

CHAPTER III

CANADA'S SOCIAL CONSTRUCTION ON REFUGEES

This chapter will manage to explain three aspects in regards to the Canadian social construction on refugees. The first aspect is, Canada as a destination country for the refugees, second Canada's response on the Syrian refugee crisis, and third the construction of Canadian identity as a refugee-friendly country.

A. Canada as a Destination for the Refugees

Syrian refugees are not the first one to come to Canada. In accepting refugees, Canada has been known as a country with some remarkable records on it. Speaking upon Canada's historical line, there has been groups of refugee coming to Canada from various countries all around the world. Having that said, this sub-chapter would manage to explain the underlying motivation of the refugees for choosing Canada as their destination country. Based on that result, the author would also attempt to draw a point to conclude the Canadian characteristic towards refugees.

Even though the acceptance of refugees in Canada had begun before 1800's (the time when there was an escape of thousands black slaves from the United States to the upper part of Canada (Government of Canada, 2015), this part would only explain several related events that had happened within the Canadian history.

The first acceptance of refugees by Canada was started in 1970s when Canada became the host for Latin American refugees. Some Latin Americas countries such as Chile, El Salvador, Argentina, Guatemala, and Peru were said to be the source of the incoming refugees to Canada at that time. A journal entitled

“Latin American Migration to Canada: New linkage in the hemispheric migration and refugee flow system” by Alan B. Simmons gives a quite detailed explanation on how this process of particular migration can possibly happen (Simmons A. B., 1993).

This article explains that the wave of Latin American refugees came in several waves. The two largest waves were marked by the arrival of Chilean refugees in 1970s and Salvadorans in the 1980s to Canada. Others are regarded as relatively small ones. Quantitatively speaking, a statistical data shows that the highest number of Chilean refugees to Canada happened around 1974 to 1980 with 14.846 refugees. Meanwhile, the Salvadorans’ biggest wave to Canada happened around 1986 to 1990 with 16.414 refugees (Simmons A. B., 1993).

These waves of refugees that came from Chile and El Salvador to Canada happened because of the eruption of Central American revolution in the late 1970s. In regards to that, Simmons (1993) also adds that what motivated thousands of Latin Americans (especially for Chileans and Salvadorans) fleeing from their own countries were not the commonly known motivation such as economic, but instead they were “... *initiated and sustained largely by flight from dictatorship, state terror, civil war, and violence.* (Simmons A. B., 1993).”

Nevertheless, the reason why Canada became the destination country for Central American refugees is not yet explained. Maria Cristina Garcia in “*Canada: A Northern Refuge for Central Americans*“, explains a logical flow on how Canada could appear as a “safe haven” for the Central American refugees (Garcia, 2006).

Concluding the points delivered within that article, there are at least two underlying reasons that can lead to the answer according to Garcia. First of all, at the time when the United States and Mexico enacted a more restricted migration

policy, Canada was doing the other way around by providing humanitarian emergency aid and assistances as well as setting out itself from taking any military-related measure (Garcia, 2006). Second of all, Canada was also affected by the implementation of Immigration Reform and Control Act (IRCA) passed by the U.S. Congress in 1986. Such immigration reform that happened in the U.S. allowed the country to develop some measures to restrict the undocumented migrant issues. As an outcome, Canada had to bear the significant increase of the number of petition for Asylum to which eventually led them to accept about 10.000 Central American refugees in only one year from 1986 to 1987 (Garcia, 2006).

Besides other waves of refugees that happened to come to Canada and are listed in its history of refugee acceptance, the author would also talk about the case of Vietnamese Refugees that came to Canada in around 1975. The cause of this particular refugee crisis was known to be escaping from the war that was happening in Vietnam, popularly known as the ‘Vietnam War.’”

