DIIS REPORT 2019: 03

When human welfare meets the political and security agendas

# GLOBAL PERSPECTIVES ON HUMANITARIANISM

This report is edited by Senior Researcher Ninna Nyberg Sørensen and
Senior Researcher Sine Plambech and published by DIIS

DIIS · Danish Institute for International Studies
Østbanegade 117, DK-2100 Copenhagen, Denmark
Tel: +45 32 69 87 87
E-mail: diis@diis.dk
www.diis.dk

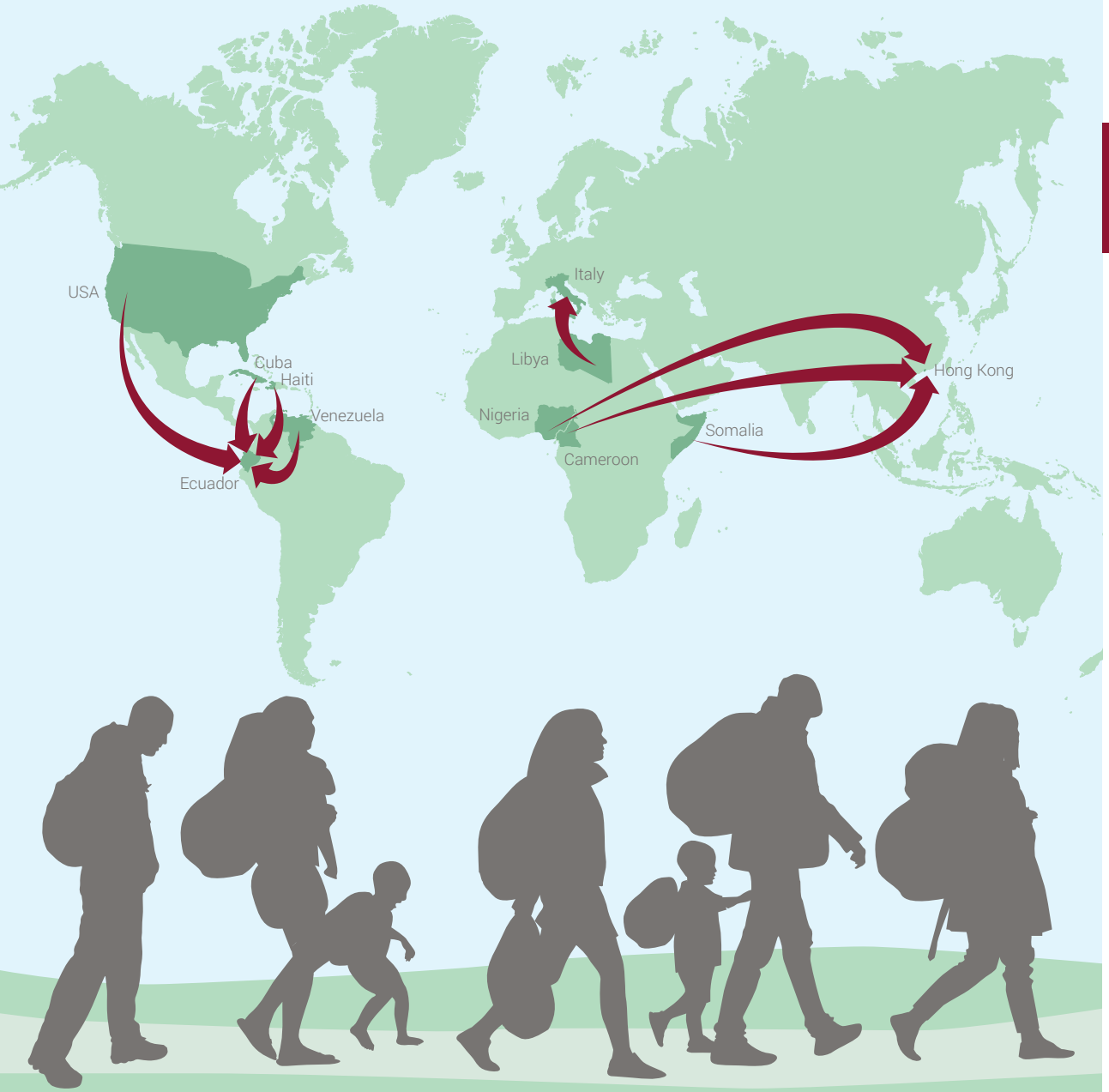
Layout: Lone Ravnkilde
Printed in Denmark by Eurographic

ISBN 9788776059507 (print)
ISBN 9788776059514 (pdf)

DIIS publications can be downloaded free of charge or ordered from www.diis.dk



# Table of contents




# INTRODUCTION

**By Ninna Nyberg Sørensen and Sine Plambech**

> From the Greek Islands and the mountains of southern France to Denmark, people who have helped migrants, offered them food or shelter, or rescued them from drowning are facing legal sanctions. One of the problems is that there is no common concept of what humanitarian assistance is and how it may be applied.
>
> (MacGregor 2018)

As an ever-increasing number of humanitarian organisations have come into existence, it has repeatedly been observed that we are living in a humanitarian age. At the same time, western humanitarian NGOs are increasingly coming under attack, either for being deaf to the actual wants, needs and desires of those they wish to assist (l'Anson and Pfeifer 2013), or for turning themselves into the de facto allies of migrant smugglers and traffickers by providing assistance to travelling migrants or operating rescue vessels to prevent migrants from dying at sea. In order to address these controversies, this DIIS Report explores humanitarianism in the context of global migration.

One of the issues that most immediately demands attention is what is implied by being 'humanitarian' during moments defined as a global migration crisis. Has the relationship between governmental and non-governmental humanitarianism changed in recent years? Humanitarian assistance is often associated with emergency situations leading to forced displacement. It is also linked with

international organisations arriving in different hot spots to provide immediate relief directly or in partnership with local organisations. As conflicts and emergencies have become more complex and the desire to hinder cross-border migration by just about any means necessary has intensified, humanitarian organisations and the work they do have attracted critical scrutiny both internally and externally.

Humanitarianism is the fundamental belief in the value of human life and dignity and in the moral imperative to protect and relieve suffering in the wake of natural disasters or man-made crises.

**TRADITIONALLY, THE CONCEPT OF HUMANITARIANISM CONNOTES THREE SEPARATE BUT OVERLAPPING REALITIES:**

- an ideology (of neutrality, impartiality and independence)
- a movement (in Europe arising out of progressive aspirations for justice and rights in the mid-eighteenth-century Enlightenment)
- a profession (providing professional assistance and protection to populations at risk)

Far from being impartial, however, these realities form a political economy in which actors compete for influence and market share. Antonio Donini has described the distinctive features of humanitarianism as what he calls the three C's: compassion, change and containment. Whereas the first focuses on universal values of compassion and charity and the second on change in and the transformation of society, the third often entails providing just enough assistance to ensure that crises do not spin out of control (Donini 2010).

Concern about humanitarian action in support of political objectives is not new. In 1999 Médecins Sans Frontières (MSF) committed itself to investigating strategies to improve the understanding, meaning and use of humanitarian aid. The organisation held a series of regional workshops focusing on the barriers to its activities and how its aid might be manipulated by others. These meetings served to highlight the problems that humanitarian organisations confront when offering assistance to vulnerable populations. The most critical factor identified by MSF was being clear about the limits of humanitarianism, that is, what MSF and other humanitarian actors can and cannot do in particular crisis situations. While all humanitarian actors have a responsibility to act, MSF concluded, more time and effort must be invested in understanding the views of those at whom humanitarian work is targeted, at as well as in explaining and expanding the range of humanitarian actions.

MSF and other members of the humanitarian community have also responded to emerging criticisms from various quarters. As Joanna Macrae emphasizes (1998), the late 1990s saw a shift in criticisms of humanitarianism from being concerned primarily with the poor functioning of the humanitarian system to targeting basic humanitarian values. Concerned that humanitarianism was coming under potentially fatal attack, Macrae mapped four primary sources of these criticisms – anti-imperialists, real politics, developmentalists and neo-peaceniks – and offered an understanding of their ideological moorings. Pinpointing the sometimes bizarre alliances that are formed against humanitarian agendas, Macrae concluded that humanitarian actors need to confront existing criticisms and attempts to co-opt them.

**As conflicts and emergencies have become more complex and the desire to hinder cross-border migration by just about any means necessary has intensified, humanitarian organisations and the work they do have attracted critical scrutiny both internally and externally.**

Based on ten years of comparative field research and a unique combination of medical and anthropological expertise (partly achieved by working for MSF for many years), Didier Fassin theorizes these criticisms further in his book Humanitarian Reason: A Moral History of the Present (2012). With reference to the lives of asylum-seekers and other victims of disasters and conflicts, Fassin argues that 'Humanitarian reason governs precarious lives', and he also refers to the 'threatened and forgotten lives that humanitarian government brings into existence by protecting and revealing them' (Fassin 2012: 4). In what Fassin refers to as 'the antipolitics of humanitarian reason', an indispensable transformation of reason and logic takes place in which 'inequality is replaced by exclusion, domination is transformed into misfortune, injustice is articulated as suffering, violence is expressed in terms of trauma' (ibid.: 6).

Whereas intellectual and political criticisms of human rights and humanitarian politics are important, the disillusionment or rejection they may lead to is not necessarily so productive. In addition to the paradoxes of 'humanitarian reason' that threaten to reduce the moral and political subject to the status of a victim or a 'person of concern', Benhabib (2014) warns against the additional tendency among states and non-state actors alike to search for spaces beyond the reach of the law or to create pockets of exception for gross human rights violations. It is, in other words, the conflation of humanitarian, development, political and security agendas that merits attention, not the dismissal of human dignity as a global concern.

Over the course of several recent state-defined migration crises, such as the 2014 crisis provoked by 'unaccompanied' Central American children at the US border, the 2015-17 mixed migration crisis in Europe and beyond, the 2018 Honduran migration caravan (primarily affecting Mexico) and the present Venezuelan exodus affecting South America, humanitarianism has once again come under attack. In Australia those working in detention centres have been forbidden to reveal information about what goes on inside under threat of incarceration, while in Europe humanitarian actors have been arrested for saving drowning migrants and accused of making themselves de facto allies of migrant smugglers. Framing migration as crisis without regard to the complex realities underlying the diverse array of forms of displacement has resulted in a reshuffling of the meanings of migration (Sørensen 2018), which is increasingly being depicted as 'illegal', 'criminal' and a risk to national identity and security (Massey, Duran, and Pren 2016). Framing humanitarian rescue operations as criminal enterprises conveniently overlooks the fact that most humanitarian actors 'never wanted to be in the rescue business in the first place but rather pleaded with the EU and international authorities to get in the water and address the humanitarian catastrophe at hand before jumping in to do it themselves' (Hockenos 2018).

## THE CONTRIBUTIONS

This DIIS report is based on a public DIIS seminar held on 29 November 2018 in Copenhagen, co-organized with the Interventions Research Network on Humanitarian Politics and Culture, a research collaboration between DIIS, the University of Copenhagen and the Copenhagen Business School. In order to be able to cover a diverse field of geographical settings, we invited scholars based in the global North as well as the global South and asked them to elaborate on humanitarianism in Europe (across the Mediterranean), Latin America (Ecuador) and Asia (Hong Kong). The contributions are all revised versions of previous oral presentations nurtured by mutual discussions both at and after the seminar.

The speakers were invited to reflect upon five dilemmas. The first dilemma related to the criticism that in many ways humanitarian interventions are merely a matter of reducing harm, a band aid that does nothing to change the structures that produce the root causes of migration in the first place, such as poverty, unemployment, war and insecurity. On the other hand, 'humanitarians' such as MSF and many other rescue NGOs are accused of contributing to migration, the argument being that, because people know they can be rescued at sea, they migrate. NGOs involved in search and rescue (SAR) operations are accused of being smugglers and traitors, of committing treason, or of being un-European because their rescue activities allow migrants on to European shores. But how and why did 'being humanitarian', or observing what some would say are European ideals of human rights come to be framed as un-European? What does it imply to be 'humanitarian' during moments that are defined as constituting a global migration crisis?

The second dilemma relates to criticisms emerging from academia, in particular from critical trafficking and refugee studies, arguing that humanitarian anti-trafficking and refugee organisations often frame migrants and refugees as victims by muting and disregarding their agency, instead, through images, narratives and interventions, emphasizing and reproducing ideas of uprooted populations, in particular women migrants, as victims. This criticism is often fuelled by research showing that migrants seldom ask to be victimized, rescued, saved or assisted. Rather, they have other plans and ideas about what kinds of intervention would be meaningful to them (Plambech 2014). Thus, what should one think and do about humanitarianism when those targeted for rescue would rather be left alone to get on with their migratory projects unaided?

A third dilemma arises from the fact that humanitarian organisations often claim to be apolitical while at the same time implementing programs suggesting that they consider some migrants – for instance, trafficked women or 'unaccompanied' minors – more worthy of rescue than others. Assuming they do treat lives unequally in this way, can humanitarian interventions still be considered apolitical?

A fourth dilemma revolves around the fact that, when humanitarians move in, the state often moves out, thus providing an opportunity for states and governments to avoid involvement or outsource it. What can we learn by exploring the wider effects of the outsourcing of migration control functions to private actors?

Related to this, the fifth and final dilemma concerns the ways in which military interventions are increasingly labelled as humanitarian missions aimed at rescuing migrants from high-risk journeys as part of the governance of global migration.

