e. discrimination against the Chinese, East Indians...] ³⁴.

Thus population was perceived as simultaneously a source of security and insecurity. To secure Canada's existence, the 'right' kind of immigrant had to be diligently selected. The wrong selection *might* lead to the nation's destruction. The selection process needed to ensure better consumerists that would not alter Canada's racial and political composition. In the same speech, King further explained:

There will, I am sure, be general agreement with the view that the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population. Large-scale immigration from the orient would change the fundamental composition of the Canadian population. Any considerable oriental immigration would, moreover, be certain to give rise to

³⁴ LAC, RG76-I-B, file 536-52, vol.777, Cabinet Committee on Immigration Policy, "Statement by the Prime Minister Concerning Canada's Immigration Policy: House of Commons-Thursdays May 1, 1947", p.1-3.

social and economic problems of a character that might lead to serious difficulties in the field of [international] relations. The government, therefore, has no thought of making any change in immigration regulations which would have consequences of the kind³⁵.

In the short term, government officials were concerned with the labour shortages due to WWII. The destruction of European economies and industries created a demand for Canada's and other settler-countries' raw and manufactured goods, and large numbers of workers were necessary for fulfilling this demand. A memorandum written by the Immigration Branch in the Department of Mines and Resources on October 7, 1946 indicated that with the end of WWII, settler states such as Central American countries, South Africa, the United States, and Australia were 'competing' for European immigrants to address labour shortages. The competition was exacerbated by the fear that Russia, Poland, the Balkans, and Czechoslovakia would soon be shutting off "as a source of [immigrant] supply for some time"³⁶.

The problem expressed by government officials demonstrates several telling points. First, the selection was envisioned as ideally based on the individual immigrant's social, cultural, economic, and political contribution. Second, governing authorities had the perceived right to exclude without any justification. Immigrants and refugees who were deemed unfit were not to be settled in Canada. Third, refugees were considered for resettlement only in the absence of desirable immigrants. Nonetheless, the selection of these refugees required consideration in light of other Canadian interests. Finally, to fully and successfully address this population problem governing authorities had to have full control over the type and the number of immigrants and

³⁵ Ibid, p. 2.

³⁶ LAC, RG76-I-B, file 536-52, vol. 777, Cabinet Committee on Immigration Policy, "A Memorandum Written by the Department of Mines and Resources: the Immigration Branch", 7 October 1946, p.3.

refugees considered for settlement.

Securing the Insecurity of Canada's Population: Make Live and Let Die

This section maps the problem identified by government officials as addressed through a series of biopolitical techniques where some refugees were made to live, while others were left to die. It also examines the ways that certain populations were deemed to secure Canada's survival, while others were deemed to endanger it. The section focuses on the philosophical, moral, and scientific discourses, practices, legislation, regulations, and institutions adopted or abandoned in relation to these political processes. It is ultimately concerned with the various events, what Foucault calls conditions of possibility, that allowed certain outcomes to be possible.

In the immediate aftermath of WWII, the 1910 Immigration Act and its regulations, along with the discretionary powers of the Minister of Immigration, Cabinet, and the RCMP were instrumental technologies in maintaining the Canadian governing authorities' biopolitical power. This power was reflected in the decisions to either allow thousands of refugees to resettle in Canada and become part of its political community, or ignore, exclude, and reject a larger number of refugees who were portrayed as threats to Canada's social, economic, political, or cultural well-being.

The humanitarian impulse to help refugees and stateless persons living in camps across Europe reflected complex and at times contradictory rationalities. It served as a solution to the 'surplus' population in Europe, and as a pool of cheap labour. It also highlighted Canada's international interests, its liberal democratic values of governing, and its alliances with the US and other former colonial powers. At the same time, it reflected growing public interest in refugee protection issues. With the emergence of this public awareness in the 1960s, the government revised and occasionally abandoned its old technologies of power, but adopted new

ones in order to preserve its biopolitical power.

1940s-1950s

In the aftermath of WWII, Mackenzie King continued to emphasize the need to select immigrants with care to maintain Canada's economic interests and preserve its predominantly white Christian Anglo-Saxon heritage and liberal anti-communist values³⁷. King believed the Canadian government had the right to exclude people in order to assert its national sovereignty, regardless of the implications for Canada's relationship with the rest of the world (Corbett, 1962). During this time, there was very little public involvement in immigration policies or practices. The Canadian Cabinet decided "to let touchy questions be settled in private" (as cited by Lippert, 1997, p. 95), leaving them to the management of "[the] Cabinet and a very small group of senior officials" (Hawkins, 1976, p.56).

The power to make live and let die, where some immigrants deserve the humanitarian compassion of the sovereign while others are ignored and excluded, was clearly expressed in King's speech to the House of Common on May 1, 1947:

The policy of the government is to foster the growth of the population of Canada by the encouragement of immigration. The government will seek by legislation, regulation, and vigorous administration, to ensure the careful selection and permanent settlement of such numbers of immigrants as can advantageously be absorbed in our national economy...[T]he problem of immigration must be viewed in the light of the world situation as a whole...The resettlement of refugees and displaced persons constitutes a special problem. ...Canada has taken an active part...[and] the government has taken measures respecting the admission of refugees and displaced persons, and also of Polish ex-soldiers. These measures, though not of wide scope, are practical steps within the present physical limitations imposed by transportation. Canada is not obliged, as a result of membership in the United Nations or under the constitution of the international

³⁷ For a detailed account of Mackenzie King's immigration policies and their impact on Canada's current immigration policies, see Robert Vineberg (2011), *Continuity in Canadian Immigration Policy 1947* *to Present: Taking a Fresh Look at Mackenzie King's 1947 Immigration Policy Statement. International Migration and Integration*, 12(2), 199–216.

refugee organization to accept any specific number of refugees or displaced persons. We have, nevertheless, a moral obligation to assist in meeting the problem, and this obligation we are prepared to recognize... The government is sending immigration officers to examine the situation among the refugee groups, and to take steps looking towards the early admission of some thousands of their number. In developing this group movement, the immigration branch and the Department of Labour will determine jointly the approximate number of persons who can be readily placed in employment and absorbed into various industries and occupations. Selection officers will then consider applicants for entry into Canada, examine them on a basis of suitability and physical fitness, and make arrangements for their orderly movement and placement. Persons so admitted will, of course, be included in whatever quota Canada finally accepts as its share in meeting the general problem. In taking these steps the government is seeking to ensure that the displaced persons admitted to Canada are of a type likely to make good citizens³⁸.

In other words, the emerging humanitarian and moral concern toward white European refugees, as expressed by King, sought to exclude refugees who were unable to be part of Canada's political community as envisioned by the governing authorities. Perceived as dangers and threats that needed to be eliminated, the latter were framed within a discourse of racial, political, and economic values. When refugees were unable to meet the nation's standards, they were excluded.

Canada preferred settlers from the British Isles, Nordic countries and the US, but Canadian officials were left with very few countries from which to draw immigrants by the end of the war. With the exception of displaced persons from Baltic countries who were seen as "excellent material," most WWII refugees and displaced persons were initially a non-option for Canadian government officials, who believed that the wartime physical and mental suffering of these individuals placed them "below par". The displaced Germans in Denmark and Holland were described as "the lame, the halt and the blind; misfits, mostly old or very young—not even

³⁸ LAC, RG76-I-B, file 536-52, vol.777, Cabinet Committee on Immigration Policy, "Statement by the Prime Minister Concerning Canada's Immigration Policy: House of Commons-Thursdays May 1, 1947", p.1-3.

fit for slave labour”³⁹. Nonetheless, due to industrial and agricultural lobbying, the government was pressured to relax its immigration policy to cope with these demands. Lobby groups were particularly interested in “skim[ming] off the cream of the labour pool languishing in the Displaced Persons camps of Europe,” so as to exploit their cheap labour (Troper, 1993, p. 261).

With the resignation of Mackenzie King, the Canadian government headed by St Laurent became more active in the refugee problem in Europe. In a departure from King’s inward, nationalistic, and protectionist approach, St. Laurent strived to implement a liberal-internationalist vision by actively pursuing Canada’s participation in international institutions (Dewitt and Kirton, 1983). The role played by Canada during this period had a significant effect on European refugees, and the ways that Canadians imagined and expected their government to act in refugee crises situations.

Under St. Laurent’s direction, the Minister of External Affairs, Lester B. Pearson (later Prime Minister) helped to resolve the Suez Canal crisis. Pearson’s personal efforts to resolve this crisis, which particularly benefited Israel and Britain, earned him the Nobel Prize for Peace in 1957. Notwithstanding this prestigious prize, Lyon (1985) notes that Pearson bore “an important responsibility for the creation of Israel and the consequent denial of justice to the Palestinians” (Lyon, 1985, p.28). Canada’s policy on the Middle East during this period revealed its

strong commitment to the United Nations and its concern to preserve the cohesion of the Atlantic alliance and the Commonwealth. It also reflected the sympathy of most Canadians for the much abused Jewish people, a sentiment fostered by the media and the skillful lobbying of the Jewish-Canadian community (Lyon, 1985, p.26).

³⁹ LAC, RG76-I-B, file 536-52, vol. 777, Cabinet Committee on Immigration Policy, “Notes Suggesting a Possible Basis for a Long Term Immigration Policy”, October 1946, p.1-6.

The Suez Canal crisis emerged at “the apex of Canada’s global diplomacy” (Lyon, p.26), and gave rise to “almost unanimous acceptance of Canada’s sudden new importance in world affairs” (Eayrs, 1957, p.108). Canada solidified its middle power status by assuming a humanitarian and moral identity (Holmes, 1984). The humanitarian identity involved active political engagement to promote peace and development, and the endorsement of human rights treaties and initiatives, which were presented as altruistic and benevolent. Nonetheless, this identity was shaped by complex historical and ideological contexts largely influenced by Canada’s relation to England’s colonial past and its growing ties to the US⁴⁰.

The outward vision and the new alliances with the US affected Canada’s refugee policies and practices. In the aftermath of WWII, Canadian officials were concerned with the surplus population caused by the great number of refugees, stateless and displaced persons, and other nationals who were left unemployed due to the destruction in Europe. These officials feared that the presence of these populations might cause social, economic, and political upheavals in an already devastated Europe, as well as be used as a breeding ground for communism⁴¹.

By resettling refugees, a Canadian state that was in need of immigrants and committed to the North Atlantic Treaty would relieve Western Europe of surplus population, which would enable it to “become more economically viable and politically stable, [and] should serve as a deterrent to any expansionist plans which the Soviet Government may be entertaining”⁴².

⁴⁰ For instance, pertaining Africa, Mathews (1976) notes, with the advent of African independence, England hoped that Canada would fill the vacuum of power left by the departing colonial powers on the continent. During the early years of independence, Canada became very active in Africa, promoting the Commonwealth not only as an important intergovernmental organization, but also as a facilitator of trade and economic partnerships with African countries. Mathews (1976) points out that Canada adopted “imaginative programs of economic assistance, and thus actively promoted the model of a capitalist and liberal democracy” (Mathews, 1976, p.89).

⁴¹ LAC, RG76-I-B, file 536-25, vol. 772, Interdepartmental Sub-Committee on Migration Policy, “II: Canada’s interests and responsibilities”, 4 July 1951, p. 9.

⁴² Ibid.

Economically, government officials viewed the displaced in Europe as a pool of cheap labour⁴³. Politically and socially, the Interdepartmental Sub-Committee on Migration Policy in 1951 emphasized that it was in “Canada’s interest to co-operate in helping to relieve the countries of Western Europe of their surplus population, and in this way to strengthen these countries in their fight against the spread of communism”⁴⁴. By resettling some of these refugees, Canada was assisting in containing the communist threat in countries of the Eastern bloc. The communist threat, especially between the late 1940s and early 1960s, inflicted a state of anxiety as fear and paranoia regarding the political survival of Canada escalated ⁴⁵.

In its report to the Cabinet, the Interdepartmental Sub-Committee on Migration Policy insisted that any course of action on refugees should be in accordance with the US policy “since without [its] financial support, it is exceedingly doubtful whether any international migration agency could be maintained”⁴⁶. In a memo to Canadian government officials, US government officials shared their approach to refugees fleeing communism, hoping that Canada would follow suit. The memo read:

for humanitarian reasons and because of the free world’s responsibility towards persons who had risked their lives in order to move from the world of slavery into the world of freedom, the United States Government felt that the political refugees were entitled to ‘more than an even break’.⁴⁷

The term “political refugees,” the memorandum explained:

[is] intended to cover persons who, from the 1st of January 1948, fled Soviet

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Mackenzie (2001) notes that in most cases this fear was “used as a weapon by the state, as well as by interest groups and individuals to achieve goals totally unrelated to state security or to Cold War” (p.1).

⁴⁶ Ibid., 43.

⁴⁷ LAC, RG 76-I-B, file 555-55, “Resettlement in Canada of Political Refugees from Europe in Co-Operation with U.S.”, The Canadian Embassy to the Under-Secretary of State of External Affairs, Letter No. 1824, 18 August 1952.

dominated countries and fled on account of political oppression, coercion, persecution, domination, interference with freedom of religion and political beliefs, etc. However, those who have already become established in their country of refuge and nationals of Western European countries would be excluded⁴⁸.

During this period, individuals fleeing communist regimes became the emblem of the ideological struggle between the new superpowers, the US and the USSR. Canada, along with other Western liberal states, viewed these refugees as ‘freedom fighters’ who were fleeing oppressive communist practices and striving to achieve liberal-democratic values (Lanphier, 1981).

When the proposal to resettle these refugees was finalized, the Canadian government carefully crafted its statement to the international community in which it expressed willingness to assist with the displaced in Europe. For instance, government officials pointed out that European migration should not be viewed as a surplus population problem, but as a problem of ‘war shattered economies’. By presenting it as a problem of surplus population, they feared they might be subjected to international pressure to resettle refugees from the rest of the world⁴⁹. Government officials rejected any proposal for a permanent international agency dealing with migration issues because “the best way of maintaining a liberal policy towards migration and avoiding criticism from labour, racial or religious groups, was to avoid statements of principles, and to act on a short-run and practical basis”⁵⁰.

To ensure the selection of good future citizens, the government sent immigration and health officials to camps in Europe to assess refugees’ skills as well as their physical and mental

⁴⁸ Ibid.

⁴⁹ LAC, RG76-I-B, file 536-25, “Interdepartmental Sub-Committee on Migration Policy”, 9 July 1951, p. 1-3.

⁵⁰ Ibid.

well-being. Individuals (and their families) were allowed entry to Canada if they were fit for agricultural and industrial work, or other sectors of the domestic economy. The selection process was consistent with the 1910 Immigration Act, and later the 1952 Immigration Act. The 1910 Immigration Act barred the entry of:

(1) Idiots, imbeciles, feeble-minded persons, epileptics, insane persons and persons who have been insane at any time previously.

(2) Persons afflicted with tuberculosis or any contagious or infectious disease.

(3) Persons who are dumb, blind, or otherwise physically defective, unless security is given against such persons becoming a public charge in Canada. (...)

(4) Persons over 15 years of age who are unable to read. (...)

(5) Persons who are guilty of any crime involving moral turpitude: persons seeking entry to Canada for any immoral purpose.

(6) Beggars, vagrants, and persons liable to become a public charge.

(7) Persons suffering from chronic alcoholism or the drug habit, and persons of physical inferiority whose defect is likely to prevent them making their way in Canada.

(8) Anarchists, agitators and persons who disbelieve in or are opposed to organized Government or who advocate the unlawful destruction of property.

(9) Persons who have been deported from Canada for any cause and persons who have been deported from any British Dominion or from any allied country on account of an offence committed in connection with the war.

(10) Immigrants who are nationals of Germany, Austria, Hungary,

Bulgaria, or Turkey. (Department of Immigration and Colonization, 1921, p. i).

While St. Laurent transformed Canada's role in the world, he did very little to change its restrictive and racist immigration policies regarding the admission of refugees. In 1952, the government adopted the 1952 Immigration Act, along with Order-in-Council P.C. 1953-859, known as 'Immigration Regulations'. The Act did little to alter the prohibited classes adopted by the old 1910 Immigration Act. In fact, in addition to the prohibitions of the 1910 Immigration Act, the 1952 Immigration Act added another category, which prevented the entry of:

Persons who are or have been, at any time before or after the commencement of this Act, members of or associated with any organization, group or body of any kind concerning which there are reasonable grounds for believing that it promotes or advocates or at the time of such membership or association promoted or advocated subversion, by force or other means of democratic government, institutions or processes, as they are understood in Canada, except persons who satisfy the Minister that they have ceased to be members of or associated with such organizations, groups or bodies and whose admission would not be detrimental to the security of Canada⁵¹.

The 1952 Immigration Act also increased the discretionary powers of the Minister and Cabinet in deciding on admission, selection, and deportation. The Act entrusted the Cabinet with the power of preventing the admission of any person due to "nationality, ethnic group, occupation, lifestyle, unsuitability with regard to Canada's climate, and perceived inability to become readily assimilated into Canadian society" (Knowles, 1992, p.138).

Section 39 of the Act stipulated that no court or judge was allowed to "review, quash,

⁵¹ 1952 Immigration Ac, Part I, 5(1).

reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister, Deputy Minister, Director, Immigration Appeal Board, Special Inquiry Officer or immigration officer” (Author, As cited by Whitaker, 1987, p.205). In fact, the Supreme Court of Canada expressed concern over the unchecked and unrestrained discretionary powers exercised by the Minister. It deemed them as beyond constitutional powers⁵². As a result, the government was obliged to amend the Act. The new regulations divided immigrants into four classes based on country of origin. Kelley and Trebilcock (1998) point out that section 20 prohibited the landing of any person in Canada with the exceptional, but *not guaranteed*, entry of:

1) British subjects born or naturalized in the UK or in white Commonwealth countries, Americans, Irish, and French citizens if they were able to support themselves;

2) Citizens of Australia, Belgium, Denmark, West Germany, Finland, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, or Switzerland if they were able to find employment or establish a business. European refugees were allowed entry under this category provided that such a person “undertake to come to Canada for placement under the auspices of the Department, or if the Department has given its approval thereto for establishment in a business, trade or profession, or in agriculture”⁵³;

3) Citizens from Europe, America, Egypt, Israel, Lebanon, or Turkey if they were sponsored and cared for by relatives who reside in Canada;

4) A husband, wife, unmarried child, the father, or the mother from all other countries that were not enlisted in the first three classes provided they are sponsored and cared for by a

⁵² See the Supreme Court’s decision on Attorney General of Canada v. Brent, [1956] SCR 318/319. Upon delivering its decision, Pickersgill, the Minister of Immigration told his colleagues in the Cabinet that “the present state of the law is as bad as it could be. It seemed that anybody, no matter how undesirable, who had been able to get into Canada could remain there provided he had a competent lawyer to take his case up in the courts” (as cited by Whitaker, 1987, p.205). See also the Supreme Court of Canada ruling in Rebrin v. Bird and Minister of Citizenship and Immigration, [1961] S.C.R. 376.

⁵³ LAC, RG-26, vol. 173, File 3-10-176 (part 2), George F. Davidson to Max H. Weshof, 10 May 1961, p. 1.

Canadian citizen.

In a Cabinet meeting it was observed that the act “illustrated more clearly than ever before that the Immigration Act was really a prohibition act with exemptions” (as cited by Whitaker, 1987, p. 205). Section 20 demonstrated “a hierarchy of preferences, reflecting an immigration policy that was highly selective with respect to country of origin” (Kelley and Trebilcock, 2010, p. 334). Between 1956 and the 1962, this discriminatory act was an instrumental technique to exclude refugees and immigrants from residing in Canada. The act, which was implemented by immigration and health officials, operated alongside the RCMP’s heavy-handed security screenings.

RCMP officials oversaw the security selection process. King introduced the RCMP program on behalf of the Immigration Division in 1946. RCMP officials were posted abroad, with the mission to prevent communist infiltration to Canada (Hawkins, 1988). They advised immigration officials on refugees, immigrants, and visitors’ applications. Their assessment was based on past, present, and future involvement in crime and (in)security. More specifically:

Was there something about the person that suggested that he or she would be unreliable or become a potential security risk? Almost inevitably, character and morality became an issue because, it was argued, if you had something in your past or present to hide—a criminal record, alcoholism, or an illegitimate child, for example—then you were the perfect target for Soviet blackmail... the RCMP deemed the majority of individuals unsuitable on the basis of ‘character’ rather than legitimate security issues (Mackenzie, 2011, p.11).

The discretionary powers of the Minister and Cabinet were used for the admission and resettlement of thousands of WWII refugees and displaced persons from Europe fleeing the Iron

Wall. With the help of the Intergovernmental Committee on Refugees and International Refugee Organization, Canada admitted 127,069 displaced persons and their families between January 1, 1947 and April 30, 1951. These included farm workers (27,680), unskilled and semi-skilled workers (22,472), skilled workers (11,194), professionals (1,029), female domestic workers (14,004), clerical workers (678), others (3,229), dependent wives (20,977) and children (25,607)⁵⁴. Between 1951-1952, 41,016 displaced persons were admitted to Canada (Department of Citizenship and Immigration, 1952).

In 1956, Canada embarked on the first major refugee resettlement since WWII. The Minister of Citizenship and Immigration, Jack Pickersgill, used his discretionary powers to deploy immigration officials in Vienna to resettle Hungarians who wished to immigrate to Canada. Troper (2003) maintains that Canada's rush to Vienna was precipitated by its wish to select the cream of the proverbial refugee crop. Pickersgill instructed his immigration team to select "the best of the well-educated and highly motivated Hungarian refugees before other countries got them" (p.38). Through the implementation of a special program, over 37,000 refugees, the majority of whom were airlifted on charter flights, were resettled in Canada. Similar practices were also adopted by Canadian governing authorities in response to the Czechoslovakian refugee crisis in 1967, where over 11,000 Czechoslovakians were resettled.

The exclusionary techniques with respect to refugees in this period aimed to preserve state authorities' biopolitical power to make live and let die. This power was exercised in an ad hoc manner through legislation, the discretionary power of the Minister and Cabinet, and the screening processes executed by immigration and health officials as well as RCMP officials; public involvement was minimal (Parai, 1975). Humanitarian practices were enacted to make

⁵⁴ LAC, Interdepartmental Sub-Committee on Migration Policy, RG76-I-B, file 536-25, vol.772, "Immigration to Canada, by Class of Occupation-January 1, 1946 to April 30, 1951".

live and resettle refugees from Europe who were considered by the governing authorities to improve the well-being of Canadian institutions and its people. The presence of racialized minorities, communists, and other ‘misfits’ was perceived as endangering the purity of white Christian Anglo-Saxon heritage, values, and ways of life.

1960s-1970s

In the early 1960s, there was significant change in the governing authorities’ philosophical propositions regarding Canada’s immigration policies and practices. This change stemmed largely from new and unforeseen realities, and a changing world order. The 1960s witnessed a surge in the civil rights movement in Canada, which was affected by the anti-war and black power movements in the US, the Quiet Revolution in Quebec, and national and other political liberation struggles elsewhere in the world. Among other things, this movement challenged the official understanding of Canada as a British colony, and its nationalistic rhetoric in the post-WWII period. Ironically, despite the productive powers of these groups, in the long term the 1960s, as Palmer (2009) notes, strengthened Western liberalism.

In the short term, the government needed to revise its racist immigration policy in order to address this new political environment, especially when immigration from Europe was in decline. Under the direction of Diefenbaker, Ellen Fairclough, the Minister of Citizenship and Immigration, amended section 20 of the Regulations under the 1952 Immigration Act by eliminating all reference to race or national origins⁵⁵. Diefenbaker also introduced the *Bill of Rights* (1960), the first in Canada’s history to prohibit discrimination based on race, national origin, religion, and/or sex. The 1952 Immigration Act Regulations and the *Bill of Rights* later became the basis for the 1967-point system.

⁵⁵ The regulations though limited the ability of non-Europeans to sponsor their families.

In addition to making these changes, Fairclough decided to involve the Department of External Affairs in immigration policies. She pointed out that the changing character of the world order required Canada to place more emphasis on its role on the world stage. The government recognized that Canadian national interests respecting immigrants and refugees should be considered within international political and economic interests (Corbett, 1963). A similar theme was expressed in the Green Paper written by the Department of Manpower and Immigration in 1973.

With the liberalization of immigration policy, the decision of the Minister of Immigration to work closely with the Department of External Affairs reflected a new administrative tactic to control immigrants' entry to Canada. Exclusion on the basis of race ceased to be a legal issue, but became an administrative one, which was subject to the location of immigration offices abroad. This tactical move was revealed in a memorandum written by the Director of Immigration:

As long as the critics could see a concrete geographical basis for our selective policy, they never suspect that our major tool of control was the number and size of immigration offices in various parts of the world. This was so little apparent that it escaped, not only outside observers, but a good many department officials, even the Ministers. Now, with the 'blind' gone, it would be reasonable to expect that more searching questions will be asked, as soon as the Department starts reporting on its achievements under the new deal. Will the new policy result in changes in the composition of the flow? Whether it does or not, critics, on both sides, are going to ask for explanations (as cited by Triadafilopoulos, 2013, p. 26).

Under Pearson's government, Canada adopted the 1967 regulation to the 1952

Immigration Act to deal with Canada's growing need for more technical and industrial economies. These regulations, which accompanied medical and security screenings, focused on family ties, language acquisition (French or English), job skills, and education. The 1967-point system, which remains the primary basis for immigrant selection at present, addressed immigrant selection criteria. It officially eliminated previous rules that gave preference to European immigrants⁵⁶.

The elimination of Canada's racist policy did not mean a departure from racism. The governing authorities increasingly employed cultural racism in which certain cultures that promoted Western liberal and individualistic values were welcomed in Canada. "[T]he cultures supposed implicitly superior", notes Balibar (1991), "are those which appreciate and promote 'individual' enterprise, social and political individualism, as against those which inhibit. There are said to be the cultures whose 'spirit of community' is constituted by individualism" (p. 25-26).

With that said, the 'liberalization' of immigration policy remedied governing authorities' need to manage the entry of immigrants, as expressed by government officials in the aftermath of WWII. The system, which was adopted in the name of liberalism, justice, diversity, and equal opportunities, along with the administrative measures dealing with immigration offices abroad, micromanaged immigrants' entry. The 1967 regulations also granted the Minister of Immigration the power to waive some of the regular selection criteria under special circumstances. These regulations were used to allow the resettlement of former colonial subjects, as well as other persons in 'quasi refugee' situations. 'Quasi refugee' status was granted by the Minister of Immigration to:

⁵⁶ Individuals were awarded a maximum number of points for each category. In 1967, an applicant needed a minimum of 50 points of 100 to be eligible for admission.

an ethnic, cultural or religious group of persons (in whom there is strong Canadian interest) who may or may not be under direct threat of violence or incarceration but who, as a group, are subjected to varying pressures, including intimidation and discrimination, on the part of national governments, and who live in actual fear of persecution no matter how subtly applied⁵⁷. (011055340, p.3)

This provision permitted the resettlement of Jews from North Africa and the Middle East in 1963, which was in part due to the advocacy of the Jewish lobby in Canada. Upon resettlement, the Minister of Immigration pointed out that the Jews “are subject to pressures from national governments, especially of the Arab states, and live in real fear of persecution, whether applied openly or in a subtle manner”⁵⁸. The provision was also employed to allow the entry of former British and French colonial subjects from Algeria, Kenya, Uganda, Angola, and Mozambique in the 1960s and 1970s.

For the most part, the resettlement of this highly functional group demonstrated Canada’s perceived responsibility toward former colonial powers (Howard, 1981), and its commitment to the Jewish cause and the UN. Unlike the stringent security screening imposed on refugees fleeing US-supported regimes, ‘quasi refugees’ from Africa and the Middle East were considered safe. As a result, security screenings were minimal, and at times even waived. Contrary to the exclusionary measures enacted toward Jewish refugees in the 1930s and 1940s, the Jewish refugees from North Africa and the Middle East were described in a memorandum written by the Ministry of Manpower and Immigration as safe:

With respect to the security risk posed by Jewish immigration, we concluded that

⁵⁷ LAC, RG-76, file 555-51, vol. 860, “Quasi Refugees”, 16 January 1964, p. 1.

⁵⁸ LAC, RG-76, file 555-51, vol. 860, “Jewish Refugees”, Acting Director of Immigration to Memorandum for File, 11 September 1963.

it was minimal. The Jewish customs and religion, which govern their way of life to a considerable extent, are incompatible with communism, and the Jews are, therefore, unlikely to be subversive on the whole. There are, of course, a few 'renegades' and some who are idealistic communists, holding rather high positions in Iron Curtain countries, but the chances of their emigrating are slim⁵⁹.