Other sources also explains that the arrival of Vietnamese to Canada was divided into two different waves. In the first wave (that happened) in 1975, most of the number of Vietnamese refugees were dominated by the skilled refugees and/or the middle class Vietnamese who had relatives staying in Canada and acted as their sponsors at that moment. Meanwhile, the second wave (that happened) between 1979 and 1981 consisted of Vietnamese refugees with more varied social backgrounds (Joy, 2013). Following the rise of that crisis, Canada was recognized to be the host for about more than 60.000 Vietnamese refugees by the end of 1980, despite the fact that Joe Clark only announced that Canada would only admit 50.000 Vietnamese refugees a year before that (Government of Canada, 2015).

With that being said, it is believed that, to some extents, the two cases explained above have shown a point that there is a kind of pattern used by Canada to respond towards the issues of refugee which is by showing and practicing their ‘openness’ to the incoming refugees. That pattern is also believed by the author to be accountable for the creation of such a remarkable migration policy in the middle of the humanitarian crisis. Besides, the stable economic and political condition in Canada which is relatively way more stable are also believed to be the other factors that make Canada becomes one of the prominent destinations for the refugees.

B. Canada’s Response towards the Syrian Refugee Crisis

The same positive reaction has also been shown by Canada to the case of Syrian refugee crisis that began to escalate since 2011. However, before explaining how its humanitarian response is being operated and developed in today’s practice, the author would explain about Canada’s response in dealing with the Syrian refugee crisis at the very first occurrence.

Before Canada was fully into optimizing the humanitarian measures to deal with the Syrian refugee crisis, the country was known to be involved in the U.S. led coalition against ISIS. This particular coalition consists of more than 60 countries including Germany and the United Kingdom. It is now called as the U.S. led coalition as it follows the fact that it was agreed on December 2014 after the idea was previously announced by the U.S. President Barack Obama on September 2014 (McInnis, 2016).

The decision to join the said coalition was actually decided under the administration of Stephen Harper in September 2014 (The Canadian Press, 2016).

At that time, Canada's contribution into the coalition was dominantly manifested in terms of military such as sending air supports as well as troops into the source of conflict.

At that point, the author sees that such response was needed with a specific understanding that ISIS, in the contrary, has been creating armed casualties that put Syrians and other civilians' life within the region in danger. Therefore, an equal counter-measure was needed to stop that. In the other hand, the author also argues that Canada's involvement at that point was necessary to boost up the coalition to take off, and yet to keep Canada's international image.

As Canada had its new head of government elected in late 2015, there was some contrast shifts on how the country manifested its contribution towards the coalition against ISIS. The Prime Minister-designate, Justin Trudeau announced that Canada would stop sending support to the airstrike campaign done by the U.S. coalition. As quoted by The Guardian, Justin Trudeau said some words to Barrack Obama following the announcement he made,

"I committed that we would continue to engage in a responsible way that understands how important Canada's role is to play in the fight against Isil, but he understands the commitments I've made about ending the combat mission (Jacobs, 2015)."

What needs to be understood is that, Canada's withdrawal was not to devalue its own commitment on fighting the ISIS. But instead, in the author's interpretation, what Canada had decided on behalf of the announcement was to shift the way its commitment is being practiced into more "Canadian way." One thing that can support the author's interpretation in regards to the previous point was the fact that Justin Trudeau, in presumably 24 hours after officially elected, called out

a pledge to resettle 25.000 Syrian refugees along with approximately 250 million Canadian dollars investment specifically set for the purpose of Syrian refugees resettlement process (Walker T. , 2015).

Departing from that point, Canada finally ended its entire airstrike campaign with the coalition by February 22, 2016. Reported by CBC News, the statement was articulated by the Canadian Defense Minister Hajrit Sajjan at the moment when Canada pulled out its entire CF – 18 jet fighters from their last mission in Syrian and Iraqi territories (Watters, 2016).

Now that we know, there is a significant change of treatment on how Canada deals with the issue of Syrian refugee crisis. Putting ahead the idea of humanitarian aid is basically what Canada posts up when it comes to a question about the new measure taken as the replacement for the former one.