The three contributors to this report engage with these dilemmas from various geographical and theoretical points of departure. In the first chapter, Paolo Cuttitta uses the example of the maritime EU border in the central Mediterranean to take a closer look at governmental humanitarianism, non-governmental humanitarianism and processes of territorial inclusion and exclusion. His analysis reveals how this 'humanitarianized border' impacts both symbolically and legally on the broad figure of the migrant while simultaneously producing specific images of the EU neighbourhood. In addressing the relationship between humanitarianism and politics, Cuttitta first analyses governmental humanitarianism at the EU's Mediterranean border to conclude that it is not only about saving lives and providing relief to persons in need in emergency situations, but also about human rights in general. However, migrants' human rights are only taken into account in so far as the pledge to protect them may actually be used to support restrictive policies and practices. Cuttitta then proceeds to explore non-governmental humanitarianism, focusing specifically on NGOs engaged in SAR operations in the Mediterranean to show how their activities ended up colliding with the changed and changing political agendas of state actors.

In the second chapter, Gioconda Herrera and Ulla Berg take issue with several recent state-defined migration crises in Latin America. As in other colonized areas of the world, discussions about humanitarianism in Latin America are necessarily linked to the legacy of conquest, colonialism and imperialism. By revisiting the sixteenth-century Valladolid Debate regarding the humanity of indigenous peoples in the Americas, Herrera and Berg are able to establish historical links to contemporary humanitarian discourses and practices aimed at excluding, controlling and managing mobile populations. Taking their point of departure in changes in migration legislation in Ecuador and three particular groups of incoming populations – Cubans and Haitians, Venezuelans and Ecuadoran nationals deported from the United States – Herrera and Berg compare the various relationships between state power and humanitarian claims in these cases. Special emphasis is given to situations that generate rationales for different kinds of humanitarian intervention and claims regarding the regulation of movement and borders. Their comparison of different 'migration crises' exposes some of the inherent contradictions between migration control on the one hand and claims in respect of humanitarian action and the protection of migrants on the other. These contradictions both challenge and reinforce deep-seated ideas about sovereignty, security and prosperity, as well as what kinds of lives are deemed worthy of intervention.

The last chapter explores humanitarian aid and assistance through the eyes of the recipients. Based on several years of fieldwork among asylum-seekers in Hong Kong, Sealing Cheng focuses her analysis on particular moments when refugees have refused help and hence have resisted being treated as objects of humanitarian aid. While it is predictable that most asylum-seekers are critical of state agents' delivery of rights and assistance, the practices of NGOs and human rights lawyers often escape critical scrutiny. By illuminating how the boundaries of compassion operate and how humanitarian organisations may buttress state violence while simultaneously contributing, even if inadvertently, to maintaining the illegitimate status of asylum-seekers, Cheng sees reverberations of post-colonial and neoliberal developments in the tensions between asylum-seekers and the institutions that pledge to assist them. In doing so, she raises important questions about the direction humanitarianism might take in the current historical movement.

## References


L'Anson, Chioke and Geoffrey Pfeifer, 2013. A Critique of Humanitarian Reason: Agency, Power, and Privilege. **Journal of Global Ethics** 9 (1): 49-63.

Benhabib, Seyla, 2014. Critique of Humanitarian Reason. **Eurozine**, July 18. https://www.eurozine.com/critique-of-humanitarian-reason/ (accessed April 1, 2019).

Donini, Antonio, 2010. Humanitarianism in the 21st Century. **Humanitaire** [Online magazine], June 25. http://journals.openedition.org/humanitaire/771 (accessed April 1, 2019).

Fassin, Didier, 2012. **Humanitarian Reason: A Moral History of the Present**. Berkeley, University of California Press.

Hockenos, Paul, 2018. Europe Has Criminalized Humanitarianism. **Foreign Policy**, August 1. https://foreignpolicy.com/2018/08/01/europe-has-criminalized-humanitarianism/ (accessed April 1, 2019).

MacGregor, Marion, 2018. Refugee Aid Workers: Heroes or Criminals? Infor Migrants, March 21. www.infomigrants.net/en/post/8212/refugee-aid-workers-heroes-or-criminals. (accessed April 1, 2019).

Macrae, Joanna, 1998. The Death of Humanitarianism? An Anatomy of the Attack. **Disasters 22** (4): 309-317.

Massey, D. S., J. Durand, and K. A. Pren. 2016. Why Border Enforcement Backfired. **American Journal of Sociology** 121, no. 5: 1557–1600.

Medicins Sans Frontiers (MSF) 2000. Exploring the Limits of Humanitarian Aid. https://www.msf.org/exploring-limits-humanitarian-aid (accessed April 1, 2019).

Plambech, Sine, 2014. Between 'Victims' and 'Criminals': Rescue, Deportation, and Everyday Violence among Nigerian Migrants. **Social Politics: International Studies in Gender, State & Society**, 21 (3): 382–402.

Sørensen, Ninna Nyberg, 2018. Wars and Migration Crises in Central America: On Missing Persons during Armed Conflict and International Migration. In C. Menjivar, M. Ruiz and I. Ness (eds.) **The Handbook of Migration Crises**. Oxford: Oxford University Press.

# THE CENTRAL MEDITERRANEAN BORDER AS A HUMANITARIAN SPACE

**By Paolo Cuttitta**

Humanitarian logics play an important role in migration and border management.[1] Legally speaking, humanitarian institutions such as the right to asylum (with the corresponding principle of non-refoulement)[2] and the right to life (with the corresponding obligation to rescue lives) have long been cornerstones of customary international law. More broadly, the rise of international migration as a social phenomenon began simultaneously with the birth of modern humanitarianism in the nineteenth century (Barnett and Weiss 2011) and the gradual establishment of an 'international humanitarian system' (Davey et al. 2013). Accordingly, states, as well as international organisations (IOs) and non-governmental organisations (NGOs), have incorporated humanitarian logics and concerns into the mechanisms for the regulation of international migration.

Research on what has been called the 'humanitarian border' (Walters 2011) has flourished in the last decade, trying to make sense of the increasing use of humanitarian narratives by policy-makers, as well as the increasing involvement of humanitarian agencies (including both international and non-governmental organisations) in activities related to migration and border management (Agier 2011; Cuttitta 2014; İşleyen 2018; Little and Vaughan-Williams 2017).

Here I look at the EU's maritime border in the Central Mediterranean that hundreds of thousands people have attempted to cross irregularly by boat in the last 25 years. I first look at governmental humanitarianism to show that humanitarian discourses and practices are a key component of governmental migration and border management. More specifically, I engage with the relationship that governmental humanitarianism has with human rights, as well as with processes of territorial exclusion and inclusion. In doing this, I reflect on how this humanitarianised border impacts both symbolically and legally on the figure of the migrant, and on how it produces specific images of the EU neighbourhood. Then, by addressing the relationship between humanitarianism and politics, I proceed to look at non-governmental humanitarianism. Focusing on the example of the search and rescue (SAR) operations launched by several NGOs in recent years, I try to shed light on the relationship between their humanitarian engagement and processes of depoliticisation and repoliticisation. By way of conclusion, I summarize the essential points of my discussion.



## HUMANITARIAN INCLUSION

In analysing the inclusionary and exclusionary dynamics of humanitarianism, as well as the relationship between humanitarianism and human rights, I draw on the work of anthropologists Didier Fassin and Miriam Ticktin, especially their concept of humanitarian inclusion. Fassin (2005) and Ticktin (2006) studied the effects of a French law adopted in 1998, the so-called 'illness clause'. This measure allowed authorities to grant temporary resident status for humanitarian reasons, though only with a very limited set of rights, to undocumented foreign residents who were affected by life-threatening pathologies in order for them to receive appropriate health care in France. At a time when French immigration regulations were becoming more and more restrictive, exceptions could be made on compassionate grounds. Importantly, the increasing relevance of compassion was also noted in asylum procedures. In that period, the criteria that were adopted in granting protection in France started privileging compassion-eliciting stories of 'innocents who were not politically motivated' over those claiming mere political persecution (Ticktin 2005).

**Humanitarian inclusion means fewer rights, fewer certainties and more arbitrariness, and it also reproduces asymmetric, hierarchical relationships between the benevolent benefactor and the suffering beneficiary.**

According to Fassin and Ticktin, humanitarian inclusion is based on the feeling of compassion, not on the recognition of rights; it produces non-rights-bearing victims in subordinate subject positions (weak people, helpless people, non-autonomous and apolitical individuals), as well as being largely dependent on the arbitrariness of administrative decisions taken by state officials. In sum, humanitarian inclusion means fewer rights, fewer certainties and more arbitrariness, and it also reproduces asymmetric, hierarchical relationships between the benevolent benefactor and the suffering beneficiary.

## GOVERNMENTAL HUMANITARIANISM: INCLUSION, EXCLUSION AND HUMAN RIGHTS

Historically, there have been different expressions and interpretations of humanitarianism (Barnett and Weiss 2011; Davey 2013). While some see it as limited to saving lives and providing immediate relief to those who are suffering in emergency situations, others include the enhancement and protection of human rights, and even broader aims such as promoting the well-being of mankind. A closer look at the institutional humanitarian narrative surrounding migration by sea from North Africa to Italy reveals that governmental humanitarianism is not limited to saving lives, but it also embraces a wider rhetoric of human rights.

Clearly, the issue of preventing migrant deaths has long been used to justify restrictive migration and border policies. In 2004, for example, Germany proposed to establish European refugee camps in North Africa. These were intended to keep refugees away from Europe, but the humanitarian argument was that they would prevent many deaths. Similarly, on many occasions, especially after big shipwrecks, the EU Council has called on member states to take action to prevent the loss of lives at sea while stepping up the fight against irregular migration and human smuggling.

**Since 'Mare Nostrum', all Italian and EU operations have stressed the need to rescue people at sea and respect human rights.**

However, human rights are also part of this rhetoric. In 2002 Italy introduced stricter penalties for smugglers not only if the lives of migrants are put at risk, but also if they are subjected to inhuman or degrading treatment. Over the last two decades, Italy has justified making deals with dictators like Gaddafi by citing the need to protect migrants from abuses committed by smugglers. Former Italian prime minister Renzi said that smuggling amounts to slavery – and slavery is less about killing than about exploiting people and abusing their rights. EU commissioner Avramopoulos also specifically mentioned the need to prevent not only 'loss of life' but also 'further human rights violations' (Avramopoulos 2014) by smugglers.



Finally, the European Commission (2010) pointed out that 'the implementation [of human rights conventions in ENP countries] raises concerns' and that 'most neighbouring countries do not provide adequate assistance and protection [to refugees]'.

Governmental humanitarianism at the EU's sea border not only creates 'non-rights-bearing' subjects (as argued by Fassin and Ticktin) but also rights-bearing ones, but it does so only in so far as the pledge to protect migrants' rights helps support restrictive policies and practices. Accordingly, increased efforts to fight smugglers are required to protect migrants from abuses; migrants should be prevented from attempting the sea crossing because this protects their right to life; and so-called transit countries are represented as being in need of support from the EU to implement human rights in their territories.

This process of the humanitarianisation of the EU's sea border can also be traced at the more operational level of border control missions. The turning point in the humanitarianisation of maritime operations was the Italian operation 'Mare Nostrum', which was launched immediately after the Lampedusa shipwreck of October 2013. The operation was presented as at once military and humanitarian, though in the public discourse the stress was increasingly placed on the humanitarian side.

Since 'Mare Nostrum', all Italian and EU operations have stressed the need to rescue people at sea and respect human rights. This was also the case for the European military operation Eunavfor Med, the Common Security and Defence Policy (CSDP) mission that changed its name to 'Sophia' (a girl who was born on board a European navy ship immediately after her mother had been rescued by a Eunavfor Med vessel) because the EU authorities wanted 'to pass the message that fighting the smugglers is a way of protecting human life' (Mogherini 2015).

Other EU missions have been coordinated by Frontex, the EU border agency. Research has documented a dramatic increase in humanitarian rhetoric in Frontex's regulations and policy documents, as well as in its public self-presentations (Perkowski 2018; Franko Aas and Gundhus 2015; Pallister-Wilkins 2015). While Frontex has increasingly stressed its role as saviour of lives, its humanitarianisation has also largely focused on its respect for human rights in general and for the principle of non-refoulement in particular.

Despite their humanitarianisation, all these operations were aimed at strengthening operational cooperation with North African countries,[3] starting from the assumption that these countries need to be supported: they need training for their border guards, training to be more effective in fighting the smugglers and training in human rights, given their lack of a human rights culture. More broadly, these operations were all aimed at preventing people from attempting the sea crossing in the first place, or at making sure that those who do attempt it are forcibly returned to North Africa by the Libyan, Algerian, Tunisian or Egyptian authorities, even though migrants in these countries are routinely subjected to refoulement or inhumane or degrading treatment. Furthermore, human rights were reportedly violated by the Italian authorities themselves, even during the period of 'Mare Nostrum', for example, because of the use of violence during identification procedures on board Italian navy vessels (Borderline Europe 2014) and/or upon arrival on the mainland (Escapes 2014).

However, the process of humanitarianisation is not just a fig leaf covering exclusionary practices: the exclusionary effects of governmental humanitarianism go along with the inclusionary ones. During the period from 2013 to 2017, Italian and European operations regularly patrolled international waters in the would-be Libyan search and rescue region (SRR),[4] next to Libyan national waters, and all those intercepted there were brought to Italy. Although within the framework of a restrictive border regime (which, incidentally, it did not challenge but rather reinforce), 'Mare Nostrum' protected and enforced migrants' right to life by increasing border patrols, as well as by permanently expanding their geographical extent. Significantly, most rescue interventions were carried out not only in international waters – that is, outside Italian territory – but also outside the Italian SRR.

As a result, hundreds of thousands people were able to fulfil their goal of reaching European territory. However, only a few were granted refugee status, many others receiving more precarious forms of humanitarian protection instead. Yet others were not granted any kind of protection or legal resident status. Instead they were either deported or, if deportation was not possible, only allowed to remain as undocumented and deportable subjects with hardly any rights.

Humanitarianised migration policies not only allowed for large numbers of undocumented travellers to enter Europe, they also allowed limited numbers of people to enter Italy regularly. In 2007 and 2011 two tiny humanitarian corridors were opened for Eritreans to be transferred from Libya to Italy. The selection criterion was the higher degree of vulnerability (most of them were 'lone women'[5] and children). In 2016 and 2018 further humanitarian corridors for categories of people deemed vulnerable were opened for 1500 people from Ethiopia and Lebanon, who were also potential users of the Central Mediterranean route.

