

Canadian Refugee Policy: Understanding the role of international bureaucratic networks in domestic paradigm change

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Introduction*

On June 13th 2001, Bill C-11, the *Immigration and Refugee Protection Act* (IRPA), was approved by the Canadian House of Commons. This legislation, which replaced the 1978 *Immigration Act*, introduced important changes in Canada's refugee policy. For policy-makers a central goal of the new legislation was the tightening of the Canadian refugee system. In the words of Elinor Caplan, Minister of Citizenship and Immigration, "[b]y saying 'No' more quickly to people who would abuse our rules, we are able to say 'Yes' more often to the immigrants and refugees Canada will need to grow and prosper in the years ahead" (Citizenship and Immigration Canada, 2001a). This emphasis on a tighter immigration system fits with deeper changes that were occurring in the paradigm that had framed Canadian decision-makers' understanding of refugee policy during the 1990s. In particular, it reflected a shift from an emphasis on refugee protection to one of security and control.

The new thinking could be explained by shifts in the domestic policy environment that included new migration trends and an increase in specific 'events' that raised concerns of security and control. However, this chapter proposes that at best, these domestic factors offer only a partial explanation of paradigm change. Instead, it is argued that the intensified transnational activities of domestic bureaucrats provides an important source of new ideas to which domestic decision-makers appealed and through which changes in the domestic environment can be interpreted. Although changes in the Canadian paradigm mirror and trail the securitisation of refugee policy across most industrialized states (Huysmans, 2000; Adamson, 2006), almost no consideration has been given to the role of international norms in explaining domestic paradigm change. Indeed the accepted belief that Canadian foreign policy, and refugee policy, are guided by a set of distinctly Canadian values means that both paradigm change and its international sources have been overlooked.

Two specific questions about the relationship between transnational actors and paradigm change are addressed here. First, how do transnational actors alter key decision-makers' thinking about domestic paradigms? Second, how are ideas transferred from the transnational into the domestic realm? In answering these questions this chapter argues that informal, private exchanges akin to Anne-Marie Slaughter's global government networks (Slaughter, 2004) are an important venue through which decision-makers are socialized into international norms. Global government networks (GGN) create a community of bureaucrats across jurisdictions and contribute to the socialization of its members to prevailing norms of the group. In turn, participating bureaucrats are uniquely positioned in the domestic policy process, especially as policy experts, to spread new ideas and have them accepted in the domestic policy realm.

This chapter begins by providing a definition of paradigm and paradigm change and builds a framework for understanding how transnational actors facilitate the transfer of international norms into the domestic realm. Central to the framework are the potential role of GGNs in creating the conditions that facilitate the adoption of new ideas and the role played by members of these global networks as a conduit between international norms and domestic paradigm change. The second section examines the case of a change in the paradigm governing

Canadian refugee policy. This section outlines the paradigm change that has taken place, and argues that Canadian bureaucrats' activities in a developing GGN on international migration resulted in their socialization and, in turn, shaped domestic debates and ultimately the broader policy paradigm.

Transnational Actors and Domestic Paradigm Change

Paradigms are defined here as decision-makers' taken-for-granted, collective understandings of the world in which they operate. Drawing on both the public policy (Hall, 1993) and international relations' constructivist literatures, the components that make up decision-makers' paradigms include: decision-makers' normative understandings, including beliefs about state goals or interests; definitions of appropriate behaviour and understandings of identity; and cognitive understandings of the cause and effect relationships pertaining to the manner in which the world operates¹

Traditional explanations of policy learning provide initial insights into how paradigm change might occur. Broadly, decision-makers learn as they acquire new information about their environment and the efficiency of particular responses to it (Haas 1991; see also Meseguer, 2005: 74). In this explanation the process of learning is a purposeful act of decision-makers who, driven by their interests, seek a better understanding of policy and its operation (Levy, 1994: 283, Meseguer 2005). There are various sources of new information that might provoke such change, including decision-makers' experience (Levy, 1994; Stein, 1994), policy feedback (Pierson, 1993; Hall, 1993; Levy, 1994: 304-306; McNamara, 1998) or the experience of others (Meseguer, 2005:72; Stone, 1999: 55-56; Dolowitz and Marsh, 2000; McNamara, 1998). New information may arise as the environment itself changes, destabilising existing understandings and motivating actors to find new ones. Alternatively, changes in the pressures on decision-makers from within the policy environment, such as new political dynamics or institutional change, may provide motivation for altering thinking. These same processes may be an important source of paradigm change. As pressures and perceived anomalies accumulate to an unmanageable level, paradigm change may take place (Hall, 1993).