Up to this point, the author understands that the concept “purposive actor” which is mentioned in one of the Wendt’s tenets can actually be referred to the Canadian (the society), merely because they are the one who is absorbing the identity (to be exact, the Canadian identity) as the final outcome from such shared ideas and they are also the one who becomes the main composing unit of the society. It does not close the argument, however, that state can also be considered as purposive actor, as Wendt said in retrospect , *“I shall argue that states are also purposive actors with a sense of Self “states are people too” and that this affects the nature of the international system (Wendt, 1999).”*

Such argument works accordingly with the facts in the field. The pledge of new Canadian government comes not only as a form of empty political promise. As mentioned in the first chapter, December 10, 2015 was marked as the point where

that political promise came into being as the first 150 Syrian refugees landed in Toronto through the Canada's refugee resettlement program. Beyond the first milestone that Canada had in its effort on resettling Syrian refugees, the aspect that interests the author to explain is about the development of the program itself.

To relate more on that, Canada is known as the oldest country to implement the private sponsorship program for refugees since 1978 (Kumin, 2015). To put it into a comparison, commonly, the burden of responsibility to resettle refugees is obligated and concentrated to the national government level, or so most of the discursions would say, especially in terms of funding. That makes the private sponsorship for refugees, at least in the author's point of view, a good anomaly that occurs in refugee resettlement program.

After Canada, there has been several countries such as the United Kingdom and Australia who show their interest in implementing the same program in their countries. Technically speaking, the private sponsorship program allows the refugees to have permanent resident status in Canada. That being said, the refugees are also allowed to look for jobs available in Canada as well as to become the sponsors for their own family to come to Canada. The refugees would also be financially supported by the private sponsors for 12 months. Moreover, Canadian Immigration Minister, John McCallum, told the media that there have been around 13 countries studying this model (Citizenship and Immigration Canada, 2014; Raj, 2016).

According to the statistical data gathered by the government of Canada, there has been 35,745 Syrian refugees admitted to and have arrived in Canada by November 27, 2016. Up to the moment the data is last presented, the private

sponsorship program is known to have contributed on resettling 13.260 Syrian refugees. That happens to be the second highest category after the government sponsored program which had resettled 18.863 refugees and then followed by the blended visa office-referred program with 3.622 Syrian refugees (Government of Canada, 2016).

We can see that Canada has been showing a consistent response towards the issue of refugee crisis. What the country has been doing to the Syrian refugees is pretty much reflected on their own history that Canada is a refugee-friendly country. However, the process of how Canadian societies form a collective consciousness like so is not yet answered. The next sub-chapter would manage to answer that.

C. Canada's Social Construction towards Refugee

Explained in the previous part that Canada's response towards the Syrian refugee crisis has been showing a consistently positive response similar to what they did on the other cases of refugee crisis that ever involved the presence of the country in it. What has not been explained is the process of how Canada sees the humanitarian issue as something crucial for its identity. This particular part of the chapter would manage to explain about the process of Canada's social construction towards refugees.

With respect to the other perspectives, arguments, and findings that have existed out there, this paper would argue that Canada's social construction towards refugees in general has been dominantly shaped by its own history. Later will be explained that as Canada, from time to time, keeps practicing the similar response, its historical value has also been strengthened by the establishment of legal

frameworks they develop as well as by the international recognitions and achievements.

Surprisingly, although Canada's generosity and leadership on humanitarian issues are known as its national "branding", William Schabas explains that, in the early drafting of the Universal Declaration of Human Rights (next will be referred to UDHR) Canada's stance was rather hesitant than what it is today. Stated by Schabas, that point was proven by the abstain vote of Canada on the preliminary vote for the UDHR in Paris, France. At that moment, Canada was the only country who voted for abstain besides the Soviet-bloc (Schabas, 1998).

With that being said, the abstention was, indeed, an astonishing call to the international community at that time. The Canada's abstain on the preliminary vote of the UDHR itself was said to be motivated by some disagreement towards a certain point contained by the *Declaration* which is somewhat contradictory to the provincial and federal laws that are implemented in Canada. However, Canada finally voted in favor on the final draft of the Declaration on 10 December 1948 after, Schabas describes, Canada was able to readjust its policy on it (Schabas, 1998).