The election of Pierre Trudeau in 1968 brought another pivotal shift in refugee practices. For the first time, Canada officially committed to refugee protection by signing the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. By signing the 1951 Convention, Canada stopped limiting refugee protection to *ad hoc* responses; it became part of Canadian law (Hathaway, 1988). The Canadian government had previously feared that becoming a signatory to the Convention would compromise its national sovereignty and control over immigrants' entry. As explained by Lloyd Axworthy, the Minister of Employment and Immigration in 1982:

...our reluctance to sign stemmed from.. the traditional Canadian concern to maintain a direct link between the flow of immigrants to Canada and national economic needs and conditions... This signing was a major step forward, in the legal or formal sense, towards a refugee policy based on the needs of the refugee rather than on the needs of the Canadian labour market or economy (as cited by Hathaway, 1988, p. 683).

By signing the 1951 Convention, asylum-seekers who at the time were arriving in Canada in very small numbers became a separate category from immigrants. In other words, immigration control measures were no longer applicable to asylum seekers.

⁵⁹ Ibid.

This internationally binding commitment to refugees reflected Trudeau's outward vision of Canada's role in the world. Unlike his predecessors, Trudeau believed that Canada needed to focus less on pursuing ideological alliances with the US, and more on developing its international economic interests (Stevenson, 2000). This move coincided with the relative decline of US hegemony in some parts of the world, as well as Trudeau's uneasy relationship with the US administration during Nixon's term in office. Canada's new approach was evident in the adoption of the Third Option policy, a document that was written by the Department of External Affairs.

The Third Option policy strived for a comprehensive long-term strategy that aimed "to develop and strengthen the Canadian economy and other aspects of its national life and in the process to reduce the present Canadian vulnerability to [American domination]" (Sharp and Miller, 1994, p. 184). Between 1968 and 1976, Canada showed leadership and independence on the world stage by seeking closer economic ties with countries in the Commonwealth, Asia, Africa, Europe, Latin America, and the Caribbean, including communist countries, while distancing itself from the US and its ideological policies.

Trudeau's internationalist vision was tempered by domestic concerns over Québec separation in the aftermath of the October crisis. This crisis created an atmosphere of fear and suspicion. The RCMP, which had been fully preoccupied with Soviet infiltration cases, took charge in closely monitoring *Front de libération du Québec* (FLQ) activities. During its operation from 1946 to the late 1970s, the RCMP was a powerful agency operating with very little accountability. It was heavily involved in the security screening of refugees and immigrants, especially those with communist leanings or sympathies (Aiken, 2009). It was the RCMP's illegal activities in Canada, which targeted communist and FLQ 'sympathizers,' that

eventually led to restrictions of its authority.

Following media reports that implicated the RCMP in illegal activities in Canada in 1977, the government appointed Justice David McDonald from the province of Alberta to examine allegations of crime and abuse of power committed by the RCMP. The McDonald Commission, named after its chairman, reported its findings in 1981. During the hearing process, Trudeau and his Ministers denied any knowledge of the illegal activities' perpetrated by the RCMP during its investigations. However, William Higgitt, the RCMP former Commissioner, and John Starnes, head of the RCMP Security Services, testified that their superiors were informed about the RCMP activities. Higgitt insisted that he allowed the 'illegal' practices, because "he considered that his 'political masters' [...] had given their implied assent to them [i.e. the RCMP]" (p.166).

When questioned about his knowledge of the RCMP illegal activities, according to the commission, Trudeau stated "that if the word 'illegality' was used, in the atmosphere of the discussion, that word did not strike him as being 'the commission of crimes'. Otherwise, he believes, there would have been a different reaction and different minutes of the discussion" (p.36). Trudeau further noted:

there is the policeman's point of view. And then there is the intelligence gathering assessment point of view. One is the legal point of view, and the other is the Security and Intelligence point of view. And I am saying that it may well happen that the legal point of view which could lead you to put a target before the courts as having broken the law of espionage might be rejected for security reasons when you decide not to put him before the courts because you might have caught a lesser spy, you might go for the bigger fish (p.38).

He also pointed out that "the key to the meaning of whatever was in fact said lies in the words 'in

order to obtain information.” These words, Trudeau continued, “make it clear that what was being discussed was not ‘breaking the law in order to penetrate a cell or to be recognized’ (which would imply commission of a crime) but ‘breaking the law in order to obtain information, whether it be by bugs, or by pretty trespass or by writing a false name in a hotel register’” (As cited by the commission, 1981, p.39).

The commission disagreed with Trudeau’s reasoning, insisting that in both cases the law had been breached:

... whether the law is broken to penetrate a terrorist or violence-prone group to install eavesdropping devices, or to gain entry to a hotel under a false name or otherwise, the purpose in each case for the breaking of the law is to gather information or intelligence considered by the Security Services to be of value. In each case there is a breach of some legal rule (including perhaps a criminal offence) to further the activities of the Security Service (p.39).

In its conclusion, the committee admitted that its findings were not exhaustive because it was unable to gain unrestricted access to government documents (p.21). While unequivocally agreeing that the RCMP committed illegal activities, the committee was unable to establish the extent to which government officials knew about them:

...our view is that the knowledge of the government, and its subsequent failure to inquire or to direct the cessation of ‘illegal things’, whatever may be said of those facts in political terms...has no relevance to the legal quality of any acts by members of the RCMP committed therefore...Although we have concluded that the submissions made to Ministers and senior officials cannot relieve members of the RCMP from responsibility for subsequent illegal acts, there is no doubt in our

minds that an attempt was made by senior members of the RCMP to have aspects of the question of illegal acts discussed at the highest level of the government, both as to what had happened in the past and as to what might take place in the future. This confirms the testimony of senior officers of the RCMP that the problem of illegal acts was, to a certain extent, raised with the Ministers and senior officials over the years (p.67-68).

Following the publication of this report, the RCMP's authority was scrutinized. In its stead, the Canadian government established "a civilian security intelligence agency, outside of the RCMP, with a mandate to investigate and advise but no prosecutorial or enforcement powers" (Aiken, 2001, p. 17). But while RCMP activities in Canada were exposed and eventually scrutinized by the McDonald Commission in 1981, the extent of its activities abroad, which largely affected refugees, was never explored.

The commission's findings were particularly insightful in exposing the governing authorities' security apparatus. It was clear from the testimonies and the process of collecting evidence that the judiciary branch was constrained by the executive powers. The Prime Minister, according to the commission, had "an ultimate responsibility for the security of Canada and he is the chairman of the Cabinet Committee on Security and Intelligence" (p.89-90). Nonetheless, the commission recognized that it would be legally difficult to compel the Prime Minister to attend public hearings, or even to pressure the government to allow for full access to information, when the information required was deemed to jeopardize state security or the security of Canadians⁶⁰. Thus, the power of the executive proved to be pivotal in preserving the security apparatus.

⁶⁰ Trudeau refused to attend a public hearing on the degree of knowledge of the various practices held by Ministers, senior government officials and senior RCMP members (Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, 1981).

Furthermore, the testimonies provided during these hearings demonstrated that legality and illegality did not make any sense in the face of security concerns and threats. Where refugees were concerned, the RCMP had full power to make live or let die throughout the security screening processes. “[F]or all intents and purposes,” Agamben (2000) notes, “the normal rule of law is suspended and ... the fact that atrocities may or may not be committed does not depend on law but rather on the civility and ethical sense of the police that act temporarily as sovereign” (p. 42).

The government’s decision to appoint the McDonald Commission also points out its failure in maintaining a regime of truth. Canadians were disillusioned with the security apparatus enacted by the governing authorities to contain the communist threat. Starting in the early 1960s and leading into the mid 1970s, anti-American sentiments increased among Canadians largely due to the Vietnam War and US imperialist policy in Latin America, which brought the Cold War Consensus to an end. Canadians were disenchanted with the politics of the Cold War and its depiction of the ‘communist threat’. The affect of disenchantment was evident in the active participation of academics, unions, students, churches, and human right groups in challenging the government’s exclusionary practices toward refugees fleeing US-supported regimes (Whitaker, 1987), or other imperial and colonial powers (Brouwer, 2010). Civil society groups contested the designation of certain groups of refugees who resisted colonial and imperial powers as terrorists, when other European refugees from communist regimes were perceived as freedom fighters.

Due to an imagined humanitarian and moral Canadian identity, a growing influential segment of the Canadian public expected the government to intervene in refugee crises abroad, even when state authorities designated these refugees as endangering Canada’s institutions, and its people. By blaming unethical and illegal practices in obtaining information on the RCMP, the

governing authorities attempted to contain a crisis of public mistrust and restore the security apparatus.

Furthermore, the Canadian government attended to the need to involve the public in issues related to migration. Prior to this period, civil society had very little influence on immigration and refugee policies and practices (Troper, 1993; Simmons & Keohane, 1992; Parai, 1975). The growing role of civil society was reflected in the decision of Robert Andras, the Minister of Manpower and Immigration, to conduct coast-to-coast public consultations on immigration issues in 1973.

The findings from these consultations – in conjunction with governmental studies and reports, and briefs submitted by industrial, agricultural, and other interest groups as well as NGOs – were incorporated into the Green Paper. The Green Paper was a first in providing a comprehensive analysis of all the components of immigration policy (Hawkins, 1988). The writers of the Green Paper pointed out the specific goals that the paper set out to achieve:

Canada's immigration control objectives are not unique. Like all other countries, Canada seeks to protect its citizens and residents against foreign criminals, people who would endanger public health, those who would undermine our democratic institutions, and those who would wrongfully practice economic exploitation of Canadian residents, and to preserve the integrity and objectives of the immigration selection program (CIC, 1975, p.145).

The paper became the basis of the 1976 Immigration Act. The act, which was hailed by refugee advocacy groups, aimed to promote Canadian economic interests, maintain good order in Canadian society, and protect Canada's health and security.

For the first time, the *Immigration Act* emphasized Canada's commitment to and

responsibility for refugees by placing them under a separate immigration category. The Act created the Humanitarian Class, which included: (a) refugees as defined under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; and (b) persecuted and displaced persons who do not qualify as refugees under 1951 Convention, but who, due to humanitarian concerns, were deemed by the Cabinet as members of a *designated class*.

The 1976 Act provided two avenues for refugee persons in refugee-like situations to seek protection in Canada. The first was the inland refugee determination system, a legally binding instrument that provided individuals with access to the refugee determination process when claiming refugee status in Canada. The second was the Humanitarian Resettlement Program, a non-legally binding instrument authorized by the Cabinet and the Minister of Immigration to select refugees, or those in refugee-like situations abroad, to resettle in Canada. The second was designed for:

Any Convention refugee and any person who is a member of a class designated by the Governor in Council as a class, the admission of members of which would be in accordance with Canada's humanitarian tradition with respect to the displaced and the persecuted, may be granted admission, subject to such regulations as may be established with respect thereto and to the immigration plan currently in force and notwithstanding any other regulations made under this Act⁶¹.

Resettlement, according to the *1976 Immigration Act*, involved both the selection of refugees overseas and assistance with integration once in Canada. Canadian consular offices abroad determined the status of applications. Refugees had to prove they were able to establish

⁶¹ 1976 Immigration Act, Section 6(3).

themselves. They had no right of appeal. Individuals who were members of the inadmissible classes established under the act, or those who were deemed a ‘burden’ on Canada’s health and social services, were excluded from resettlement.

In 1979, the government designated three classes for resettlement: the Eastern European Self-Exiled Persons Designated Class, the Indochinese Designated Class, and the Latin American Designated Class (designed for refugees from Argentinian, Chile, Uruguay, and later El Salvador and Guatemala). In 1982, the latter class was renamed *the Political Prisoners and Oppressed Persons Designated Class* with the addition of Poland. Under these designated classes, tens of thousands of refugees were resettled in Canada.

The act and its regulations, which were adopted in 1978, also recognized the role of private sponsorship schemes. It permitted a group of no less than five Canadian citizens or permanent residents to sponsor refugees from abroad by committing to “lodging, care, maintenance, and resettlement assistance for the Convention refugee and his accompanying dependents for a period of a year” (Hawkins, 1988, p. 476). Nonetheless, the Minister had to authorize these private sponsorships. Since its official articulation in the Act, private sponsorship has been used to resettle thousands of refugees. In fact, due to the private efforts of Canadians in the Indochinese resettlement, the UNHCR awarded “the Canadian people” the Nansen Refugee Award.

To protect the security of Canada and Canadians from danger, the Act established the inadmissible class. Section 19 (1) of the Act barred the entry of:

- a) Persons with medical conditions that endanger public health and safety, or acquire excessive demands on health and social services;
- b) Persons who are unable or unwilling to support themselves, unless they have made an arrangement that satisfied immigration officials;
- c) Persons that have committed a crime in, or outside of Canada, or were members of an organization that is involved in criminal activity;
- d) Persons “who there is a reasonable grounds to believe will:

(i) commit one or more offences that may be punishable under any Act of Parliament by way of indictment, other than offences designated as contraventions under the Contraventions Act, or (ii) engage in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of any offence that may be punishable under any Act of Parliament by way of indictment”; e & f) Persons and members of an organization where there are reasonable grounds to believe that the person or the organization have engaged, is engaging, or will engage in acts of espionage, subversion, or terrorism against democratic government, institutions or processes; g) Persons who will engage in acts of violence that “would or might endanger the lives or safety of persons in Canada or are members of or are likely to participate in the unlawful activities of an organization that is likely to engage in such acts of violence”; h) Persons who are believed not to be genuine immigrants or visitors, or who did not obtain the consent of the Minister to stay when it was needed; j) Persons where there are reasonable grounds to believe have “committed an act of omission outside Canada that constituted a war crime or a crime against humanity within the meaning of subsection 7(3.76) of the Criminal Code and that, if it had been committed in Canada, would have constituted an offence against the laws of Canada in force at the time of the act or omission”; k) Persons who are deemed to pose a danger to Canada’s security, but are not members of the category above; l) senior members or senior officials “in the service of a government that is or was, in the opinion of the Minister, engaged in terrorism, systematic, or gross human rights violations or war crimes or crimes against humanity...”.

The most controversial category in this class deals with the inadmissibility of persons who endanger Canada’s security. The ambiguity of this category led judges and immigration officials to arrive at different interpretations of the law (Aiken, 2009). This section was replaced in 1984 with Section 2 of the *Canadian Security Intelligence Services Act* (R.S.C., 1985, c. C-23), which defined a threat to Canada’s security as:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage, (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person, (c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or

property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and (d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada, but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

The careful consideration of the inadmissible class aimed to preserve governing authorities' power in managing and controlling the entry of immigrants and refugees to Canada. The inadmissibility provisions were, according to Pratt (2005), "both backward- and forward-looking" (Pratt, 2005, p.88).

When the 1976 Immigration Act was adopted, governing authorities were more concerned with visitors, and less with refugees (Whitaker, 1987). At the time, the number of refugee claimants arriving in Canada rarely exceeded 5,000 persons per year (Lanphier, 1999, p. 5). When appearing in front of the Parliamentary Standing Committee on Labour on April 28, 1976, Robert Andras further supported government concerns with visitors. He pointed out:

A necessary but difficult aspect of immigration management, of course, is enforcement and control. Indeed, there has to be a balance struck between the legitimate rights of sovereign states to control the admission and the stay of persons, in accordance with its own interest, and the assurance that, in pursuit of this policy, the elementary principles of fairness and justice are not overlooked. I think, on the whole Canada has achieved such a balance, although I am reconciled to the fact that, with the number of visitors who come to this country every year,

inevitably, from time to time, there are going to be situations and incidents that cause concern. Certainly illegal immigration, which I talked about a bit, last year, before the committee, is an ongoing worry (as cited by Irvine, 2011, p. 71).

The Act, according to Lanphier (1999), did not foresee the technological and communication advancements that allowed faster and more accessible means of transportation to “the formerly remotely located Canada”(p.5).

With the exception of a few government responses, refugees from the Global South, especially those who were fleeing colonialism and imperialism, were ignored, excluded, and ultimately let to die socially and culturally. This reality was particularly characteristic of the Canadian government’s response to refugees from African countries. Only in the 1980s did the government act for the first time to assist these refugees by imposing a quota of 500 refugees a year for resettlement. It was increased to 1000 in 1983, and 1,520 refugees in 1994 even though refugees from this region comprised 36 percent of the world’s refugee population (Hyndman, 2000).

Conclusion

This chapter aimed to explore the emergence of the humanitarian-security nexus in Canada’s immigration and refugee protection regime in the aftermath of WWII. By focusing on the ways in which governing authorities problematized migration, the chapter highlighted the different technologies assembled, along with the conditions that made this nexus possible.

The chapter argued that the emergence of the humanitarian-security nexus in the aftermath of WWII sought to remedy the shortage of labourer, and to contain the communist threat at times when Canada was increasingly seeking a visible role on the international stage and strengthening its ties with the US. The humanitarian-security nexus reflected the governing

authorities' power to make live and let die. Refugees were either selected for resettlement, or excluded, denied, or altogether ignored based on their potential social, political, cultural, and/or economic contribution. The selection of some refugees for life enhancement meant the exclusion of others who might endanger and threaten Canada's survival. Thus, refugees and immigrants were considered both as essential to Canada's survival, and as threatening to its existence. The Minister of Immigration and the Cabinet, along with the RCMP, played a pivotal role in maintaining biopolitical power over the life of refugees.

While some technologies of power were abandoned in the 1950s and 1960s, others were adopted in order to maintain the biopolitical power of the governing authorities. With the 'liberalization' of immigration policies, which eliminated racist immigration policies, the exclusion of refugees and migrants was managed through administrative measures—for example, through the designation of immigration offices abroad and the 1967-point system. These technologies operated along with discretionary powers of the Minister of Immigration, the RCMP, and to some extent immigration and health officials. In all of this, explicit racist policies were replaced with cultural racism, a form of racism that operates 'without race' (Balibar, 1991).

During this period too, the government was compelled to act toward growing public involvement in refugee practices, especially following the Chilean refugee crisis, which will be discussed in more detail in chapter 6. This change was evident in the governing authorities' decision to consult public opinion on refugee and immigration policy, which led to the 1976 Immigration Act. To maintain biopolitical power, as demonstrated in chapter 7, the governing authorities had to manage public expectations.

Once the 1976 Immigration Act was adopted, immigration policies became the foundation of a tightly controlled and managed regime that reflected state authorities' right to

exclude. More importantly, refugees were no longer associated with immigration control measures, and ceased to be considered in terms of economic, social and cultural contributions because immigrants were fulfilling this need. Thus, the problem posed by the governing authorities in the mid 1940s was no longer applicable to refugees and asylum seekers who, as demonstrated in chapter 7, became a problem of their own. Further, refugee protection became entrenched in law and legislation as opposed to an *ad hoc* response to crises abroad. The governing authorities had a legal obligation to refugee claimants in Canada. This obligation proved to be more complex and challenging than what was imagined by the governing authorities in 1969.

Nonetheless, the discretionary powers of the Minister, and of the RCMP together with immigration and health officials continued to be pivotal. The refugees selected for the humanitarian refugee resettlement program reflected government interests, and operated with scant accountability to the public. The law and discretionary powers, notes Pratt (2005), “are technologies for the dividing practices of a liberal regime that requires that government takes place ‘at distance’” (p. 87).

The next chapter examines this period more closely by focusing on Canada’s response to the Ugandan Asian refugee crises. It seeks to understand how the humanitarian-security nexus was utilized and assembled to preserve governing authorities’ power to make live and let die.

CHAPTER 5: THE UGANDAN ASIAN RESETTLEMENT

Last year marked the fortieth anniversary of the resettlement of the Ugandan Asians who were expelled from Uganda by Idi Amin, the former President and military ruler of Uganda. Canada responded swiftly to the Ugandan Asian crisis and resettled more than 7,000 Asians from Uganda within three months of Amin's expulsion declaration. This initiative represented a significant turning point in Canada's refugee policy, as the Ugandan Asians were the first large-scale resettlement of a non-white refugee group in Canada. At the time, then Prime Minister Pierre Elliot Trudeau announced that Canada's humanitarian tradition, together with concerns for British political and social stability, required Canada to respond urgently to the moral imperative of providing the refugees with a home.

This chapter examines the ways in which the Canadian government utilized and assembled the humanitarian-security nexus, reflecting its power to make live and let die, when intervening in the Asian refugee crisis in Uganda⁶². The first part of this chapter describes the contexts and factors that led to this crisis. The second part focuses on how the Canadian government assembled its intervention. It will be argued that Canada sought to affirm its loyalty to Britain and the Commonwealth in swiftly responding to the Ugandan Asian refugee crisis through an appeal to humanitarian sentiment. Moreover, the selection criteria adopted ensured the selection of a highly skilled and qualified English-speaking group. The Aga Khan's financial assurances provided a further incentive to the Canadian government to focus its resettlement efforts on the Ismailis from Uganda.

This first major resettlement of non-European and non-white refugees deserves detailed

⁶² The term "refugee" will be used in this chapter to refer to Asians expelled by Amin, even though they are not Convention refugees, as they did not cross international borders.

attention as it highlights themes that recur in Canada's resettlement provision: the mechanisms by which the Canadian government assembled its humanitarian response; the overarching goal of protecting Canada's economic, political, and social well-being; and the complex, and at times contradictory, logic utilized to achieve that goal. Through screening processes and legislation, government interventions to make live thousands of Asians also functioned as a mechanism to exclude and let die many more.

The Ugandan-Asian Refugee Crisis and the Canadian Response

The first part of this section examines the series of events leading to the Amin's decree to expel the Ugandan Asians, which left tens of thousands of Asians without a home. While Western governments were quick to blame Amin's sadistic and ruthless personality, it is argued that Amin's decree must be situated in its historical context of imperialist policies and colonialist practices, which in turn influenced the solutions pursued to deal with this refugee crisis. The second part describes the prompt response of the Canadian government to the crisis, leading to the resettlement of thousands of refugees within less than three months.

The Ugandan-Asian Refugee Crisis

On January 25, 1971 with the aid of Israel, the United States and Britain, General Idi Amin overthrew the government of Milton Obote in a military coup, forcing Obote into exile in Tanzania. The coup d'état served Western powers' foreign interests. Israel's interest in Uganda was geopolitical. Israel supported Southern Sudanese guerrilla groups that were fighting against Northern Sudan. By prolonging the war in Sudan, Israel hoped that Sudan would not join the Arab states in their attacks against Israel (Hutton & Bloch, 1980). The United States, similar to Britain, was worried about Obote's "Common Man Charter," which restricted foreign-owned businesses and investments. Furthermore, Britain was alarmed by the great number of Asians

seeking entry into the United Kingdom due to the Africanization policies adopted by Obote in Uganda, and other leaders in east Africa, especially Tanzania and Kenya.

By February 1971, Amin formally declared himself the President of Uganda, Commander-in-Chief of the Army Forces, and the Army Chief of State and Chief of Air Staff. Western countries along with the Israeli army and intelligence services (the Mossad), continued to support Amin because they considered him reliable in guarding their interests (Hutton and Bloch, 1980). During his early period in office, Amin commenced privatization policies, and reduced government shares in major companies from 60 to 49 percent. Amin maintained that his economic policies aimed to restore investor confidence (Mamdani, 1976).

Meanwhile, Amin engaged in a war against Tanzania. He believed that the government of Tanzania was supporting guerrillas to remove him from power and re-install Obote as the Ugandan president. Amin asked Britain and Israel to provide him with armaments for his plan to invade Tanzania, but both refused (Ramchanadani, 1976). Instead, Amin sought new alliances with the government of Sudan, signing a formal agreement between Uganda and Sudan in 1971. In exchange for expelling the Israeli suppliers to the Anya-Nya—rebels who were fighting in northern Sudan—the Sudanese authorities asked Obote, the former Ugandan president to leave the country and suspend all of his plans to invade Uganda (Woodward, 1987). Due to the lack of supplies and funding to support armed resistance groups in northern Sudan, many of these guerrilla groups joined Amin's military (Mamdani, 1976). The new alliance with Sudan ended Obote's operation in Sudan and relations between Israel and Idi Amin.

After a short visit to West Germany in another failed attempt to obtain army equipment, Amin visited Tripoli in February 1972 to meet Moummar Al-Qaddafi, where he was able to gain some financial and military aid. The Amin-Al-Qaddafi alliance demonstrated a further shift in

Ugandan relations with Israel, and the Middle East in general. In a joint statement Amin declared his support for the Middle East struggle against Zionism and imperialism, the Palestinian right to a homeland, and the return of all refugees.

Following the visit to Tripoli, Amin expelled 700 Israeli citizens, including his military adviser who helped him in the coup d'état against the Obote government . Amin also reinstituted some of Obote's economic policies, and the "Common Man" economic revolution. By June 1972, Uganda was experiencing an economic setback caused by Amin's overspending on military operations. Amin launched a campaign of intimidation against the Asians in Uganda, blaming them for Ugandan's economic turmoil. On August 4, 1972, Amin issued an order expelling all Asians of British, Ugandan, Indian, Pakistani, or Bangladeshi nationality, along with Rwandan and Sudanese refugees living in Uganda, and commanding the seizure of their property (Mamdani, 2011). Due to the appeal of the Sudanese president, Amin amended his decree by allowing Asians who proved their Ugandan citizenship to remain in the country.

Amin's decision to expel the Asians was largely intended to boost his plummeting popularity. He appealed to nationalistic sentiments by blaming the failing economy on this racialized group. Many Ugandans resented the Asians, which explains the popularity of Amin's decree. Others pointed out that Amin's decree to expel the Asians was intended to avenge Britain's refusal to provide military aid for Amin to invade Tanzania (Ramchanadani, 1976). Amin described his decision to expel the Asians as the first battle in an economic war (O'Brien, 1973). During this phase, Africans would replace Asians in the commercial and financial sectors. The second phase aimed to nationalize financial institutions and banks. Amin stressed that as remnants of a British colonial legacy, the Asians were part of a capitalist class that controlled the Ugandan economy.

The Asians in Uganda were part of a manufactured post-colonial reality. Colonization, as Timothy Mitchell (1988) points out, not only involves the presence of Europeans, but also “the spread of a political order that inscribes in the social world a new conception of space, new forms of personhood, and a new means of manufacturing the experience of the real” (ix). During the period of colonial rule, the Southeast Asians were a visible capitalist class that occupied a significant social and economic stratum, but had very little interest in the social or political realm.

The Southeast Asians first reached Uganda in the middle of the 18th century as traders. Their number grew substantially with the establishment of British colonial rule in Uganda, reaching a total of one percent of the country’s population in 1971. Despite their small numbers, the Asians influenced the Ugandan economy (Jamal, 1976). They dominated the cotton and coffee industries, and small businesses in urban and rural areas. Their success was partly due to the ease with which they obtained licences from the British protectorate, and the transfer of profit through the imposition of high local prices (Jamal, 1976). At the same time, the British denied the Asians access to “the best agricultural land” (Nanjira, 1976, p.72), leaving them with very little choice but to own and operate small businesses.

Furthermore, income and social services favoured the Europeans and Asians, with Africans carrying the largest tax burden. In 1967, African annual income was approximately £15, in contrast to the £440 earned by non-Africans Ugandans (Jamal, 1976). Nonetheless, any attempts by the Ugandan government to impose minimum wage or redistribute income failed because of the European and Asian monopoly of the economy (Jamal, 1976).

The Asians were the ‘middlemen’ who facilitated England’s economic gain, and strengthened ties with other colonies in East Africa (Hamai, 2011). For Patel (1973), the Asians

were agents of imperialism; “their presence was facilitated by and went hand in glove with the extension of the British flag” (p.4). The British needed the Asians because they were believed to have what the Africans lacked, that is, the basic competencies and skills to meet British colonial aspirations. The Asians had already acquired “the missing variables as skilled manpower or a trading agency for introducing the modern distributive system into the interior” (Ramchandani, 1976, p.150). Africans were meant to occupy the lowest social stratum according to the perspective of the colonial administration. “[T]he white man ordered, the brown man traded,” Sarvan (1985) observed, “and the black man labored” (p.101). In this social order, the Europeans and the Asians provided the capital, skills and entrepreneurship while relying on the cheap labour of the Africans (Jamal, 1976).