The expanded operational area of Italian and European sea patrols and the humanitarian corridors opened up by Italy both demonstrate that processes of humanitarian inclusion not only take place inside a state's territory (as in the French case illustrated by Fassin and Ticktin) but also outside its territory, despite the absence of any legal responsibility towards the people involved. Indeed, there was no legal obligation for the Italian or European authorities to deploy patrol boats permanently so far away from European territory, next to Libyan territorial waters. Arguably, if maritime operations had been limited to the edges of Italian territorial waters, more people would have died, but Italy would not have been liable for any human rights violations.

For the Italian government, there was no obligation to open up humanitarian corridors either. However, this kind of humanitarian inclusion only creates subordinate subject positions, confirming the argument of Fassin and Ticktin (op cit.). Those who are allowed into the European territory have either been shipwrecked (naked lives having to be rescued at sea) or are particularly vulnerable subjects who have been selected for humanitarian corridors. These are all compassion-eliciting categories of people, who are turned symbolically into subordinate subjects.

The rescued were also turned to subordinate subjects from the legal point of view. Most of them were only granted temporary forms of protection in Italy, rather than full political asylum, so they had a very limited set of rights, while others were not granted any form of protection at all, including the right to stay, and could only remain as undocumented and deportable subjects with hardly any rights. This shows that governmental humanitarianism ends up reproducing highly asymmetric and hierarchical relationships.

Finally, governmental humanitarianism also contributes to drawing a picture of inhumanity that consists of an imaginary 'wild world' that is located entirely outside Europe: the 'wild world' of smugglers violating migrants' human rights or of 'backward' countries whose authorities lack the capacities for humanitarian border management, and are therefore in need of guidance and support through capacity enhancing aid programmes. These include the training offered by Italy and the EU to

the Libyan coastguard and navy, thus allowing the Libyan authorities to increase their patrolling activities in order to 'rescue' more people.[6] This, again, reproduces asymmetric and hierarchical (neo-colonial) relations: between the global North and the global South, as well as between 'advanced' Europe and 'backward' Africa.

## GOVERNMENTAL AND NON-GOVERNMENTAL HUMANITARIANISM: BETWEEN DE- AND REPOLITICISATION

Antoine Pécoud (2015) has pointed to the process of depoliticisation of migration policies in recent decades. State authorities typically tend to cultivate a managerial-technocratic vision of migration and border issues by taking the existing migration and border regime for granted, as if there were no alternatives to the restrictions imposed on the mobility of certain categories of people. The place left for political discussion of how to manage migration and borders is then greatly reduced: the discussion is much less political than it is practical, technical, managerial. The only question open for debate, then, is how to make sure that this restrictive migration and border regime is enforced effectively.

Arguably, humanitarianism can support managerial-technocratic visions of the border by ignoring the political character of migration and border regimes and by limiting any discussion to 'practical' questions such as: How to improve practices of search and rescue? How to prevent people from trying to cross so they don't risk their lives? How to tackle smugglers so they don't abuse migrants' rights? Whatever the answers, these questions take the current restrictive migration and border regime for granted, thus leaving the political framework unquestioned.

As Barnett and Weiss point out, humanitarianism typically 'presents itself as beyond politics' (Barnett and Weiss 2011: 4) in so far as it focuses on undisputable aims such as saving lives and alleviating the suffering in emergency situations. Thus, it depoliticises the context in which it operates; it 'becomes a cloak, hiding the existence of politics when politics is all around' (Barnett and Weiss ibid.: 110).

Assuming that it is governmental humanitarianism that contributes mainly to depoliticisation processes, the question is whether non-governmental humanitarianism can play a different role. In the past few years, several NGOs have carried out SAR operations in the central Mediterranean. The first was the Migrant Offshore Aid Station (MOAS) in 2014, followed by Médecins sans Frontières (MSF) and Sea-Watch in 2015. More NGOs followed in 2016. Until 2017, all their search and rescue activities were coordinated by the Italian authorities, and all those who had been rescued were brought to Italy.

Research (Cuttitta 2018d; Stierl 2018) has revealed different degrees of political positioning among different NGOs, ranging from silence to open and vocal criticism of current migration and border policies. While some (e.g. MOAS and Save the Children) maintained a more neutral political profile, others (e.g. MSF, Sea-Watch, Sea Eye and, more recently, Mediterranea) openly declared their aim as being to pressure and influence the authorities with a view to changing the policies they hold responsible for border deaths. More broadly, they regard their SAR activities as part of a political, not only humanitarian commitment.

On the one hand, all SAR NGOs ended up relieving states from their responsibilities.[7] Moreover, by cooperating with Frontex and Eunavfor Med, and by transferring people and handing them over to the Italian police authorities, NGOs also indirectly provided operational support and humanitarian non-state legitimation to the border regime they (or at least some of them) are claiming to oppose. In some cases, SAR NGOs served the logic of exclusion in more direct ways, for example, by supporting state authorities in their intelligence activities against the people-smugglers.[8]

On the other hand, although aware of the contradictions of humanitarian work and of the specifics of the Mediterranean context (Del Valle 2016), some NGOs, like MSF, Sea-Watch and others, were also very strongly committed to using the humanitarian issue of search and rescue as an instrument for the repoliticisation of the Mediterranean border, as some of them still are. Not only did they refuse to share sensitive information with the Italian authorities, they were also crucial in denouncing the abuses of Libyan authorities, in trying to prevent push-backs to Libya and, more generally, in observing the practices of Italian, European and Libyan authorities in the central Mediterranean. Most NGOs have also been vocal in criticising current European migration and border policies and in calling for the creation of legal migration pathways, including humanitarian corridors. In sum, they play a watchdog role, and they try to use the sea as a political stage from which they can voice their concerns and their disagreement with the current migration and border regime, as well as call for political change.

## THE END OF THE HUMANITARIAN TURN

For almost two years, all SAR NGOs were able to carry out their search and rescue missions undisturbed. In 2016, however, things started to change, as the vessels of the NGOs Sea-Watch, MSF and Sea Eye were attacked by the Libyan coastguard and navy. Later that year the European and Italian authorities stopped regularly patrolling the area close to Libyan territorial waters. As a result, NGOs were increasingly exposed to harassment and attacks by the Libyan authorities. At the same time, the EU and Italy started training the Libyan coastguard and navy in conducting search and rescue missions.

In 2017 Italy started delivering patrol boats to the Libyan authorities and increasingly delegated SAR to them. The Italian government also imposed a code of conduct on NGOs, with restrictions on their activities, while the Italian judiciary started prosecuting NGOs for facilitating irregular migration. Since June 2018, the new Italian right-wing government has denied NGO vessels permission to dock at Italian ports, while the Libyan authorities, after declaring their SRR, have increased their SAR interventions, resulting in forced returns from international waters to Libya.

This is what I have elsewhere called the end of the humanitarian turn (Cuttitta 2018a, 2018b). There had been a humanitarian turn in 2013, with the launch of operation 'Mare Nostrum', followed by a long period of pro-active government patrolling and continued cooperation in SAR between the state authorities and NGOs. This humanitarian turn has clearly come to an end. However, this is not the end of the humanitarian border. Humanitarianism is still a component of the Mediterranean border regime: it has only become a much more exclusionary than inclusionary component. Humanitarianism is now more visible in its governmental-technocratic expression in that its supports the externalisation of norms, know-how and practices from the EU to its neighbourhood, with the aim of preventing people from attempting the sea crossing to Europe.

Every specific (re-)configuration of a humanitarian border results from different (economic, political, symbolic…) power relations within a given field of forces. If it is true that there is a continuous alternation, a continuous oscillation, between more inclusionary and more exclusionary policies, between the prevalence of security and humanitarian concerns (Cuttitta 2014), humanitarianism itself seems to oscillate between more inclusionary and more exclusionary trends.



## CONCLUDING POINTS

As the previous discussion has revealed, governmental humanitarianism at the EU's Mediterranean border is not only about saving lives and providing relief to persons in need in emergency situations; it is also about human rights at large. However, the human rights of migrants are only taken into account in so far as the pledge to protect them can contribute to support for restrictive policies and practices. Thus, the main question about humanitarianism, in the central Mediterranean as well as in any other specific context, is which understanding of humanitarianism is dominant, and which human rights are and can actually be invoked and enforced, under what conditions, where and by whom?

**Governmental humanitarianism perpetually oscillates in time between more inclusionary and more exclusionary trends.**

From both the symbolic and legal perspectives governmental humanitarianism supports inclusion into the European space only as a subordinate inclusion. At the same time, however, governmental humanitarianism also supports physical exclusion from the European space since it is used both to justify and enforce policies that aim at forcibly returning people to North Africa or at preventing them from attempting the sea crossing in the first place. In the name of humanitarianism, people are forced to remain in (or return to) countries in which they are systematically subjected to abuses and inhuman treatment.

Governmental humanitarianism perpetually oscillates in time between more inclusionary and more exclusionary trends. It creates pictures of inhumanity and projects them outside Europe: the smugglers violating migrants' human rights, or the 'backward' countries lacking the capacities for humanitarian border management and needing guidance and support. Meanwhile, governmental humanitarianism contributes to the depoliticisation of the EU's sea border. Whereas non-governmental humanitarianism may support depoliticisation processes, it may also challenge them. The persecution of SAR NGOs in recent years has nevertheless effectively marked the end of the humanitarian turn that had prevailed since 2013.

## NOTES

1 This work is largely based on two journal articles: Cuttitta 2018c and 2018d. Research for these publications was carried out as part of the project 'Border Policies and Sovereignty: Human Rights and the Right to Life of Irregular Migrants', led by Thomas Spijkerboer and funded by the Nederlandse Organisatie voor Wetenschappelijk Onderzoek (grant number 016.130.061).

2 Based on this principle, state authorities should not return anyone to a territory where they fear persecution, including torture or inhuman or degrading treatment. Besides being a well-established principle of customary international law, the principle of non-refoulement is also anchored in art. 33 of the United Nations Convention relating to refugee status, as well as in regional treaties such as the 1950 European Convention for the protection of human rights and fundamental freedoms (art. 3) and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 (art. 2).

3 Cooperation in this field started in the 1990s. For an overview of developments between Italy and North African countries, see Cuttitta 2008.

4 International waters are divided into SRRs identifying the country responsible for coordinating SAR operations. From 2013 to 2017, Italy de facto took over these responsibilities from both the Maltese and the Libyan SRRs.

5 As defined ('donne sole') by the Italian Ministry of Interior (Ministero dell'Interno 2007).

6 The inverted commas around the word 'rescue' refer to the fact that often people do not want to be rescued at all: they are just intercepted and returned against their will.

7 Almost all NGO vessels were used to transfer those rescued to Italy, and they also often transferred people rescued by navy ships. As a consequence, the navy ships remained at sea, while the NGO rescue vessels were forced to leave the search and rescue area for several days. Thus, NGOs allowed the state authorities to use their resources for security purposes, rather than for SAR.

8 In May 2015, while disembarking 369 people at a Sicilian port, MOAS allowed the Italian police to identify and arrest two purported smugglers by providing them with pictures taken by their drones during the SAR operation.



## References

Agier, Michel. 2011. **Managing the Undesirables: Refugee Camps and Humanitarian Government**. Cambridge: Polity.

Avramopoulos, Dimitris. 2014. Fundamental Rights: the Pillar for EU Migration Policy. 10 November. http://europa.eu/rapid/press-release_SPEECH-14-1601_en.htm.

Barnett, Michael, and Thomas G. Weiss. 2011. **Humanitarianism Contested: Where Angels Fear to Tread.** Abingdon: Routledge.

Borderline Europe. 2014. Rescue at Sea: The Situation in the Sicilian Strait. August. https://www.borderline-europe.de/sites/default/files/readingtips/Dossier%20Mare%20Nostrum_English_08_2014.pdf.

Cuttitta, Paolo. 2018a. Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part I), 18 April. https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-migrants.

Cuttitta, Paolo. 2018b. Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part II), 19 April. https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-0.

Cuttitta, Paolo. 2018c. Delocalization, Humanitarianism and Human Rights: The Mediterranean Border between Exclusion and Inclusion. **Antipode** 50(3): 783-803.

Cuttitta, Paolo. 2018d. Repoliticization through Search and Rescue? NGOs and Humanitarian Migration Management in the Central Mediterranean. **Geopolitics** 23(3): 632-60.

Cuttitta, Paolo. 2014. Borderizing the Island: Setting the Narratives of the Lampedusa Border Play. **ACME: An International E-Journal for Critical Geographies** 13(2): 196-219.

Cuttitta, Paolo. 2008. The Case of the Italian Southern Sea Borders: Cooperation across the Mediterranean? In Gemma Pinyol (ed.) I**mmigration Flows and the Management of the EU's Southern Maritime Border**s (45-62). Barcelona: Cidob Edicións.

Davey Eleanor with John Borton and Matthew Foley. 2013. A History of the Humanitarian System: Western Origins and Foundations. HPG Working Paper, June.

Del Valle, Hernan. 2016. Search and Rescue in the Mediterranean Sea: Negotiating Political Differences. **Refugee Survey Quarterly** 35(2): 22-40.

Escapes. 2014. Libertà e diritti forzati: parole di migranti siriani attraverso l'Italia. 27 November. http://users2.unimi.it/escapes/liberta-e-diritti-forzati-parole-di-migranti-siriani-attraverso-litalia/.

European Commission. 2010. Communication from the Commission to the European Parliament and the Council: Taking Stock of the European Neighbourhood Policy. 12 May. http://www.europarl.europa.eu/meetdocs/2009_2014/documents/depa/dv/depa_20100610_04_/depa_20100610_04_en.pdf.