As stated above, the author argues that the Canada's social construction towards refugees has been driven by, one of them, its historical value. To that extent, the author would borrow the idea of Andrew Lui about the construction of Canadian identity through a constructivist view. In the book entitled "Why Canada Cares", Lui in part describes the default setting of Canada as "...*physically vast, culturally diverse, and historically contested* (Lui, 2012)." That statement signifies that Canada actually possesses three of potentially sources of problem within its structure of society.

Lui then puts it into a context that the factors such as colonialism and other waves of immigration to Canada have made some fractions among the disparate provinces and territories in Canada. The fact is connected by Lui into one of the most vulnerable province in Canada called Quebec, a province in Canada's federal system which was known to have the issue of separatist and growing terrorist networks (Lui, 2012).

The most essential impact of the said emergence was dominantly disrupting the political stability in Canada which was reflected through an incident called the October Crisis 1970, the kidnapping and assassination of Canadian politician Pierre Laporte by a homegrown terrorist organization called Front de Libération du Québec (FLQ). Moreover, the FLQ was also responsible for kidnapping a British diplomat James Cross. Such incident happened due to the idea of movement to establish the notion of an independent Québec (Clément, 2008). For that reason, Canada was somewhat considered facing a state of emergency.

In response to that, Canadian government under Pierre Trudeau at that time invoked a policy called the War Measures Act (WMA) with the consideration to give assistance to the police who was quite occupied with the situation and needed some reinforcements. Clément explained, the enforcement of WMA lasted for about two months (roughly until December 3, 1970) after the Cross' kidnappers were finally flown to Cuba as part of the exchange deal, and Laporte's killers got were arrested (Clément, 2008).

The constructivist approach was presented in a way that when the WMA was called off, what appeared to be the next Canadian government approach was not to actually embrace the "black" record within the history of diversity in Canada,

instead, the government of Canada came with the idea of institutionalizing the notion of human rights in order to balance the potentially dangerous fragments within Canadian society (Lui, *Why Canada Cares: human rights and foreign policy in theory and practice*, 2012).

Generally, the author sees that Canadian government had taken a correct countermeasure in regards to the said problem in a way that fragmentation and/or the emergence of separatist groups within the structure of society is mostly generated by the different views between some groups of the society (regardless of what they are) that are often, at the same time, contested (if not accommodated) by the authority of the ruling government. Furthermore on the Canadian government's decision over the notion of human rights, Lui describes that,

“...human rights thus became a source of legitimacy from which the federal government could assert its authority by externally projecting a particular self-image of Canada as a just society that was undivided despite its diversity (Lui, 2012).”

So what was meant by institutionalizing was the fact that in 1977, the parliament of Canada established a statute called Canadian Human Rights Act whose function is to protect and make sure the equality in terms of opportunity of every Canadians. It is also to sat that every individual should be free from any kinds of discrimination based on gender, sexual orientation, color, political/religious belief, race, marital status, and some other things based on individual basis (Government of Canada, 2014).

By the very implementation, Canadians are now having a legal basis to react upon any discrimination on the said basis. Not only did it cover people's individual

life, the act did also cover the people's social life such as within the area of employment.

The other legal basis that the author sees as important to talk about in terms of protecting minority rights is the establishment of the Canadian Charter of Rights and Freedoms (which also forms the beginning part of Constitution Act 1982). This charter basically protects several rights of Canadians ranging from fundamental freedom, democratic rights, mobility rights as well as legal rights. Part of this charter also ensures the existence of minority rights in terms of minority language educational rights and the rights of aboriginal people in Canada (Government of Canada, 1982).

Furthermore, the value of multiculturalism in Canada is also enacted in Canadian Multiculturalism Act (also known as Bill C-93). This act admits some points emphasizing on the importance keeping the ties in the diverse Canadian society. One important point mentioned in the policy is;

- (a) recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage (Government of Canada, 2014);

It is believed that in this case, the concept of "structure of human association" which was also mentioned as one of Wendt's tenets of constructivism can actually be referred into the idea of Canada's multiculturalism. It is argued so, because the main interaction which happens in the context of Canadian society which also specifically relates to the topic discussed is culminated on how they accept the social facts throughout the events that have happened along its own history.