When the Asians competed with the British for resources, the British were quick to blame them for monopolizing the economy and exploiting Africans. Thus, the Asians served as a buffer group between the white colonial rulers and African Ugandans. O’Brien (1973) notes:

[The Asians] who stood behind counters selling at what seemed extortionate prices things like salt, sugar and soap to poor Africans who had saved hard to buy these basic amenities of life were more easily identifiable as economic exploiters than anonymous shareholders of European firms like D.T. Dobie which sold Mercedes-Benz cars to the more opulent sections of the African society, and like the British Banks which seemed as often to be giving money over the counter as taking it. Besides, the common folk were not ready to take over the British banks and the big Europeans companies. They could only aspire to start small retail shops, like most Indians, or small crafts and repair shops. And it is here that they could not face up to the competition of the Asians (p.92).

While the Asians were expelled due to their association with England's colonial past, they were considered as racially unfit to reclaim their British citizenship. Since the early 1960s, Britain sought legislation to curtail the number of British-Asians seeking re-entry to Britain from East Africa. Under the 1962 Commonwealth Immigrant Act and its 1968 amendments, only British citizens by birth, adoption, registration or naturalization and their parents or grandparents could enter Britain. Immigration control would apply to all others who were seeking entry. This legislation aimed to make it harder for British Asians to take up residence in Britain. For this group, the British government introduced quota vouchers, whereby only 1500 British citizens were allowed entry from East Africa a year. In 1971, due to sustained pressure from African countries, the British government increased the number of vouchers to 3000 vouchers a year (Neumann, 2011).

When Amin announced his decree, Western countries did not take him seriously. To show his determination, Amin launched a campaign of intimidation against the Asians that included imprisonment. The British government, which had to deal with tens of thousands of British Asians, sent a senior British Cabinet Minister to convince Amin to re-examine his position, or at least to extend the Asians' departure date by another 90 days, but Amin rejected both requests⁶³. The British government realized that there was no other alternative but to open its doors to those Asians holding British passports.

Britain sent its immigration officials to Kampala to start the resettlement of over 27,000 expellees who held British passports. It also appealed to the United States, Canada, Denmark and Switzerland to assist in resettling the Ugandan-Asians holding British passports. In its internal communication the British government noted that it was obliged to admit its citizens, but the

⁶³ The National Archives (TNA), CAB/128/50/42, "Diplomatic Action", p. 4.

“prospect of a large and early influx of Asians posed a number of serious social and political problems”.⁶⁴ This concern explains why the government decided to divert “[a]s many as possible to third countries and ... to phase the arrival of any considerable numbers in the United Kingdom”⁶⁵.

Canada’s Immediate Response

The Canadian government received a formal request from Britain to assist with the Ugandan-Asians on August 15, 1972⁶⁶. It read:

we very much hope that the Canadian government will feel able to consider whether they could accept some of the Asians who are being expelled from Uganda. They are of course all English speaking and many of them are not without some resources of their own⁶⁷.

On August 24, 1972 the Canadian Director General of the Foreign Branch sent a memo to immigration officials from the Department of Manpower and Immigration in Beirut informing them of their mission in Kampala. The memo emphasized the need of the immigration team to act swiftly to accommodate Asians who met immigration selection criteria, and the importance of refusing to impose limits on their numbers. The memo read:

You are aware of general Amin’s decree to expel 80,000 Asians from Uganda accusing them of being puppets of the British Government and sabotaging the economy of his country. Your mission is to proceed to Kampala and by whatever means undertake to process without numerical limitation those Asians who meet

⁶⁴ The National Archives (TNA), CAB/128/50/42, “United Kingdom Passport Holders in”, p. 3.

⁶⁵ Ibid.

⁶⁶ LAC, vol. 8886, 20-UGDA-1-3-19, part 2, “Memorandum for the Prime Minister: Ugandan Asians”, 15 August 1972.

⁶⁷ LAC, vol. 8886, 20-UGDA-1-3-19, part 2, “Ugandan Asians”, the Office of External Affairs in Ottawa to SSEA, 18 August 1972.

the immigration selection criteria bearing in mind their particular plight and facilitate their departure for Canada. Your mission must be accomplished by November 8.

Roger Saint-Vincent, who headed the Canadian immigration mission in Uganda, was among the first of the Canadian immigration team to arrive in Kampala on August 28. The rest of the team, which arrived on September 4, 1972, were expected to advertise, screen and interview applicants for resettlement to Canada. Within two days, the team began processing the applications of Ugandan-Asians wishing to immigrate to Canada. Applicants who met the immigration requirements had to undergo medical tests before their final visa approval (Saint-Vincent, 1972).

The team worked under a tight schedule. They were expected fill all scheduled flights by November 6, 1972. Between September 27 and November 6, there were three flights scheduled per week, each flight with a seating capacity of 300 persons. Initially, the team in Kampala was instructed to grant assisted passage to those who met the selection criteria and were unable to pay for the flight. On September 26, the team was informed that the Canadian government would absorb the costs of the charter flights⁶⁸.

During the interview process, applicants were asked a series of questions about their relationship status, educational and occupational background, and on any connection to crime and other security concerns. Once the interview ended, the immigration officer immediately had to make a decision as to whether to send the applicant for a medical examination or reject the application altogether. To qualify for an interview, applicants had to have at least 41 points regardless of whether they had an Indian, Pakistani, or British Passport, although priority was

⁶⁸ This decision was made by Prime Minister Pierre Elliott Trudeau in response to Amin's proposal to tax flight tickets purchased by departing Asians.

given to British passport holders⁶⁹. This policy was eventually extended to include Ugandan-Asians and the stateless, which became a priority for resettlement. The latter category was considered under a special category, the “oppressed minority” provision, which was authorized by Cabinet.

Between the 6th and 19th of September, the Canadian immigration team received 5,779 applications for a total of 17,000 persons (Saint-Vincent, 1972, p.15). While the Canadian government initially committed to resettling 3000 Ugandan-Asians, on August 29, 1972, the Cabinet decided to increase the number to 6000. By the time the immigration mission ended, a total of thirty-one flights, or 4,420 Asians, landed in Canada; each flight carried between 50 and 209 persons. The cost for each flight was estimated at \$50,000. Another 1,725 Asians arrived in Canada via commercial flights. During the Canadian mission in Kampala, 23,392 persons applied to come to Canada. Among those, 12,446 persons were rejected, 10,942 persons were interviewed, and 6,292 persons were issued a visa. Close to 2,347 persons did not appear at their scheduled interviews, 117 persons did not claim their visas upon passing the interview, and 89 persons did not show up for their medical examinations (Saint-Vincent, 1972).

Assembling the Humanitarian-Security Nexus: The Ugandan-Asian Refugees, and the Power to Make Live, and Let Die

This section explores how the Canadian government utilized the humanitarian-security nexus in intervening in the Ugandan-Asian refugee crisis. It focuses on the discourses, institutional changes and legislation enacted to preserve the governing authorities’ power to make live or let die. It will be argued that to resettle and make live thousands of Ugandan-Asians, which was justified on the grounds of a moral and a political obligation to end human suffering, reflected

⁶⁹ In 1967, an applicant applying for immigration to Canada needed a minimum of 50 points (out of a 100) in order to be eligible for admission.

multilayered and complex relations of power. Selected refugees were a highly desirable immigrant group that also achieved the governing authorities' objectives. Nonetheless, the attempt to make live thousands of Ugandan refugees justified the death of others. The humanitarian response, which aimed to include those who contributed to and enhanced Canada's political economy, was also meant to exclude others. Through screening processes and other legislative measures, governing authorities prevented the entry of Asians who were sick, did not meet the immigration criteria, or fell outside of its targeted population. That being said, Canada's intervention into the crisis was not straightforward, as it reflected particular contradictions, contestations, and tensions between the different stakeholders involved.

The rationale behind the resettlement of the Ugandan-Asians in Canada was expressed in two kinds of government statements: one public, the other private. On August 24, 1972, Prime Minister Trudeau issued a statement to the media in which he publicly expressed the government's obligation to intervene and resettle some of the Ugandan-Asians. The statement read:

The Canadian Government followed closely the evolution of events in Uganda since Aug 5 when president Amin announced his decision to expel tens of thousands Uganda residents of Asian origin. The [Secretary of State for External Affairs] expressed the hope that President Amin would reconsider his decision because of the dimensions of the humanitarian problem, which it would create. I am sorry to say that his appeal and others like it from countries around the world have not deterred the Ugandan Government. Although President Amin has made some modifications in the categories of people who are affected by the expulsion orders, we have no real assurance that their effect may not be total. He has also refused to extend the deadline of 90 days, which he set. In an attempt to ease the effect of this humanitarian problem, both on those forced out of Uganda and on the people of Britain who would otherwise be forced to share their already overcrowded island with a tide of involuntary immigrants from Uganda, the Canadian Government is prepared to offer assistance.

A team of officials from [the Ministry of Manpower and Immigration, and Department of National Health and Welfare] is being despatched within the next few days to Kampala to accelerate the processing of applications from those Asians who apply to come to Canada. This step will enable us to form a clearer

impression of the numbers involved and of the extent to which exceptional measures may have to be taken to deal urgently with those who would not normally qualify for admission. Should circumstances demand, the Minister of [Manpower and Immigration] has been authorized to institute a program of admission on an emergency basis.

I should like to emphasize that it remains the hope of the [Canadian government] that (General) Amin will consider the effects of his decrees not only on these long-time residents of his country but on the economy of Uganda and its development to which Canada has made a contribution. I must also observe that (General) Amin's regrettable expulsion decisions, if implemented, would appear to be contrary to his country obligations under the UN Charter and Declaration of Human Rights as well as against the principles of the Commonwealth Declaration of 1971 in which member states reiterated their belief in human dignity and non-racialism.

For our part we as a country of Canadians are prepared to offer an honourable place in [Canadian] life to those Uganda-Asians who come to Canada under this program. Asian immigrants have already added to the cultural richness and variety of our country and, I am sure that those from Uganda will, by their abilities and industry, make an equally important contribution to Canadian society⁷⁰.

Meanwhile, in a telex to the High Commissioner in Nairobi, External Affairs further elaborated on Canada's rationale to resettle the Ugandan-Asians, and the urgent need to act in order to end human suffering. The telex pointed out:

Legally, the problem belongs primarily to Britain and the British [government] has fully accepted responsibility in principle. In practice, however, it is clearly impossible for Britain to manage such a large and sudden influx to its crowded island, where there are dangerous racial tensions resulting from past waves of [Commonwealth immigration]. If [the Commonwealth] still means anything at all, this is problem for cooperative [Commonwealth] action. We are not thinking merely in terms of helping Britain. Nor is it matter of making a pious demonstration of [Canadian] largesse. The simple fact is that by his brutal decision, President Idi Amin has created a situation of human injustice and mass suffering that demands the concern of whole civilized world. If [the Commonwealth] cannot act, then it should come before the UN... [I]n a word, this is an [international] emergency. Since [Canada] has the capacity to act, it has a moral obligation to participate in the rescue operation, and quickly. There is no time now to be concerned with arguments about the responsibility of the Asian community itself for its predicament. ... [T]his is the first consideration. The second is what to do about Uganda under Gen Amin, for it would be calling

⁷⁰ LAC, vol. 8886, 20-UGDA-1-1-3, part 2, Office of the Prime Minister to Press Release, "Statement of the Prime Minister on the Subject of Uganda Asians", 24 August 1972.

simply to have to accept consequences of his racism... No doubt Gen Amin will try in one way or another to deprive departing Asians of their property rights. In response, Britain and all other countries will be fully justified in using all possible pressure, including withholding of foreign aid to prevent his doing so. This is a matter both of justice and self-interest, so that refugees will have resources to establish themselves in the new homes that must be found for them⁷¹.

These statements illustrate the ways in which the Canadian government's decision to resettle Ugandan-Asians was framed. The decision for resettlement was represented firstly in terms of concern for the human suffering of Ugandan-Asians, and the racist attitude and brutal policies of Idi Amin. The expellees were constructed as victims of a ruthless and irrational leader who wanted to divest them of their private property earned through their own hard work. This framing of the crisis blamed Idi Amin, who was characterized as an archetype of the post-colonial dictator, attributing him as personally responsible for the crisis while dismissing the collective responsibility of Britain as an agent of colonialism in Uganda. This perspective elided the political, social, and historical complexity of the refugee situation.

Although Amin also expelled all other ethnic communities in Uganda, including 100,000 Rwandan and 80,000 Sudanese refugees, the Canadian government did not express concern about these communities. On the contrary, External Affairs saw the expulsion of these two groups as a tactical move by Amin to obscure his racist attitudes towards the Asians⁷². In other words, from the Canadian government's perspective, the African refugees were merely collateral damage, as they were not the intended target of Amin's racist decree. Thus, the Canadian government's decision to completely ignore them—to let die—was justifiable.

Had the Rwandans fled to Europe, Mamdani notes, their plight would have been more

⁷¹ LAC, vol. 8886, 20-UGDA-1-1-3, part 2, External Affairs Ottawa to High Commissioner in Nairobi, 21 August 1972.

⁷² LAC, vol. 8886, 20-UGDA-1-1-3, part 2, Barker to External Affairs Ottawa, "Ref YOURTEL 334: Ugandan Asians", 16 August 1972.

visible on the international agenda (As cited in Vazquez, 2001). Britain's appeal to other Commonwealth countries to resettle these Ugandans was aimed at relieving Britain of its responsibility towards its racialized citizens. Western states acted swiftly to resolve and contain the Ugandan-Asian refugee crisis because England had a legal obligation toward its Asian citizens in Uganda and other East African countries. Thus, the fear of British 'contamination' by racialized bodies was one of the driving forces behind Canada's intervention. Interestingly, with the growing number of racialized refugees arriving in Canada in the mid 1980s, the Canadian governing authorities expressed a similar fear.

Canada's framing of the Ugandan refugee crisis also betrayed concerns about England's political survival due to the racial tensions that may have resulted from resettling the Asians in an already populated island. Interestingly, while the Department of External Affairs was quick to point out that Amin's expulsion decree was motivated by racism⁷³, Britain's unwillingness (or hesitation) to assume responsibility for its non-white citizens was justified by its 'crowded island' and the potential for 'dangerous racial tension'.

In his seminal work, *Orientalism*, Edward Said (1978) addresses the power of imaginative geographies in determining the relationship between the Orient and the Occident, 'our land—barbarian land'. This relation is based on an arbitrary division of 'us' and 'them' whereby 'them' are associated with negative social, ethnic, and cultural identities. Nonetheless, 'they' might develop to become like 'us'. This 'made-up' performance of space and time is reinforced by discourses, images and texts that aim to maintain power over the Orient. It is a tool to justify and legitimize the objectification of the other. Imaginative association carries with it "All kinds of suppositions, associations, and fictions [that] appear to crowd the un-familiar space

⁷³ Ibid

outside one's own" (Said, p.54). The British island is a space in which the arbitrary division between 'us' and 'them' is rigorously regulated in an attempt to maintain a fiction of purity. When Asians arrived in England, they were confronted by protestors carrying signs read "Britain is for the Brits."

The Asian expulsion also threatened to throw the cohesion of the Commonwealth into crisis. The task of preserving this cohesion was one in which the Canadian Prime Minister, Pierre Elliot Trudeau was personally invested. During his term in office, the Commonwealth was a favourite forum for Trudeau, especially when it came to interventions to resolve international disputes (Hilliker and Donaghy, 2005, p.9). Mitchell Sharp, then Minister of External Affairs, admitted that he was surprised that Trudeau expressed a keen interest in the Commonwealth:

I expected the Prime Minister as a French Canadian to be even less enthusiastic about this institution [i.e. the Commonwealth] composed of former British colonies. But I was wrong. From the outset, Trudeau showed a keen interest in the discussions that took place among the heads of the government and, eventually, worked hard and effectively to prevent the disintegration of the Commonwealth and give the periodic meetings fresh impetus and direction... [T]here were periods when Trudeau was the only leader of a Western industrialised country with whom President Nyerere of Tanzania and President Kaunda of Zambia had any personal contact. Sometimes Ivan Head travelled to see them on behalf of the Prime Minister and reported to me before going and on his return (Sharp and Miller, 1994, p.202).

Some have suggested that Trudeau aspired to play a 'fixer' role in the Commonwealth. Trudeau denied any such ambitions, insisting that, "Canada must act according to how it perceives its

aims and interests. It is in our interests that there not be a general racial war in Africa” (as cited by Hiliker and Donaghy, 2005, p. 10). If the Ugandan-Asian refugee crisis was not contained immediately and completely it was feared that there might be a snowball effect in the rest of East Africa, where tensions were already high in relation to the Asian community. By swiftly containing the crisis and alienating Amin, Canada, along with its fellow Western Commonwealth countries, hoped to send a clear message to other African leaders not to follow in the dictator’s path⁷⁴.

The moral and political agenda to resettle the Ugandan-Asians was enacted through carefully managed screening processes conducted by immigration and health officials. The Canadian government, through its immigration offices in the Middle East and Africa, diagnosed, prescribed and implemented a solution for this crisis. Prior to the 1976 Immigration Act, there was no provision or legislation to govern refugees or refugee resettlements. In order to resettle the Ugandan-Asians, the Liberal government enacted the ‘oppressed minority’ provision. This provision was designed for the protection of persons in ‘refugee like’ situations who did not fall under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. It was used in the 1960s to resettle Jews from North Africa and the Middle East. The provision also authorized the immigration team to consider some individuals for immigration, even if they did

⁷⁴ By the time Amin issued his decree, Canada had no vested economic interest in Uganda. The most significant Canadian investment in Uganda belonged to the Bata Shoes Company, a footwear manufacturer and retailer, and Falconbridge, an Ontario-based mining company that controlled all the operating copper mines in Kilembe, Uganda. Bata Shoes was almost nationalized under Obote’s term in office, but was slowly restored to 51 percent control. Falconbridge was the only multinational corporation to willingly approve Obote’s proposal in 1971 to nationalize 60 percent of the company’s shares. A report written in 1965 on the state of copper industries in Uganda points out that copper reserves in Kilembe would be “sufficient to permit mining only until 1971 at the present working rate” (Mamdani, 1976, p.268). Mamdani (1976) points out that Falconbridge would have been in a better position if it agreed to nationalization as it meant that losses would be insured at the government’s expense (p.268). Falconbridge’s operation was eventually taken over by the Ugandan government in late 1975. See LAC, RG25, Vol.8896, 20-UGDAVol 8886, 20-UGA-1-4, “Minutes of Interdepartmental Meeting on Uganda-Thurs”, August 31, 1972-2.30 p.m.", 1 September 1972.

not meet the immigration requirement, assuming that they could establish themselves through family and community ties. For example, under this provision, External Affairs instructed the immigration team in Kampala on October 26th to accept 300 'hardcore' cases if they had family ties who were able to support them.

The swift response of the Canadian government to the Ugandan-Asian crisis was due to the active approach of the Department of Manpower and Immigration in recruiting immigrants. Immigration offices were already established in Africa to assist in the immigration of Asians and other former colonial subjects from East Africa including Kenya, Tanzania, Zambia and Mauritius. In fact, prior to Amin's decree, immigration officials were sent twice to Uganda to establish ties with the Asian community to encourage immigration. By the time Amin issued his decree, Canada was poised to intervene. Two days after Amin's decree and before any formal request of assistance from England, External Affairs in Ottawa sent a telex to the immigration office in Beirut informing them that Canada would be establishing an immigration team in Uganda to help in resettling the Ugandan-Asians. Through its High Commissioner in Nairobi, Canada also inquired several times with the British High Commissioner as to whether and when a formal request for assistance would be issued⁷⁵.

By being the first of the resettling countries to arrive in Uganda, the Canadian mission there sought to select the immigrants most likely to contribute to Canada's economic prosperity⁷⁶. The mission in Uganda was quantified by the point system, interviews, and various medical tests.

The bureaucratic team sent to Kampala included officials from the Department of National

⁷⁵ LAC, vol. 8886, 20-UGDA-1-1-3, part 2, "Ref YOURTELL GAA326: Ugandan Asians", 17 August 1972.

⁷⁶ The British Immigration Officer is reported to have complained that, "we have been ready to fold up for some time, you Canadians took the cream!" (Saint-Vincent, 1972, p.21).

Health and Welfare, the Royal Canadian Mounted Police (RCMP), and the Department of Manpower and Immigration. Health officials sought to screen out Asians who might endanger the health and well-being of Canadians, or impose heavy costs on Canada's welfare system. After conducting a few interviews with the Ugandan-Asians, the RCMP left Kampala, deeming the mission to be safe and not requiring further security screening processes. The RCMP viewed the Ugandan-Asians as stereotypical victims of socialist policies adopted by African countries after independence.

While the aim of the mission was to save human lives, it was selective about which lives needed saving. This selectivity represented a political technique consisting of close evaluation and monitoring. In order for Asians to be considered for the Canadian humanitarian response, they needed to meet immigration system requirements. In 1967, an applicant applying for immigration to Canada needed a minimum of 50 points (out of a 100) in order to be eligible for admission. With special ministerial permission, Asians who accumulated 41 points were considered for an interview for resettlement.

Given the endorsement of the Prime Minister and the great pressure to have full flight occupancy, immigration officials were flexible in applying the point system. Saint-Vincent (1972) points out in his diary that the team "exercised discretionary authority for those who deserved humanitarian and compassionate considerations" (p. 39). Thus, despite its technicality, immigration officials used the point system to the advantage of the Ugandan-Asians, in contrast to the Chilean refugee resettlement discussed in the next chapter. Due to the welcoming atmosphere in the Canadian offices, many Asians chose Canada as their preferred destination. For instance, Saint-Vincent notes that by early October there were no Asians showing up at the British immigration office to the point that the Chief Immigration Officer of the British team

decided to send some of his officers back to the UK.

The instruction from the Ottawa head office was that Asians should be considered for resettlement to Canada regardless of whether they had an Indian, Pakistani, or British passport, but with priority given to British passport holders. However, in early October, due to pressure from the Aga Khan, the Canadian government instructed immigration officials to prioritize Ugandan-Asians and stateless persons, mainly Ismailis who were unable to prove their Ugandan-Asian citizenship (Saint-Vincent, 1972). Thus, the screening processes were not only designed to exclude individuals who were unable to contribute to Canada's economy, but also to achieve the governing authorities' goal: that is, to resettle British Asians and Ismailis from Uganda.

A meeting was held on September 28, 1972 between the Aga Khan and Prime Minister Trudeau to discuss the fate of 2,500 stateless Ismaili in Uganda. Following this meeting, a note was sent to the High Commissioner in Nairobi, which reads:

The Aga Khan is being informed that Canada cannot publicly favour one ethnic or social group over another; however, because it is the Ismailis who have been the hardest hit by the expulsion and citizenship measures, and in view of Canada's humanitarian motivation in offering assistance, the Ismailis are, in effect, given favourable treatment by virtue of our readiness to treat stateless persons on a priority basis...The Aga Khan's readiness to assist financially in Ismaili resettlement is another element which contributes to a positive determination of their ability to settle successfully in Canada. They are also on the whole a highly qualified group of people⁷⁷.

The largest number of Asians to opt for Ugandan citizenship were Ismailis. For instance,

⁷⁷ LAC, RG25, vol. 8996, 20-UGDA-19, Ugandan Situation Report, Sent by A.S. McGill, Director General, Bureau of African and Middle Eastern Affairs, 28 September 1972.

while only 15 percent of the Hindu community opted for Ugandan citizenship, over 60 percent of the Ismailis held Ugandan citizenship, in contrast to the 71 percent of the Hindus in Uganda who held British citizenship. This disproportional representation of the Ismailis was largely due to the conscious effort of the head of the Ismaili community to encourage his followers to assimilate in their country of residence (Thomspon & Twaddle, 1975, p. 46-47). Nonetheless, this assimilation was limited to economic activity with very little effort made for social integration:

What was absent was a significant degree of social integration at anything below leadership level and it was in this respect that the Ismailis were most similar to other Asians in their expression of pluralism. The Ismailis' failure at the level of social integration led them to be associated merely with the general Asian category and can be said to have somewhat undone those other achievements which, on their own, present the Ismailis as at the same time the most distinct yet most 'integrated' of the Asian communities in Uganda (as cited by Twaddle, 1975, p. 46-47).

Given their citizenship status, the Ismailis became the most vulnerable to Amin's decree. While some did not have proof of citizenship and as a result became stateless, others became subjects of intimidation and had very little choice but to leave Uganda.

Canada's change of priority in deciding to accommodate the stateless and Ugandan-Asians, the majority of whom were Ismaili, was not surprising. The Ismailis were viewed as a hard-working class that made an effort to integrate economically without interfering with governing authorities' conduct. They were generally better educated and held higher professional positions than other religious communities (Bristow et al, 1975, p.13). They also enjoyed the financial assistance of their spiritual leader, the Aga Khan, who provided the Canadian

government with monetary assurances in exchange for resettling the Ismailis. In a letter sent to the Canadian government, the Aga Khan affirmed that the Ismailis, if resettled, would not burden the Canadian welfare system:

Because of the Canadian government's previous assistance to Ismailis from Tanzania and because of the intrinsic qualities of Canada, I know that Canada is one of countries where Ismailis would most like to re-establish themselves. Indeed there are already a number of them there. If the Canadian government, as I very much hope, is prepared to maintain its humane policy of immigration and would therefore accept that an increasing number of Ismailis should come to Canada, I would like to be able to make sure that those settling do so in a methodical and orderly way and that they do not become a burden economically or a problem socially for Canada⁷⁸.

Canada's expanded focus on the stateless and Ugandan-Asians had a significant influence on the selection process for resettlement. While the ratio of Hindus-Muslims resettled in Britain was 3:1, in Canada it was the exact opposite (Bristow et al, 1975).

Given the selection process, the Asians became self-sufficient, economically independent contributors to Canada's economy in a very short time. In fact, many of them had already received their education in Europe or North America. Lanphier (1981) states that half of the resettled Ugandan-Asians had twelve years of education or more, and more than half had solid experience with commercialism and sales. Furthermore, despite Amin's decision to liquidate their property, many of Asians had property abroad. Dirks (1977) maintains that the Ugandan-Asian immigrants to Canada, both in terms of education and age, represented one of "the most

⁷⁸ Ibid, sent by the Aga Khan to the Prime Minister on 25 August 1972.

desirable groups ever to gain admittance to Canada” (p.243).

The government intervention to make live by selecting a subset of the population, mainly British Asians and Ismailis, for life enhancement was not a straightforward practice, but required negotiation between conflicting and at times contradictory demands. For many of the Ugandan-Asians, the immigration office deployed in Kampala was a site of struggle. Thousands of Asians were competing against one another for resettlement spaces and/or a country of destination. That was the basis on which some individuals from the Hindu and Sikh communities in Uganda protested Canada’s preferential bias toward the Ismaili community for resettlement, which inevitably discriminated against other oppressed minority groups (Saint-Vincent, 1972).

While the immigration team denied any favouritism, it was clear from the numbers drawn towards the end of the Canadian mission in Kampala that the Ismailis represented the largest group among those resettled in Canada. For instance, among those who arrived via charter flights, there were 455 Christians, 635 Hindus, 3066 Muslims (2690 of which were Ismailis), 60 Sikhs and 204 others of unknown religion⁷⁹. By nationality, the main beneficiaries of this resettlement process were British citizens (1009), Ugandan citizens (1767), and stateless persons (1303)⁸⁰. These practices suggest that even among the qualified Ugandan-Asians, some lives were valued more than others.

Secondly, conflict also arose between the Canadian immigration team and the Canadian health officials when processing applications. The immigration team, which focused on selecting immigrants who were able to establish themselves and contribute to Canada’s economy, was confronted by the health team, which sought to guard and preserve Canada’s health and well-being. Health officials’ insistence on careful and stringent medical examinations slowed down

⁷⁹ LAC, RG25, volume 8996, File 20-UGDA-1-4, “Memorandum for the Minister”, 10 November 1972.

⁸⁰ Ibid.

the departure of Ugandan-Asians, causing a rift between the head of the immigration and the leader of the health officials' team. Thus, health concerns overrode Canada's humanitarian concerns.

Roger Saint-Vincent, the head of the Canadian immigration mission in Uganda, insisted that all Asians considered for immigration were healthy. He suggested that medical examinations could take place upon the arrival of the Ugandan-Asians in Montreal, as this was the practice with the Hungarian and Czech refugee crises in 1956 and 1968 respectively. He claimed that the tests on Ugandan-Asians were largely due to the ignorance of health officials who feared that immigrants from Africa might bring diseases to Canada, noting "HQ [Ottawa Headquarter] 'luminaries' never consulted with Beirut. We knew this was not required and this was decided at the Headquarters by someone who had no knowledge of the state of health in Uganda" (Saint-Vincent, 1972, p.38). When Saint Vincent raised the possibility of eliminating all medical tests, the medical staff was dismayed. "It was as if I dropped a bomb!" writes Saint Vincent in his diaries. Despite the opposition of the head of the health care unit, Saint Vincent succeeded in introducing minor changes to the procedures in order to speed the departure of the Ugandan-Asians.