What is absent in these approaches is a thorough consideration of the social processes that alter decision-makers' paradigms above and beyond these other processes of learning. Even Peter Hall's "social" learning explanation ascribes a limited role to social processes in accounting for change.² It fails to highlight sufficiently that what is important for paradigm change is not simply a better understanding of an environment, but rather the attribution of new meanings to the environment as a result of social interaction. Furthermore, more attention needs to be paid to the possibility that transnationalism opens the door to the influence of international social factors in effecting paradigm change.

This chapter builds on the latter insights to propose an explanation of paradigm change in Canadian refugee policy. It argues that the increased transnational activities of bureaucrats through networks of government officials provide a venue through which these bureaucrats could be socialised into an alternative paradigm. One conceptualisation of these networks is Anne-Marie Slaughter's global government networks. Slaughter (2004) defines GGNs as the interstate coordination of government officials in "quasi-autonomous" forums to address specific and often critical concerns.³ The activities of government officials are understood to go beyond the traditional constraints of formal interstate diplomacy, reflecting the increased frequency and quasi-official nature of bureaucrats' transnational activities (Hockings, 2004) that occur with minimal oversight from their political masters.

This recognition of the increasingly broad and informal activities of bureaucrats suggests that more weight should be placed on their importance in transferring policy ideas than has traditionally been the case in the policy transfer literature (Stone, 2004: 62-3. See also Weyland, 2004: 16; Dolowitz and Marsh, 2000: 17). Focusing on GGNs suggests their possibility as socialization forums. Indeed, Slaughter argues that these networks “build trust and establish relationships among their participants that then create incentives to establish a good reputation and avoid a bad one” (162). Furthermore, they are recognized as providing “professional socialization to members from less developed nations” (162).⁴ Through interaction, decision-makers increasingly see themselves as part of a community of professional and technical experts which transcends national borders.⁵ The outcomes of these processes are not dissimilar to those found in the European integration literature, where there is evidence that regular interaction of state bureaucrats in the European forum has contributed to the adoption and consolidation of supranational identities (Trondal, 2001).

An important source of the potential for GGNs to enable socialization is their ability to generate feelings of community through interaction (Flockhart, 2004). Processes of socialization assume the existence of a community (Johnston, 2001: 494; Finnemore and Sikkink, 1998: 891-2). Therefore the construction of a common identity provides an important process through which socialization and the adoption of new paradigms can take place. Indeed, social incentives and persuasion - two key mechanisms of socialization (Johnston, 2001) - are recognized as being more effective when an actor is a member of a community whose values and opinions it respects (Bernstein and Cashore, 2000: 81-82). In the case of social incentives, membership is itself a goal. In the process of acquiring or consolidating membership, actors seek to demonstrate their commitment to key values and to behave in a manner which is consistent with the community. Social rewards such as recognition, praise and acknowledgment of leadership in the community reinforce actors’ identification with the group (Finnemore and Sikkink, 1998). Alternatively, social criticism lessens the status of an actor’s membership. These processes apply directly to government decision-makers interacting at the international level who seek to maintain a good reputation and avoid a bad one (Slaughter, 2004). The possibility of persuasion is also reinforced by membership in a community or aspirations to it. Alastair Johnston suggests that persuasion is more likely if the persuadee views the persuader as “knowledgeable” and “trustworthy” with the existence of a common identity being one of the most likely indicators of whether the persuadee will hold this image of the persuader (Johnston, 2001: 498). Thus the community built within GGNs is likely to increase the potential for persuasion. Even the setting of GGN meetings - behind closed doors, where open and honest dialogue between peers in a less politicized form can take place – provides ideal conditions for persuasion and broader socialization.⁶

Socialization of bureaucrats is only the first step in demonstrating how domestic paradigms are affected by processes of transnationalism. It is also important to consider how these new ideas are disseminated to a point where domestic paradigms are shifted. GGNs are themselves an important part of this explanation. They reflect Finnemore and Barnett’s observation of bureaucrats in international organizations whose “status as being both ‘an authority’ and ‘in authority’ ... positions them well both to generate new ideas and to have those ideas heard and respected” (Barnett and Finnemore, 2004: 162). Bureaucrats who have a central position in the policy-making process are in an important position to convey ideas into the domestic arena because they are ‘in authority.’ In part participants in GGNs are the very decision-makers whom we would expect to be prominent carriers of domestic policy paradigms. Therefore, part of the exercise of translating new thinking from the international to the domestic realm is already

completed when these key actors are socialised at the international level, especially in policy areas where their influence is greater than other actors. Furthermore, their position of authority in the policy process makes bureaucrats an important source from which new ideas might be pushed. Indeed they can act as well placed domestic norm entrepreneurs (Finnemore and Sikkink, 1998: 896-99).