Such argument seems to be strengthened by the statement made by the head of Canada's delegation to the United Nations General Assembly Third Committee at that time, Ralph Maybank. Upon the concern of minority-rights, Maybank stated an important point that emphasized the value of multiculturalism in Canada. As quoted by Schabas, Maybank said,

"I can say quite confidently that for Canada the problem of minorities, regarded in either of these two ways, does not exist; that is to say it is not pre-set in the sense that there is discontent. In the first place, Canada is a country made up of English speaking and French speaking Canadians, and I trust by the very use of these words I am making clear that neither of these groups falls in the category of a "minority" referred to in these draft resolutions. These two peoples, who comprise the greatest number of Canadian citizens, carry on their lives and activities with complete amity one towards the other, and each has its own language and makes use of its own educational facilities and contributes its own cultural tradition to our country (Schabas, 1998)."

In line with Maybank, the current Canadian Prime Minister Justin Trudeau also stresses the same point on the significance of multiculturalism in Canadian society. As quoted from the official website of Canadian Prime Minister, Justin Trudeau states the following during the celebration of Canada's multiculturalism day,

"Our roots reach out to every corner of the globe. We are from far and wide, and speak over 200 languages. Our national fabric is vibrant and varied, woven together by many cultures and heritages, and underlined by a core value of respect. Multiculturalism is our strength, as synonymous with Canada as the Maple Leaf (Trudeau, Statement by the Prime Minister of Canada on Multiculturalism Day, 2016)."

"Today, let us celebrate multiculturalism as a vital component of our national fabric, and let us express gratitude to Canadians of all backgrounds who have made, and who continue to make, such valuable contributions to our country (Trudeau, Statement by the Prime Minister of Canada on Multiculturalism Day, 2016)."

In all points mentioned previously, we can see that Canadian social construction towards refugees is built, one of them, through its own construction on legal basis in which Canada, as a whole country, had retrieved along the history that affect them whether internally or externally. For this reason, it is also understood that the notion of multiculturalism has become the social reality among Canadians that they actually embrace as its national identity.

These social facts and events that happened in the Canadian history showed conclusive result that its society is diverse and consisted of various cultures and ethnicities. Furthermore, in Canadian society, this kind of structure is also manifested in a more strengthened form as they establish some legal frameworks that are directly relatable to the notion of multiculturalism.

However, the author would argue that besides its long-standing history on shaping a settled perspective towards multiculturalism, the pride to keep holding the identity as a diverse and, to put in a specific context, a refugee-friendly country is also fostered by the several achievements of Canada in dealing with the related-problem.

There are two instances to be mentioned in this paper. First, there is a pride for Canadians to the fact that the UDHR itself was actually drafted by a Canadian legal scholar, lawyer, and diplomat John Peters Humphrey. Moreover, John Humphrey is even called as the father of the Universal Declaration of Human Rights. Canada was also awarding him by appointing him to be an Officer of the Order of Canada in 1974 (Bonikowsky & Kaplan, 2011).

Second of all, the work of Canada in helping the refugees was also awarded by the United Nations High Commissioner for Refugees by the Nansen Medal in 1986. The award itself is awarded in honor to the contribution towards humanitarian aid. Presented in the Canadian Immigration Historical Society's site mentioned, Jean-Pierre Hocké presented the award to "the people of Canada (The Canadian Immigration Historical Society, 2014)." Those two achievements are presented by the author as an example of Canada's achievements on humanitarian as well as, in specific, on the issue of refugees which was said previously as one of the supporting aspects in the process of shaping its social construction towards the refugees.

With that being said, it is believed that the relations between the data presented in this chapter have some complementary function for justifying the theory used to answer the first hypothesis. Last, the author would argue that according to said-logic, the first hypothesis has been proven to be correct.