Fassin, Didier. 2005. Compassion and Repression: The Moral Economy of Immigration Policies in France. **Cultural Anthropology** 20(3): 362-387.

Franko Aas, Katja, and Helene O.I. Gundhus. 2015. Policing Humanitarian Borderlands: Frontex, Human Rights and the Precariousness of Life. **British Journal of Criminology** 55(1): 1-18.

İşleyen, Beste (2018) Turkey's Governance of Irregular Migration at European Union Borders: Emerging Geographies of Care and Control. **Environment and Planning D: Society and Space** DOI: 10.1177/0263775818762132.

Little, Adrian, and Nick Vaughan-Williams. 2017. Stopping Boats, Saving Lives, Securing Subjects: Humanitarian Borders in Europe and Australia. **European Journal of International Relations** 23(3): 533-556.

Ministero dell'Interno. 2007. Processi di integrazione e mantenimento dell'identità di Roma in una società multietnica. Intervento del capo Dipartimento libertà civili e immigrazione Mario Morcone. 6 December. http://www1.interno.gov.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interventi/altre/0990_2007_12_06_morcone_.html.

Mogherini, Federica. 2015. Speech at the Eunavfor Med's Operational Headquarter in Rome. 24 September. https://eeas.europa.eu/headquarters/headquarters-homepage/5943/remarks-of-the-high-representative-federica-mogherini-at-the-eunavfor-meds-operational-headquarter-in-rome-september-24-2015_en.

Pallister-Wilkins, Polly. 2015. The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros. **International Political Sociology** 9: 53-69.

Pécoud, Antoine. 2015. **Depoliticising Migration: Global Governance and International Migration Narratives.** Basingstoke: Palgrave Macmillan.

Perkowski, Nina. 2018. Frontex and the Convergence of Humanitarianism, Human Rights and Security. **Security Dialogue**, DOI: org/10.1177/0967010618796670.

Stierl, Maurice. 2018. A Fleet of Mediterranean Border Humanitarians. **Antipode** 50(3): 704-724.

Ticktin, Miriam. 2006. Where Ethics and Politics Meet: The Violence of Humanitarianism in France. **American Ethnologist** 33(1): 33-49.

Ticktin, Miriam. 2005. Policing and Humanitarianism in France: Immigration and the Turn to Law as State of Exception. **Interventions, International Journal of Postcolonial Studies** 7(3): 347-368.

Walters, William. 2011. Foucault and Frontiers: Notes on the Birth of the Humanitarian Border. In Ulrich Bröckling, Susanne Krasmann and Thomas Lemke (eds.) **Governmentality: Current Issues and Future Challenges** (138-164). New York: Routledge.

# ‘MIGRATION CRISES’ AND HUMANITARIANISM IN LATIN AMERICA: THE CASE OF ECUADOR

**By Gioconda Herrera and Ulla Dalum Berg**

Migration and humanitarianism are intertwined in a number of ways. To begin with, one cannot speak about migration and humanitarianism in Latin America at the current moment without addressing the ongoing exodus of Venezuelans to virtually every country in Latin America, including Ecuador, which, according to the United Nations, is projected to reach 5.3 million people at the end of 2019. Furthermore, Ecuador is a transit country and part of a corridor for regional and global migrants heading north towards Mexico and the United States. These transit populations are often subject to a variety of military and administrative interventions couched in the language of humanitarianism. In recent years, crackdowns on selected transit populations, most notably Cubans and Haitians, have led human rights defenders in Ecuador to denounce the discrimination, deprivation of rights and acts of xenophobia against migrants in a country that claims to respect the right to 'universal citizenship.' Finally, in past decades, Ecuador has received thousands of deportees from the United States, many of whom are from rural Quichua-speaking communities in the provinces of Cañar and Azuay in southern Ecuador, but who have spent years and sometimes decades in the United States. These deportees are a product of what the philosopher Kelly Oliver calls carceral humanitarianism: an 'outgrowth of humanitarian warfare in which war and aid are two sides of state sovereignty' (Oliver 2017: 7). Carceral humanitarianism 'reverberates' in migrant-sending regions (Hiemstra 2019) as migrant detentions and deportations have profound and long-lasting transnational impacts (Drotbohm and Hasselberg 2015).

This article examines three examples of recent state-defined 'migration crises' in Ecuador and compares the relationship between state power and humanitarian claims in each case, taking into account the different situations and populations that generate dissimilar rationales for or against humanitarian intervention in this South American country. We are particularly interested in the insertion of humanitarian claims into the regulation of movement and borders. First, we examine the case of Haitian and Cuban migrants. Then we turn to the ongoing influx of Venezuelan migrants. Finally, we examine the arrival of Ecuadorian nationals who have been deported from the United States. The article concludes with a discussion of how these so-called 'migration crises' expose some of the inherent contradictions between migration control and claims to humanitarian action and the protection of migrants which both challenge and reinforce deep-seated ideas of sovereignty, security and prosperity, and of what kinds of lives are deemed worthy of and therefore entitled to interventions.



## WHAT IS HUMANITARIANISM?

Humanitarianism is the fundamental belief in the value of human life and in the moral imperative to protect it in the wake of natural disasters or man-made crisis, in accordance with the principles of neutrality, impartiality and independence. Most associate the term with the work of humanitarian organisations such as the International Committee of the Red Cross (ICRC), Médecins Sans Frontières (MSF) and various UN bodies that provide medical and emergency assistance to victims of armed conflict and other situations of violence. Yet critical observers also agree that today humanitarian doctrine and rationales extend far beyond emergency situations and that humanitarianism is intimately tied up with issues of sovereignty, security and population control (Ticktin 2014). Indeed, military and political interventions across the globe are increasingly framed as humanitarian assistance and interventions, what Fassin and Pandolfi (2010) have termed 'military and humanitarian government.' In the name of 'saving' or 'protecting' lives, interventions, including wars and the externalization of borders, are justified, despite the rather obvious links to geopolitics and imperial and neocolonial projects.[1] In that light, scholars have called into question 'the suspect nature of action that does not claim a political rationale, or indeed opposes overt political status' (Redfield 2012: 451).

**Humanitarianism has never been and can hardly ever be neutral and detached from politics, the economy or the violence of colonial and imperial projects.**

Here we endorse the basic idea that humanitarianism has never been and can hardly ever be neutral and detached from politics, the economy or the violence of colonial and imperial projects. We take inspiration from the impressive body of scholarship on how ideas about humanity are also deeply entangled with notions of anxiety and threat, whether in the belief that humanity is being threatened by war, disease, violence or natural disasters, or that humanity itself is a threat to nature, peace, sovereignty and national security (Feldman and Ticktin 2010). These ideas about humanity and its relation to threat and menace are operationalized through the governing work of producing order, security and prosperity, providing in turn grounds for intervention by sorting humanity into objects of care to be saved and objects of neglect to be excluded, criminalized and by implication left to die.

In Latin America, discussions about humanitarianism are necessarily linked to the legacy of conquest, colonialism and imperialism in the region. To begin with, the philosophical problem of a 'common humanity' as it unfolded in Latin America is intimately linked to the violence of the European colonial expansion in the Americas. The sixteenth-century 'Valladolid Debate' was the first moral debate between the Renaissance philosopher Juan Ginés de Sepúlveda and the friar and historian Bartolomé de las Casas about the humanity of the indigenous peoples of the Americas. This debate presented diverging views about the existence of a 'common humanity' between the colonizers and the colonized (Hanke 1974). Las Casas, who represented one side of the debate, argued that Amerindians were free men in the natural order and deserved the same consideration as the colonizers, despite their customary practices, which in the case of some groups included human sacrifices. His position was opposed by Juan Ginés de Sepúlveda, who argued that the barbaric traditions of the Amerindians, such as cannibalism, idolatry and sodomy, justified the waging of war against them. Sepúlveda defined just cause in terms of identity and natural law, which were levelled by humanitarian ends such as saving the innocent and spreading the natural law (Brunstetter and Zartner 2011). Las Casas, in turn, illustrated the dangers of Sepúlveda's position and offered an alternative framework in favour of a restriction of jus ad bellum that focused on injury while also warning against the risks of including humanitarian goals in the just cause criterion (Brunstetter and Zartner 2011: 743-44).[2] The Valledolid debate is relevant today, given that scholars are grappling with how to understand the logic of humanitarian discourses and practices in relation to the war on terror and the production of ever-more sophisticated and dangerous borderscapes and interior enforcement strategies, which, while clothed in moral universals and humanitarian imperatives, are ultimately aimed at the management, control and exclusion of mobile populations.

The insertion of humanitarian claims into the regulation of movement and borders worldwide is one area where the governing work of producing order and security can be empirically observed. The often uneasy coupling of securitization and humanitarianism in border and detention practices is illustrated respectively by Walters's concept of 'humanitarian borders' (2010) and Oliver's before-mentioned concept of 'carceral humanitarianism' (2017). Both concepts describe a new and dangerous reality in the borderlands—whether located inside a nation or at its external borders—with ever-more sophisticated technologies for migration management and control (De Genova 2002, Maguire and Rao 2018). Detention centres are central to carceral humanitarianism, being where migrant-receiving countries can deposit, manage, control and interrogate the migrant or refugee to assess their potential risk to the receiving society while using the discourses and practices of 'caring,' 'saving' and 'protecting' as techniques of governance and as grounds for both military and political intervention. In the following sections, we will see how these dynamics are played out on the ground in Latin America.

## CONTEMPORARY PERSPECTIVES ON HUMANITARIANISM AND HUMAN RIGHTS IN LATIN AMERICA

In the last twenty years, migration policies in South America have differed somewhat from those developed by the European Union and the United States. Instead of an overt and 'in your face' restriction on immigration, South American governments have adopted a human rights approach to migration management and control (Acosta and Freier 2015). During the 2000s, Argentina, Brazil, Ecuador and Bolivia, among other nations, introduced several legislative bodies that acknowledged important rights for immigrants and enabled the implementation of migration policies for their respective diasporas. Yet recent works looking at the way such policies were applied have identified several contradictions and paradoxes (Ceriani Cernadas 2017). Acosta and Freier (2015), for example, have looked at the gaps between on the one hand human rights-oriented legislation and policy discourses and on the other hand a more restrictive and selective approach in the actual implementation of these policies in three cases: Argentina, Brazil and Ecuador. They conclude that government policies regarding irregularized South–South immigrant populations in these countries express 'a reverse immigration policy paradox of officially welcoming but covertly rejecting irregular migrants' (Acosta and Freier 2015: 659). Their analysis can be linked to other works that reject the dichotomy between human rights and securitization policies and instead argue that their combination is more often the rule than the exception.

In the case of Argentina, Domenech (2013) argues that control policies may be subtle and less visible. He coins the concept of políticas de control con rostro humano (control policies with a human face) to refer to a set of ideas and practices that are framed in a human rights discourse, but in fact pursue the same ultimate objective as overt restrictive policies, namely the exclusion of undocumented immigrants from the receiving nation. For Domenech, the concept of 'control with a human face' helps to bridge the dichotomy between human rights and security and is a way for the state to legitimate exclusionary actions towards migrants. In spite

of the state's apparent inclination to follow a human rights perspective, Domenech finds that control measures such as biometric controls, selective visa policies, border devolutions, controls and deportation are often justified with reference to a moral discourse on humanity.

Similarly, Alvarez and Ruiz (forthcoming) examine Ecuador's anti-smuggling and anti-trafficking policies and argue that, in spite of the progressive migrant rights-oriented 2008 Constitution, restrictive actions, institutions and policies are part and parcel of the country's migration policies: detention centres, deportations and selective control are actions justified with reference to a human rights discourse. They further reveal that official Ecuadorian state language, such as 'risky migration' or 'migrant irregularity', is produced to justify exceptional measures during particular conjunctures that are defined as 'humanitarian crises.' As we shall see below, this is how the Ecuadorian state dealt with Cuban and Haitian migration in 2016. Similar to Domenech, Alvarez and Ruiz conclude that protection and restriction are not only connected, they feed into each other, thus guaranteeing the state's alignment with a global regime of migration control. Within such policies, migrant populations are produced as simultaneously vulnerable and a risk, thus making them subjects of humanitarian intervention in the form of increased control. In that sense, Alvarez and Ruiz argue, over the last decade the supposedly progressive migration policies of South American states have come to be connected to the hegemonic model of migration control due to the region's asymmetrical interdependencies with the Global North.

Analysing similar policies in Argentina, Magliano and Clavijo (2011) argue that the perceived dichotomy between orderly and disorderly migration plays an important role in the legitimation of control. Undocumented migration, trafficking and smuggling are considered disorderly and thus are classified as security problems to be addressed with measures of control and repression. Guilherme Mansur (2017) also examine the blurring of the line between representations of migrants as victims or vulnerable persons, and the confluence of humanitarian discourse with images of the control and criminalization of migrants. Such convergence has severe implications for the lives of migrants. If vulnerability is not conceived as the result of social and political exclusions, 'victimhood' readily comes to be treated as an individual condition that might even be self-inflicted.

In sum, migration policies in Latin America are relevant cases for studying the articulations and contradictions between on the one hand humanitarian and human rights perspectives, and on the other hand the ways in which restrictive and repressive national migration policies are aligned with a global regime of migration control. In what follows, we expand on these ideas by looking more closely at the case of Ecuador.



## FROM UNIVERSAL CITIZENSHIP TO DETERRENCE

Historically Ecuador has been a country of emigration. In contrast to Argentina, Brazil or Venezuela, Ecuador received very few European immigrants in the first part of the twentieth century, despite several efforts to make the country attractive to European immigration flows. Over the course of that century, immigration laws in Ecuador were racially and geographically selective: white Europeans immigrants were offered benefits to invest in the country, but there were strict laws of exclusion against Chinese migration (Ackerman 2014). From the 1960s and onwards, Ecuadorians themselves started migrating, mainly to the US, Canada and Venezuela. The latter was a particularly attractive destination during the 1970s and 1980s due to the economic boom based on oil production.