The authority of transnationally active bureaucrats is supported by their perception as experts in the field. Policy areas defined by high levels of complexity or technical knowledge require bureaucrats with specialised expertise. These bureaucrats are relied on to produce and interpret data about their policy fields. Thus they have a privileged position in attributing meaning to policy-relevant knowledge. GGNs are important in this process because they provide members with information - and new interpretation of information - that can be expected to have significant effects on the domestic paradigm. For instance, effective GGNs may produce collections of data used by decision-makers to understand the broader international policy field. Broad surveys of migration trends can be expected to frame issues in ways that do not reflect the experience of any individual's particular jurisdiction, especially if they are the outlier. As a result, the use of this information and framing of issues is likely to skew decision-makers' understandings as knowledge reflects the experience of the whole rather than the individual. GGNs may also provide an important function in interpreting and attributing meaning to domestic events or trends in specific jurisdictions. Decision-makers can be expected to take their domestic experiences to GGNs which act as an international 'support-group' of decision-makers who can empathise with the experiences of colleagues in other jurisdictions. As decision-makers get issues 'off their chests' and 'talk things out' they are likely to be affected by the reasoning of others. Thus, domestic experiences could be expected to be interpreted and given meaning in these forums.

The ability to produce and interpret information as it is transferred from the international to the domestic realm also raises important insights about how transnational actors affect paradigm change. The selection of new ideas by domestic actors depends upon the ability of these ideas to address the needs of the policy environment or to fit with broader norms that are present there (Hall, 1989; Keck and Sikkink, 1998; Florini, 1996; Bernstein and Cashore, 2000: 81, 83). However, understandings of these needs are not fixed. Instead iterated interaction in the international realm allows bureaucrats to adjust incrementally their understandings of the domestic policy environment. It seems likely that through this process the needs of the policy environment that have been identified as being important to selecting new thinking are in fact being shaped. Thus, changes in the domestic realm do not simply cause uncertainty amongst decision-makers who then choose from a menu of available ideas, selecting the ones that are most appropriate. Instead, bureaucratic socialization allows centrally positioned decision-makers - through the production of domestically relevant policy knowledge - to set the appetite of domestic actors. As a result, processes of transnationalism may result in issues being framed as new domestic problems that raise uncertainty; new understandings of needs and new expectations of efficient and appropriate policy, and altered actors' understandings of their identities.

In summary, the interaction of bureaucrats in GGNs has the potential to alter domestic paradigms via a process of common identity building and socialization with colleagues from likeminded states. Furthermore, the central position of these bureaucrats—at the interface of international and domestic realms—makes their socialization relevant for the study of domestic paradigm change. Changes in the domestic environment provide important opportunities for

thinking about policy. However, decision-makers' interpretations of those changes and the broader policy environment are likely to be influenced by decision-makers participation in GGN.

Understanding paradigm change: The case of Canadian refugee policy

This chapter focuses on the case of Canadian refugee policy from 1975 to the summer of 2001. This period is book-ended by two important developments in Canadian policy. The period began with preparation for and implementation of the 1978 *Immigration Act* that overhauled Canada's post-WWII immigration policy. The period ended with an intensive policy review culminating with the replacement of the 1978 *Act* with the *Immigration and Refugee Protection Act (IRPA)*. Although the IRPA was modified in the aftermath of the events of 9/11 and not implemented until 2002, a finalized version of the *Act* had made it through Parliament prior to the summer recess of 2001. What is evident in the discussion of policy around these two developments is that the paradigm that framed Canadian refugee policy had in fact changed over this period.⁷ However, what is unclear is why this change took place and the role played by internationalization and the global government networks.

Canadian Paradigm Change

Between the mid-1970s and the summer of 2001 a shift occurred in the policy paradigm framing Canadian decision-makers' understanding of refugee policy. Broadly this has been articulated as a shift from a focus on refugee protection to one on control and security (Crépeau and Nakache, 2006; Aiken, 2000, 2001). The paradigms that define these two periods can be characterised as two ideal types. In the first instance the protection paradigm fits within a broader understanding of Canada's liberal humanitarian tradition and distinct values in conducting its international affairs. The refugee protection paradigm is characterized by the prioritization of policies that provide protection for refugees and refugee claimants. Problems are defined as those policies that fail to offer adequate protection, with the state being understood as being capable of and obliged to provide levels of fairness and opportunity to refugee claimants similar to those available to Canadian citizens. The goals of this paradigm are to prioritize the protection of refugees, barring specific threats to the state's ability to control its borders or to ensure national/public security. Appropriate policy responses are those that increase access and protection for refugees in all areas of policy including determination and pre-/post-determination processes. Policies are expected not only to meet but to exceed established international standards of protection and to offer a model for other, often recalcitrant, states.