Finally, the government was very careful in managing this resettlement because of the fear of a public backlash, and the loss of political support to the Liberal Party during its election campaign in 1972. Political debates during this election campaign revolved around Canada's high unemployment rate, which had surpassed six percent. Resettling Asians was risky for the Trudeau government not only because of the high unemployment rate, but also because they were the first major non-white refugee group to be resettled by the Canadian government.

The Trudeau government was diligent in disseminating information about the Ugandan-

Asian resettlement scheme to the public. In the first few weeks following Amin's decree, the government continued to deny any resettlement initiative. When asked about Canada's position on the resettlement of the Ugandan-Asians on August 22, 1972, the Minister of Immigration, Bryce Mackasey, "disclaimed any knowledge of a Canadian team of immigration officials flying to Uganda to facilitate the processing of the expelled Asians" (Demarino, 1972).

Upon receiving a formal request from England for assistance, Trudeau instructed that when responding to media inquiries, Ministers should state "a request has been received from Brits and that this is an additional element in serious consideration being given by [the Canadian government] to the flight of Ugandan-Asians"⁸¹. This response, Trudeau emphasized, should be 'forthcoming' for publication after the Cabinet meeting on August 23rd. In the same memo, Trudeau informed his Cabinet that an immigration team would be dispatched to Kampala seven to ten days after the Cabinet meeting. The immigration team would accelerate the processing of immigration applications from Ugandan-Asians under normal selection criteria. The memo also notes that the Minister of Manpower and Immigration and the Prime Minister would authorize, on an exceptional basis, admission of Ugandan-Asians, if the situation deteriorates in Uganda⁸². The Canadian government, according to British governing officials, wanted to avoid any "publicity for these efforts"⁸³.

When the resettlement scheme was revealed to the media, Trudeau defended his decision to intervene in the Ugandan-Asian refugee crisis by pointing out Canada's humanitarian tradition in protecting the oppressed. He also emphasised that the Asians would contribute to Canada's economy by taking "jobs that Canadians are unwilling to do" (as cited by Saint-Vincent, 1972, p.

⁸¹ LAC, vol. 8886, 20-UGDA-1-1-3, part 2, "the Office of External Affairs in Ottawa to SSEA: Ugandan Asians, 18 August 1972.

⁸² Ibid.

⁸³ The National Archives (TNA), CAB/128/50/42, "Diplomatic Action", p. 4.

5-6). The interest of the government elite in monitoring this crisis emphasized the importance of carefully managing this resettlement to prevent any embarrassing failures. In a telex sent by External Affairs to the High Commissioner in Nairobi, it was noted:

Minister actively interested in this problem and wishes to be kept continuously informed of developments as they occur. Would appreciate following info from you (A) number of applications received from Uganda (B) trend which is manifested itself such as number of applications, nationality of the applicants as well as Gen groups of occupations (C) rates of acceptances and refusal. At present time we have no/no intention of relaxing criteria nor have we any intention to publicize the fact that we are making contingencies plans as we feel that such revelations would weaken the stance of world opinion against Amin's decision nonetheless you should be aware that if necessary we should move into Kampala and movement would be under your supervision⁸⁴.

Conclusion

The resettlement of the Ugandan-Asians has been viewed as one of the most successful resettlements in Canadian history, which was measured by the speed with which the Asians became integrated into the Canadian economy. It proved that the resettlement of refugees can be used not only as an international act of diplomacy to promote Canada's role in the world, but also as a domestic political strategy that claimed to save the lives of those capable of contributing to Canada's economy. In all of this, the resettlement scheme reaffirmed the potential of capitalizing on human suffering in political missions charged with solving 'the refugee problem.'

Yet, despite the humanitarian appeal to political inclusiveness and an ethics of compassion,

⁸⁴ LAC, vol. 8886, 20-UGDA-1-1-3, part 2, "Ugandan Asians", 18 August 1972.

the practices adopted toward the Ugandan-Asian refugees were selective. The process of consideration involved stringent measures of coding, calculating and counting that aimed to exclude non-desirable Asians and other Ugandans. The resettlement of the Ugandan-Asians also pointed to the power of the Minister and the Cabinet to decide the groups of refugees 'worthy' of intervention. This governmental logic was encapsulated in the 'designated classes' provision of the 1976 Immigration Act. By enacting this technology of power, the Minister of Immigration was fully in control of the location from which refugees were drawn, and the composition and number of the refugees selected.

Despite framing Canada's resettlement mission with respect to the Ugandan-Asians as a humanitarian intervention, the government engaged in a form of political cherry-picking: that is, it deliberately selected a highly desirable group while excluding from consideration those refugees deemed 'undesirable.' In short, the Canadian government exerted its right to make live and let die; in so doing, it reaffirmed its commitment to the Commonwealth and its contemporary connection to the racist legacies of Britain's colonial past.

CHAPTER 6: THE CHILEAN REFUGEE RESETTLEMENT

On September 11, 1973, General Augusto Pinochet, with the support of the American administration, led a successful coup d'état against the democratically elected communist government of Salvador Allende in Chile. Upon claiming power, the new regime tortured, imprisoned and killed thousands of people. Among its victims were communists, socialists, unionists, progressive church groups, journalists and non-Chileans who escaped from right-wing regimes in other Latin American countries (Whitaker, 1987). Many Chileans and non-Chileans sought refuge in foreign embassies, including the Canadian embassy.

This chapter explores how the humanitarian-security nexus was utilized and assembled by the Canadian government in response to the Chilean refugee crisis. It focuses on what the government said, how it acted, and what rules it imposed in response to this crisis. The first section of the chapter briefly examines the factors leading to the refugee problem in Chile, and then describes Canada's response. The second section begins by locating the relations of power involved in managing the crisis, and identifies those who were in charge of maintaining the governing authorities' power over life. It subsequently examines how this power, which was justified in terms of security and humanitarian concerns, was assembled and carried out by governing authorities.

The chapter argues that the improvement of the economic well-being of certain and powerful segments of Canadian society justified governing authorities' power to let die the Chilean refugees. Coveted trade agreements and the desire to halt communist and Quebec separatist contamination—in short, Canada's political and economic interests—overshadowed the human suffering inflicted by the Pinochet regime. Canada's response to this crisis points to the logic behind liberal humanitarianism, whereby “we have a minimal duty to save his or her [a

person's] life when the cost to us [the West] of doing so would be negligible" (Dauvergne. 1999, p.610).

Canadian governing authorities employed various techniques and mechanisms in order to preserve their power to control life and death. By portraying the Chilean refugees as a threat to Canada's security and the well-being of Canadians, the government was able, with the help of its ambassador in Santiago, to ignore the crisis for a considerable period of time. When ignoring the crisis was no longer an option, the RCMP, along with the Minister of Manpower and Immigration, created stringent screening processes that aimed to control the number and types of refugees allowed to enter Canada. While civil society played a pivotal role in compelling the government to take a stance toward Chilean refugees, the government was deliberately selective about the lives that needed to be saved. The lives most in need of protection were precisely those that the government sought to exclude.

The Chilean Refugee Problem and the Canadian Response⁸⁵

This section is divided into two parts: the first examines the events leading to the Chilean refugee crisis, while the second describes Canada's response to this crisis. The first part argues that the United States' trade liberalisation agenda, along with its goal of undermining Soviet influence in Latin America, were the major factors leading to the crisis. To some extent, the US also determined how Chilean refugees were received and perceived by Canada and the international community. The second part illustrates Canada's initial reluctance to intervene, and the major delays in processing refugees' applications, as well as high rejection rates, that plagued Canada's intervention once it was initiated. The governing authorities' immediate response (or lack

⁸⁵ The term 'refugee' will be used in this chapter to refer to Chileans and non-Chileans fleeing the Pinochet regime and seeking asylum and protection in foreign embassies.

thereof) demonstrates, for the most part, their power to let die.

The Chilean Refugee Crisis

In 1970, the Chilean people democratically elected Salvador Allende. Prior to Allende's election, over half of the largest firms in Chile were controlled by global corporations, most of which were subsequently nationalized and transferred to the public sector (Webber, 1999). Once in power, the Allende government proceeded to implement radical social and economic programs aimed at diminishing inequality. The changes were carried out not only through the nationalization of foreign companies (mainly American), but also through the reclamation of the holdings of large landowners.

The Nixon administration in the United States was angered by Allende's Marxist policies in Chile because they were perceived as threatening American economic interests (Hitchens, 2002). Furthermore, the US feared that Allende would strengthen Russia's influence in Latin America. As a result, President Richard Nixon deployed his Secretary of State, Henry Kissinger, to assist in destabilizing Chile and removing Allende from power. This mission targeted Chile's political, social and economic institutions.

By supporting opposition parties such as the Christian Democratic Party and the National Party, the Nixon Administration promoted the defeat of Allende in the 1973 election; at the very least, it hoped to undermine Allende's power in Congress through the formation of a coalition. (Qureshi, 2009). With the help of large corporations, the US also encouraged major strikes in Chile, which had a detrimental effect on Chile's armed forces, as pointed out by Kaufman (1988):

While the upper class' open confrontation with the Allende regime from its very beginnings probably did not surprise the military, the active and gradual

involvement of middle-class *gremios* [professional organizations]—increasing existing chaos and augmenting a perception of growing popular discontent, to the point of publicly asking for the resignation or overthrow of the president—may have been critical in forcing a decision of the military officers, who were vacillating between lack of action and participation in the inevitable coup (as cited Qureshi, 2009, p.121).

Furthermore, the United States declared an economic embargo against the Allende government. It blocked any financial assistance to Chile, and pressured other states to limit their imports and exports. During this period, the IBRD stopped lending money to the Allende government⁸⁶. The embargo posed serious problems for the Chilean government, which was trying to implement large-scale reform programmes⁸⁷.

By the summer of 1972, the CIA identified General Augusto Pinochet as a potential leader to replace Allende. The US government reckoned that General Prats, Allende's defense Minister and Commander-in-Chief of the military, strongly believed in keeping the military "out of political problems," and was likely to remain loyal to Allende (as cited by Qureshi, 2008, p.127). With the sudden resignation of General Prats in June 1973, Allende appointed Pinochet to fill this important post. Realizing that he did not require public support to overthrow Allende, Pinochet, with American assistance, led a military coup on September 11, 1973. The coup, according to Qureshi (2008), "was an act of force rather than an expression of popular will"

⁸⁶ During this time, Allende approached the USSR for financial assistance. However, the USSR turned down Allende's pleas for help since it feared Chile might become another burden like Cuba. Furthermore, during this détente period, the USSR was only interested in gaining influence through diplomacy while avoiding any direct support of its allies (Rochin, 1994).

⁸⁷ LAC, R200-94-0-E, World Bank Group-IBRD/IFC/IDA-Relations with member countries-Chile, volume 32, "A comment by Mr. Lennart Klackenberg, Under- Secretary of State for International Development Co-operation, Ministry for Foreign Affairs, Concerning the decision of the International Bank for Reconstruction and Development to Grant a Loan to Chile", 8130-08/C537, p. 1.

(p.131). When he learned of the coup, Allende made his last address to the nation on the radio, and then killed himself in order to avoid political surrender. Within a few hours of declaring the coup d'état, Pinochet gained control of state institutions and the presidential palace.

In the days and weeks after the coup, those perceived as potential dissidents by virtue of their political affiliation or occupation were tortured or killed in detention centres and other 'factories of death', including the National Stadium, the Air Force Military Academy, the Naval War Academy, and the Villa Grimaldi complex (Qureshi, 2008). Pinochet also targeted over 15,000 people who escaped authoritarian regimes in Latin America and were granted asylum during the Allende years (Loescher and Scanlan, 1986, p.95). During his seventeen years in power, it is estimated that between 3,500 and 4,000 people were killed or disappeared, and more than 28,000 were tortured (Chile National Commission on Political Imprisonment and Torture). Over 3,000 women testified that they had been raped, and over 200,000 people were forced to flee violence, torture and death (Zolberg, Suhrke, and Aguayo, 1992). Many of these people sought refuge in foreign embassies in Santiago, including the Canadian embassy (Whitaker, 1987).

The UNHCR began its work in Chile a week after the coup. It established a safe haven inside Chile where refugees could be protected while attempting to find resettlement. It also urged neighbouring countries to open their borders to asylum seekers (Loescher and Scanlan, 1986). By the end of 1974, the UNHCR succeeded in finding 26,000 resettlement spaces for foreign refugees. In response to the UNHCR appeals, 1,500 refugees were resettled in France, Sweden, and West Germany. Another several thousand refugees were later resettled in East Germany, Britain, Italy, the Netherlands, Spain, Sweden, Hungary, Romania, and Yugoslavia. The UNHCR appealed to the US in 1974 to grant asylum to 4,000 Chilean refugees who were in

temporary residence in Peru. The US had the strictest admission criteria and it resisted efforts to resettle refugees from Chile (Loescher and Scanlan, 1986). Although the US only approved 400 parole cases, fewer refugees applied to this program to protest American support for the Pinochet regime.

Canada's Immediate Response

When the coup d'état occurred, the Canadian ambassador to Chile, Andrew Ross, was on a personal trip to Argentina. A growing number of Chileans and non-Chileans fleeing Pinochet's forces sought protection in the Canadian embassy, which was handled by his two top aids. Upon his return to Chile, Ross informed his superiors in Ottawa that the total number allowed entry for the purposes of residence included thirteen Canadians, five Chileans and two Brazilians. He also pointed out that the killings created panic among Chileans. "We have been faced with one of those damned if you do or don't situations," Ross noted, "...The embassy has been giving priority to Canadians and others who lives are in danger." The problem for Ross was that, from a diplomatic perspective, some of those whose lives were in danger were the ones that Canada needed to stay away from. He further noted that accepting some refugees while rejecting others raises a moral dilemma when the goal is saving lives. For example, referring to Uruguayans and Brazilians who faced certain death if extradited, many of whom were granted asylum by Allende, he further added: "So far we have resisted accepting any of [the] six described above, but we are running out of excuses and some may be killed at any moment⁸⁸."

By September 23, 1973, the Canadian embassy had received 300 requests from

⁸⁸ LAC, Ross, Andrew D-MG 31 E 67, Chile. Official Diary of Ambassador Ross, August-Sep. 1973, vol. 3, file 5, original correspondence 549, pp. 2-3.

individuals fearing for their lives, but had allowed temporary protection of only 19 people⁸⁹. The number permitted entry into the embassy increased to 51 individuals by mid October, which included Canadians, Chileans, and non-Chileans. The Canadian government was extremely slow in processing the applications of those in residence for resettlement. For instance, two months after the coup, Canada had resettled only 17 refugees from Chile, most of whom were young, able-bodied, and educated⁹⁰. When asked by the media and the NDP about its stance on diplomatic asylum, the government pointed out that Canada is not part of the Latin American Treaty on Asylum Seekers, which prevents it from allowing asylum seekers into its embassy.

The Canadian government's attitude toward the Chilean refugee crisis shifted dramatically after two diplomatic exchanges between Ross and the Department of External Affairs were leaked to media outlets in Canada. These leaks embarrassed the Department of External Affairs and the ambassador in Chile who was seen as unsympathetic to human suffering after referring to Chilean refugees as "riff raff". The leaks according to Ross damaged the Canadian mission in Chile where civil servants were to blame with very little responsibility claimed by the Minister of External Affairs⁹¹.

The Canadian liberal minority government was also under considerable pressure from civil society groups and the NDP to assist in resettling Chilean refugees. As a result of the leaks and the growing public pressure, the Canadian government had to revise its program of action for Chilean refugees. On November 16, 1973, Mitchell Sharp, the Minister of External Affairs, announced that the government would apply a refugee program to "persons wishing to settle in

⁸⁹ LAC, Ross, Andrew D-MG 31 E 67, Chile. Official Diary of Ambassador Ross, August-Sep. 1973, vol. 3, file 5, original correspondence 559, pp. 1-5.

⁹⁰ LAC, RG25-A-3-C, vol. 9337, Political Affairs- Political Asylum- Chile, 1973/09/17- 1974/01/31.

⁹¹ LAC, Ross, Andrew D-MG 31 E 67, Chile. Official Diary of Ambassador Ross, August-Sep 1973, vol. 3, file 5, original correspondence, 797.

Canada as a result of events in Chile"⁹². On November 19th the government would send an immigration team to Panama City, Panama, San Jose, Costa Rica, and to the capital of Chile itself, Santiago, to assess the needs of refugees. Sharp further noted that admission to Canada would be granted under the 'oppressed minority' category, as specified in the Green Paper⁹³. In order to qualify under this category, Chileans and non-Chileans needed to prove persecution. Moreover, they had to demonstrate an ability to integrate into and contribute to Canadian society without endangering its institutions or people.

By the time the immigration team headed by Pearson, a senior official from External Affairs, and Schorh, an official from the Department of Manpower and Immigration, arrived in Santiago on November 19th, only 100 cases had been processed. On November 24, 1973 the team reported back to the Government. Among the lengthy recommendations, Pearson and Schorh highlighted the following⁹⁴:

- Fear of death, detention, and imprisonment was still high, with over 10,000 people in an urgent need to leave Chile for political reasons.
- Canada needed to adopt a lenient humanitarian approach toward Chilean refugees and to expedite the processing of the cases of political refugees.
- The Canadian government needed to act quickly in granting safe conduct, as the Chilean government would soon prevent its allowance.
- Any action taken should take into account and balance public expectations in light of Canada's humanitarian tradition; the risks and inconveniences

⁹² Ibid, 92.

⁹³ This provision authorized the Minister, under unusual circumstances, to admit persons who would be defined as refugees under the 1951 Convention were it not for the fact that they did not cross international borders but were still living in their country of residence or nationality. This admission would be based on humanitarian grounds.

⁹⁴ Ibid, 92.

refugees might pose on Canada's interests and on Canadians; and the implications of immigration legislation if rules were liberalized discreetly.

On November 30th, following the immigration team's report, the Minister of Manpower and Immigration, Robert Andras, announced the Department's intention to implement special measures designed for needy persons wishing to settle in Canada. Andras portrayed the measures as a humanitarian intervention:

We realize [the] highly delicate nature of this operation and can only emphasize [the] govt's conviction that it is required to meet genuine feeling and deep humanitarian concern which continue to be conveyed to them, almost three months after the military coup, by many Canadians and in particular church leaders.

He also pointed out that the provisions adopted toward the Chilean refugees would be "comparable to those applied to the past movements to Canada," including "relaxed selection criteria, accelerated immigration processing, language training and job services... assistance to cover transportation costs; financial assistance to provide for accommodation, winter clothing"⁹⁵.

The first special measure adopted by the Canadian government aimed to provide entry to Canada to a minimum of 300 and a maximum of 1000 persons including refugees and oppressed persons, both Chilean and non-Chilean, both inside and outside of Chile by February 1974. While the guidelines for the mission indicated that special efforts would be made by the RCMP to accelerate security checks, Andras insisted that medical and security checks would be enforced⁹⁶.

The second measure that the Canadian government adopted was a special protection

⁹⁵ Ibid.

⁹⁶ Ibid.

operation to be completed by January 2, 1974 for a single group of 50 Chileans who were at risk of harm or long-term detention and were not registered with the UNHCR. An ad hoc committee consisting of missionaries and local church groups would identify the 50 persons in urgent need of protection. The instructions from Ottawa pointed out that the group considered for resettlement should exclude “known terrorists and persons with serious non-political criminal records”⁹⁷ Furthermore, the resettled persons were required to sign a statement in which they committed to cease engaging in any international political activities once they arrived to Canada. Otherwise, the Canadian government “reserves discretion to use publicly all or part of their statements following their departure from Chile”⁹⁸.

On December 19, 1973, a report was sent to the Department of Manpower and Immigration regarding the progress of Canada’s mission in Chile. Among the 1020 persons (402 applications) who applied, 61 received their immigration visas, 129 withdrew their applications, 322 were refused on selection criteria or security grounds, and 235 persons were awaiting the results of background checks, which did not include medical examinations. Under the special operation, 29 out of 55 persons listed Canada as their first preference.

Advocacy groups’ efforts to expedite the Chilean refugees’ resettlement did little to increase the speed of processing applications. For example, among the 2321 applications received by January 4, 1974, only 109 persons received immigration visas; 72 applications were deferred to stage 'B'; 125 were refused based on interviews; 879 were deferred to paper screening; 347 were awaiting medical results; 78 were awaiting stage 'B'; 635 were awaiting interviews; and 78 applicants withdrew. As of February 27, 1974 the total number of visas issued

⁹⁷ Ibid.

⁹⁸ Ibid.

under the special program was 329, while under the normal application it was 440⁹⁹.

On June 14, 1974 Sadruddin Aga Khan appealed to the government of Canada to expand its mission in Chile. The government of Canada increased its special program on December 31, 1974 to 5,000 persons, prioritizing refugees referred by the UNHCR over members of oppressed minorities. Also, in February 1975 Canada along with other Western European Countries initiated the Liberate Political Program, which was further expanded on January 22, 1976. By May 31, 1975, 2,590 persons who were affected by the coup in Chile were allowed entry to Canada under the special Chilean immigration program. On June 22, 1976, the UNHCR appealed again to Canada to allow the entry of Chileans based in Argentina. Consequently, the Cabinet decided in early July to raise the ceiling on the special refugee program from 5,000 to 6,000, including Chileans from other Latin American countries.

The first few months following the coup d'état were critical because Pinochet's military and security forces used the most lethal forms of violence in order to eliminate any threat to the regime. However, Canada's response to the Chilean refugees was marked by reluctance, apprehension, and suspicion. With the exception of providing protection to fifty young and educated individuals in its embassy, it succeeded in avoiding any meaningful action to save lives. It even refused to grant the right to diplomatic asylum, despite the fact that it had been a common practice following other Latin American military coups. The unique treatment of Chilean refugees brings to the fore the contradictions inherent in Canada's perceived humanitarian tradition toward refugees. The next section seeks to understand Canada's response, and the mechanisms used to maintain the status quo.

⁹⁹ Ibid.

Assembling the Humanitarian-Security Nexus: The Chilean refugees, and the power to make live, and let die

Apparatus, Foucault (1980) notes, “has a dominant strategic function” (pp. 196). By focusing on the Canadian government’s interests and concerns, the first part of this section aims to highlight power relations, which played a major part in the Chilean refugee crisis. It also locates the positions of those authorities entrusted with the power to maintain those interests. The second part examines how governing authorities utilized and assembled the security apparatus in response to the Chilean refugee crisis.

It will be argued that the security apparatus denied and excluded many Chilean refugees from protection. While this apparatus was justified in terms of the government’s responsibility to safeguard and protect Canada and its citizens, and to optimize wealth and prosperity, it was deliberately used to ignore, abandon and exclude the vast majority of refugees while selecting a “subset of the population for life enhancement” (Li, 2009, p.66). The Minister of External Affairs, his ambassador in Chile, the Minister of Immigration, and the RCMP played a major role in maintaining this apparatus that let die Chilean refugees.

Different technologies of power were utilized to maintain the security apparatus and governing authorities’ power to let die. These technologies included discourses that associated Chilean refugees with risk and threat, policies and legislation that limited the number and the type of refugees targeted, as well as administrative measures such as security and immigration screening processes. Nonetheless, the Chilean refugee crisis exposed the instability of this apparatus by highlighting the impact of the diplomatic leaks on public opinion as well as the related power of civil society.

Canada-Chile relations: concerns and interests

Upon winning the federal election in 1968, Pierre Elliot Trudeau cemented the plans of his new Liberal Government. He noted that national unity and economic interests abroad were his government's priority (Dewitt & Kirton, 1983). National unity interests, as mentioned in chapter 4, reflected Trudeau's preoccupation with preventing Quebec's secession from the rest of Canada. The government entrusted the RCMP, which was formed to combat communist infiltration, with monitoring and controlling the activities of Quebecers domestically and abroad in order to contain the threat of separation.

On the economic front, Trudeau was particularly interested in building stronger ties with countries in Latin American and the Commonwealth. Trudeau believed that Latin America was similar to Canada. It needed "to build a new society in a New World and we could learn from it" (Oglesby, 1976, p.180). Canada also had a tendency to turn to Latin America whenever it felt that traditional economic and political ties with Britain, the USA, or Europe were threatened (Oglesby, 1976, p. 162).

To the Canadian government, Latin America represented "the mystical Eldorado that would furnish the wealth if Canada lost her traditional markets" (Oglesby, 1976, p.164). It was "the Cinderella of Canada's external affairs" (p.164). To capitalize on this perception, in late October 1968 Trudeau sent a team of government officials on "a voyage of discovery" in order to explore future economic ties with Latin America (Sharp & Miller, 1994). Government officials also went to Chile where Canada had a well-established mining industry that dominated Chile's copper production. Upon its return, the team recommended that the Canadian government continue strengthening its ties with Chile in the agricultural and mining sectors.

Canada's foreign relations, especially in Latin America, were coordinated by the Minister of External Affairs, Mitchell Sharp, who was previously the Minister of Finance and possessed

considerable experience in trade, foreign investment and international finance. Dobell (1972) maintains that Trudeau valued Sharp's experience and knowledge, especially in foreign economic policy. During his time in office, Dobell notes, "Sharp has confounded the prophets and ... emerged as a business-like manager of Canadian foreign policy" (p.49).

Sharp conceived relations between Latin America and Canada to be centred solely around economic interests. He believed that external affairs postings abroad should reflect that priority and Canadian diplomats should act accordingly (Sharp & Miller, 1994, p.172). During Trudeau's term in office, the Canadian government joined the Pan-American Health Organization (PAHO), the Inter-American Institute of Agricultural Sciences (IAIAS), and the Inter-American Development Bank (IADB). The Canadian government also became a Permanent Observer at the Organization of the American States (OAS).

When Latin America appeared on the federal government's economic landscape, Québec had already established itself in the region for decades. Rochlin (1994) attributes Québec's presence in Latin America to the surplus of Catholic priests leaving Québec for Latin America during the Quiet Revolution. This connection provided "a grassroots connection" between Latin America and Québec:

Québec, as the principal political base for projecting the French reality in the Americas, saw the movement of priests as a reinforcement of its 'special status' as a 'Latin' region of North America (Rochlin, 1994, p.11).

This connection was pivotal in fomenting the Chilean resettlement, as many of these priests were at the forefront of the movement rallying the government to intervene and expose the atrocities committed by Pinochet.

With the election of Salvador Allende as President of Chile, the Canadian government's attitude towards Chile became suspicious and adversarial. Allende declared his intention to review a proposal to nationalize 91 foreign-owned industries, including Bata Shoes Company, a Canadian footwear manufacturer and retailer, along with numerous mining companies¹⁰⁰. Before any decision on the status of these companies was made, Canada's Export Development Corporation (EDC) became active in preventing the financing of Canadian exports to Chile. This move was criticized by the Chilean Minister of Finance because it further contributed to Chile's economic isolation when the country had already been adversely affected by US policies. Despite Canada's attitude, Allende continued to speak fondly of Canada and its support in a hostile environment. When Allende extended an invitation to Pierre Trudeau to visit Chile in 1971, after careful consideration, the Prime Minister's Office decided to reject the invitation "for fear of alienating elements in Chile and elsewhere" (Rochlin, 1994 p.83). During Allende's time in power, it was obvious that Canada's economic priorities superseded all other foreign objectives, and it was therefore cautious about alienating itself from the USA. Canada's concern with national unity and economic interests, coupled with Québec's presence in Chile, was pivotal in (re) assembling the security apparatus.

Assembling Canada's intervention to the Chilean Refugee Crisis

With the overthrow of Allende, Chile re-emerged as a "special object of Canada's bilateral attention" (Rochlin, 1994, p.93). Ross urged the Canadian government to immediately recognize the Pinochet government. In a telex to Ottawa, he stated: "I can see no useful purpose to withholding recognition unduly. Indeed such action might even tend to delay Chile's eventual

¹⁰⁰ Canadian officials hoped that Allende would not target Canadian companies, not only because of valuable Canadian expertise in the mining industry but also because Canada was "not labeled with the unfortunate association of attributed imperialist tendencies" (Rochlin, 1994, p. 83).

return to the democratic processes” (Rochlin, 1994, p. 88)¹⁰¹.