It was not until the end of the twentieth century, when the arrival of an important flow of Colombian refugees fleeing social and political violence coincided with the exodus of about one and a half million Ecuadorian nationals during one of Ecuador's most acute economic crises (1999-2001), that migration became an issue of concern for the Ecuadorian state (Herrera et al. 2008). By the turn of the century, Ecuador had become a country of both emigration and immigration. Civil-society actors defending migrants' human rights, coupled with the election of a leftist government in 2007, converged to enact important rights for migrants in the 2008 Constitution. The most important of these was the principle of universal citizenship: 'The constitution advocates the principle of universal citizenship, the free circulation of all inhabitants of the planet, and the progressive extinction of the status of "foreigner" as an element to transform the unequal relations between countries, especially those between North and South' (Section 6 of Article 416). The Constitution also declares its full respect for the rights of immigrants on its territory, stating that foreigners in Ecuador shall have the same rights and responsibilities as Ecuadorian citizens (article 9) (see Góngora, Herrera and Mueller 2014; Acosta and Freier 2015). In June 2008, after the Constitution had been approved, the Ecuadorian government issued a decree eliminating visa requirements for any foreigner who intended to visit Ecuador for less than ninety days.

However, the free circulation of people was not an easy policy to implement. Soon, neighbouring states, as well as the United States, started to press Ecuador to introduce selective control of the entry of several nationalities with the argument that Ecuadorian territory was becoming a transit country for migrants heading North and a breeding ground for smuggling networks. Over the next few years, Ecuador had to scale back its free mobility agenda significantly. Visa requirements were reinstated for citizens from China in 2009 and another nine Asian and African nationalities in 2010, as well as for Cubans in 2015. In 2012, Ecuador adopted Presidential Decree 1182, which significantly narrowed the range of who can be considered refugees (Global Detention Network Report 2015), leading to a decline in the country's acceptance rate. As we shall discuss below, changes in immigration procedures were especially tailored to Cubans and Haitians, populations that were also systematically denied asylum.

In all instances, the Ecuadorian state mostly applied secondary law over the 2008 Constitution to exclude immigrants. In particular, it made use of the 1971 Migration Act (Ley de Migración), which provided a restrictive framework focusing on security and sovereignty and lacking a human rights perspective. On every occasion, the state appealed to the prevention of the proliferation of criminal trafficking and smuggling networks and the protection of vulnerable migrants. Then in 2017 a new law—'Ley Integral de Movilidad Humana'—was introduced. While intending to appear inclusive, this law still allows for the de facto exclusion of South-South immigrants, for example, by rendering deportation an administrative and not a penal process and thereby stripping immigrant detainees of the opportunity to argue their cases in front of a judge.

## WHO IS ENTITLED TO HUMANITARIAN POLICIES?

**Example 1: Haitians and Cubans in Ecuador.**

After 2008, Ecuador started receiving new migration flows that did not exceed the ongoing historical flows of its Colombian and Peruvian neighbours but nevertheless challenged the usual representation of immigration in the country. According to several studies, these new flows from the Caribbean came initially with mixed plans of settlement and/or transit to the North (Herrera 2019, Bernal 2014, Correa 2014). Regardless of their plans, the action of the state, combined with the recent crackdown of the economy, transformed their original migratory project in Ecuador into one of transit migration. While the media support the idea that these migrants were often determined to go north to the United States, and that many were the victims of criminal networks, the migrants themselves insisted that they were not being trafficked and did not intend to go north immediately. On the contrary, they felt progressively pushed to leave Ecuador due to contradictory policies that prevented them from regularizing their status (Herrera 2019).

Haitians came to Ecuador after 2008, and their presence increased slowly until 2014. After the 2010 earthquake in Haiti, the Ecuadorian government declared a humanitarian amnesty for them (Decree 248, of February 2010). This program granted them residence permits for one year, benefitted as few as four hundred Haitian citizens, and was soon abandoned for a more restrictive policy with two faces: containment at the border, and progressive irregularization of the settled population. During those years, Bernal (2014) found that many Haitians were singled out at the airport due to the suspicions of immigration officials that they belonged to smuggling networks. For Haitian individuals who arrived after 2010 and intended to stay in the country, attaining legal status was almost impossible. While many Haitians hold professional degrees from Haitian universities, their degrees are not recognized for immediate validation by the Ecuadorian government. Furthermore, the lack of a Haitian consulate prevents immigrants from obtaining the documentation required for visa procedures, and the expense of applying for a resident visa is also an obstacle (Bernal, 2014). When visas are denied, application fees are not refunded.

The state's representation of migrants as actual and potential victims of human smuggling and trafficking is particularly striking in the case of Haitians. Their victimization is intertwined with racial considerations that confirm that selective targeting of Haitians and African immigrants takes place for more restrictive treatment on the part of public officials (Acosta and Freier 2015, Bernal 2014). After 2015, the Ecuadorian State imposed registrations on Haitians in the Ministry of Tourism, justified through the need to protect them from trafficking and smuggling. This measure of control and containment was phrased in human rights terms but no longer implies the possibility of any kind of humanitarian intervention.

With regard to Cubans, the Ecuadorian state allowed their free entry between 2008 and 2013. Several changes in immigration procedures that were especially tailored to Cubans were subsequently introduced and greatly affected their status in Ecuador. In 2013 the state began to require a letter of invitation from an Ecuadorian citizen or a family member already in the country. In 2015, after the crisis at the

Costa Rica-Nicaragua border that trapped almost 8,000 Cubans, an agreement between the Ecuadorian government and several Central American states resulted in the imposition of a visa requirement for Cuban citizens. Moreover, in July 2016, 121 Cuban nationals, men and women, were deported in an unprecedented police operation that was widely condemned by several human rights organisations in Ecuador. Thus, inter-regional entanglements and the externalization of borders in the US-Mexico-Central America migration corridor also influenced the change in Ecuadorian policies.

**Example 2: The Venezuelan Exodus**

The Venezuelan exodus is currently considered to be the most rapid displacement of people across borders in Latin American history. According to the IOM, 3.4 million Venezuelans have left their country since 2015, fleeing food and medicine shortages, economic collapse and violations of human rights. This displacement crisis has brought to the centre debates on the blurring of the distinction between economic and forced migration and the necessity to look at both humanitarian and development issues as two sides of the same coin (Sørensen and Castilla 2019). Latin American states have reacted differently to the Venezuelan question, including whether to call it a humanitarian crisis or not and whether to speak of displaced Venezuelans as refugees or economic migrants. The politicization of humanitarian aid has deepened the crisis and left little space for discussions about long-term responses.

This exponential increase in migration flows has produced a rapid transformation of Venezuelan migration profiles. Until 2010 highly educated and skilled migration prevailed, but it eventually gave way to a more socially and economically diverse migrant population. According to Freier and Parent (2018), who look at Venezuelan migrants' profiles across Latin America, educational attainment is lower in neighbouring countries such as Colombia and Brazil and increases with distance travelled to the country of destination, with Argentina and Uruguay still having more homogeneous skilled migration, whereas Ecuador and Peru are witnessing rapid changes towards less skilled migration.

Until 2018 Latin American states responded with an open-door policy. Many countries did not ask for passports for entry purposes and imposed only low charges to obtain resident permits. Colombia, Peru and Brazil put in place temporary labour permits. Ecuador offered a two-year work visa (UNASUR) with few requirements but at a high cost, whereas Argentina and Uruguay quite rapidly issued Mercosur visas (Freier and Parent 2018, Selee et al. 2019). Despite these initially friendly policies, however, the gap between those with permits or visas and the number of undocumented migrants is continuously growing in every country. For example, in Peru, by mid-June 2018, only 45,000 of nearly 350,000 Venezuelans had obtained this temporary permit (Freier and Parent, 2018). In Ecuador, at the end of 2018, estimates of Venezuelans in the country reached 240,000, to 90,000 of whom the state had issued visas. Thus, state responses are failing to keep up with the rapid growth in migrant flows, indirectly contributing to the increase in the number of migrants without regular status and unable to claim their rights.

**Latin American states have reacted differently to the Venezuelan question: calling it a humanitarian crisis or not and speaking of displaced Venezuelans as refugees or economic migrants. The politicization of humanitarian aid has deepened the crisis and left little space for discussions about long-term responses.**

Policies changed by mid-2018, when flows increased dramatically and tensions arose at different borders throughout Latin America. First Chile introduced a specially tailored visa for Venezuelans, which had to be requested in Venezuela, de facto excluding Venezuelans already living in the country. Then Peru and Ecuador attempted to demand passports at their borders but were stopped by their respective judiciaries. Interestingly, both state and human rights organisations claim that more restrictive conditions for entry and for granting work permits put migrants at a greater risk of trafficking and labour exploitation.

In what follows, we look at how the Ecuadorian state is dealing with the Venezuelan migrants and argue that, despite an initial open-access policy, since 2018 several decrees have made it increasingly difficult for Venezuelans to obtain regular status, thus pushing them either into clandestine social and labour networks or forcing them to leave Ecuador altogether. This situation mirrors what happened to Cubans and Haitians in previous years, though the consequences of such restrictions may be much more severe this time around.

After Colombia, Peru and Chile, Ecuador is the third most important destination for Venezuelans in Latin America. According to the Ministry of the Interior, in 2018 alone 730,907 Venezuelans entered Ecuador, and 603,469 left through the southern border. An IOM survey on the Rumichaca border with Colombia showed that only 20% of the population were planning to stay in Ecuador (IOM, 2018).

Official statistics calculate that 216,040 Venezuelans have settled in Ecuador since 2015. A recent study (Herrera and Cabezas, forthcoming) on the paths followed by Venezuelans to obtain regular status in Ecuador indicates several changes have taken place in state instruments for granting work and resident permits. In previous years, Venezuelans benefitted from a bilateral agreement called the Estatuto Permanente Ecuador Venezuela (Visa 12-XI) signed between the two countries in March 2010. This agreement allows Venezuelans to obtain a temporary residence permit for two years. In 2017 the government launched the UNASUR visa, which soon became the most popular way to obtain regular status due to its lower cost and fewer requirements. Until the end of 2017, the regularization process was not too difficult. However, in 2018 the situation changed for several reasons in both Ecuador and Venezuela. Indeed, it should be realized that migrants are caught in the multiple regulations, administrations and institutional traditions of two states simultaneously. This transnational situation is clearly visible in crisis situations such as that in Venezuela. Thus, as of December 2018, two of the requirements for the visa application were almost impossible for people to obtain in Venezuela: passports and criminal records. Although there are ways to get these documents in an expeditious manner using informal channels, the cost ranges from 75 to 100 dollars, making them unattainable for most Venezuelan citizens. Besides, in February 2018, the Ecuadorian state passed Agreement 904 establishing a series of fines on migrants. For instance, migrants carrying out economic activities not allowed by their tourist visa were penalized with a fine. A second fine of approximately $770 is charged to migrants who have exceeded the 180 days granted by the tourist visa and have not obtained a temporary residence visa. The regularization process is thus becoming increasingly expensive and impossible to access for the majority of migrants, who then just overstay their tourist visas.

By August 2018, after an unusual increase in crossings at the border that reached five thousand people per day, the Ecuadorian authorities imposed a passport requirement to enter the country, arguing, as in previous cases, that it was seeking to protect migrants from human trafficking and migrant smuggling; however, the requirement was revoked by a court in Quito.



Based on these measures, the Ecuadorian state has assumed a more proactive position internationally and convened a meeting of thirteen countries to discuss regional measures. Two meetings were held in September and November 2018 that reached agreements mainly to obtain resources from international cooperation in order to finance humanitarian assistance. This issue came to be extremely politicized and mediatized when a humanitarian caravan delivering food to Venezuela was blocked at the border by President Maduro.[3] The November meeting concluded with the signing of the Plan of Action on Human Mobility of Venezuelans in the region by eight countries, including Ecuador. In its declarations before this summit, the Ecuadorian government again mentioned that a regular migrant status was necessary to avoid human trafficking, migrant smuggling and labour exploitation.

**Example 3: US Deportations to Ecuador**

The last case we discuss to illustrate the relationship between 'migration crises' and 'humanitarianism' is that of Ecuadorians deported from the United States. Whereas the Trump administration has championed the idea of a 'humanitarian crisis' at the US–Mexico border to justify further funding, both to curb unauthorized border crossings and to detain and deport unauthorized migrants already in the US, mass detentions and deportations of Latin American migrants is not a recent phenomenon. Between 1997 and 2016, 5.7 million people were deported from the US, mainly to Latin America and the Caribbean, according to sociologist Golash-Boza (2019: 2) a number twice as high as the total sum of all deportations in US history prior to 1997. Between 2008 and 2018, the US federal government deported a total of 18,445 Ecuadorians, many from rural Quichua-speaking communities in the provinces of Cañar and Azuay.

The Ecuadorian government rarely speaks of the arrival of deportees as a migration or a humanitarian crisis, but deportees have come to play a role in claims to the protection of migrants touted by the Ecuadorian state by using a human rights framework. While in US immigration detention Ecuadorian migrants attempt to fight their cases, often with the help of family members in the US, since they are not entitled to a government lawyer. Although they increased somewhat in 2017, asylum cases involving Ecuadorians generally have very low approval rates (DOJ-EOIR 2018), though some may qualify for some other form of immigration relief, such as the cancellation of their removal if they can prove it would cause significant hardship to their families. During their court proceedings, migrants must participate in the construction of narratives about their own 'worthiness' and 'deservingness' for relief.