In contrast, the security-control paradigm is organized around the central tenet that state sovereignty, national security and public safety are higher priorities than affording opportunities to refugee claimants. The goals of the security-control paradigm include limiting the flows of unauthorized migrants and preventing entry to those who pose a risk. Canada's international obligations are interpreted as limiting the sovereignty of the state, with increased efforts to meet obligations minimally or to navigate around them. Migrants and by extension refugee claimants are increasingly viewed as posing a threat, rather than being in need of protection. Given this understanding of the world, appropriate policies are those that prioritize security and control while limiting the loss of state sovereignty. The potential for refugees or refugee claimants to be adversely affected by these policies weighs less heavily in their selection. Policies such as interdiction, increased use and scope of security screening, narrowed determination systems and appeal processes, as well as increased deterrence and removals are viewed as being increasingly appropriate. Rather than being distinct, the control-security paradigm suggests that Canada is

part of a community of likeminded states whose other members present viable sources of new thinking for dealing with problems common to all members.

One Member of Parliament has suggested that by the end of the 1990s there had been a “whole climate change” in Canada’s approach to refugee policy (Interview). This change was seen in a redefinition of Canada’s identity in the field of refugee policy. The public debates of the late 1990s downplayed Canada’s liberal humanitarian traditions and the narratives that had been prominent in the debates of the 1980s.⁸ Rather than being an international champion of a uniquely humanitarian system that went above and beyond its international commitments, the Canadian state was portrayed as a victim of increased migration flows.⁹ Furthermore, decision-makers viewed other states as “likeminded,” faced with common problems and to whom Canada had an obligation in terms of pulling its weight in efforts to enhance collective control and security.¹⁰ In contrast to the 1980s, when the quality of partner states’ protection was questioned, these states were understood to offer legitimate solutions to Canada’s problems in dealing with migration (Parliamentary Standing Committee, November 3, 1999: 1615; Interviews).¹¹ In numerous debates Canadian decision-makers pointed positively to policies of other states whose measures had been deemed inappropriate under the protection paradigm.

Understandings of the problems being faced had also changed by the end of the 1990s. In the 1970s and 1980s decision-makers’ thinking about refugee policy was driven by concerns that the system should be exceedingly fair and offer the best protection possible for refugees.¹² The broad terms of debate saw political parties gaining credibility based on their ability to offer even better protection for refugees than their opponents. Security and control were discussed but as matters of routine concern and not as the dominant lens through which policy was to be approached. Similarly, refugees and migrants more generally were viewed as being in need rather than threats to state sovereignty and control.¹³ In contrast, by the end of the 1990s the primary concern of decision-makers was the problem of controlling illegal migration and preserving public safety and national security.¹⁴ Decision-makers increasingly saw illegal migrants / refugee claimants as abusers of the system, and this view was amplified by the regular arrival of refugee claimants without identity documents.

Linked to changes in the definitions of the problem was a shift in Canadian decision-makers’ understanding of appropriate policy responses. Several policy options that had been considered in the 1980s but deemed inappropriate were considered again at the end of the 1990s. Objections to a Safe Third Country (STC) agreement and high seas interdiction at the end of the 1980s had been based on the belief that these policies countered key principles of Canada’s approach to refugee protection. In contrast, in debates at the end of the 1990s the reasons for not pursuing such agreements were not based on principled arguments but on logistical concerns. In the case of high seas interdiction, decision-makers pointed to the fact that Canada did not have the resources to engage in this practice, including the lack of an offshore territory at which claims could be determined, as well as the potential of legal constraints (Parliamentary Standing Committee, November 3, 1999). In contrast, there were only brief concerns raised about the safety of refugee claimants.¹⁵ Instead, one official suggested that because a significant proportion of migrants were believed to be illegal, policies of high seas interdiction would be appropriate (Interview). This argument was bolstered by pointing to the claim that similar practices in other states such as the US and Australia were legitimate (Parliamentary Standing Committee, November 3, 1999) and that Canada had recently supported such practices elsewhere (Aiken, 1999).