Ross strongly believed that Allende created a hurdle to Canada’s interests. He also believed that once Pinochet fully seized power over certain ultra right factions in the military, violence would stop. The killings committed by Pinochet according to Ross could be divided into three categories: “(A) those killed in [the] original military operation lasting [a] few days (B) violations of subsequent edict[s] against arms or curfew (C) political murders”¹⁰². The first two categories, Ross insisted, are “abhorrent but understandable.” However, he pointed out that the killings committed in the third category were largely due to hatred promoted by politicians from the pro-Allende and pro-Pinochet sides:

[T]here are innumerable stories of atrocities and it is impossible to separate truth from rumour and tales spread deliberately to create terror among active supporters of the former UP regime. The result of course is the panic atmosphere causing increasing numbers to seek asylum or refuge in embassies....Although a great majority of military officers are moderates or apolitical there has always been [a] relatively small ... faction of ultra rightist[s] (e.g. silly coup attempt June 29). In league with neo fascist Patria y Libertad and they are probably responsible for killing some leaders of the socialist party MAPU and MIR according to plan [*sic*] during first phase of the coup possibly killing regardless whether victims were armed or resisted¹⁰³.

Ross attributed the murder and tortures of non-Chileans to xenophobia, which “seems

¹⁰¹ Despite the objection of the NDP and other human rights groups, Canada went ahead and recognized the junta on Sep 29th 1973¹⁰¹. By then over 30 countries had already recognized Pinochet as Chile’s president.

¹⁰² LAC, Ross, Andrew D-MG 31 E 67, Chile, vol.3, file 5, Official Diary of Ambassador Ross, August-Sep 1973, original correspondence 540.

¹⁰³ Ibid.

involved in [the] killing of foreigners who had been working with UP particularly Cubans and Brazilians during the present consolidation phase.” Ross also denied that Pinochet’s junta ordered these killings: “I very much doubt that political murders are authorized by the Junta and [*sic*] one hopes that now that general control has been established, the regime will suppress these extremists in [a] manner that Allende was never able or willing to apply to [the] free wheeling Ultra Left, which according to former opposition parties was responsible for over three hundred killing[s] during Allende’s three years in power”¹⁰⁴. Ross’ unsympathetic position toward the Chilean refugees was also captured in his objection to Pearson and Schorh’s recommendation to grant humanitarian asylum to individuals who were at risk, specifically his claim that imminent risk would be hard to prove:

...as to criteria for humanitarian asylum [the] risk of death is reasonable clear-cut. However in venturing beyond that priorities in my view are virtually impossible to establish. For example, how can priority be determined between [the] risk of 15 minutes of torture during interrogation and [the] likelihood of prison sentence of several years with no possible prior knowledge on our part of [the] severity or nature of "torture" or conditions, which may later prevail in jail or detention camp. ... [I]f we are instructed to go beyond risk of death as [the] basis we must have unmistakably clear criteria from you... [D]uring the] first two weeks or so after [the] coup when there was widespread uncontrolled and indiscriminate violence we stretched asylum criteria respecting risk of death. If there is major resistance activity or spectacular incident[s] of sabotage resulting in [a] new wave of repression by [the] Junta involving relatively ‘innocent’ people, I should not

¹⁰⁴ Ibid.

hesitate to stretch it again. However as long as present circumstances prevail [the] risk of death in my opinion is remote and our position defensible and consistent for purposes of general worldwide application¹⁰⁵.

With that said, Ross' attitude to Allende, Pinochet, and the Chilean refugees reflected what the government wanted to hear. Ross was diligent in briefing his superiors on the situation in Chile, and taking the 'proper' measures to control and limit the number of asylum seekers seeking entry to the Canadian embassy. Ross excelled on his yearly performance evaluation in the months leading to the Chilean coup and in the years thereafter. It was only after the diplomatic cable leaks to the media that Ross's performance evaluation dropped significantly¹⁰⁶.

With Ross, the Canadian government lacked sympathy for Allende, who was viewed as incompetent (Stevenson, 2000, p. 124). "Allende was the cause of his own problems. We did not have anything against him, but this [was] what we felt at the time, right or wrong," Sharp observed (as cited by Stevenson, p. 124). A report written by the Inter-Church Committee on Chile alleged that one of the largest Canadian mining corporations in Chile, and the 8th largest in Canada, Noranda Mines Ltd., had increased its investment in a joint venture with the government a day after the coup. This company, the report claimed, had well-established ties with Canadian government officials:

...the company has links with the largest Canadian chartered banks, a potential source of financing for itself and the junta. One of its executive vice presidents, Adam Zimmerman, has been a longtime director of the Canadian government's

¹⁰⁵ Ibid, 92.

¹⁰⁶ LAC, Ross, Andrew D-MG 31 E 67, Chile. vol.6, file 1, Chile. A.D. Ross. Career. Employment Evaluations, 1972-1977.

Export Development Corporation, which could give export credits to the junta for the purchase of Canadian equipment¹⁰⁷.

At a time when Chilean refugees were prevented from seeking asylum in the Canadian embassy in Santiago, Canada was already negotiating trade and debt-reduction agreements with Pinochet. Canada's Export Development Corporation Department sold Pinochet's military forces, including *de Havilland* aircraft, for a total of \$5 million. While Allende was in power, exports and imports decreased; however they increased significantly once Pinochet was in power. Between 1968 and 1970, Canadian exports amounted to over \$20 million a year, but dropped slowly to reach their lowest point in 1972 at a total of \$10 million. In the last quarter of 1973, exports grew again to a total of \$22 million.

A similar trend was evident with imports from Chile into Canada. The total amount of imports dropped from \$9.3 million in 1971 to 6.5 million in 1972. In the last quarter of 1973, the total amount of imports increased to \$35.6, and reached \$39.6 million in 1974. The major items for import in these two years were copper and metals (Part 7, p.4 and 5). Moreover, Canada endorsed the Inter-American Development Bank (IADB) in granting the Chilean government loans totalling \$100 million, although Nordic countries, notably Sweden, refused to approve similar loans¹⁰⁸.

In the months following the coup, the Canadian government avoided any condemnation of the human rights violations committed by the military and security forces in Chile. In fact, Canada objected to and voted against the UN General Assembly Resolution on Chile. The government feared that any economic sanctions against Chile would hurt its economic interests.

¹⁰⁷ LAC, MG28-I270-58, "Chile Report-Enterprise and Repression".

¹⁰⁸ LAC, R200-94-0-E, World Bank Group-IBRD/IFC/IDA-Relations with member countries-Chile, vol. 32, "Summaries of discussions at meetings of the Board of Directors of IFC and the Executive Directors of the Bank and IDA, February 5, 1974", pp. 1-20.

It also asserted that such a move was futile because it would not change Pinochet's policies (Rochlin, 1994 p. 101). This view was reflected in a letter written by the Canadian Ambassador in Chile to External Affairs in Ottawa on November 1, 1973:

... I think it would be most unwise to officially deliver homilies on [the] virtues of democracy as we practice it under entirely different conditions. To do so might not only be counter-productive in terms of our political and commercial relations with Chile over these difficult next few years, but [would] likely appear to Chileans as quite irrelevant and fatuous in terms of their present situation...[W]e must remember also that in [the] asylum league in which we normally do not find ourselves, safe conducts imply that states receiving asylees will ensure that they do not engage in hostile activity... [The] present [government] feels [a] legitimate sense of grievance as we well might if the shoe [was on the] other foot and these lines were operating in reverse affording active support from Chile to extreme leftists and interest movements in Canada.

However, with the growing domestic and international concern regarding Pinochet's brutality, the Department of External Affairs sent a telex on December 14, 1973 to its missions abroad urging them to be more careful in their dealings with the junta. It notes:

...at present times, [the] question of relations with Chile is delicate one for [Canada] given strong public reaction in some quarters to recent events in Chile. While we do not wish in present circumstances (with 55 persons given shelter in [the Canadian embassy in Santiago]) to compromise our position vis-à-vis [the] present regime neither do we want to give it [our] full public seal of approval... [W]e have consistently maintained that multilateral institutions should not be used

either to further or hamper bilateral relationships and that all decisions in institutions such as IBRD should be based on technical merits... [The] following is [the] agreed CDN position with respect to Dec18 board mtg. [W]e should maintain [a] low profile...For your information only, EDC is sending technical officers to WSHDC to discuss proposed projects for financing of [the] sale to Chilean airline and telecommunications company¹⁰⁹.

Thus, with the encouragement of the Ministry of External Affairs, Ross sought to maintain Canadian interests by preserving power over the lives of many refugees seeking sanctuary in the Canadian embassy. In fact, prior to the coup, Ross informed External Affairs in Ottawa of a series of measures, including the hiring of private security guards and storage of food and blankets, to prevent the entry of asylum seekers into the embassy in the event of a coup. Ross also suggested transferring the embassy base of operations from the chancery to the residence in case of an emergency, noting that “although we do not normally accord asylum, this Canadian position is not widely known, and if the situation deteriorates further we may also be faced with persons seeking asylum. It is easier to deal with this problem if the potential asylee is not physically within our property”¹¹⁰ (Archive). Ross’s plans failed because he was out of the country at the time the coup occurred.

When the Chileans fleeing Pinochet’s violence started arriving at the Canadian embassy, Ross was extraordinarily selective in granting safe conducts and offering temporary protection. In his communication with External Affairs in Ottawa, he defended his actions by insisting that Canada not sign the Caracas Convention on Diplomatic Asylum, and that it was under no

¹⁰⁹ LAC, R200-94-0-E, vol. 32, World Bank Group-IBRD/IFC/IDA-Relations with Member Countries-Chile, “IBRD lending to Chile”, 8130-08/C537.

¹¹⁰ Ibid., 104.

obligation to provide sanctuary¹¹¹. This Canadian position is uncanny considering that the Pinochet regime respected the right to sanctuary in embassies in the first two months following the coup, regardless of whether they were part of the Caracas treaty or not—as long as embassies were not seen as interfering with Chilean affairs and supporting opposition movements in Chile¹¹².

Of the 300 applicants that sought asylum in the Canadian embassy, only 19 were allowed temporary protection. Regarding these applicants, Ross notes that:

...most seem to be respectable human beings but also present riff-raff of Latin America [*sic*]-Left-misfits, fanatics, emotionally disturbed persons, misguided adventurers, and some difficult to classify as other than gun silencers or common criminals. Probably even more awkward will be screening what Chileans call ‘intellectual authors’ of their tragedy including professors, authors, journalists, sociologists, priests, etc.... foreigners who in the eyes of most Chileans have been subverting Chilean youth to Marxism and against whom reaction has been particularly severe. Some of these with no doubt will prove to be intellectual bombs for countries agreeing to accept them [*sic*]¹¹³.

By being selective, Ross observes, “we neither slammed the door shut as did the Brits Australian and New Zealanders and Dutch, nor opened gates wide as Swedes and Italians. This medium seems to have been anything but a happy one at least among [the] highly vocal segment of the

¹¹¹ Among other things, by signing this treaty Latin American countries committed to allow diplomatic asylum to political refugees.

¹¹² The Pinochet military attacked the Cuban embassy claiming that it was hosting terrorist groups.

¹¹³ LAC, Ross, Andrew D-MG 31 E 67, vol.3, file 5, Official Diary of Ambassador Ross, August-Sep. 1973, Original Correspondence 562, pp. 1-5.

Canadian public [*sic*]"¹¹⁴.

When the Chilean government announced on December 11, 1973 that no special privileges would be granted to 'guests' in embassies who did not sign the Caracas Convention on Diplomatic Asylum, Ross was quick to file a report with the Chilean police after a Chilean jumped off the fence to seek asylum in the Canadian embassy. Ross also requested armed guards to protect the embassy from people who were seeking protection. It is important to note that diplomats had a wider range of potential action than one might have thought from Ross's long telexes, his apolitical stance, and his resistance to humanitarian action. During the first few months of Pinochet's seizure of power, some foreign ambassadors in Santiago played a significant role in saving the lives of thousands of refugees. For instance, Harald Edelstam, the Swedish ambassador in Santiago, used his diplomatic immunity to save the lives of over 1,300 Chileans and other Latin Americans; some of these were in the concentration camp at the National Stadium in Santiago. He is most remembered for raising the Swedish flag over the Cuban Embassy when it was attacked by Pinochet's military. On December 4th 1973 Edelstam was declared *persona non grata* by the Pinochet government. When asked in an interview years later about whether he acted as a diplomat, Edelstam stated:

When there is a situation that is a matter of life or death, you cannot negotiate; you have no time to be a diplomat. You have to be a human. You have to act on your own responsibility and if this is a new sort of diplomacy I think we should do it. I have concentrated on the most difficult cases. Cases that they call terrorists, but I call liberty seekers who are struggling for justice, social justice, and who want everyone to be free, and to live in a democratic way...[A] normal

¹¹⁴ LAC, Ross, Andrew D-MG 31 E 67, vol.3, file 5, Official Diary of Ambassador Ross, October-Nov 1973, Original Correspondence 685, pp. 1-5.

diplomat usually goes to cocktail parties and sees upper class people. Diplomats should have contact with people, with the trade unions, with opposition, when there is a regime that is against the people and he shall have courage and he shall be engaged in social matters. I think that is very necessary for diplomats today. I think the price [of being expelled from Chile] was worth it (The Black Pimpernel, 2007).

Ross's power to exclude refugees from protection, which was conducted in accordance with his superiors' desires, was scrutinized once his communication with External Affairs was leaked to the media. These diplomatic leaks exposed the government's inclination to prevent the entry of refugees who were vulnerable to death and torture, and its indifference to human suffering. Church groups comprised of priests and bishops who had first-hand experience of the violence committed by Pinochet against dissidents, academics, unions, and other advocacy groups capitalized on this moment by further pressuring the government to act toward the Chilean refugees.

Indeed civil society led a well-organized campaign that exposed the atrocities committed by the Pinochet regime. This campaign targeted Canadian churches, universities, the media, and other public forums. Church and human rights groups also met with government officials, including the Minister of Manpower and Immigration and other parliamentarians, to advocate for resettling Chileans. In all of this, civil society gained the trust of the NDP, which in turn pressed the minority Liberal government to assist with the Chilean refugees. In fact, Stevenson (2000) points out that the resettlement of the Chilean refugees marks a fundamental shift in the role that civil society plays in crucial foreign policy issues:

The Canadian government took this decision, not because its stability was

threatened, but rather because the high profile of the activists and the visibility of the pressure threatened an image that Canadians and non-Canadians seem to have about Canada. At its narrowest, this image could be defined in terms of Canada's so called refuge-thinking tradition. In its broadest context, it is defined in terms of Canada's internationally responsible attitude... [T]he Canadian government probably deemed the acceptance of approximately 7000 refugees from Chile not an unreasonable price to keep it alive (George Hanff, as cited by Stevenson, p.130).

When writing to express his concern about the Canadian public response to the leaks, Ross noted, "there is obviously a vocal minority, easily identified, but of much more concern are the well-meaning people of normally moderate views, which seem to have been swept along into adopting postures which are quite grotesque when viewed by the equivalent moderates elements in Chile"¹¹⁵.

The government's decision to intervene aimed to address its failure to properly manage knowledge and accurately assess the growing role of civil society in refugee protection issues. To deal with this crisis of confidence, the government, not surprisingly, deployed Pearson to Santiago in order to closely examine the Chilean refugee crisis. Pearson, a senior bureaucrat with External Affairs, was seen as 'an outsider' whose assessment was trustworthy (Stevenson, 2000). He was also the son of Canada's former Prime Minister Lester Pearson who earned the Nobel Peace Prize in 1957 due to his efforts to resolve the Suez Canal crisis. Stevenson (2000) points out that the Pearson report was "crucial in forging a new program to bring Chileans to Canada" (p.130). This program reflected a change in governing authorities' technologies of power. These

¹¹⁵ LAC, Ross, Andrew D-MG 31 E 67, vol.3, file 5, Official Diary of Ambassador Ross, August-Sep. 1973, Original Correspondence 797.

technologies became concerned with excluding potential threat, rather than ignoring it.

Once Ross was no longer credible in the public eyes, the power to make live and let die was perpetuated in the hands of the Minister of Immigration and the RCMP. In a letter written by Robert Andras to Prime Minister Trudeau, Andras expressed security concerns over the resettlement of Chilean refugees. In this lengthy letter, Andras noted:

[T]he decision to admit people to our embassy would not be an immigration decision but any problems that subsequently result would certainly become my responsibility. Part of that responsibility is the protection of residents of Canada from the admission of persons who represent serious threats to security and order. I must stress that I am not here referring to individuals who hold strong opinions, whether of the left or the right. Canada has accepted and been enriched by many such committed people. Perhaps the best [way] to ensure understanding of what does concern me is to cite examples. As I mentioned at the Cabinet, the officer from my department who visited Chile recently reported that of the five immigration interviews he had participated in, two were with applicants who were admitted former airplane-hijackers. If there had been no security screening these two men would now be on their way to Canada. He also reported that he saw an application for admission to Canada from a Brazilian who was one of the terrorists who was exchanged for the kidnapped Swiss Ambassador in Brazil in 1967. As you know we did admit on Minister's permit without security check, the group of people admitted to the Embassy at the time of the coup. I am informed that three of these are reported by the RCMP as being engaged in buying arms in

Canada¹¹⁶

In order to deal with this problem, Andras suggested conducting security and criminality pre-screenings before any person was admitted to the embassy.

Fear of the Chilean refugees was expressed not only in terms of protecting Canada and Canadians from ‘dangerous’ refugees, but also of controlling the number of refugees seeking protection. In the same letter, Andras explained:

A final point which concerns me is the numerical implication of our proposed action in opening our Santiago embassy for asylum. I do not think that the Cabinet focused [its] attention sufficiently on this aspect of the problem. A figure of fifty persons was proposed as the number of people that we should consider accepting for asylum, as being in danger would undoubtedly be far greater than that. Once it is known that our Embassy has been established as a safe haven we can expect a substantial amount of pressure from Chileans, and from Chilean sympathizers in Canada, to accept larger numbers. The true refugee problem is finite and we have contributed from the outset to its solution. The problem of political opposition to the new government of Chile has much larger dimensions of time and size¹¹⁷.

When responding to Andras’ letter, Trudeau wrote “I fully appreciate the concerns you express in your letter...I am also completely in agreement with your intention to exercise the greatest caution in carrying out the decisions that we have made in this regard. Thank you for having written to inform me of the types of problems we are likely to encounter in the processing of

¹¹⁶ Ibid, 92.

¹¹⁷ Ibid.

applications by Chileans wishing to immigrate to Canada”¹¹⁸.

The humanitarian intervention eventually proposed and carried out by External Affairs and Manpower and Immigration, which as evident in Trudeau’s letter was seen as an immigration movement, was carefully orchestrated to maintain the state’s security apparatus, and to preserve its power to make live or let die. The Canadian government was careful in its selection processes. On the one hand, immigration and health officials aimed to select refugees who demonstrated an ability to integrate into Canadian society and the labour market so as not to burden Canada’s welfare system or endanger public health. On the other hand, the RCMP, which had been preoccupied with the threat of communism and Quebec secession since WWII, was in full command of the security screening processes imposed on the Chilean refugees. From the RCMP’s perspective, the Chilean refugees were the most dangerous as they represented the combined threat of communism and Quebec separatism. The majority of these refugees were defenders of Allende’s socialist regime. They were also associated with and supported by unions, academics, students and progressive church groups in Quebec.

The RCMP’s fears were also voiced by the Canadian Ambassador to Chile. The ambassador echoed the same concerns as the ones targeted by the RCMP. In a letter written to External Affairs, he rejected Pearson and Schorh’s recommendation to expedite the resettlement of Chileans. Ross noted that Pearson and Schorh were blinded by the information provided by the Québec-Chile Solidarity Committee, claiming that this committee aimed to resettle persons who would support Québec separation. He also emphasised the ideological risks that these refugees purportedly posed:

[W]hat Pearson and Schroh lack quite understandably on such brief exposure is

¹¹⁸ Ibid.

full appreciation of extraordinary Marxist [revolutionary] fanaticism and extreme leftist views of some thirty percent of supporters of parties of UNIDAD popular IE Altmirano Socialists, Christian Left and MAPU to say nothing of USOPO and MIR. It is active members of these organizations who are most wanted by [the] Junta and consequently form bulk of persons still seeking asylum¹¹⁹.

These links were arguably solidified due to the efforts of Québec priests serving in Chile who witnessed Pinochet's atrocities, and the *Comité de Solidarité Québec-Chili*. The *Comité de Solidarité*, which was established shortly after the coup, made an immediate connection between the struggle of the Québécois and Chilean people (Stevenson, 2000). This connection was captured in a *Comité de Solidarité* newsletter:

In Québec, we had the War Measures Act and Bill 19, followed by the imprisonment of union leaders. Our 'democracy' cites national security and essential services as its justification; the military junta invokes security and national reconstruction (As cited by Stevenson, 2000, p. 192).

Stevenson notes that this connection, along with Québec's religious and cultural association with Chile, was the basis for the "quick mobilization in Québec" (p.192-193).

It is not surprising then that the RCMP adopted the most stringent security screening measures toward these refugees. During the screening processes, the RCMP relied on the information of the Chilean police and other foreign intelligence, including the CIA, which incidentally helped in toppling the Allende regime and sought to secure Pinochet's control of Chile. When Allmand, Canada's Solicitor General, was questioned in the House of Commons by the NDP on how the RCMP collect its information on refugees, he said:

¹¹⁹ Ibid.

[S]ince the RCMP has no foreign intelligence capacity, from time to time when it is necessary they request information from foreign police forces and foreign intelligence agencies in Britain, the United States, Europe and elsewhere. I am not sure if the CIA was one or not. They could have been. Let me say this, the criteria for entry of those refugees were Canadian criteria and the screening done by RCMP offices and Canadian immigration officers in Chile, the entry was decided by our people. I am under the impression that when it is necessary for us in Canada to obtain information, we may still ask for that information from the CIA, but it is in accordance with our policy and our law (PART 6, Archive).

In another interview with Brian Stewart of the CBC, Allmand further added:

[B]oth the CIA and British intelligence participated in the screening of refugees from the violent coup that overthrew the elected Marxist government of Salvador Allende. After the coup in Chile, we decided to accept refugees and dropped our regular immigration procedures... so we asked the different security agencies we deal with if they have any information on these people, whether they were terrorists or radicals... we asked the Americans—the CIA—and other allied intelligence—the British¹²⁰.

The RCMP screenings were the primary reason for the delays in processing the applications of Chilean refugees, and the high rate of rejection. The underlying assumption of these screening practices was that Chilean refugees were exactly the kind of people—leftists, socialists, communists, or economic migrants—that Canadian immigration policy at the time needed to screen out. In fact, Whitaker (1987) observes that those who passed the security screenings were

¹²⁰ LAC, RG25-A-3-C, volume 9337, Political Affairs-Political Asylums-Chile, “Transcript of Interview By Brian Stewart of CBC with Solicitor-General”, 10 January 1974.

not the ones in immediate need of protection.

Conclusion

This chapter explored how the Canadian government utilized the humanitarian-security nexus when responding to the Chilean refugee crisis in 1973. It focused on different techniques adopted by the government to preserve its power over life, including the exclusion of many Chileans from protection. It was argued that in an initial attempt to preserve its economic interests, to avoid displeasing the USA, and to protect the Canadian population from perceived threats of political leftists, the Canadian government through its ambassador to Chile ignored the needs of Chilean refugees and instead cultivated contacts with Pinochet's military junta. However, with the diplomatic exchanges leaked to the media, and growing public concern for human rights abuses in Chile, the Canadian government was compelled to act, effectually framing its response as an apolitical humanitarian intervention. Its change in policy was justified in terms of humanitarian concerns, but encompassed carefully staged technologies and mechanisms designed to preserve the state's power to exclude.

In essence, the consideration of civil society organizations in the governing authorities' response to the refugee crisis added a new dimension of complexity to the humanitarian-security nexus. For the first time, governing authorities needed to actively engage with civil society in order to manage expectations regarding refugee protection policy and practice. The impact of public opinion on the politics of protection was also highlighted in a letter written by the Consular Policy and Research Division at the Department of External Affairs in May 1974. The letter noted that the Chilean case demonstrated the impact of public opinion on the politics of protection. It argued that it was necessary for the Department to demonstrate "control of a situation and that proper and humanitarian decisions are being made... Since most cases will

involve political and legal considerations, it is suggested that the Political Division for the geographic area where the action lies should be primarily responsible for the action”¹²¹.

The Chilean case also exposed the power of governing authorities to make live and let die by revealing their interests and alliances and indifference to human suffering. In the same letter discussed earlier, it was noted that Chileans’ political associations with the left—particularly among those who were fleeing a rightist military coup—posed a serious problem for Canada. Opinion was “divided on the merits of accepting large numbers of self proclaimed leftists”¹²². This issue was raised again in Parliament in 1977 when David MacDonald, a Progressive Conservative MP, presented a motion to amend the 1976 Immigration Act in order to ensure that there is “no distinction among refugees, fleeing rightist or leftist persecution” (As cited by Howard, 1980, p.371). MacDonald sought to ensure that section 19(e) of the 1976 Immigration Act, which dealt specifically with persons who are not admissible to Canada, would not be used by the government to exclude left-leaning refugees¹²³. Bud Cullen, the Minister of Employment and Immigration, objected to the motion, arguing:

The effect of amendment would be much broader than that. It is difficult to see how most provisions respecting subversion and national security could be reconciled with the proposed amendment. No political party is illegal in Canada, yet membership in a particular party abroad, where it is probably legal is often the principle evidence that a person is a security risk. With the amendment it would appear that the subversion/security provisions could apply only in the case of an overt act defined as an offence in Canadian law. This would be going too far in

¹²¹ Ibid., 92.

¹²² Ibid.

¹²³ See chapter 4 on the admissibility provision.

the case of refugees. It would effectively prevent the screening out of people, although refugees by definition, who were forced to leave their countries of citizenship or residence because of their adherence to parties with extremist policies, which would be just as dangerous in Canada as elsewhere (as cited by Howard, 1980, p. 371-372).

Cullen's justification and objection to the amendments highlighted governing authorities' power to make live and let die. After all, the security apparatus is the primary mechanism for states to deter refugees from reaching out for protection.

The next chapter discusses the Canadian government's response to refugees after the adoption of the 1976 Immigration Act, which emphasized the role of the public in refugee policy as a result of the influence of Canadian civil society on the Chilean refugee crisis.

CHAPTER 7: THE CANADIAN REFUGEE PROTECTION REGIME IN THE POST-COLD WAR PERIOD

With the winding down of the Cold War, along with the adoption of the 1976 Immigration Act, refugees ceased to represent an ideological or economic value to Canada. The problem of immigration expressed by government officials in the aftermath of WWII was finally resolved with the adoption of the 1976 Immigration Act, which ensured the close management of immigrant entry through tightly controlled screening processes along with other measures authorized by the Minister of Immigration. By the early 1980s, governing authorities became occupied with other problems. The sought-after solutions to these problems altered the Canadian refugee protection landscape.

Using a genealogical approach, this chapter examines the re-emergence of the humanitarian-security nexus in the Canadian refugee protection regime during the 1980s and 1990s. The chapter begins by examining how refugees during this period were problematized, diagnosed, defined, and framed. It then focuses on certain critical moments in which the Canadian governing authorities intervened in order to deal with the so-called refugee problem. It maps out the development of institutional frameworks and a set of techniques and technologies adopted by governing authorities toward refugees in order to address security and humanitarian concerns. While some of these technologies have been abandoned, others continue to be utilized or revised to fulfill the objective of the governing authorities' power to make live, let die, and make survive.

It will be argued that with a decline in the Communist threat in the early 1980s, the biopolitical order became increasingly concerned with foreign bodies. Refugees and asylum seekers who were seen to import dangerous values became an existentialist threat to Canada's

social, economic, political and cultural fabric and its liberal-democratic practices. However, by the early 1990s, governing authorities' power to "make live and let die" was proven ineffective as a strategy for dealing with the refugee problem. During this period, governing authorities became concerned with the power to make survive. The power to make live, let die, and make survive marked a re-emergence of the humanitarian-security nexus whereby governing authorities employed the security apparatus along with sovereign compassion. In this new biopolitical order, refugees were not only subjected to interventions designed to make live and let die, but also to sovereign compassion to enact resettlement when they demonstrated their suffering. .

Problematizing Refugees and Immigrants

On Oct 8, 1986, the Senate approved an Order of Reference to create a Special Committee on Terrorism and Public Safety to examine issues of public safety and security in Canada. In writing its report, the committee relied on the testimony of government experts and representatives of private firms and associations including the Department of the Solicitor General, the Conference Board of Canada, the Department of External Affairs, the International Air Transport Association, various municipal police services, the Canadian Security Intelligence Service, the Bank of Montreal, the Department of National Defense, provincial governments, the US Global Strategy Council of Washington, D.C, the Immigration Appeal Board, the Department of National Revenue, and the media. A journalist from *The Globe and Mail*, who had co-authored a book entitled *How the Indian Intelligence Service Penetrated Canada*, also provided testimony as an independent witness. The committee used briefs submitted by NGOs and advocacy groups as 'background information' only.