Once deported, Ecuadorian migrants are pretty much on their own. Those who are deported on commercial, non-ERO flights are often not met by any government officials upon arrival in Ecuador since the US government does not give any advance notice of these deportations (cf. Hiemstra 2019). The majority of deportees, however, arrive on one of the biweekly ERO flights chartered by the US government. These flights make stops in several locations in Central America, often in Honduras and sometimes in Guatemala, before landing at Guayaquil. Sometimes the planes continue on to Lima, Peru. Around the time of our fieldwork (2017-18) planes arrived every two weeks, with an average of 35 Ecuadorian nationals per flight. Since October 2017, the deportees have been met at Guayaquil airport by officials from seven different state agencies, including the Vice Ministerio de Movilidad Humana, Defensoría del Pueblo, Immigration, the National Police and Intelligence Agency (Unidad de Inteligencia y Contrainteligencia y Coordinación Transnacional--UICCT), the Ministry of Health, the National Registry and TACSA (airport security). This institutional presence is mandated by the new Mobility Law of 2017, which establishes the need for a protocol outlining the reception of the deportees.

When the plane lands, officials first retrieve the deportees' medical files before the deportees are even allowed off the plane. Once they are allowed to exit, they are seen by a doctor from the Ministry of Health, who reviews the medical files and hands over any prescription medicines to the deportees (around a third had been on some kind of anxiety-reducing medicine during detention). Next, the deportees pass through the Ecuadorian immigration authorities. After immigration, they are met by representatives from the Vice Ministerio de Movilidad Humana, who hands them a 'welcome kit' with snacks, juice, water and some information. The Vice Ministry also provides a shuttle bus service to the main bus terminal in Guayaquil for those who have no family members meeting them at the airport (most deportees travel on to the provinces of Cañar and Azuay, a four-hour bus ride from Guayaquil). The Registro Civil is also present at arrival to help anyone who does not have a national ID (cédula) to apply for one. The final step before retrieving their belongings in the baggage area is an interview with the national police and intelligence service, who request the collaboration of the deportees with information that could potentially help uncover human smuggling and trafficking networks operating out of Ecuador.

While many state officials treat the deportees cordially and respectfully, it is clear that they are extremely cautious and often adopt the logic of criminalization that accompanies the migrants through their entire trajectory of detention and deportation. For example, once a government official said that she felt the deportees were a 'time bomb' for the Ecuadorian society:



> 'Look, there are situations, for example, this guy was standing there in a blue shirt, he was old; he was a rapist (violador); the guy had been in prison for forty years for rape, and, you know, he would look at you directly, without scruples, he would look at you morbidly, so I thought… and everybody told me: "Doctora, ¡cuidado!", you don't know their intentions, and I am not allowed to be xenophobic, so I said to myself "What do I do now?" I kept my distance, I respected him, and… that is all I can do. They are detainees, and they haven't seen a woman for about forty years, and all of a sudden, ¡pum…! so, they are a time bomb; we should give them psychological treatments, because what is it really that we're doing? We are putting a time-bomb out in our society. On that list [the ICE passenger list], there is everything![4]'

The quote illustrates an often-generalized view of the figure of the deportee as a criminal in need of correction and intervention, or as a pathological, sexual predator almost lacking in basic humanity. Other state officials are more moderate in their views and, when prompted, would critically consider whether current state efforts are indeed sufficient to assist the deportees, who arrive with no economic security or livelihood options in Ecuador and who have left their families, including their children, back in the US. In May 2018, we interviewed another government official about the results of the new mobility law (Ley Orgánica de Movilidad Humana). She told us that the state has mostly focused its efforts on what state officials call 'prevention work,' that is, on dismantling smuggling networks that facilitate deportees' decision to leave again in an unauthorized manner:

> 'We are very aware that our help does not end [with the arrival of the deportees]; we are following up, case by case, because they are mostly citizens who have spent more than eight, ten years, out of the country, and who already have established direct links with the country of destination…[…]…, most of them have that desire to return, and they have been very frank and direct in pointing out that they would even return [to the US] in an irregular manner, exposing themselves to the situation of illicit trafficking of migrants. This is why we are doing a policy of prevention that does not imply prohibiting the person from migrating but to do a lot of awareness work [in order to prevent re-migration]…'

'Awareness work' here is understood to mean that the state seeks to convince deportees that returning to the United States is both unwise and dangerous and that they had better stay in Ecuador. They arrive as Ecuadorian citizens and are supposed to be guaranteed basic rights based on citizenship; however, many deportees have spent their formative years in the United States, and some are not even in possession of the documentation enabling them to claim any rights in Ecuador. Their sudden uprooting from their communities in the United States produces a strong and immediate incentive in them to return in an unauthorized manner. This situation gives the Ecuadorian state yet another excuse to implement anti-trafficking and anti-smuggling measures, but it also makes it difficult for Ecuador to live up to US expectations that it should carry out externalized migration control.

## CONCLUSIONS

The increasing use of humanitarian tropes in migration control and management and in the externalization of borders should not lead either specialists or lay observers to believe that national governments are out to tout the value of the human in the wake of multiple political and economic crises. This focus on crisis, emergency and exception naturalizes migration as a problem and migrants as either victims in need of 'protection' (read: confinement) or as inevitably suspicious and potential transgressors already (e.g. 'migrants as criminals'). Migration control and the externalization of borders disguised as humanitarianism depoliticizes structural issues and forced mobilities by transforming migrants, refugees and deportees into 'material' to be either condemned or saved. It thus reduces the people it seeks to help to mere victims and introduces and/or reinforce hierarchies between the 'humanitarian actor' and the 'victim'.

The rise of the global security state and the 'spread' of Northern global securitization policies and discourses based on ideas of humanitarianism as embedded in migration control responses is a global trend. While the US's official anti-immigrant and nativist discourse is perhaps more brutal in its militarization and disregard for human life, the legitimation of discourses of exclusion and xenophobia are present in many Latin American countries, as has become evident, for example, in Brazil with the election of Jair Bolsonaro in 2018 or the anti-immigrant demonstrations in Brazil, Ecuador and other countries against Venezuelans.



**Migration control and the externalization of borders disguised as humanitarianism depoliticizes structural issues and forced mobilities by transforming migrants, refugees and deportees into 'material' to be either condemned or saved.**

However, as we have demonstrated here, the claims to neutrality and impartiality in humanitarian doctrine ring hollow when national governments use the language of 'protection' essentially to strip migrants of their rights through a variety of policies of irregularization, including tighter visa policies – as we have seen in the discussion of Haitian, Cuban and Venezuelan migrants – or by not extending any particular rights to a particular social group (for example, deportees). As we have shown here, Ecuador started with a very open policy towards Colombian refugees especially, which soon faded away with the arrival of Caribbean and extra-continental migration flows. The government's restrictive reaction merits a complex analysis that goes beyond domestic politics. However, in terms of our examination of its impact on the migration projects and trajectories of immigrants, we have highlighted how the existence of migration policies that are specifically tailored to each group reveals not only the contradictions between a universal discourse on human rights and the government's practices, but also the persistence of notions of selectivity regarding who is and who is not welcome. Despite the Constitution's human rights approach, in practice migration policies of regularization and legalization may turn into processes of 'de-regularization' affecting the social and labour integration of immigrants and pushing them to leave the country in search of other destinations.

## NOTES

1 For example, George W. Bush held that the main reason for invading Iraq in 2003 was the need for humanitarian assistance. Ongoing debates about potential US-led interventions in Venezuela are being similarly framed at the time of writing.

2 US imperialism and foreign policy interventions in Latin America over the course of the 20th century also made extensive use of humanitarian and development projects and human rights to justify intervention (Gonzalez 2001).

3 'Maduro Closes Venezuela's Border with Brazil to Block Aid.' New York Times, Feb. 21, 2019. Later, Maduro granted the Red Cross access to deliver food and medication across the border ('Red Cross Granted Access to Deliver in Venezuela', New York Times, March 29, 2019).

4 Interview with Ecuadorian government official, August 2017.

# References


Ackerman, A., 2014. **La Ley, el orden y el caos. Construcción social del Estado y el Immigrante en Ecuador.** Quito:  Instituto de Altos Estudios Nacionales, IAEN.

Acosta, D., & Freier, L. (2015). Turning the immigration policy paradox upside down? Populist liberalism and discursive gaps in South America. **International Migration Review**, 49 (3), 659-696.

Alvarez S. and M.C. Ruiz, (forthcoming). **Excluir para proteger: la 'guerra' contra la trata de personas y el tráfico de migrantes y las nuevas lógicas de control migratorio en Ecuador**. Ciudad de México: Revista Mexicana de Sociología. Universidad Nacional Autónoma de México, UNAM.

Bornstein, R. and P. Redfield (eds.) (2011) **Forces of compassion: humanitarianism between ethics and politics**. Santa Fe, NM: School for Advanced Research Press.

Brunstetter, D. R., and Zartner, D. (2011). Just war against barbarians: revisiting the Valladolid debates between Sepúlveda and Las Casas. **Political Studies**, 59(3), 733-752.

Calhoun, Craig (2008). The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action. In M. Barnett and T.G. Weiss (eds.): **Humanitarianism in Question: Power, Politics, Ethics**. Ithaca, NY: Cornell University Press.

Ceriani Cernadas, Pablo (2017). **Immigration Detention through the Lens of International Human Rights: Lessons from South America**. Global Detention Project Working Paper No. 23.

Coalición por las Migraciones y el Refugio. (2012**). En el país de la Ciudadanía Universal: Informe sobre Movilidad Humana, Ecuador 2011**. Quito: Save the Children.

Colectivo Atopia. (2016). **Memorias de una expulsión.** Quito: Colectivo Atopia, texto completo: https://colectivoatopia.wordpress.com/

De Genova, N. P. (2002). Migrant 'illegality' and deportability in everyday life. **Annual Review of Anthropology**, 31(1), 419-447.

Domenech, E. (2013). 'Las migraciones son como el agua': Hacia la instauración de políticas de 'control con rostro humano': La gobernabilidad migratoria en la Argentina. **Polis**, 12(35), 119-142.

Drotbohm, H., and Hasselberg, I. (2015). Deportation, anxiety, justice: new ethnographic perspectives. **Journal of Ethnic and Migration Studies**, 41(4), 551-562.

Fassin, D., and Pandolfi, M. (2010). **Contemporary states of emergency: the politics of military and humanitarian interventions**. Zone Books.

Feldman, I. and M. Ticktin (eds.) (2010). **In the name of humanity: the government of threat and care**. Durham NC: Duke University Press.

Freier, L. F. and N. Parent. (2018). **A South American Migration Crisis: Venezuelan outflows tests neighbor hospitality.** Migration Policy Institute. July 18, 2018. Available at www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality





Gonzalez, J. (2001). **Harvest of empire: a history of Latinos in America.** Penguin Group.

Golash-Boza, T. (2019). Punishment beyond the Deportee: The Collateral Consequences of Deportation. **American Behavioral Scientist**, https://doi.org/10.1177/0002764219835259

Hanke, Lewis (1974). **All Mankind is One: A study of the Disputation Between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indian.** Illinois: Northern Illinois University Press.

Herrera, G. (2019). From immigration to transit migration? Race and Gender Entanglements in New Migration to Ecuador, in Xóchitl Bada, Andreas Feldmann and Stephanie Schütze, (eds.) **New Migration Patterns in the Americas: Challenges for the 21st Century.** Palgrave, Migration and Citizenship series.

Herrera G. and Cabezas G. (forthcoming). Ecuador: de la recepción a la disuasión: políticas migratorias hacia la migración venezolana. In Gandini, L.; Lozano-Ascencio, F. y Prieto, V. **Crisis y migración de población venezolana: entre la desprotección y seguridad jurídica en ciudades latinoamericanas.** Ciudad de México: Universidad Nacional Autónoma de México, UNAM.

Hiemstra, N. (2019). **Detain and Deport: The Chaotic US Immigration Enforcement Regime** (Vol. 43). University of Georgia Press.

Magliano, M. J., & Clavijo, J. (2011). La trata de persona en la agenda política sudamericana sobre migraciones: la securitización del debate migratorio. **Análisis político**, 24(71), 149-163.

Maguire, M., Rao, U., and Zurawski, N. (eds.). (2018). **Bodies as Evidence: Security, Knowledge, and Power**. Durham NC: Duke University Press.

Mansur Dias, Guilherme (2017). Trata de personas, tráfico de migrantes y la gobernabilidad de la migración a través del crimen. In **Etnográfica Revista do Centro em Rede de Investigação em Antropologia** vol. 21 (3) | 2017 20.

Oliver, K. (2017). **Carceral Humanitarianism: Logics of Refugee Detention**. University of Minnesota Press.

Redfield, P. (2012). 'Humanitarianism.' In D. Fassin (ed.), **A Companion to Moral Anthropology**, pp. 451-467. Wiley Blackwell.

Selee A., J. Bolter, B. Munoz and M. Hazan, (2019). Creativity amid Crisis: Legal Pathways of Venezuelan Migrants in Latin America. **Migration Policy Institute**, Policy Brief. January 2019-03-24 Available at https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america

Sørensen, N.N. and P. Castilla (2019). Latin America's Evolving Migration Crisis. **DIIS Policy Brief,** March 8, 2019. Available at www.diis.dk/en/research/latin-americas-evolving-migration-crisis

Ticktin, M. (2014). Transnational humanitarianism. **Annual Review of Anthropology**, 43, 273-289.

Walters, W. (2011). Foucault and frontiers: notes on the birth of the humanitarian border. In Brockling, Krausmann, and Lemke (eds.): **Governmentality: Current Issues and Future Challenges**, pp. 138-164. London and New York: Routledge.

U.S. Department of Justice - Executive Office for Immigration Review (EOIR) (2018). Statistical Yearbook: Fiscal Year 2017. Falls. Church, VA: US Department of Justice.

# NGO HUMANITARIANISM IN THE EYES OF ASYLUM-SEEKERS IN HONG KONG

**By Sealing Cheng**

It was November 2016[1]. Hassan and I were sitting in the park two days before he was about to be resettled in the U.S. Hassan was 31 years old and had fled his home country in East Africa to seek asylum in Hong Kong five years earlier. He was one of the fewer than 1% of asylum-seekers to have been recognized by the UNHCR as a refugee. As Hong Kong is not a signatory to the Refugee Convention, but only to the Convention Against Torture, the UNHCR had been screening asylum claims, the Hong Kong Government only torture claims. This changed after human rights lawyers challenged the Hong Kong government for relying on UNHCR decisions to determine torture claims. In 2013 the Court of Final Appeal decided in favour of the lawyers and said that it was Hong Kong's obligation to screen all claims for 'non-refoulement protection against expulsion, return or extradition from Hong Kong' (Daly 2014), including both asylum and torture claims.[2] Hassan fought hard to be retained under the UNHCR screenings and was one of the last so to be recognized. After that, a Unified Screening Mechanism (USM) introduced by the Hong Kong Government began. In November 2018, Hong Kong had a recognition rate of 0.6%. The victory of the human rights lawyers paradoxically made life even more difficult for asylum-seekers. But the asylum-seekers have complaints not just about the human rights lawyers.

Hassan said,

> ‘If there had not been NGOs, I think refugees may actually have achieved what they wanted by organizing themselves.’
>
> Hassan, aged 31, East Africa, resettled North America in 2016

This was a radical statement for a refugee to make when NGOs have played a crucial part in making life sustainable for almost all asylum-seekers and refugees in Hong Kong. As government assistance is far from adequate, and as they are prohibited from working, studying or volunteering, NGOs provide for a range of humanitarian needs, from food, furniture and everyday necessities to a cash allowance that saves refugees from destitution. They also provide pro bono legal advice and help asylum-seekers decode legal documents, as well as file their claims and appeals.



However, Hassan's main complaint was about the way NGOs constrained asylum-seekers and refugees in making their voices heard. He felt that NGOs had their own interests in keeping refugees as refugees: they wanted large numbers of cases, they wanted stories, they wanted funding. It was not in their interests for refugees to cease being dependent on them, as they might lose their jobs. Therefore, for Hassan, NGOs did not want to change a system that made lives so difficult for refugees. I began my research in 2012 and came to hear an increasing number of similar complaints over the years from long-term asylum-seekers. While fresh arrivals would appreciate the services provided by NGOs in helping them establish and sustain their everyday lives, those who have spent years or even a decade in Hong Kong came to realize that the service-oriented approach of these organisations would not end their institutional exclusion.

This article examines humanitarian aid and assistance through the eyes of their recipients, in this case asylum-seekers and refugees in Hong Kong. I use several ethnographic moments of refusal to illuminate asylum-seekers' resistance to being contained as objects of humanitarian aid, which their 'saviours' actively cultivate and promote in their increasing professionalization and corporatization. The analysis locates the tensions between asylum-seekers and the institutions that are pledged to help them as reverberations of post-colonialism and neoliberal developments, raising questions about the direction that humanitarianism might take in the current historical moment.

Hassan's diagnosis is painfully similar to Fiona Terry's, whose book Condemned to Repeat? The Paradox of Humanitarian Action pointed out that 'it can contradict its fundamental purpose by prolonging the suffering it intends to alleviate' (Terry 2002:2). Terry looked at the harm that could result from well-intentioned humanitarian action by examining militarized refugee camps in different conflict zones, showing how humanitarian action benefitted combatant forces and how aid organisations saw this as a 'side effect' of their humanitarianism (Terry 2002: 4). Rebecca Gill found that humanitarian endeavours in England in the form of war relief constitute a prominent arena for promoting national rejuvenation, furthering England's role overseas and enacting the ideals of participatory citizenship (Gill 2013: 200-1). At the end of her book, Gill states, 'Indeed, whatever this book has demonstrated about the spirit in which relief agencies bestowed their gifts in war (and this was as varied as relief agencies were numerous), as much remains to be written about the (not always reciprocal) spirit in which they were received' (Gill

2013: 217). Taking this as my point of departure, this article explores the attitudes of asylum-seekers and refugees in Hong Kong towards the aid and assistance they receive from the government, NGOs and lawyers. While it is predictable that most asylum-seekers are critical of the state and its agents in the formulation and delivery of aid, it may be more surprising that they should choose to criticise NGOs and lawyers as well, many of whom have been celebrated as defenders of human rights, vanguards of justice and dedicated advocates of the well-being and rights of refugees.

Hong Kong became a British colony in 1842 and was returned to China in 1997. In the context of the British Empire, humanitarianism has been described as 'a particular ensemble of regulatory practices' (Lester 2001: 4) of colonialism that structured the connection and hierarchy between the imperial centre and the periphery. Humanitarianism served as the basis for a range of European colonial interventions by the state, missionaries and aid workers performing their civilizing mission. In the context of Hong Kong, 150 years of British colonialism has consolidated the superiority of whiteness and, as the historian Rebecca Gill suggests, the cultural assumptions of aid workers have become legacies and 'habits of mind' (Gill 2013: 224). The political economy of humanitarianism has also been reconfigured through neoliberal transformations. My own work with anti-trafficking initiatives suggests that humanitarianism has become intrinsic to the operation of neoliberalism. This is specifically the case in the way neoliberal developments have created vulnerable populations by increasing the disparities in resources and wealth while at the same time supporting a set of humanitarian responses by the state and the NGO sector (Cheng and Kim 2013). In this sense, humanitarian NGOs in support of refugees are condemned to proliferate.

## ASYLUM-SEEKERS AND HUMANITARIANISM IN HONG KONG

After the 9/11 tragedy Hong Kong became entangled in the global refugee 'crisis', as borders in the US and Europe tightened, and asylum-seekers started to arrive in the early 2000s. As an ex-British colony, Hong Kong had visa-waiver arrangements with a number of African and South Asian countries. In 2015 there were about 10,000 asylum-seekers in Hong Kong, mostly from Southeast Asia, South Asia and about 10% from Africa. While neither the government, the media nor the general public paid much attention to them in the 2000s, in the last five years a series of increasingly negative portrayals of asylum-seekers as 'fake refugees' have been emerging, equating them with criminals and violence, and highlighting the notion that asylum-seekers are a serious drain on public resources. This coincided with the ramping up of government efforts to speed up the screening and removal of asylum-seekers from Hong Kong, from over 10,000 in 2015 to fewer than 2,000 cases in November 2018.

As part of the international community, the Hong Kong government has repeatedly been challenged regarding its humanitarian obligations. The Hong Kong Government did not provide any assistance to asylum-seekers until a court ruling mandated the provision of basic humanitarian assistance in 2006. Under the pretext of not wanting to create a 'magnet effect,' the Hong Kong government provided assistance that amounted to 'enforced destitution'[3] – since 2014, $1,500 [approximately 180 USD] of rental support and $1,200 [150 USD] worth of food coupons each month, and about $200 [28 USD] as an electricity and water allowance, as well as $200 [28 USD] for travel. This does not meet the basic needs of anyone living in one of the most expensive of Asian cities (Mercer Consultancy 2018). Charity organisations, churches and NGOs have therefore become important sources of support for asylum-seekers and refugees.

The history of humanitarianism in Hong Kong is intimately tied up with the major influxes of refugees, first in the 1950s from mainland China, and then in the 1970s from Vietnam. The Hong Kong government never actively embraced humanitarianism. Massive numbers of people fled mainland China to the British colony of Hong Kong following the establishment of the People's Republic of China in October 1949. The UNHCR arrived in Hong Kong in 1954 to find that 30% of the population consisted of refugees living in appalling conditions. A decade later, the number of refugees reached one million. This set the stage for the need for humanitarian interventions, both local and international. Locally the colonial government mobilized lineage and neighbourhood organisations to assist in containing the crisis. Charitable giving and social obligations in Chinese societies have been grounded in sympathy for the suffering of others, being embedded in complex social and religious systems (Yeophantong 2014: 1). At the same time, a number of international organisations associated with the Christian faith arrived. This Christian humanitarian activism founded the World Council of Churches, Caritas International, the World Lutheran Federation and Christian Action and provided assistance to Russian and Chinese refugees (Peterson 2016: 142-144).

A second landmark in the history of humanitarianism in Hong Kong was the arrival of Vietnamese refugees from May 1975, when the Communist regime took over Saigon. Hong Kong people and government were initially welcoming towards these Vietnamese, who were fleeing a Communist dictatorship. Some even took food and clothes to the refugees, and over five thousand Vietnamese refugees were given Hong Kong identity cards according to a government report (Hong Kong Government 1977: 135, quoted in Chan Yuk-wah 2011: 23). However, this sympathetic reception soon came to a halt. The British government declared Hong Kong a first asylum-port at the 1979 UNHCR conference without consulting with the local government but while pleading with other reception countries such as the United States and Australia to resettle these refugees. Those who arrived after 1982 were put in closed camps set up by the Hong Kong government, and the numbers peaked again in 1987 when the political and economic situation in Vietnam worsened. Some have argued that this was because the British government declared Hong Kong a first asylum-port at the 1979 UNHCR conference. Yuen (2014), through his archival research, argues that the British government, led by Margaret Thatcher, used Hong Kong to assert its influence over the refugee crisis. While the Conservative government did not want to admit these Vietnamese refugees, it still wanted to help resolve the crisis. In declaring Hong Kong a first asylum-port, Yuen argued, Britain was using Hong Kong as 'a place to fulfil its proxy humanitarianism' (Yuen 2014:95).

Two features of this brief history of humanitarianism are significant. First there is the lack of any humanitarianism on the part of the Hong Kong government. The second is the expatriate-dominant profile of non-government refugee-related humanitarian intervention in Hong Kong.

In the early 2000s, when African and South Asian asylum-seekers began to arrive in Hong Kong, only a few churches, such as the 'Society for Community Organizations', and Christian Action were helping asylum-seekers. But in the last three years a number of NGOs have been newly established, locating refugees' concerns alongside those of ethnic minorities, migrant domestic workers and human trafficking.

## THREE MOMENTS OF REFUSAL

Refugees are often represented as people who receive help.[4] When they refuse help in any way or form, they challenge not only this representation but also the patron-client relationship in which 'refugees' are subordinated.



**CAROLE MCGRANAHAN (2016) THEORIZED REFUSAL AS**

- generative and creative
- social and therefore capable of creating new social relationships and communities
- a critique of hierarchical relationships and external structures
- hopeful of and desiring new possibilities

The following moments of refusal capture some of these aspects of refusal as criticism and as generative of new possibilities and communities, as refugees break away from their scripted positions as passive recipients of aid.

**Refusing to be hungry subjects.**

Many NGOs have run campaigns against hunger for refugees, including the Justice Center's 'Hungry for Change' in 2014 and Christian Action's 'Campaign against Hunger' in 2016. Hungry for Change was the Justice Center's first public campaign in October 2014. It questioned the $1,200evaluation of food provided by the government, as well as the way in which asylum-seekers had to pick up their food from a number of designated distributors every ten days. The campaign had two parts: one challenged individuals to live on $40 [about 5 USD] worth of food a day and to share their testimonies online, while the second consisted of a petition demanding the replacement of the current system with supermarket coupons and calling on the government to let refugees eat in dignity.

I was at an African asylum-seekers' fellowship when the 'Hungry for Change' petition, attached to a clipboard, was circulated for signatures. There was not much enthusiasm for signing the petition: the one I received had about five signatures on it with about thirty more blank slots. I was sitting next to John, an asylum-seeker from West Africa who had been in Hong Kong for nine years, since 2005. John looked at the clipboard, sneered and asked me, 'Can you live on $40 a day? Can YOU?' I simply said, 'No' and passed it on to John, thinking that he would sign immediately. To my surprise, he refused. 'No, I will not sign.' I asked, 'Why?' After a long pause during which he stared intensely at the floor while his lips moved as if he was murmuring, he said, 'Because our problem in Hong Kong is not food.'

**Refugees are often represented as people who receive help. When they refuse help in any way or form, they challenge not only this representation but also the patron-client relationship in which 'refugees' are subordinated.**

Such campaigns reinforced and promoted the idea that asylum-seekers and refugees are not just destitute but starving, and therefore all they needed was food. Asylum-seekers, especially those who have been stuck in Hong Kong for more than a few years, wanted, for example, respect, the right to work and the right to a fair process, and they soon come to resent the NGO focus on food and other mundane struggles. Kaze, for example, is a Cameroonian artist, painter, sculptor and musician all in one who has been in Hong Kong since 2004, has married and now lives with his fellow asylum-seeker wife and three children. He had been looking for spaces to exhibit and, hopefully, to sell his art, but his church was not willing to risk breaking the law by making it possible for him to earn money from his art. Instead they asked him to donate all the proceeds from the sale to the fellowship, which he refused. So the pastor introduced him to a Chinese woman who ran a gallery and managed some artists. At the end of meeting, in which Kaze talked about the philosophy of peace, co-existence and harmony in his creative works, the gallery owner told him that because by law he couldn't work she couldn't pay him. The following is Kaze's own account:

> She told me, 'I will give you money to buy the material and if you are hungry, come and tell me.' I said to her, 'I have a lot of respect for you. If I didn't, and you were just someone on the street, I would ask you to get out now. Look at me (slightly spreading his arms), do I look like the kind of person who would come to you for help when I am hungry'?
>
> It was humiliating.
>
> She said, 'I am just trying to help.'

Kaze was infuriated but maintained his cool. The lens through which the gallery owner looked at Kaze was consistent with that produced by the church and other NGOs, which promoted the notion that food was the key to refugees' dignity, as seen in the Justice Center's report on its successful 'Hungry for Change' campaign in 2016:



> It has made all the world of difference to be able to shop in a mainstream supermarket, just like "normal" people; shop when they want, have more freedom to choose what they would like to eat from a selection of fresh food.[5]

While Kaze was searching for recognition as an artist, his interlocutors saw him as just another hungry asylum-seeker. This in no way suggests that better access to better quality food is not important, but it cannot be the only lens through which asylum-seekers' well-being is assessed. As is sometimes the case, providing better food options overshadows other, more fundamental needs of those who are in a legal, social and financial limbo. The church, and the gallery owner, in complying with the state's insistence that they deny asylum-seekers any access to cash, become part of the disciplinary regime that maintains the illegitimacy of asylum-seekers and refugees.