The committee's major concern was the lack of discussion and knowledge about terrorism

in the public domain, and the tendency of some Canadians to view terrorism ‘sanguinely’. Terrorism, the committee asserted, presented one of the principal security threats to Canada and Canadians today “in terms of immediacy, but not severity” (xxvi). By providing more information to the public, the committee hoped to “encourage a better general understanding of the complexity of some of the issues involved, to encourage public discussion and to help the reader better understand the background to the observation and recommendations of the Committee” (Senate, 1987, XVI).

While recognizing that there had been no “terrorist incidents” in Canada for a year prior to writing the report, the committee noted that “terrorist events” had increased significantly over the past quarter century. The report did not provide any information on these incidents or events, but only pointed out that terrorism peaked during the periods of 1961 to 1967, 1968 to 1972, and 1979 to 1983. The committee further emphasized that current threats in Canada were associated with ‘three ethnic groups’. However, it did not name these ethnic groups because it feared that they might be unfairly “branded terrorist due to the actions of a small minority of their members” (xxvii).

The report identified international terrorism, as opposed to local or domestic terrorism, as the most threatening to Canada and Canadians. International terrorism, the committee diligently explained, was associated with past and present grievances that were being imported into Canada by expatriates who were “motivated by sentimentality and internal group dynamics, [rather] than by a current and accurate feeling for developments in the homeland” (xxix). At the outset, the report dispelled any moral or altruistic motives behind terrorism. Instead, it focused on the psychology of individuals insisting that they were motivated by resentment and greed. Terrorists, the committee noted, were:

not altruistic but misguided idealists driven by grievances or oppression to obtain a higher good for the group or community they claim to represent. In fact, many individuals are driven to terrorism to secure power and prestige within their groups, their countries or on the international stage. For such terrorists, the grievances or causes they espouse are but excuses for their violent, criminal behaviour. Resolving or addressing these grievances will do little to satisfy or neutralize such terrorists for they will be reluctant to forswear terrorism if it means giving up the power and prestige terrorism brings (xxix).

The vulnerability of Canada and its people to terrorism was attributed to cultural, geographical, and technological factors as well as to foreign policy (p.xxxii). The cultural factor was manifested in Canada and Canadians' openness to diversity:

Because of its open refugee and immigration policy, Canada's cultural mosaic is growing in size and diversity. The vast majority of refugees, landed immigrants, and naturalized Canadians leave behind the divisions and tribulations of their native land. A tiny minority do not and use Canada as a base to continue criminal and violent agitation against their native government. These tiny minorities are a source of international terrorism in Canada—an element of terrorism that has increased significantly in the past decade. The battle against international terrorism and the continuing commitment to a free, open and culturally-diverse society present Canadian policy-makers with a major challenge (xxxiii).

Canada's support for, and relations with, other governments, such as the US and Britain, was also identified as a contributing factor to terrorism. While recognizing that in the previous decade there was 'documented evidence' of only two instances of terrorists endeavouring to

covertly enter the US from Canada, the ‘longest undefended border’ in the world was seen as vulnerable to terrorist use for the purpose of carrying out an attack on the US and its citizens. Other areas that the committee identified as targets for terrorism included air travel, infrastructure (e.g. airports, railroads, and telecommunications systems, satellites, nuclear power plants, inland seaways), diplomatic missions, the military, and citizens abroad.

The committee urged action in three areas. First, it proposed the enhancement and centralization of the country’s “threat analysis capability...[and] the degree of political oversight and formality of the counter terrorism structure and its operation” by the federal government. Essentially, the committee recommended that the federal government establish a national, federally-managed counter terrorism program, and provide better planning and coordination of activities, programs and policies among various federal departments. Secondly, while the committee did not identify any incident in which terrorists gained entry into Canada through existing immigration procedures, it expressed serious concern over the “ease with which terrorists can gain entry into Canada through current immigration procedures” (p. 56). These procedures “were prepared prior to international terrorism becoming a major concern to policymakers” (p. 56). Given the danger associated with the influx of people arriving in Canada to claim refugee status, the committee recommended the enhancement of screening processes. Thirdly, the Committee felt that “attention should be given to the role of media in covering terrorist incidents” and that the federal government should “initiate discussions with national media organizations to devise practical and effective guidelines” (p. 80-81).

This report, which was written in plain language, is most significant for associating refugees’ and immigrants’ bodies with danger and threat. One man’s terrorist, the committee warned, was not another man’s freedom fighter, but a terrorist. This distinction is in stark

contrast to the attitude of Canadian governing authorities during the height of the Cold War, when refugees who resisted communist regimes were embraced as freedom fighters. The committee identified foreign bodies that were gaining entry through the immigration and refugee systems as sources of threat, yet it did not identify any incident in which foreign bodies were involved.¹²⁴ These bodies were perceived as invading, contaminating and endangering Canadians.

Furthermore, the committee recognized the role that civil society played in immigration and refugee policy, which governing authorities needed to tackle. The committee urged the establishment of ‘a regime of truth’ that would dispel Canadians’ naiveté about political struggles and normalize practices of control and surveillance. By creating a governmentality of unease (Bigo, 2002), these (in) security professionals sought to legitimize sites of control and surveillance, such as borders and airports, and implement deterrence and prevention measures.

Finally, the committee highlighted the significance of borders as ‘sites of control’. Borders are reconigned in this report as moving inwardly through the enactment of legislation that limits migrants’ rights, and outwardly through close control of the entry of migrants to Canada. Borders in this sense are imagined to operate both as open-ended surveillance tools and as instruments of policing the deserving and undeserving. The framing of this problem affected the solutions sought to remedy it. The question facing officials was not only how to define the new threat and identify areas of risk, but also how to control regimes of truth while recognizing the growing role of the public in determining policy.

¹²⁴ Interestingly, even though this report was written shortly after the 1985 Air India bombing, there was very little discussion about it, nor the fact that most people involved in the bombing were in fact Canadian citizens.

Migration-Security Nexus: Make Live and Let Die

In the first part of this section, I investigate the conditions of possibility that allowed the association of foreign bodies with terrorism and threats. I also examine how the apparatus of security was assembled to remedy this problem where some were made to live while others were let to die. As chapter four explained, Foucault notes that biopolitics is a security apparatus that is concerned with the power to ‘make live and let die’. Let die, Foucault notes, is essentially about enacting state racism, where the other (the threat) is defined, excluded and redefined in opposition to what needs to be protected. In other words, state racism is employed in order to make live, protect and improve the lives of the ‘true’ race. It is assembled through a “complex of laws, regulations and policies whose purpose is to secure social and economic processes” (Walters and Haahr, 2005, p. 292) which aim to normalize practices through the imposition of disciplinary and surveillance mechanisms. The second part explores techniques adopted or abandoned by governing authorities, and how they were justified. It also probes how the problem identified earlier, and the bio-political order influenced the Canadian refugee protection regime, and the type of refugee considered worthy of protection.

Toward the end of the Cold War, there was a sharp increase in the number of refugee claimants to Canada. The increase was due to the decline in US and Soviet subsidies and support for proxy wars in the Global South. These wars aimed to preserve and advance the superpowers’ socio-political and economic interests in Latin America, Africa, Asia, and the Middle East. The wars in these regions forced millions of people out of their home countries. When some of them reached the West, governments were quick to intervene in order to control and filter the ‘good’ refugees from the ‘bad’.

Citizenship and Immigration Canada (CIC) (1994) estimates that close to 5,000 refugee

claims were made in 1981. This number increased steadily from 1986, reaching over 50,000 claims in 1988. When the committee on terrorism published its report in 1987, the major sources of asylum seekers were Sri Lanka, Somalia, Iran, India, Pakistan and Bangladesh, as well as other ‘traditional’ major sources, including Guatemala, China, Lebanon, El Salvador, and countries of the former Soviet Union and Yugoslavia.

The increase in the number of refugee claims was also due to an institutional change at the government level. On April 1985, the Supreme Court of Canada delivered its landmark decision on the *Singh v. Minister of Employment and Immigration* case, ruling that once refugees are in Canada, they are entitled to protection under Section 7 of the *Charter of Rights and Freedoms* that entitles persons to the right to security of person and fundamental justice, including a full and fair process, involving an oral hearing, to determine their status (Lamey, 2011). As a result, in January 1989 the government introduced Bill C-55, which, among other things, established an independent tribunal, the Immigration and Refugee Board (IRB), to determine the status of refugee claimants. Under this law, governing authorities would no longer be able to detain or deport refugee claimants without affording them procedural guarantees.

The Canadian government portrayed the increase in the number of refugee claims as a crisis in management where the government was left unable to cope with the determination system, which diminished its ability to provide protection for “genuine refugees” and to “reduce abuse of the system” (CIC, 1994, 3.3). The 1990 report of the Auditor General of Canada further emphasized this issue, maintaining that since the middle of the 1980s, the determination system

began to break down under an unprecedented number of claims, many of which were made by economic migrants who claimed refugee status under false pretences. The inefficiencies of the system generated further abuses,

compounding the delays in the system.

The highly publicized case of Mahmoud Muhammad Issa Muhammad¹²⁵ along with the arrival of a ship carrying Sikh refugee claimants to the shores of Nova Scotia in 1987 were fortuitous moments that provided the government with the missing link and the legitimating discourse to demonstrate that the refugee determination system was broken, dangerous and in need of immediate intervention. After all, the logic went, it was the responsibility of the government to maintain order and control, and preserve the security of the nation.

Issa Muhammad became a well-known public figure in 1987 when it was discovered that he lied on his permanent resident application regarding his involvement in the bombing of an Israeli airline in Athens in 1968 and his membership with the Popular Front for the Liberation of Palestine (PLFP).¹²⁶ Muhammad was a stateless Palestinian who lived in Lebanon prior to his departure to Canada in 1987 where he became a permanent resident. Once his involvement with the PLFP was revealed, he was ordered deported. Following a few unsuccessful appeals, Muhammad filed a refugee claim. However, the IRB determined that Muhammed was a ‘terrorist’ under the *Immigration Act*, since the PLFP was listed as a terrorist organization; as a result it upheld his deportation. After 25 years of court challenges, Issa Muhammad was finally removed from Canada in May 2013.¹²⁷

¹²⁵ Media outlets and government officials referred to him as Triple M. The naming is arguably intended to magnify the dangers exposed by Mohammed. The same strategy was used with the so-called Millennium Bomber, Ahmed Ressam, as will be discussed later.

¹²⁶ He was convicted of “manslaughter by negligence” by the Greek authorities, but two years later was released after negotiations with the PLFP in another hostage-taking of a Greek airline (CBC, 2013).

¹²⁷ When Issa Muhammad was deported in 2013—by then he was 69 years of age and in poor health—Jason Kenney, the CIC Minister, held a press conference in which he asserted that the case of Muhammad demonstrated the brokenness of the refugee protection system: “this convicted terrorist killer, Mr. Mahmoud Mohammad Issa Mohammad, represents just how broken Canada's immigration and refugee determination systems had become under previous governments...[Mohammad] lied about his identity, he lied about not having a criminal past, he lied about not having ties to terrorist organizations...Mr. Mohammad [made] a mockery of Canada’s generosity and our fair immigration system for two and a half decades...[it is] a comedy of errors with delays ... and endless appeals... We’re sending the message that we will no longer be treated like suckers by terrorists like Mr. Mohammad

In an emergency session discussing the Sikh boat arrival and terrorist activities in Canada, namely the Issa Muhammad case in 1987, the government announced the adoption of Bill C-84 to amend the *Immigration Act*. In his presentation during the third reading in the Senate defending the government's adoption of the bill, Finlay MacDonald, a Progressive Conservative Senator asserted:

the system has totally broken down. We are not here to deal with 174 Asians who arrived unannounced in the middle of the night off the coast of southwestern Nova Scotia. They are here; they are in...They can work... and, if they need it, they will receive welfare from the province in which they are now established.

The bill, according to MacDonald,

is aimed at cracking down on the operations of unscrupulous counsellors, smugglers who take advantage of the plight of illegal immigrants, and carriers who fail to ensure, as they should, that their passengers carry the required documents. It is also aimed at curbing abuses on the part of economic migrants who try to jump ahead of refugees and immigrants who abide by the established procedures... I am told that since 1976, of those who have gone through the system, 70 per cent were identified as bogus refugees...[T]his bill is designed to meet an urgent situation...It has been drafted to hit hard at a new type of criminal activity, which is the large scale smuggling of human beings. It will also strengthen our ability to remove quickly criminal and security risks. It will allow us, as well, to slow down and perhaps to put an end to the increasing flow of people arriving in Canada without proper documents...[It] will provide a comprehensive, long-term solution to the difficulties and abuses currently surrounding the refugee determination process. This will enable us to concentrate on helping those refugees truly in need of our protection. I am convinced that this legislation is essential if we are to respect our humanitarian commitment towards refugees and if we are to prevent possible frauds against Canadians or Canadian law (The Senate, 1987).

During a heated debate on the bill, Senator William M. Kelly of the Progressive Conservative party raised the case of Issa Muhammad to highlight the danger posed by the Canadian refugee system. “[L]et me be clear”, announced Kelly, “...there are no refugees fleeing the oppression of

totalitarian right or left wing regimes in developing countries; these are terrorists or criminals...many of these people are still here...We are all familiar... with the recent story of Mohamoud Muhammad Issa Muhammad” (The Senate, 1988).

By using the Sikh boat arrival and the Issa Muhammad case, government authorities capitalized on the politics of fear and contributed to the ‘circulation of anxiety’. These events provided the political legitimacy to enact deterrence and prevention measures. The perceived threat of contamination legitimized the government’s claim that there existed an urgent need for intervention to closely manage and administer the refugee protection regime. In order to exclude the imagined dangerous immigrant/refugee, there was a purported need to preserve the refugee-security nexus even if it involved deception. In fact, the government had no evidence that linked refugees with terrorism.

When the RCMP appeared before the Legislative Committee hearing on Terrorism in 1989, it asserted that none of the 11,000 persons investigated between 1986 and 1987, including members of the Sikh boat, presented a threat to Canada (Simmons and Keohane, 1992). Furthermore, Muhammad entered Canada not as a refugee claimant but as an immigrant—a fact that both the government of the day (and later the Harper government)¹²⁸ along with major media outlets conveniently ignored. In addition, the delay in Muhammad’s deportation had little to do with Canada’s ‘broken’ refugee system, but was a result of him being stateless and having no country willing to host him.

Bill C-84, known as the Refugee Deterrents and Detention bill, was never fully implemented.¹²⁹ The Senate, dominated by the Liberal party, amended the legislation by

¹²⁸ Ibid.

¹²⁹ Interestingly, in 2010 the Harper government introduced Bill C-4, Preventing Human Smugglers from Abusing Canada's Immigration System Act, which is very similar to the 1989 Refugee Deterrents and Detention bill.

introducing a sunset clause to the emergency measures, which led to the expiry of some of the provisions, especially that dealing with redirecting ships on Canadian waters that carry refugees who endanger the safety of Canadians. Liberal Senators called the provision “draconian” in the absence of any real emergency or danger. “Is there an emergency? Is there a national urgency?” probed Senator Grafstein, “... I ask the Honorable Senator MacDonald and the government, what 'emergency'? What crisis? Is this a hoax that feeds on the fears of Canadians instead of fulfilling the dreams of Canadians? (The Senate, 1988). Meanwhile, Liberals in the House of Commons accused the government of “overreacting” and “wasting a shocking amount of money” (as cited by Watson, p. 67).

The Mulroney government, however, succeeded in introducing Bill C-86 in 1992 following a rushed public consultation and the publication of government-commissioned studies on the challenges facing the nation (Adelman, 1992). The bill involved regulatory and administrative changes that targeted “abuses to the system by outsiders” (Aiken, 2007, p.92). It proposed revisions to the refugee determination system, including the elimination of the initial hearing for refugee claims, fingerprinting, faster judicial review, speedier removal procedures for failed claimants through better cooperation with transportation companies, a simplified process of family reunification, and the requirement that Convention refugees present identity documentation when seeking asylum.¹³⁰ The new bill also introduced new grounds for inadmissibility by adding ‘terrorism’ to the list of security exclusions of the Immigration Act (Aiken, 2009/2008). Under this provision, immigrants and refugees who were believed to have engaged in ‘terrorist’ activity in the past, to be engaging in such activity in the present, or to have

¹³⁰ Aiken (2007) maintains that this provision aimed at reducing the number of Somalis seeking asylum in Canada. In fact, due to the proof of identity provision, it was estimated that number of landings of Convention refugees would decline from 13,000 in 1993 to 4,800 in 1994 (CIC, 1994).

the potential to engage in it in the future were deemed to be inadmissible to Canada unless they satisfied the Minister that their admission would not jeopardize Canada's national interests (Aiken, 2009).

In addition to Bill C-86, the government initiated negotiations with the US regarding a 'Safe Third Country' agreement, which some observers described as unnecessary.¹³¹ It stipulated that refugee claims should be made in the first safe country of arrival, meaning that refugees arriving to Canada from the US could be rejected on that basis. The agreement sought to "better manage the flow of refugee claimants at the shared land border" (CBSA, 2009), and applied to refugees seeking protection in Canada or the US. The finalization of the agreement was delayed until the US implemented its proposed changes to American asylum law, and was only finally signed and implemented in 2004.

More importantly, the Mulroney government transferred immigration functions to the newly formed Department of Public Safety in 1993. This unsuccessful move sought to manage refugees and immigrants through security and crime enforcement agencies. The new department integrated and forged closer links between different government agencies responsible for enforcement, intelligence, immigration, and international affairs. The Minister of Public Safety, Douglas Lewis, insisted that this institutional change would benefit Canada and Canadians by improving policy and program management, and providing "more effective control over security of our borders" (p.18). In his address to ethno-cultural agencies in July 1993, he elaborated on the affect of anxiety and the politics of fear inciting such change:

...I know we both share the same anger when a foreign criminal slips through the system to claim the rights of Canadian citizenship. I know we share the same

¹³¹ See the Centre for Refugee Studies, *CRS Discussion of Bill C-86. Refuge*, 12(2), 6-17.

revulsion when an unscrupulous consultant is caught swindling defenceless migrants. And I know that we share the same knowledge that the incidents are the exception and not the rule. They do not represent the true face of immigration. It is also true that senseless and violent attacks on new Canadians is a malicious assault on the basic sensibilities of all Canadians. This is not the Canada that generations of immigrations have worked to build. This must not be our future. As Minister of Public Security, I am determined to deal forcefully with the corrosive hatred of racial intolerance which pits Canadian against Canadian... There can be no tolerance for intolerance in Canada...[W]hile abuses are generally small in number, this does not preclude the need for enforcement measures. An immigration policy is worthless without the ability to enforce removal or deny entry to a country's sovereign territory. By consolidating management of our border activities and our immigration enforcement activities, I am convinced that we can exercise more effective control over entry to Canada, ensure that we better protect all Canadians, and reduce abuse of Canada's generous immigration and refugee programs (p.18-19).

The Minister also tackled the politics behind the naming of the new department by pointing out:

When the prime minister announced the changes to the government's structure, she was asked if it was wise to call a new department, the department of Public Security. She simply replied that one suggestion had been to call the department, the department of Home Affairs. 'That's a lovely and elegant term,' she said, 'except if you ask Canadians what's in the department of Home Affairs, they wouldn't have the foggiest clue'. 'Let's start a new government,' said the Prime

Minister, “by communicating with Canadians in a language they understand” (p.19).

The naming then was important as it legitimated the security discourse and its association with immigrants and refugees. Despite government reassurances, there was a strong backlash against this move, because it reinforced negative stereotypes of refugees and immigrants by associating them with security threats. It was only after the September 11, 2001 attacks on the US that public support warmed to such a move. When Jean Chrétien became Prime Minister in 1993, he halted this move, fulfilling a promise of his election campaign. Instead, the Chrétien government created the Department of Citizenship and Immigration. Although the Public Security ministry was abandoned, the new Liberal government did not abandon the security apparatus or even the essential functions of that aborted department.

While the Mulroney Conservatives succeeded in the short term to control the number of refugees arriving in Canada, they failed to fully implement other control mechanisms, which were regarded as necessary by the Senate Committee on Terrorism. Ultimately, the government was unable to make clear links between security discourses, regulatory and administrative decisions, and moral propositions. These links were important in order that the power to make live and let die would function effectively. This issue was reflected in Senator Grafstein’s appeal against Bill C-86 regarding Canada’s moral obligation towards refugees:

would the Right Honorable Joe Clark have been technically liable for a breach of that provision [95.1] [in which the bill imposes penalties on those who are aiding undocumented people into Canada] because of his inducement, aiding, abetting or organizing the escape of the Soviet defectors from Afghanistan.. ?

The Mulroney government did very little to uphold the image of Canada as moral, humanitarian,

and progressive, especially when it came to resettling refugees. In 1986, the ‘people of Canada’ were awarded the prestigious Nansen Refugee Award for the government’s efforts to resettle Indochinese refugees. Yet, on the whole, there was a dramatic decline in the number of refugees resettled in Canada during the Mulroney years, with the lowest point reached in 1992, when only 6,122 refugees were offered resettlement.

The Security-Humanitarian Nexus, the 1990s and 2000s: Make Live, Let Die and Make Survive

The first part of this section examines how the security apparatus that associated refugees with crime and terrorism became solidified and systematized. It points to major legislation and key practices that the government adopted to deal with the perceived threat, and the ways in which the government rationalized such measures. The second part examines the emergence of a new humanitarian regime in the Canadian protection regime, and the ways in which this regime was assembled. It will be argued that in order to render the biopolitical power to make live and let die effective, the governing authorities had to enact the right to make survive. Now more than ever, a clear divide has been drawn between so-called genuine and compassion-deserving refugees on the one hand, and the fraud or “terrorist” who abuses Canada’s generosity and endangers its people and neighbours. Ultimately, the humanitarian-security nexus serves as a mechanism of exclusion.

(in) Securitizing Refugees

To differentiate its governing practices from the Mulroney government, the newly elected Liberal government, headed by Prime Minister Chrétien, sought international involvement that moved beyond mere conformance with US policies and interests. This change was reflected in *Canada in the World: Government Statement* tabled in February 1995 by the Department of

Foreign Affairs and International Trade, and studies and reports conducted by the Department of Immigration and Citizenship, such as the *Immigration Consultations Report* (1994), *Into the 21st Century: A Strategy for Immigration and Citizenship* (1994), *Not Just Numbers: A Canadian Framework for Future Immigration* (1998), the *White Paper on Building on A Strong Foundation for the 21st Century: A New Direction for Immigration and Refugee Policy and Legislation* (1998), and a report of the Standing Committee on Citizenship and Immigration (CICM) entitled *Refugee Protection and Border Security: Striking a Balance* (2000). The CIC reports became the foundation of IRPA 2001 and the Refugee Resettlement Model (RRM).¹³²

The Canada in the World policy statement introduced three main objectives to Canada's foreign policy including "the promotion of prosperity and employment," "the protection of our security, within a stable global framework," and "the projection of Canadian values and culture" (DFAIT, 1995 p.i). In order to pursue these objectives, the policy statement encouraged the adoption of a comprehensive concept of security that would take into account individuals' economic, social and political needs. Conceptualized as human security, this people-centred approach was about freeing people from fear¹³³.

The human security discourse was also apparent in CIC's amendments to the 1976 *Immigration Act* whose focus had been not only on national security, but also on managing refugees internationally through the promotion of the human security agenda. For example, CIC (1994) noted that as an effective response to involuntary migration, immigration policy needs to be considered within Canada's involvement in "development, assistance, foreign investment,

¹³² The PRM adopted in 1997 is a guideline manual that is designed for refugee resettlement. It identifies, locates, and selects refugees to resettle in Canada as well as allocates destination and provides orientation (CIC, 1997, p.78). It was eventually incorporated into IRPA.

¹³³ Canada's emphasis on human security coincided with growing academic interest in exploring the importance of human security in preventing refugee crises. See chapter 2 for further discussion.

human rights, the environment, conflict prevention and humanitarian intervention” (CIC, 1994, p.44), and should focus on burden sharing and prevention, further explaining:

... Canada needs to develop a coherent strategy integrating international migration issues with other foreign policy issues, including development, environment, human rights, and peace keeping... [W]hile Canada by itself can do little... it is well placed to exercise leadership, and should do so vigorously...by working with other countries and organizations such as the UN. ... Development is vital to the manageability of international migration...Canada should continue its peace keeping activities, but place more emphasis on preventing such conflicts...‘more consistent attention’ needs to be paid to ‘large scale forcible internal displacement within a country’, which often precedes a massive movement of refugees...The aim should be to create the kind of world where staying home will be a viable choice for most people... fostering orderly, positive migration regimes that facilitate and regulate movements of people in a predictable way” (p.55).

Thus, Canada was increasingly aware of the need to build a global cooperative mechanism to manage refugees from the Global South. Refugees in this sense were not only considered a national threat, but also a threat to the peace and order of the global community. Greater co-operation and coordination was necessary in order to contain refugee crises in the Global South and prevent asylum seekers from arriving in the West.

Domestically, human security implied that the government needed to maintain national security where greater power was given to law enforcement and intelligence agencies, and required the adoption of enforcement and preventive measures to ensure the safety of Canadians

(Keeble, 2005). National security became a human rights issue. The government was responsible for freeing its nationals from fear by ensuring their economic, social and political needs. The imposition of foreign bodies, namely asylum seekers, might diminish the government's ability to fulfill this responsibility. State authorities were therefore justified in sponsoring a series of interventions to govern refugees through security and crime, reflecting the power to make live and let die.

The first legislation to reflect this supposedly new agenda was Bill C-44. In the mid-1990s, there were a number of highly publicized incidents of criminal activity in Toronto involving racialized immigrant and refugee communities. Media outlets blamed Canada's immigration and refugee protection system for allowing the entry of 'bogus refugees' and criminals who were ostensibly exploiting Canada's welfare system and endangering communities (Pratt and Valverde, 2002). The government was quick to pass Bill C-44, which aimed to prevent 'serious criminals' from abusing the refugee determination system and the immigration appeal provisions. It broadened the provisions of inadmissibility, expedited removals and deportation, and removed the appeal process for individuals who were deemed by the Minister or the Solicitor General to present a security risk. Upon announcing the adoption of the new bill, the Minister of Immigration stated that "Canada is a welcoming country, but Canadians will not tolerate—and I will not tolerate—those who abuse our generosity and violate our laws" (CIC, 1995).

The need to protect Canadians from crimes committed by refugees was also evident in *Not Just Numbers: A Canadian Framework for Future Immigration*, a report written by CIC in 1998, which became the basis for the *Immigration and Refugee Protection Act, 2001*. The report speculated that the asylum 'channels' are not used for protection but for other purposes, such as

the lucrative people-smuggling business, asylum shopping for the best health, education and welfare system, speeding up family reunification, and ‘de-facto integration’ “when individuals exhausted all avenues to remain in Canada” (p.81). The Canadian government, the report notes, needed to continue to enhance its protection system to make it more effective and able to “manage those who jump sophisticated hurdles and arrive in our country” (CIC, 1998, p. 82). Similar comments were made in a report entitled *Refugee Protection and Border Security: Striking the Balance*, issued by CIMM on March 2000:

It would be naïve to maintain that the refugee system is free from exploitation by those who make unfounded claims to refugee status as a way of staying in the country, or, more recently, by those who wish to buy time until they can enter the United States. The problem — and the challenge — is to distinguish swiftly between those with genuine claims and those who would take advantage of a refugee system that is generally acknowledged to be one of the best in the world. The truth is that it is often not easy to tell the two groups apart. Both often use fraudulent documents; both often employ smugglers to assist them; both may tell similar stories.

By the late 1990s and early 2000s, the criminalization of refugees became associated with security and a sense of imminent danger. The arrest of Ahmed Ressam in 1999, along with the attacks on the US in September 2001, stabilized and systemized the refugee-security nexus. This nexus required a complex set of practices where certain problems and solutions became thinkable, at least for some time (Scott, 1999). The Ressam case demonstrated that the system was not only broken and vulnerable to criminality and exploitation, but also dangerous.