**Refusing to be Grateful**

Audit cultures – that is, the application of principles and techniques of financial accounting across a number of fields, thereby generating new systems of measuring, ranking and asssessing performance – have become contemporary forms of governance (Shore and Wright 2015). Audit cultures have produced a new ethics of accountability in NGOs, such that they need numbers to demonstrate their effectiveness, and they increasingly need testimonials to show the significance of their impact on their clients' lives. Testimonials of gratitude and of the life-changing experiences made possible by NGOs become part of the audit culture of the non-profit world. But what if an asylum-seeker refuses to be grateful?

Ismael is from the Middle East and has been in Hong Kong for five years. In the past two years he has joined an NGO that hosted weekly training activities, but recently told me that he had been 'kicked out.'

> …because they did a survey…One question was "how did joining our program change your life?" I wrote, "I am still a refugee, but a year older, nothing has changed." Then the next week, they said, "It seems that this program is not a good match for you, and there are other people who are waiting to join". So they kicked me out. They said they wanted my honest answer. And I gave it to them. And then they gave me their honest answer (grin). So it's funny.

The irony that 'honesty' could only go one way in the hierarchical relationship between NGO staff and their clients did not go unnoticed by John. Encouraging asylum-seekers to give an 'honest answer' corresponds to the liberal ideal of egalitarian partnership that some humanitarian workers, like John's interlocutor, proclaim in their work. Other asylum-seekers also reported that, whenever they uttered an opinion or criticism of an NGO, they were readily dismissed. Ismael went on to say,

> 'NGOs will help you and stuff, but if you start to have an opinion, then you are trying to be like them, on the same level, then they don't want you.'

The tacit assumption of conditionality in humanitarian aid is explicit in this encounter. As Erica Burman notes, hidden within humanitarian work, even when it emphasizes the resourcefulness of recipients to 'help themselves', 'is a tacit assumption of conditionality' 'where the help "we" offer "them" is on "our" own terms ….' (Burman 1994: 34).

**In the context of audit culture, refugees' failure to validate the mission of the NGO explicitly means failing to qualify for aid.**

In the context of audit culture, refugees' failure to validate the mission of the NGO explicitly means failing to qualify for aid. In effect, these standardized humanitarian practices produce the anonymity and speechlessness of the refugees (Malkki 1996).

**Refusing to be Speechless**

In 2018, a group of asylum-seekers who had been in Hong Kong for more than ten years organized themselves to fight for their rights. Their refrain was, 'No NGOs are involved. It's just us.' As the government has speeded up the processing of non-refoulement claims and made explicit its agenda to remove all claimants by 2019, they feel that all they have gone through has been in vain. For example, they have been going through different screening systems since 2005, only to be told that the Court found the screening unconstitutional; and then the cycle repeated itself, until the latest Unified Screening System was introduced in 2013. Meanwhile years have passed and they are still in the same limbo, only to be told then that the government is trying to remove all of them after they have spent more than ten years waiting. Initiated by a Nigerian asylum-seeker who had been in Hong Kong for twelve years and who went around talking to others who were in similar situation, they decided to form a group called 'Our Lives Matter.' Without the resources of space, money, a network, administrative experience or the legitimacy accorded NGOs, it has been a challenging process. At its peak, twenty of them signed a petition directed at Hong Kong's Chief Executive on World Refugees' Day, requesting Hong Kong residence on humanitarian grounds, a demand that no NGO would support. They spoke at a Legislative Council's Security Panel meeting and spoke to the media, clearly refusing to be 'exemplary victims' (Malkki 1996: 384).

This may also be what Hassan was imagining before he left Hong Kong in 2016. But it still does not mean that people are ready to see asylum-seekers as active agents. The group visited legislators, NGOs and lawyers' offices to ask for advice on possible ways forward for their struggle, each time being asked 'Which organization are you working with?' or 'Who is helping you?'. During their visit to the office of a human rights lawyer for legal advice, the first question they were asked was, 'Who helped you write this petition?'

In their study of the urban poor and democratic participation in India, Veena Das and Michael Walton found that 'it is in the process of engaging the legal, administrative, and democratic resources that are available to them – in courts, in offices of the bureaucrats, and in the party officers that the poor learn to become political actors and not simply recipients of the state's benefits' (Das and Walton 2015: 53). Our Lives Matter broke with 'the systematic, even if unintended, silencing of persons who find themselves in the classificatory space of 'refugee' (Malkki 1996: 386). The fact that they resorted to political action on their own exposed their previous exclusion from becoming political actors by the very professionals and organisations that had been focused on 'helping' them.

In this short article, I have chosen a few moments of refusal by asylum-seekers in order to illuminate how the boundaries of compassion operate, how humanitarian organisations may inadvertantly buttress state violence and maintain the illegitimacy of asylum-seekers, and how the neoliberalization of humanitarianism produces particular subjects who are worthy of aid.

Without denying the value of refugee NGOs and their efforts in Hong Kong, my ethnography casts light on the inequalities and injustices that humanitarian practices can perpetuate. Therefore, the question I wish to repeat here is, 'What is "Human" in humanitarianism today?' Ismael reminded us that refugees must not try to be like NGO workers, recalling the colonial classification and separation of people. Hassan, despite his active participation in NGO activities, said before he left Hong Kong: 'I just really wanted someone to see me as a human being.' Given the complex legacy of humanitarianism, its 'institutional prerogatives, occupational protocols and unspoken assumptions' (Gill 2013:210), what would have to happen before refugees can be seen as human, and not just as passive receptacles of others' compassion?

## NOTES

1 The work described in this paper was partially supported by a grant from the Research Grants Council of the Hong Kong Special Administrative Region, China (Project No. CUHK14212116).

2 C, KMF, BF V Director of Immigration Judgment 2013, FACV No 18, 19 & 20 of 2011.

3 However, in 2013 the Court of Final Appeal found that asylum-seekers have no right to work. GA, PA, FI, JA v Director of Immigration, FACV 7, 8, 9 & 10/2013. Though starting in 2014, the Director of Immigration has been using his discretion to grant a handful of refugees work permits renewable every six months depending on employers who undertake to hire them.

4 The language of 'help' is common among Hong Kong NGOs working with asylum-seekers and refugees. I provide two examples here. On the webpage of Branches of Hope, founded in 2018, work is introduced by asking 'How does Branches of Hope help?', 'WHAT DOES ROAD (Refugee Opportunity and Development) DO TO HELP?'; it also states 'Non-profit organisations like Branches of Hope have been helping refugees and asylum seekers in various capacities…' https://branchesofhope.org.hk/about-refugees. Accessed April 3, 2019. On the webpage of Justice Center, under the title of 'WHAT WE DO', the first drop-down item was 'WHO WE HELP'. In introducing the history of the Justice Centre, it states: 'Launched in 2014, Justice Centre Hong Kong was formerly the Hong Kong Refugee Advice Centre, which over seven years, helped more than 2,000 refugee men, women and children on the road to a new life.' http://www.justicecentre.org.hk/who-we-are/. Accessed April 2, 2019.

5 http://www.justicecentre.org.Hong Kong/advocacy/destitution-towards-dignity/



## References

Burman, Erica. 1994. Poor Children: Charity Appeals and Ideologies of Childhood. Changes: **Journal for Psychology and Psychotherapy** 12(1): 29-36.

Chan, Yuk Wah. 2011. Revisiting the Vietnamese Refugee Era: An Asian Perspective from Hong Kong. In Chan Yuk Wah (ed.) **The Chinese/Vietnamese Diaspora: Revisiting the Boat People,** pp. 3-19. London: Routledge.

Cheng, Sealing and Eunjung Kim. 2011. The Paradoxes of Neoliberalism: Migrant Korean Sex Workers in the U.S. and 'Sex Trafficking.' **Social Politics** 21(4).

Daly, Mark. 2014. Refugees and Non-refoulement Law in Hong Kong: Introduction of the Unified Screening System. Hong Kong Lawyer October 2014. http://www.Hong Kong-lawyer.org/content/refugee-and-non-refoulement-law-hong-kong-introduction-unified-screening-mechanism. Last accessed August 2, 2015.

Das, Veena and Michael Walton. 2015. Political Leadership and the Urban Poor: Local Histories, **Current Anthropology** 56, Supplement 11, S44-54.

Gill, Rebecca. 2013. **Calculating compassion: humanity and relief in war, Britain 1870-1914**. Manchester: Manchester University Press.

Lester, A. 2001. Imperial Networks: **Creating Identities in Nineteenth Century South Africa and Britain**, London: Routledge.

Malkki, Liisa. 1996. Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization. **Cultural Anthropology** 11(3): 377–404.

McGranahan, Carole. 2016. Theorizing Refusal: An Introduction. **Cultural Anthropology** 31(3): 319–325. https://doi.org/10.14506/ca31.3.01

Peterson, Gail. 2016. 'Crisis and Opportunity: The World of Aid Refugees Chinese Intellectuals (ARCI) in Hong Kong and Beyond.' In Priscilla Roberts and John M. Carroll (eds.) **Hong Kong in the Cold War**, pp. 141-159. Hong Kong: Hong Kong University Press.

Shore, Cris and Susan Wright. 2015. 'Audit Culture Revisited: Rankings, Ratings, and the Reassembling of Society.' **Current Anthropology** 56(3): 421-444.

Terry, Fiona. 2002. **Condemned to Repeat? The Paradox of Humanitarian Action.** London: Cornell University Press.

Yeophantong, Pichamon. 2014. **Humanitarianism in East and Southeast Asia: A Historical Perspective**. London: Humanitarian Policy Group, Overseas Development Institute.

Yuen, Hong-kiu. 2014. Proxy Humanitarianism: Hong Kong's Vietnamese Refugee Crisis, 1975-79. (Thesis). University of Hong Kong, Pokfulam, Hong Kong SAR.

## CONTRIBUTORS

**Ulla Dalum Berg** is Associate Professor of Anthropology and Latino and Caribbean Studies at Rutgers University and Director of the Rutgers Center for Latin American Studies (CLAS). She is the author of Mobile Selves: Race, Migration, and Belonging in Peru and the U.S. and co-editor of Transnational Citizenship Across the Americas. Her current research examines the effects of U.S. immigrant detention and deportation on migrant communities in Ecuador and Peru.

**Sealing Cheng** is Associate Professor in the Department of Anthropology, the Chinese University of Hong Kong. Before that, she taught Women's and Gender Studies at Wellesley College. She has taken an activist approach to her work. As a member of the Courageous Women Research Center in South Korea, she co-developed a photovoice project with sex workers. In Hong Kong, she co-founded the Afrofusion band Talents Displaced made up of asylum-seekers, refugees and ethnic minorities. She is a member of the transnational research project 'Gender Justice and Neoliberal Transformations', co-directed by Janet Jakobsen and Elizabeth Bernstein. Her first book, On the Move for Love: Migrant Entertainers and the U.S. Military in South Korea, received the Distinguished Book Award of the Sexualities Section of the American Sociological Association in 2012.

**Paolo Cuttitta** is a Marie Curie Fellow at the CERAL (Centre de Recherche sur l'Action Locale), Université Paris 13. He has previously worked at the Vrije Universiteit Amsterdam and at Palermo University. Paolo is currently investigating the role of NGOs in migration management in North Africa. Among his recent publications on humanitarian migration management are articles in Antipode and Geopolitics. His new co-edited book Border Deaths: Causes, Dynamics and Consequences of Migration-related Mortality is forthcoming with Amsterdam University Press.

**Gioconda Herrera** is Professor in the Sociology and Gender Studies Department of the Facultad Latinoamericana de Ciencias Sociales (FLACSO) in Quito, Ecuador. She has done research on migration, care and transnational families in South-North migratory circuits to Spain and the United States. She is currently working on two projects: 1) return migration to Ecuador, particularly emphasizing life after deportation among indigenous migrants; and 2) Venezuelan migration to Ecuador.

**Sine Plambech** is Senior Researcher at the Danish Institute for International Studies. She conducts fieldwork in Nigeria, Thailand, Sicily and Denmark on human trafficking, migration, gender and humanitarian interventions. She is a former Adjunct Assistant Professor at Barnard, Columbia University, and current co-coordinator of the Research Network on Humanitarian Politics and Culture. Based on her research she has been involved in making six films, among them her latest, Heartbound, granted the Best Feature Award by the American Anthropological Associations and the Richard Werbner Award by the Royal Anthropological Institute. She also received the Danish Research Council's Elite Young Sapere Aude Award in 2016.

**Ninna Nyberg Sørensen** is Senior Researcher at the Danish Institute for International Studies, Copenhagen, where she also heads the department of Global Transformations. With a background in cultural sociology and social anthropology and an interest in the intersection of mobility, conflict and governance, her research has focused on international migration and the social transformations that human mobility gives rise to. She has worked extensively on and in various parts of Latin America, where she continues her over thirty years of research in transnationalism, high-risk migration and forced return.

**Photos**

Cover: Mike Leporati / U.S. Navy photo (U.S. Military Sealift Command (MSC) Hospital Ship USNS Mercy (T-AH 19) anchors off the city coast, while the ship and her crew begin their 1st day of humanitarian aid)

Page 14-15: Paolo Cuttitta (Disembarkation procedures on Lampedusa, Italy)

Page 30-31: Ulla Dalum Berg (Locals and return migrants walking, Cañar Province, Ecuador)

Page 50-51: Sealing Cheng (A member of 'Our Lives Matter' being interviewed by the press after a protest, 6 March 2019)

DIIS · DANISH INSTITUTE FOR INTERNATIONAL STUDIES
Østbanegade 117 | DK-2100 Copenhagen | Denmark | www.diis.dk