Ressam was an Algerian national. He filed for refugee protection upon his arrival in

Montreal in 1994. However, his claim was rejected in May 1995 because he never appeared for his determination status hearing. By 1998, he had become involved with Bin Ladin's network after a visit to Afghanistan on a fake Canadian passport. He was arrested in 1999 by US authorities after more than 100 pounds of explosives were discovered hidden in the trunk of his rental vehicle as he attempted to enter the US. Ressay had planned to plant the explosives in the Los Angeles airport.

The case of Ressay drew great public attention both in Canada and abroad, creating what Lamey described as "a far more ominous figure" (Lamey, 2011, p.288). Authorities used the case to highlight the vulnerability of the Canadian refugee system. Despite his failed refugee claims, major media outlets continued to characterize him as an Algerian refugee who was involved in terrorism prior to his arrival to Canada, ignoring the fact that he became involved in terrorism a few years after his arrival to Canada. This inaccurate information was also evident in *Trial of a Terrorist*, an investigative documentary on Ressay that was co-produced by the CBC. The documentary was used to support the findings of the US 9/11 Commission Report, which was in turn reported in various media outlets.

The mythology surrounding Ressay had a powerful resonance in the wake of September 11th. It ultimately perpetuated the inherent problem of the refugee determination system in Canada that "allowed Ressay to thrive" (Lamey, p. 287). It also exposed a failure of communication and information-sharing between Foreign Affairs, the RCMP, CSIS, and CIC on the one hand, and US intelligence and enforcement agencies, on the other hand. The Ressay arrest, along with the attack on the US in 2001, became the focal point that legitimated the creation of new departments, legislative measures and practices that aimed at strengthening Canada's border control in order to protect the safety and security of Canadians.

During this period, state violence and racism targeting the potential threat of refugees and asylum seekers flourished. When the Immigration and Refugee Protection Act (IRPA) was introduced by the Chrétien government in 2001, the Minister of Citizenship and Immigration, Elinor Caplan, pointed out that the aim of the act was “to close the back door to those who would abuse our rules, in order to open the front door wider to those who would come to us from around the world to help us build our country” (House of Commons, 2001, para. 2). The act, according to CIC, provided “a sound legal and policy base with which to respond to threats to the safety and security of Canadians” (CIC, 2000-2001) by granting “a fundamental expression of Canada’s humanitarian ideals, [and] fair consideration to those who come to Canada claiming persecution” (IRPA, 2002). The terrorist attacks on the US increased Canada’s awareness on issues of international terrorism, and its impact on the public. It also “brought about a new focus on our land border with the United States, with spill-over effects on our most important trading relationship” (CIC, 2001-2002). The legislation increased the discretionary powers of the Minister, and highlighted the migration-security nexus.

The Chrétien government also passed the Anti-Terrorism Act as part of the Criminal Code with the stated aim of protecting the safety and security of Canadians. The act provided a legal definition of terrorism, criminal acts, and criminal activities, and entrusted the Cabinet with the power to name organizations, agencies, and groups involved in terrorism. It also enlisted a series of surveillance, enforcement and prevention measures adopted against persons, groups, and organizations that were involved, or might be involved, in terrorism. The act increased the discretionary powers of the police, intelligence agencies, and Cabinet by authorizing them to suspend the law. It granted them the right to operate secretly without disclosing information to the public.

In 2003, Prime Minister Paul Martin, the newly elected Liberal leader, transferred the enforcement functions of Citizenship and Immigration to the newly established Department of Public Safety and Emergency Preparedness (PSEP), which included CSIS, the RCMP, and the Canada Border Services Agency (CBSA)¹³⁴. PSEP, which resembled the Department of Public Safety previously proposed by the Mulroney Government, aimed to manage national security and intelligence issues, and coordinate government responses to emergencies. Immigrants and refugees officially became subjects of perceived threat and danger.

The Martin government also adopted the “first-ever comprehensive statement of national security policy” (Government of Canada, 2004). The policy, which aimed to enhance the security of the state and its nationals, contributed to international security by providing an integrated approach to current and future threats facing Canadians to ensure that Canada was not “used as a base to threaten state allies” (Government of Canada, 2004, vii). Similar to the logic that prevailed during the Cold War era, the response to the September 11th attacks was framed as a war about protecting Western liberal democratic values. In the opening statement of the policy, Prime Minister Martin pointed out that, by “attempt[ing] to undermine the core values of democratic societies,” individuals could exploit Canada’s openness to immigrants from around the world. He further stated:

The new and more complex security environment requires Canada to deal frankly with the reality that in an open society, tensions can develop among communities. There is a risk that the seeds of conflict and extremism can take root even in the most tolerant of settings. Canadians stand together in reaffirming that the use of violence to pursue political, religious or ideological goals is an affront to our

¹³⁴ CBSA was created in 2003 to facilitate and manage the movement of people and goods

values and must be met with a determined response by Canadians and by their governments (vii- p.2).

The government, he insisted, has an important role to fulfill in protecting its nationals from dangers such as the attack on the US in 2001, the Madrid train bombing in 2004, and the Air India bombing in 1985:

There can be no greater role, no more important obligation for a government, than the protection and safety of its citizens...[W]e live in an increasingly interconnected, complex and often dangerous world. The increase in terrorist acts and the threat of rapid, globalized spread of infectious disease all challenge our society and the sense of security that is so critical to our quality of life. Canadians understand this new reality... Government is determined to pursue our national security interests and to be relentless in the protection of our sovereignty and our society in the face of these new threats.

The policy integrated and coordinated the government security web¹³⁵. The IRPA, along with all other security measures adopted by the government, was presented as a response to the September attack on the US, but in reality had been in the making since 1994. It reflected the recommendations of the White Papers and the 1987 Senate Committee on Terrorism. The September 11th events gave the government, as Pratt observes, a “cutting-edge response to the new terrorist threat” (p. 3). Even though none of the attackers were refugees or immigrants, the

¹³⁵ The integrated security system adopted by this policy established an Integrated Threat Assessment Centre, National Security Advisory Council, and Advisory Cross-Cultural Roundtable on Security, with a central role preserved for the Department of Public Safety and Emergency Preparedness. The policy targeted intelligence services, co-ordination and management of threats and emergencies, public health surveillance, transport security, border and international security deploying biometric technology and fingerprint systems, and a smart borders agenda tabling new measures for the refugee determination system in order to ensure efficiency and the protection of genuine refugees, establish funds to support peace-building initiatives in failed or failing states, and support counter international terrorism measures.

attack exposed the vulnerability of the West and by extrapolation lent credence to the theory that Canadian generosity to refugees exposed Canada to potential abuse and danger. As a result, the refugee determination system needed to be scrutinized and tightly controlled in order to protect and enhance the lives and values of Canadians. The emphasis on danger fueled public anxiety and highlighted the need to entrust the government with protecting its nationals by excluding the dangerous. In other words, the government had the responsibility to let die these individuals in order to enhance and protect the lives of its own citizens.

During this period, NGOs and refugee advocacy groups failed to meaningfully engage and challenge oppressive governmental practices. This failure can be attributed to a number of factors. Firstly, while NGOs and refugee advocacy groups contested and expressed concern over the negative impact of government practices on refugees and asylum seekers, for the most part their voices were overshadowed by security concerns¹³⁶. Secondly, many of these NGOs acted as partners in government policy-making and implementation processes. This partnership is clearly illustrated in the Voluntary Sector Initiative (VSI). VSI was a five-year initiative officially launched in 2000. Among other things, it sought to strengthen the partnership between the voluntary sector and the government on issues pertaining to migration and settlement. Thirdly, contrary to the Cold War period where ‘one man’s terrorist is another man’s freedom fighter,’ in the post-Cold War period there was very little challenge to the government’s unwillingness to differentiate between these two categories. By resisting this governmental logic during the Cold War, NGOs and refugee advocacy groups managed to provide protection to thousands of refugees fleeing the Pinochet regime.

¹³⁶ For more information on the role of NGOs and human right groups in refugee-related issues in Canada, see Andrew S. Thompson (2010), *NGOs and Human Rights in Canada: In Defence of Principles*. UBC Press: The University of British Columbia.

That said, since Stephen Harper won the most recent election with a majority government, activist groups have been more active than ever before in resisting state practices toward refugees. While the Harper government has succeeded in adopting and implementing measures to control and restrict refugees, the government has also been effective in provoking Canada's civil society. Since this government has been in power, doctors, lawyers, nurses, academics, and other professionals have added their voices to the refugee rights movement. For example, doctors and nurses have been particularly successful in drawing attention to refugee rights, demonstrating in front of the parliament in their white coats. Likewise, lawyers and doctors have been successful in legally challenging the government's decision to cut healthcare benefits to refugees, which according to the government was designed to deter 'bogus' refugees from entering Canada.

Since the 2011 election in which the Conservative party won a majority in the House of Commons and dominated the Senate, the government's strategy toward refugees has become bolder and more technical. The securitization and criminalization of refugees who were abusing Canada's generosity has become a key component of the Harper government's agenda. The government has adopted a series of legislation to further control and manage the arrival of what CIC insists on calling 'bogus' refugees to Canada. During Harper's term in office, refugees and asylum seekers have become largely governed through crime, with the Minister of Public Safety entrusted with the power to determine life or death.

For example, the Harper government has introduced Bill C-4, Preventing Human Smugglers from Abusing Canada's Immigration System Act, which was very similar to the amendments introduced by the Mulroney government in 1987. Bill C-4 was introduced as a response to the arrival of a MV Sun Sea ship carrying 500 Tamil refugees to the shores of British

Columbia. Unlike the Mulroney government's amendments, Bill C-4 framed the issue in terms of concern for refugees and the abuse they experience at the hands of smugglers. The smugglers, as opposed to refugees, are the ones to abuse Canada's generosity, yet the refugees along with the smugglers pay the price. Hence, the government supposedly needed to step up to the challenge and protect refugees.

The bill associated 'irregular' arrival with criminality and security by highlighting the illegal means through which persons arrive to Canada. Irregular arrivals, as CIC (2012) notes in *Protecting our Streets and Communities from Criminal and National Security Threats*, "potentially involv[e] human smuggling operations, [and] present many challenges for authorities identifying individuals involved in the case. Individuals who participate in such ventures often do not have documents, rely on fraudulent or fraudulently obtained documents, or have destroyed documents in order to hide their identity." Thus, the report continues, "[i]n order to ensure the fairness and integrity of Canada's immigration and refugee systems, and to protect the safety and security of the Canadian public, it is essential that government authorities have the ability to detain, to impose conditions of release, and to remove those who are inadmissible to Canada."

In 2012, following a series of consultations on immigration and refugee issues, the government adopted the *Protecting Canada's Immigration System Act*. The Act, which included Bill C-4 (with the exception of minors' detention under age of 16), expanded on the *Balanced Refugee Reform Act* adopted earlier. The *Protecting Canada's Immigration System Act* granted the Minister of Citizenship and Immigration greater discretionary powers in deciding which countries would be designated source countries of asylum, and the fate of the Humanitarian Compassionate application. It effectively created a two-tiered system whereby claimants from

countries that were designated by the Minister as respecting human rights would have a shorter time for a hearing and appeal than those who were arriving from countries that were deemed to be undemocratic. The act also implemented biometric identification. In a news conference following the tabling of this act on Feb 16th, 2012, Jason Kenney maintained:

But for too many years, our generous asylum system has been abused by too many people making bogus refugee claims. Canadians take great pride in the generosity and compassion of our immigration and refugee programs. But they have no tolerance for those who abuse our generosity or take advantage of our country... 62 per cent of asylum seekers are found to have bogus claims, claims that end up being rejected or withdrawn. We waste precious time, instead of providing much swifter protection for real refugees... To be blunt: Canada's asylum system is broken... We are determined to prevent this abuse of our system and, in a time of fiscal restraint, we are committed to ensuring that our asylum system is as streamlined as possible while remaining fair.

The success of the Harper government's anti-refugee agenda was due not only to the Conservative majority in the parliament and senate, but also to growing support among Canadian (in)security professionals and experts who portray migration in terms of a threat to Canada's social, cultural, and economic fabric. State authorities played "with the unease [expressed by (in)security professionals]...to affirm their role as providers of protection and security and to mask some of their failures" (Bigo, 2002, p.65).

Since its launch in 2010, the Centre for Immigration Policy Reform has been controversial for its overly conservative views, as well as its anti-Islamic and anti-visible minority rhetoric. The Centre has been intensely critical of Canada's in-land determination system, accusing

asylum seekers of being economic migrants who are abusing Canada's generosity. The advisory board and board of directors of this think tank consist of university professors, ambassadors and high-ranking civil servants, journalists and politicians. With the support of the Fraser Institute, many of the Centre's members have published influential reports and studies pointing to the purported dangers of Canada's immigration and refugee system: welfare abuse, resistance to assimilation, fraud and false claims, and security risks.

James Bissett, who served as the Director General of the Department of Canadian Immigration during the Mulroney government and later became an ambassador, has become a prominent public "expert" on Canada's immigration system. Bissett and his colleagues at the Centre regularly appear on the CBC, and are cited by high profile media outlets such as the National Post and the Globe and Mail. Despite their close connection to the Conservative Party, the Centre's members—including James Bissett, Patrick Grady, Herber Grubel, Martin Collacott, Julie Taub, and Salim Mansur—have been represented as the voices of an independent, non-partisan and not-for-profit think tank in their frequent appearances in front of CMMC, the House of Commons, the Senate, and other arenas of public consultation on issues of immigration and refugees. In supporting the amendments proposed by the Harper government, the Centre claimed that Canada needs to assert its sovereignty and right to exclude. "[I]f we can't determine who should get in, who should be kept out, and who should be removed, in effect," James Bissett asserted during his delivery to the House of Commons, "we have lost our sovereignty" (CMMC, 2012).

Bissett and others claim that the criminalization of refugees serves as a mechanism to protect individuals and communities from threat and danger, and to prevent the abuse of Canadians' generous and compassionate nature. The lost connection between refugees and

security was solidified, systemized, and stabilized with the arrest of Ahmed Ressam in the wake of the attack on the US on September 11th. Refugees became not only fraudulent abusers of Canada's welfare system, but also dangerous. Once this connection was forged, state authorities were quick to intervene to protect the health and well-being of its nationals by letting die. Against this backdrop of the security apparatus, a new humanitarian regime emerged whereby protection became an expression of suffering that was disassociated from politics.

(de) Humanizing Refugees

CIC's White Paper (1998), entitled *Building on a Strong Foundation for the 21st Century: the New Directions for Immigration and Refugee Policy and Legislation*, asserted that asylum seekers were not the immigrant subjects most in need of protection. The most needy, the Paper insisted, were refugees living in camps, particularly women and children:

It can no longer be argued that those who find their own way to those who linger hopelessly in refugee camps awaiting the return of stability in their home countries, are different groups. They are parts of one whole. Those who make it to our shores will not necessarily be the most needy. For example, the majority of people in refugee camps are women and children... the majority of in-Canada claimants are male. Women who do enter the international people-smuggling systems are particularly vulnerable to physical and sexual abuse (p.81).

In an earlier report, CIC (1994) also noted that despite Canada's legal obligation under the 1951 Convention, resettlement was an important and "preferred means of admitting refugees to Canada" (CIC, 1994b, p.47). "Not only is sponsorship a quicker and more humane method than waiting for refugees to wash up on our shores," the report explained, "it is also more cost effective" (p.47). In other words, by focusing on resettlement Canada was not only protecting the

lives of the true refugees in the camp, but also saving the lives of asylum seekers who might die on their journeys to seek asylum. Thus, deterrence and preventative mechanisms were conducted in the name of love.

The first piece of legislation to reflect governing authorities' renewed interest in refugee resettlement was the *Immigration and Refugee Protection Act* (IRPA) adopted in 2001. IRPA revealed a new vision of Canada's role in managing refugee movements both nationally and internationally. In addition to the in-Canada refugee protection system, the Act introduced the Humanitarian Resettlement Program. The program was designed for foreign nationals seeking protection from outside Canada. It included the *Convention Refugee Abroad Class*, and the *Humanitarian Designated Class*.

The Convention Refugee Abroad Class referred to individuals who were recognized as refugees under the 1951 Convention and its 1967 Protocol. For this class, CIC relied on the selection of the UNHCR, other referral organizations, and private sponsorship groups. The Humanitarian Designated Classes replaced the *Indochinese Designated Class Regulations*, the *Self-Exiled Persons Designated Class*, the *Political Prisoners and Oppressed Persons Designated Class* and the *Indochinese Designated Class*. Instead, it introduced the *Country of Asylum Class*, which was designed for individuals in 'refugee-like' situations who were not Convention refugees, and the *Source Country Class*, which targeted refugees in countries that the Minister deemed as Source Country Class¹³⁷. Resettlement is only available to those who have no other long-term refugee protection solution.

The IRPA proposed clearer guidelines on selection processes for refugees from abroad,

¹³⁷ The Source Country class was eliminated in 2011. The Minister maintained that the Source Country Class was ineffective and inefficient. Spaces cleared under this category, the Minister promised, would lead to a "larger convention-refugee-abroad class"(CIC, 2007).

emphasizing protection needs rather than ability to integrate into Canada's labour market¹³⁸. It recognized the need to channel resettlement efforts to the most vulnerable, including women, children, victims of torture and trauma, sexual minorities, the elderly and the sick. Nonetheless, the government's compassion protocol was limited, since it excluded individuals with serious mental health issues such as schizophrenia, incapacitating depression or psychosis, as well as severely disabled persons, those with costly illnesses or requiring medical intervention, as well as individuals deemed to be a security risk¹³⁹.

In addition to these resettlement classes, Canada, with the help of the UNHCR and referrals from NGOs, implemented the Urgent Protection Program (UPP), adding to a well-established Women-at-Risk Program. UPP aimed to respond to the UNHCR appeal to protect persons who are vulnerable and in urgent need of protection from threats to their life, liberty and physical safety¹⁴⁰.

The resettlement scheme adopted by the Act granted more discretionary powers to the Minister of Citizenship and Immigration in terms of the number of refugees resettled, and the countries from which refugees should be selected. The ministerial power in the designation of classes had a major effect on refugees, as it determined the lives that needed to be saved, ignored, or excluded. For instance, in a document released by DFAIT, it was noted that the designation of Bhutanese refugees for resettlement in 2007 affected other resettlement schemes

¹³⁸ See Pressé and Thomson (2008) for a more detailed account of how refugees were selected for resettlement prior to the adoption of the Refugee Resettlement Model.

¹³⁹ Released Under the Access to Information Act, Canada's Refugee and Humanitarian Resettlement Program and Bhutanese Refugees in Nepal-Referral Criteria for UNHCR and Guidelines for CIC.

¹⁴⁰ Since 2011 referral from civil society organizations are no longer accepted for this category due to "fraud and security issues"; instead, only referrals from "trusted international organizations" are considered (CIC, 2011, Pre-Publication, para. 9).

around the world, mainly in Africa where resettlement needed to be scaled down¹⁴¹.

Canada's renewed interest in resettlement has coincided with growing academic research on the Protracted Refugee Situation (PRS) (Adelman, 2008; Crisp, 2003; Fauveau, 2003; Loescher (2006); Loescher and Milner, 2004/2005/2006; Loescher et al. 2008) and well-organized public campaigns such the 'anti-warehousing campaign' to resolve and unlock protracted refugee situations¹⁴². The research has focused largely on the impact of PRSs on refugees, states and regional stability. According to researchers, tackling situations where the average wait time in refugee camp is 17 years helps to stabilize regions, minimize wars and conflicts, and secure democratic regimes¹⁴³. Given Canada's human security agenda, it was not surprising that Canada's adopted PRS as a priority for resettlement. Canada has participated in major resettlement initiatives targeting protracted refugee situations in Somalia, Sudan, Burma, and Bhutan, to name a few.

Resettlement simultaneously serves as a mechanism to exhibit moral and humanitarian sentiments, and as a political strategy to contain and control refugee movements. By adopting resettlement as an official policy, Canada, along with other Western states, hopes that it will encourage other states from the Global South to accept repatriation and local integration. Also, by championing resettlement as a means of suspending the rule of law regarding in-land protection, Canada succeeds in establishing a form of political legitimacy, one that requires very little accountability, but largely relies on the compassion of the Minister of Citizenship and Immigration. The Canadian government has become more eager than ever before to associate

¹⁴¹ Released Under the Access to Information Act, Commitment to the Bhutanese in Nepal-Internal CIC Discussion, 00241-A0501447.

¹⁴² This US supported campaign, which was endorsed by over 130 NGOs from all over the world and three US senators, calls for an end to the warehousing of refugees. "Warehousing" is a term used to describe the practice of retaining refugees in camp who are virtually dependent on humanitarian assistance (Chen, 2005).

¹⁴³ See Chapter 1 on Canada's role in promoting resettlement and adopting PRS as a priority for resettlement.

genuineness with refugees from camps abroad, and fraudulence with asylum seekers.

This logic, which has been utilized since the mid 1990s, has become even more apparent in the Harper government's discourse on refugees. For instance, on September 9th 2009, Jason Kenney, the Minister of Citizenship and Immigration, noted that "fake applications here are hurting those waiting abroad." Kenney also announced that the government would be increasing its resettlement spaces by 20 percent, focusing on protracted refugee situations and refugees fleeing religious- or sexual orientation-related persecution (CIC, 2011).

This logic was captured in the *Protecting Canada's Immigration System Act* adopted by the Harper government. CIC (2011) asserted that the Act aimed to "improve Canada's asylum system, resettle more refugees from abroad and make it easier for refugees to start their lives in this country" (CIC, 2011). It supported the underlying principles of Canada's asylum system by "ensuring fairness, protecting genuine refugees and upholding Canada's humanitarian tradition." In a news release announcing the adoption of the *Protecting Canada's Immigration System Act*, Kenny added:

Too many tax dollars are spent on bogus refugees. We need to send a message to those who would abuse Canada's generous asylum system that if you are not in need of protection, you will be sent home quickly... Our Government is sending a clear message that our doors are open to those who play by the rules, including legitimate refugees. However, we will crack down on those who endanger human lives and threaten the integrity of our borders... Human smuggling is a despicable crime and Canadians think it's unacceptable for criminals to abuse Canada's immigration system for financial gain (CIC, 2012, p. 2).

What the Minister failed to acknowledge was the huge costs associated with securing Canada's

borders, all of which are inflicted on taxpayers¹⁴⁴.

By identifying refugees abroad, especially those in camps, as the most worthy of interventions to make live and let die, governing authorities were able to legitimate their violence toward asylum seekers considered to endanger Canada and other refugees. Had these asylum-seekers stayed in camps rather than appear at Canadian borders, they *might* have been selected for life enhancement. However, the implication is that asylum seekers have assured their own demise by seeking protection without first securing the permission of the Canadian government.

The resettlement scheme adopted by the government since the mid 1990s is not only concerned with the power to make live and let die, but also with the power to make survive. By resettling refugees, Canada is able to ensure the orderly movement of people, mediated by UNHCR who act like police¹⁴⁵. In the process, refugees are carefully selected after undergoing medical, socio-economic, and security screening processes. Agamben notes that the camp is a space in which bare lives are managed directly by state power. It is a space of survival that inflicts the most inhumane conditions on its inhabitants. Only under conditions of biological existence and survival are refugees considered for life enhancement and the compassion of the sovereign. From the sovereign's point of view, refugees are 'authentically political', because they have nothing except their mere existence. In other words, the suffering of the body is an indication of worthiness for protection and care, and by extension sovereign compassion.

The power to make survive held by governing authorities is subtly captured in a document written by the UNHCR that emphasizes the need for more urgent action to resettle Bhutanese refugees. The document, entitled *Concern about 'Angry Young' Bhutanese Refugees*

¹⁴⁴ Crpeau and Nakache (2007) point out that between 2001 and 2007, a total of \$7.7 billion were allocated to antiterrorism plans in addition to the total budget of PSEPC worth \$4.9 billion.

¹⁴⁵ For instance, UNHCR hired security guards in Bhutanese refugee camps during processing resettlement.

in Nepal, reported that Janet Lim, the UNHCR's Asia Pacific Bureau Director, expressed serious concern for "the politicization of the Bhutanese camps in Nepal, especially the growing Maoist influence. She said Maoists are treated now as running the 'justice system' in the camp and its ideological attraction for 'angry young men' is significant. She proposed that the international community jump-start movement towards a comprehensive solution by launching a resettlement program for a small group of cases considered to be most vulnerable" (Wikileaks, 2005, paragraph 6).

From the point of view of the UNHCR, becoming a political agent negates refugees' status as passive beings in need of nurture and care, and therefore, legitimate. In other words, in order to deserve protection, refugees needed to be anti-political, and passive victims of their circumstances. Canada's selection process in resettling the Bhutanese refugees reflected this logic. When processing their applications to resettle in Canada, immigration official refused resettlement to Bhutanese individuals who were involved in "a previously unknown Youth Organization"¹⁴⁶.

Sentiments and emotions reinforced by academics, NGOs, and human right groups, celebrities, and the media played a pivotal role in supporting the government's sponsored regime of care and compassion. Images of refugees are inevitably linked to silence and speechlessness, as if they "need someone to speak for them" (Malkki, p.388). Through this sentimentality, Canadian citizens are pressured to act in order to remedy refugee suffering. These images of mainly women and 'innocent' children are used to appeal to public emotions, or what could otherwise be called our humanitarian impulse.

The regime of compassion is captured in the many documentary films dealing with the

¹⁴⁶ Released Under the Access to Information Act, Bhutanese Refugee Selection Mission-Fall 2008, 00601-A0501487.

refugee experience in exile. The 2007 award-winning documentary *Killing Time* is one example among many¹⁴⁷. It tells the story of Bhutanese refugees who were expelled from Bhutan in 1990 and made to live under harsh conditions in refugee camps in Nepal. It weaves together Bhutanese refugees arriving in New York. “With their immediate survival taken care of,” the narrator states, “their biggest enemy now is time. Time to do nothing. Time to think. Time to wait. Time to remember. Endless time” (*Killing Time*, 2007). The documentary, according to Gustafson (2007), sets out to show “forgotten people’s struggle to survive in a world where you don’t only spend your life killing time waiting for a solution, but where time eventually kills you.” It is a story about suffering, and the need to remedy it. Upon awarding the film le Grand Prix at the Montreal Human Rights Film Festival 2008, the judges explained that the director succeeded in giving a voice to these refugees:

... [it] is a complete and intelligent film that deals with an unknown problem. The director has managed to put words on a reality known to all refugees throughout the world and to those who know their stories: time is passing by thus taking them everyday more away from their motherland. It is really an excellent film with a value of universality (p.1).

Incidentally, the documentary aired shortly after Canada announced its commitment to resettle the Bhutanese refugees. Excerpts from the documentary were shown by the Department of Citizenship and Immigration (CIC) in select public forums on settlement issues in order to inform settlement agencies of the unique needs of these refugees.

The success of the government-sponsored regime of care and compassion, in which refugees are increasingly made to survive, is also due to the support of human rights groups

¹⁴⁷ See also the award winning documentary *God Grew Tired of Us* (2007), narrated by Nicole Kidman, and co-produced by Brad Pitt.

across the political spectrum—right- and left- wing groups, liberals and conservatives alike—allowing each to hold their own beliefs. For example, when appearing before CIMM on April 30th 2012, Mr. Callacott from the far right think tank, *The Canadian Centre for Immigration and Policy Reform*, asserted:

Canada should return as much as possible to its original intent of being a country of resettlement rather than first asylum. We resettle well over 1,000 refugees every year from overseas, most of whom have been screened by the United Nations are determined to be genuine convention refugees. Most of the asylum seekers who come here to make claims could have applied abroad, but if they don't have a good case for such a claim, they know they are much better off coming here first, since it's common knowledge that they are likely to be able to stay here for years and receive generous public assistance even if their claims are found to be without merit (p.2).

Meanwhile, many private associations, church and human right groups have gained the trust of Canadians due to their knowledge of, participation in, and contribution to refugee resettlement schemes, especially between WWII and the Cold War¹⁴⁸, which was aligned with the Canadian government's goal. The assembled 'partnership' between these groups and the government was framed as a humanitarian and non-political response. This assemblage was forged during the Cold War to meet the objectives of those "who aspire to govern conduct and those whose conduct is to be conducted" (Li, p.265). These groups who view themselves as partners in management continue to play an active and pivotal part in highlighting the plight of

¹⁴⁸ See also Thompson and Banagarth (2008) on the role played by churches in the Hungarian refugee crisis.

refugees and asylum seekers¹⁴⁹.

It was due to the efforts of some of these groups and other inter-governmental agencies that the government adopted the Women at Risk (WAT) program in 1988¹⁵⁰. The program recognized that women were at particular risk. It was designed for vulnerable women and girls “who do not have the normal protection of a family unit and who find themselves in precarious situations where the local authorities cannot ensure their safety” (CIC, 2012). WAT and the IRB guidelines were hailed by NGOs, such as CCR, Amnesty International, church groups, immigrant and refugee serving agencies, academics, the National Action Committee for the Status of Women and other intergovernmental agencies such as the UNHCR and the Division for the Advancement of Women at the United Nations High Commissioner for Refugees.

Similar guidelines were issued in 1993 by the IRB, the Guidelines on Women Refugee Claimants Fearing Gender Related Persecution. Canada was the first country to adopt gender-based persecution in its in-land refugee protection system. This attentiveness to vulnerable women boosted Canada’s image as a refugee-welcoming country demonstrating real global leadership (Callamard, 1999).

The underlying assumption of the female vulnerability model is that women are “caught up

¹⁴⁹ In their response to changes in policy regarding sponsorship, the Standing Conference of Canadian Organizations Concerned for Refugees, which in 1986 became known as the Canadian Council for Refugees (CCR), asserted in 1979:

We demand recognition of our expertise and insist on our right to participate in decision-making.
We want a regular process of consultation and dialogue before decisions are made if we are to be true partners (as cited by Lippert, 1998 p.392).

¹⁵⁰ For more information on how this program was adopted, see Noreen Spencer-Nimmons (1994), *Canada’s Response to the Issue of Refugee Women: the Women at Risk Program*. *Refugee*, 14(7), 13-18. For a critical analysis of the program, see Maroussia Hajdukowski-Ahmed, Nazilla Khanlou, and Helene Moussa (Eds.) (2008), Introduction, *Not Born A Refugee Woman: Contesting Identities rethinking Practices*. Oxford/New York: Berghahn Books.

in the clutches of tradition”¹⁵¹ (Hedge, 1998, p. 285). As a basis for refugee protection, women’s vulnerability has been revealed in numerous reports and other academic work. For instance, prior to negotiating the resettlement of the Bhutanese refugees in the West, the UNHCR investigation report revealed 18 cases of sexual abuse and exploitation in Bhutanese camps in Nepal. In light of this report, Amnesty International and Human Rights Watch issued a joint statement maintaining that these sexual abuse allegations “show the human cost of one of the world’s unresolved and forgotten refugee problems.” A year later Human Rights Watch published a report entitled *Trapped by Inequality: Refugee Women in Nepal* documenting the gender-based violence and systematic discrimination women face when accessing aid (U.S. Committee for Refugees and Immigrants).

The representation of women as victims is particularly prevalent in depictions of Muslim refugee women. Akram (2000) provides a lucid account of how these women are silenced by reports “falsely characterizing Muslim women’s claims as gender-based persecution” (Akram, 2000, p. 26) rather than based on political opinion. Akram describes the case of Nada, a young woman from Saudi Arabia who claimed refugee status in Canada on the basis of political opinion. Nada indicated in her refugee status claim that she refused to comply with Saudi authorities’ demand to cover her face. Her claim was rejected by the IRB on credibility grounds. The IRB explained in their decision that “it was not credible that an Arab Muslim woman would disagree with the authorities of a Muslim state... [Nada’s feminism] was not a ‘political opinion’ for the purpose of refugee status, and that she should ‘comply with the laws of general application she criticizes’” (As cited by Akram, 2000, p.25).

¹⁵¹ Similar reports and research was conducted on the state of children and youth in the camp. For example, John (2000) expressed a concern for the fate of Bhutanese youth in refugee camps, fearing that like Palestinian youth they might get involved in militant groups if their case was not seriously addressed by the international community.

The inclusion of these vulnerable women serves as a mechanism to maintain the myth of the violent Muslim man who is unworthy of Canada's liberal values. This logic was clearly articulated by two members of the Canadian Centre for Immigration Reform during their delivery in front of CIMM on April 30th, 2012. When asked about her views on the newly proposed reforms to IRPA, Julie Taub maintained:

the current system that we have [...] besmirches the memory of Holocaust survivors. The very thought of treating on equal footing somebody from the United States, or Britain or Sweden with refugees from Darfur or Rwanda, or women fleeing Sharia law or genital mutilation... is just outrageous...Then there's also the issue of Christians who are not fleeing massacres in certain Islamic theocracies. Those are the real refugees.

Salim Mansur, who is also a member of the Centre and an Associate Professor of Political Science at the University of Western Ontario, expressed similar views. During his appearance in front of the same committee in October 2012, Mansur, who claimed to have inside knowledge of the Muslim psyche, asserted:

Liberal democracy is a culture...I'm here talking about this as a political philosopher academic... We are a culture, a liberal democracy, and that culture is based upon certain very fundamental assumptions... The critical core assumption is about individual freedom. Now, there are cultures, in fact most of the cultures around the world, that are not liberal democratic. It is not that the whole Muslim world is completely driven underground. There's a huge struggle going on right now as I speak. The problem and the challenge is that organized mainstream

Islam is incompatible with liberal democracy.

By focusing their efforts to resettle the most vulnerable and powerless on women and children, human rights and refugee advocacy groups have inadvertently adhered to the regime of compassion whereby refugees are only understood in terms of lack and suffering. Suffering has also become an indication of genuineness in a discursive trend of authenticity that is increasingly used by the government as a rationale to control the in-land refugee protection system.

The figure of the stripped bare, dehumanized and depoliticized refugee in the camp is precisely the model that Canada now selects for resettlement. The refugees who have been waiting patiently in the camp, especially women and children, are treated as most deserving of government compassion. The ones who find their way out of the camp are the criminals and the illegitimate—suspicious and undeserving of protection. “‘Real’ refugees wait in camps with temporary, *prima facie* status,” Hyndman and Giles (2011) observe, “whereas asylum seekers at the borders of the EU, US, Canada or Australia who seek Convention status are framed as security threats” (p.374). The discourse of humanitarianism and compassion in the name of protection and care is used as a minimalist biopolitical tool to manage and administrate survival, and preserve the sovereign right to decide who is inside and who is outside.

Conclusion

Using a genealogical approach, this chapter sought to examine the re-emergence of the humanitarian-security nexus in the Canadian refugee protection system. It was argued that in the mid 1980s governing authorities were concerned with a different migration problem than the one faced in the post-WWII period. The problematization of contemporary migration led to the adoption, revision, and/or abandonment of different technologies of power.

The growing number of refugee and asylum seekers reaching Canada in the mid 1980s at a time when Canada was obliged by domestic and international laws and agreements to provide a determination hearing, the burgeoning public involvement with refugee issues, coupled with the end of the Cold War and its communist threat, forced the government to rethink its practices. The problem of migration was expressed in terms of criminality and terrorism, which was aggravated by loss of control over migrants' entry. In order to deal with this challenge, governing authorities intensified a security apparatus that associated migrants with security and criminality. It employed discourses and adopted institutions and policies that sought to control the new threat. However, some of the technologies failed due to the inability of the government to fully consider and address Canada's imagined humanitarian identity in protecting refugees.

By the mid 1990s, governing authorities were no longer only concerned with their power to make live and let die, but also with the sovereign power to make survive. The Canadian government became focused on not only maintaining the security apparatus but also nurturing a regime of compassion. Humanitarian practices to resettle refugees from abroad became the humane solution to refugee suffering. This solution, which captures the re-emergence of the humanitarian-security nexus, meant to remedy suffering while at the same time legitimate the control of the number of asylum seekers arriving in Canada. This legitimation was possible through the invention of new philosophical approaches, policies, and discourses that aimed at both humanizing and securitizing refugees. Refugees in camps in the Global South became the deserving refugees, while others who infringe on state authorities' rights by claiming asylum for themselves became questionable, illegitimate, bogus, and criminals and terrorists.

Despite the fact that none of the September 11th attackers entered the US as a refugees, the event profoundly shaped contemporary Canadian refugee practices. The September 11th

attack on the US, and the capture of Ahmed Ressam, gave the security-humanitarian nexus an excuse with which to legitimate state violence. During this period, the Canadian governing authorities created new institutions and intensified discourses and policies that aimed to control and prevent the entry of potential criminals and terrorists. These technologies were accompanied by the discretionary power of the Cabinet and the Minister of Immigration. As a result of such technologies, contemporary refugees are now beholden to sovereign grace by demonstrating suffering and vulnerability.

CONCLUSION

This thesis has sought to examine the emergence of the humanitarian-security nexus in the Canadian refugee protection regime during the post-WWII era. Through a genealogical approach grounded in a theoretical framework that incorporates Foucault and Agamben's discussion on biopolitics, the thesis investigates the ways that this nexus was assembled over time through particular historical moments, namely the Ugandan and Chilean refugee crises. The first part of the conclusion summarizes the main findings of this study and its contribution to knowledge. The second part discusses its limitations while at the same time proposing potential future research directions.

Summary

The Emergence of the Humanitarian-Security Nexus

The dissertation revealed that the humanitarian-security nexus emerged in the post-WWII period to address the governing authorities' concern to steadily increase the population. Drawing on the concept of biopolitics in conjunction with a genealogical approach, it argued that the Canadian governing authorities exercised the power to make live and let die through the production and maintenance of this nexus. With the winding down of the Cold War, and the adoption of the 1976 Immigration Act, the humanitarian-security nexus re-emerged again as a political response to the growing number of refugees seeking sanctuary in Canada. This new nexus reflected the governing authorities' power to make survive.

With the labour shortage in the aftermath of WWII, the Canadian government perceived the need to find a short- and a long-term solution to migration. The emphasis was on the screening processes, which were diligently conducted in an attempt to ensure the selection of immigrants who would contribute to Canada's social, political, and economic objectives. In the

immediate aftermath of WWII, refugees were considered as a 'stagnant pool' of cheap labour, with the governing authorities' intervention to make live and let die reflecting complex and at times contradictory rationalities.

At the height of the Cold War between the early 1950s and early 1960s, when the British Empire was at its weakest, the Canadian government increasingly sought an influential role on the world stage while at the same time strengthening its ties to the US. This political environment, along with the state of heightened fear and paranoia regarding communism, created the conditions for a particular formation of the humanitarian-security nexus. The swift humanitarian response to refugees fleeing European communist regimes sought to promote Western democratic values. At the same time, it was carefully conducted in order to secure the selection of refugees who would be able to contribute to the Canadian economy.

The Minister of Immigration and the Cabinet, through Orders-in-Council and other Emergency Orders, reflected the desire to administrate a humanitarian response that would control for the type and composition of refugees. Legislation was carefully worded to avoid any response to refugees in the rest of the world. The 1910 Immigration Act and the 1952 Immigration Act and its Regulations created the inadmissibility class, which sought to prevent the entry of individuals who were considered by the governing authorities as threats to Canada's economy, and political, social and cultural survival. In accordance with the selection process, which was executed by immigration and health officials and the RCMP, refugees who met the governing authorities' orders were resettled, while others were denied and excluded entry.

In the 1960s, there was a shift in government attitudes to immigrants and refugees. The Canadian government adopted the 1967-point system, and finally signed the 1951 Convention. The point system was hailed by many as a departure from Canada's previously racist policies,

with the adoption of the 1951 Convention believed to reflect Canada's commitment to refugees. In practice, however, the point system was another technology of power that sought to prevent the entry of the 'bad race'; that is, those individuals and groups that had not acquired Canada's Western-individualistic values. Meanwhile, signing the Convention did very little to change Canada's practices toward refugees. The same technologies of power continued to operate during this period to administer the entry of refugees. In fact, despite the Canadian government's economic ties with communist countries in the late 1960s and 1970s, the security apparatus, which was heavy-handedly executed by the RCMP, continued to employ the communist fear.

During this period, Canadian civil society groups emerged as an influential force in immigration- and refugee-related issues. They contested the Canadian government's security apparatus, which sought to exclude refugees who were fleeing imperial and colonial regimes. While this apparatus was eventually blamed for the unethical and illegal activities of the RCMP, state authorities recognized the need to manage public expectations, especially when refugees did not conform to the governing authorities' biopolitical order. Such management was even more necessary with the winding down of the Cold War, as communism was no longer a threat to Canadians and their institutions.

With the adoption of the 1976 Immigration Act, Canada's concern with population growth ceased to be associated with refugees because the immigration selection process was designed to fulfill this need. Furthermore, the decline of the Cold War meant that refugees were longer ideologically valuable. Nonetheless, given Canada's legal obligation to refugees, the government had to reinvent its approach in order to have better control of their arrival.

In contrast to the post-WWII concern with the healthy growth of the population, in the mid-1980s the Canadian government was preoccupied with the growing number of asylum

seekers reaching Canada. Their ‘irregular’ arrival raised the prospect that the government was losing control of the entry of migrants, some of whom, it was thought, might be criminals and terrorists who would threaten the foundation of Canadian institutions and people. Given this existentialist threat, the governing authorities felt that they had an obligation to secure the well-being of the latter. The government adopted a series of preventative and deterrence measures, but these measures were not fully implemented. Many saw them as punishing vulnerable refugees, thus threatening Canada’s imagined moral identity.

By the mid-1990s, Canadian officials realised that the success of their control was contingent on the reworking of the old humanitarian approaches to refugees. In order to effectively restore the governing authorities’ biopolitical order, refugees needed to be considered vis-à-vis humanitarian and security practices. The emergence of the humanitarian-security nexus during this period reflected some of the old security concerns, but incorporated new ways of conceptualizing refugees, who ceased to have any meaningful political, social, or economic value. Humanitarianism became concerned with suffering and victimhood. Practices targeted refugees in camps, especially women and children, who were viewed as the most deserving of compassion. The humanitarian-security nexus reflected a minimalist state of biopolitics, where state authorities administered survival. The September 11, 2001 attack on the US further solidified this emerging nexus. It justified and strengthened the discretionary powers of the executive in protecting the nation. The government executed its biopolitical power by exploiting the affect of fear and compassion.

Beginning in the mid 1990s, a series of measures and institutions were adopted to maintain this minimalist biopolitical order. Given the involvement of the public in refugee issues, there was a clear discursive trend, adopted by government officials and disseminated by

the media, of associating asylum seekers with criminality and terrorism. The policies and institutions, including preventative and deterrence measures, that failed in the 1980s became possible in the aftermath of September 11th.

Against the backdrop of this assemblage of technologies of (in)security, the Canadian government adopted technologies of compassion that emphasized the need to protect the most vulnerable refugees in camps, especially women and children. Refugees needed to demonstrate suffering and victimhood in order to qualify for the mercy and compassion of the sovereign, without any consideration of the conditions—the political, philosophical, economic and historical factors—that caused and perpetuated their suffering. This show of compassion was arbitrary, and did not reflect any legal obligation. Decisions were ultimately left to the Minister of Immigration and the Cabinet. While fragile, the compassion regime was assembled through partnerships with refugee advocacy groups. These groups, along with government officials, participated in dialogues, discussions, and other initiatives on refugee issues. The decision of the government to intervene in refugee crisis situations was presented as a compromise between competing public and government interests.

The Ugandan-Asian and Chilean Refugee Crises

The Canadian response to the Ugandan-Asian and the Chilean refugee crises in 1972 and 1973, respectively, provided insight into the role of the humanitarian-security nexus in maintaining the governing authorities' power to make live and let die. These crises both occurred when the Trudeau government was in power. Nonetheless, the government responded very differently to each: its response to the Ugandan-Asian refugee crisis was swift and compassionate, with over 6000 Ugandan-Asians resettled in Canada within a three-month period, whereas its response to the Chilean refugee crisis was met with delays and suspicion, with only 50 people offered

resettlement in the first four months of the crisis. This was due to the different technologies of power assembled in order to create the inclusionary/exclusionary practices.

These case studies highlight the conditions under which state authorities intervened to assert their biopolitical power to make live or let die. It did not reflect a pragmatic, or a rational choice, but rather involved the assemblage of technologies of power to create a certain effect. Some of these technologies were abandoned, or revised in order to response to unforeseen circumstances. Nonetheless, this assemblage of power sought to maintain the governing authorities biopolitical order. The case studies also demonstrate the extent to which the moral obligation to act and protect refugees is arbitrary and limited. They offer a glimpse into the politics of suffering, whereby some bodies are deemed worthy of compassion while others are not.

Prior to the British government's request for assistance, Canadian officials were already planning their response to the Ugandan-Asian refugee crisis. By the time the crisis occurred, immigration officials had already established ties with the Asian community in Uganda. Once the British requested assistance, the government was quick to send its immigration team and to select thousands of Ugandan-Asians. Canada's swift response to this crisis reflected its desire to select a highly qualified refugee group who was seen as having acquired Western-liberal democratic values; the Ugandan-Asians were viewed as hard-working members of a middle class that did not become involved with government affairs. The Canadian government was also committed to England and the Commonwealth. By swiftly resettling Asians with British passports and alienating Amin, the Canadian government, along with other participating resettlement countries, hoped to contain the crisis, preventing it from spilling over into other Eastern African countries.

While initially the screening processes sought to prioritize British-Asians, the Aga Khan appeal to the government and his financial assurances to resettle the Ismailis revised this government plan. Once the British Asians were selected, the government instructed the immigration team in Kampala to prioritize the applications of stateless persons and the Ugandan-Asians, the majority of whom were Ismailis. The resettlement of these refugees was possible due to the 1967 regulations, which granted the Minister of Immigration the power to waive some of the regular selection criteria under special circumstances. These regulations were executed by immigration and health officials, with very little involvement on the part of the RCMP. The Ugandan-Asians had to undergo stringent medical tests in order to be able to qualify for resettlement in contrast to Canadian practices adopted toward earlier refugee resettlements, such as those of the Hungarians and Czechs, where tests were conducted upon their arrival in Canada.

Contrary to the Ugandan-Asian humanitarian planning, the Canadian government through its Embassy in Santiago planned a series of measures to prevent the entry of Chilean asylum seekers in case a coup was to occur. When the coup did take place, the Chilean ambassador was exceptionally selective in deciding which individuals would be allowed entry to the country upon fleeing the violence of the Pinochet regime. Viewed as socialists and communists likely to encourage Quebec's separation from the rest of Canada, the refugees' needs were ignored by the Canadian government throughout the first few weeks of the crisis.

This attitude changed dramatically in light of a media leak of diplomatic cables written by the Canadian ambassador in Santiago. The ambassador's clear indifference to the human suffering caused by the Pinochet regime was capitalized on by civil society groups demanding the government to seriously commit to providing protection to Chileans and other non-Chileans whose lives were at risk. As a result of this fortuitous event, the government decided to

intervene. It sent its immigration and health officials, along with the RCMP, to ensure the proper selection of refugees. The RCMP, which until this point had been preoccupied with communist infiltration and Quebec separation, conducted thorough security screening processes, which caused serious delays and the rejection of many applications. Thus, despite the public pressure, through the deployment of the RCMP, the governing authorities were able to control the entry of Chileans to Canada.

The Chilean case demonstrated the ways in which state racism was enacted in order to assert the governing authorities' power to let die. In contrast to the case of the Ugandan-Asians, cultural racism was adopted to exclude and ignore the suffering of the Chileans. The Chilean refugees, who contested Pinochet's capitalist and Western-supported regime, were exactly the type that the Canadian governing authorities sought to eliminate. In its internal communication, the government portrayed these refugees as illegitimates who would import dangerous values that would threaten Canada's Western liberal democratic values.

The case of the Chilean refugees also demonstrated that the Canadian government's reluctance to resettle the Chileans was rooted in its desire to preserve its economic interests in Chile. Furthermore, it demonstrated the growing public resistance to the government's refugee policies, as the public response to the diplomatic leaks forced the government to reconsider its decision to refuse resettlement to the Chilean refugees. Nonetheless, given the stringent security screening process, the refugees who were resettled in Canada were not the ones most in need of protection.

Contribution to Knowledge

By employing the concept of biopolitics in conjunction with a genealogical methodology, this study provides an original contribution to the body of knowledge on the Canadian refugee

protection regime. The research project sheds light on the connection between humanitarian and security practices, the changing nature of these practices, and the technologies used to preserve it. It also provides the first comprehensive study on Canada's response to the Ugandan-Asian and Chilean refugee crises. Finally, it opens up new ways of imagining resistance.

Security and humanitarian practices tend to be treated in the literature as separate domains of intervention, where each is used to achieve certain goals. The study demonstrated that these practices are intertwined. By enacting a humanitarian-security nexus, the Canadian government has been able to use its biopolitical power to manage and control the arrival of refugees and asylum seekers. Between WWII and the end of the Cold War, the humanitarian-security nexus reflected Foucault's understanding of biopolitics, with the governing authorities operating the power to make live and let die. Humanitarian and security practices have been simultaneously used to justify both the inclusion and exclusion of various refugees from the Canadian government's resettlement initiatives. The genealogical approach was pivotal in revealing the conditions of possibility that have allowed the adoption of particular technologies, while others have been abandoned or revised.

The study's genealogical approach also traced the shift in the humanitarian-security nexus toward a minimalist biopolitics order. For Agamben, this order is about a state of survival, where the governing authorities are concerned with the management of human lives which are progressively reduced to inhuman existence, and where the threshold of human possibility is lowered. This power is reflected in the practices adopted by the international community and the Canadian government since the mid 1990s. In order to qualify for sovereign protection, refugees have to prove suffering, victimhood and vulnerability—in other words, they must be reduced to their mere biological existence. Refugees who contest this order by arriving uninvited in Canada

to seek asylum are deemed as threatening the sovereign authority, and thus in need of elimination.

The study contributes to a body of theoretical work on humanitarianism and security by opening up new ways of conceptualizing security and humanitarianism, and the mechanisms used to maintain them. It provides a holistic approach by focusing on the assemblage of technologies of power (e.g. security apparatus), and the conditions of their formation.

The Ugandan-Asian and Chilean case studies clearly illustrated the ways this biopolitical order has been utilized through the humanitarian-security nexus in response to refugee crises abroad. By focusing on the events leading to these crises, and the ways the Canadian government managed its technologies of control, the research project provided the first comprehensive analysis of Canada's response to these crises. These cases highlighted how the *same* technologies of power were assembled together to create *different* effects while achieving the governing authorities' desired goals. The public humanitarian gesture exhibited by the Canadian government toward the Ugandan Asian refugees sought to highlight the brutality of Idi Amin and the suffering of the Ugandan Asians. On the contrary, the Canadian government reluctance and suspicious attitude toward the Chilean refugees forged an environment of fear, which in turn legitimated the enactment of the security apparatus.

Once the government decided to intervene in these crises, it utilized humanitarian discourses to enact legislation that allowed the entry of refugees, which was executed by immigration and health officials and the RCMP. Nonetheless, while these technologies aimed to reflect the Canadian humanitarian identity and Canada's liberal democratic values, their assemblage was crucial in maintaining its biopolitical order. The endorsement of Prime Minister Pierre Trudeau and the encouragement of Minister of Immigration Robert Andras facilitated the

work of the immigration team in Kampala and justified the absence of serious security concerns. Meanwhile, the fear and suspicion expressed by the Minister of External Affairs, Mitchel Sharp, his ambassador in Santiago, Andrew Ross, and the Minister of Immigration, Robert Andras, undermined the work of the immigration team and the RCMP, which were concerned with communist and socialist infiltration.

The phenomenon of exclusion has a profound impact on the lives of refugees and asylum seekers. The study emphasized that the exclusion of refugees functions through the circulation of fear and anxiety as a tool to preserve the governing authorities' biopolitical power. It showed that state authorities revised their technologies of power in response to seen and unforeseen circumstances. When the Canadian public contested refugee practices, the government authorities slowly institutionalized this public voice by making it a partner in the decision-making. Refugee policies and practices were represented as a compromise between competing public interests.

Nonetheless, in recent years there is growing resistance to these policies and practices from an influential segment of the Canadian public not normally aligned with refugee issues. Lawyers, doctors, nurses, and other professionals have been publically contesting the government's refugee practices. Due to their organized interventions, the Federal Court ruled on July 4, 2014 that the Canadian government's decision to cut refugees' healthcare benefits in 2012, which was portrayed as an attempt to deter 'bogus' refugees, was "cruel and unusual". Judge Anne Mactavish wrote in her decision that the cuts "potentially jeopardize the health, the safety and indeed the very lives, of these innocent and vulnerable children in a manner that shocks the conscience and outrages Canadian standards of decency... I have found as a fact that lives are being put at risk" (CBC, 2014). While it is too early to predict the influence of this

emerging middle-class power, it is clear that their actions have resonated with the humanitarian impulse to end suffering.

Meanwhile, the study also suggested that the refugee has always been a controversial figure, which highlights the “forms and limits of a political community to come” (Agamben, 1995, p.114). By arriving in the West, asylum seekers are claiming their political subjectivity, thereby contesting the separation between man and citizen, which is at the foundation of sovereignty. Many of these refugees have endured precarious journeys to seek protection. In fact, on November 6, 2013 the Maltese Prime Minister Joseph Muscat described the Mediterranean as a cemetery where many asylum seekers lost their lives while trying to cross (*The Independent*, 2013). Thus, despite the violence involved in preserving the biopolitical order, refugees continued to resist their exclusion. By considering refugees’ arrival as an act of defiance to governing authorities’ biopolitical order, this project opens new space for contestation and alternative ways of imagining a new world order.

Limitations and Directions for Future Research

The first and major limitation of the research project is epistemological. The issue emerges in the dismissal of refugee accounts, and the ways in which refugees contest, resist, and redefine their lives. The project has also paid very little attention to the ways in which the humanitarian-security nexus is experienced by refugees in terms of gender, sex, race, religion, age, ability, or health status. Given my thesis’s focus on the Canadian government, I had to be selective. I concentrated on certain facets of power rather than others and as a result some voices of resistance were privileged more than others.

Various studies have examined the ways in which refugees have contested governmental, intergovernmental, and NGO authorities (Nyers and Moulin, 2007; Ramadan, 2012; Jabri, 2006).

However, only a limited number of studies have explored how refugees exercise resistance by engaging with the system that oppresses them. Hardy (2003) calls this form of resistance as “a local struggle... where refugees [learn] how to work through the system” (p. 480). This is particularly relevant in contemporary refugee practices. Hardy (2003) shows how some refugees were successful in their claims by learning how to work the Canadian refugee determination system to their advantage.

Harrell-Bond (2002) notes that pathologizing and medicalizing refugees by labeling them as helpless and vulnerable forces them into roles they are then expected to play (p. 57). This form of hegemony—that is, when refugees intentionally comply with what is expected of them—compelled the government to modify its compassionate protocol and adopt new guidelines on fraud. Meanwhile, Soguk (2007) points out that the “bare migrants’ bodies” are active agents that truly threaten and resist sovereign authorities by the mere fact of their arrival.

In *History of Sexuality*, Foucault notes that “where there is power, there is resistance” (p. 95-96). Understood in this sense, resistance is always incorporated into networks of power (and apparatus), and does not operate outside of it. Power “construct[s] the subject by weaving knowledge and power into ‘a coercive structure’ that ‘forces the individual back on himself and ties him to his own identity in a constraining way’” (Foucault quoted in Hardy, 2003, p. 466). That said, incorporating the voices of refugees who have resisted authority would have greatly contributed to and enriched my dissertation by revealing the multilayered nature of the operation of power. Nonetheless, I hope this dissertation offers the groundwork for future research that specifically focuses on how refugees contest and resist governing authorities’ right to make live, let die, or make survive.

The second limitation has to do with the role civil society played in the Canadian refugee

protection regime. While this study offered an insight into the role of civil society in Canada's refugee policies and practices, it did not fully delve into how this role evolved, or the forces that shaped its successes and failures. Given the potential power of civil society, a future research project that focuses on civil society's involvement in the Canadian refugee protection regime would provide a unique contribution to the role of this force in alternately undermining or enhancing refugee protection. It could also offer insight into the ways in which civil society influenced, and was influenced by, governing authorities' power to make live, let die, or make survive refugees.

The third limitation is manifested in my methodological approach. This approach was clearly not meant to offer a comprehensive understanding of the humanitarian-security nexus. When selecting documents to review and analyze, I was motivated by my desire to increase my knowledge of the Canadian refugee protection regime, which required an exercise of discretion. The moments that I focused on are certainly not the only relevant ones. Future research that explores other moments of change in the human-security nexus, or examines other responses of the Canadian government to certain refugee crises, could provide a deeper understanding of the logic behind governing authorities' biopolitical power.

Finally, the dissertation does not propose alternative policies that the government should either adopt or cast aside. My aim in writing this thesis was more humble; it was designed to rethink practices toward refugees and extend our imagination beyond nation states and borders. It was also to highlight Foucault's (1983) observation that "[it is not that] everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism" (p. 231-232).

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