Further evidence of a shift in paradigmatic thinking can be seen in the policies and practices related to refugees and refugee claimants. These policy changes demonstrate that shifts in discourse were more than rhetorical. Most indicative of the protection policy paradigm was the establishment of the Immigration and Refugee Board (IRB) at the end of the 1980s. Despite the significant increase in the numbers of refugee claimants and potential for security concerns amongst them, Canadian decision-makers enacted a highly liberal system that offered extensive protection to refugee claimants. In contrast, by the end of the 1990s, policies that had been rejected in the late 1980s, including a STC agreement, were being pursued. Furthermore, Bill C-44 (1995) and legislative amendments to the 1978 *Act* in 1997 represented a tightening of the system. By the end of the 1990s there was also significant evidence that the practice of Canadian refugee policy had changed to reflect a more security and control oriented focus. Budgets related to enforcement aspects of the immigration department were protected from cut backs and even increased (Parliamentary Standing Committee, November 24, 1999: 1550),¹⁶ while indicators of enforcement also increased.¹⁷

GGNs and bureaucratic socialization

Over the course of the 1990s Canadian bureaucrats became increasingly involved in a migration GGN that could be expected to socialise them and in turn help to explain domestic paradigm change. At its core this GGN represented a group of likeminded public servants drawn from a core group of liberal-democratic states in Western Europe, North America, Australia and New Zealand. Members interacted in a number of venues, including regional consultative processes (RCPs), bilateral meetings and even on the fringes of formal international organizations such as the Executive Committee of the UNHCR. This network of decision-makers also functioned outside of international meetings. Related activities included personal communication between meetings, as well as individual meetings and extended networking.¹⁸ Decision-makers, as members of a network, were plugged in to one another at a variety of informal and semi-structured points.

One of the most significant forums in which these networks operated was a set of regional consultative processes initially established in the mid-1980s (Solomon, July 2005: Annex A). According to the International Organization for Migration (IOM), RCPs provided states with a process of networking for the “informal exchange of views about their respective positions and priorities on migration” (International Organization for Migration, 2007a). These networks operated through regular meetings of ministers and senior bureaucrats with technical expertise in a variety of formats that included “seminars, capacity building training and workshops and information campaigns” (International Organization for Migration, 2007a). The possibility that decision-makers’ thinking was affected by this process has been recognized by the IOM. The authors of an IOM expert chapter on regional consultative processes state that “[s]ince 1994, profound changes have taken place in the understanding of and international collaboration on migration” as a result of these processes. In so far as “some shared understandings have emerged on the nature and role of migration in today’s mobile world ... [s]tates now appreciate their common challenges and shared as well as complementary objectives in migration” (Solomon, July 2005: 3). The IOM’s webpage states that RCPs allow “states to better understand others’ perspectives” and “build confidence in inter-state dialogue, information sharing, cooperation and exploration of collaborative approaches to migration issues” (International Organization for Migration, 2007a.) Colleen Thouez and Frédérique Channac address the issue of socialization directly, arguing that RCPs produce informal socialization through a process of

imitation that results in the convergence of national migration policies (Thouez and Channac, 2006). In short, these processes are recognized as having the potential to contribute to a convergence in participants' understandings. They could, in turn, contribute to paradigm change in Canadian refugee policy.

Canadian officials actively participated in a number of these RCPs from the mid-1980s on (International Organization for Migration, 2007b). One of the more significant RCPs was the *Inter-Governmental Consultation on Asylum, Refugee and Migration Policies* (IGC). Over the course of the 1990s the IGC was organized around a small membership of industrialized states focused on migration management.¹⁹ Regular meetings of participants, at no higher level than senior bureaucrats, occurred on a variety of topics. These meetings were held in closed sessions with little public information detailing the nature of the discussions that took place. This format of small, personal and private meetings provided a unique environment where feelings of community could be built and socialization could occur.

Canadian decision-makers acknowledged that forums such as those provided by RCPs were useful for the exchange of ideas, although they argued that specific policy prescriptions were rarely if ever developed (Interviews).²⁰ Despite this, it seems likely that Canadian decision-makers' thinking was altered by these interactions and that Canadian domestic paradigms were affected. The evidence outlined below suggests that through their interaction in GGNs Canadian officials came increasingly to see themselves as part of this community of likeminded states, and subsequently, to adopt the community's standards which prioritized security and control.

The importance of Canadian bureaucrats' increased involvement in a GGN in explaining paradigm change is supported by evidence of a developing international norm in this GGN. This norm has been widely noted in the literature on international migration and is captured in discussions of a "Wall around the West," (Andreas and Snyder, 2000; Macklin, 2001) "Fortress Europe" (Bloch, 2000; Gallagher, 2002) and "Fortress North America" (Rudd and Furneaux, 2002). There is evidence that the content and tone of the discussion that took place within the GGN reflected this norm and exposed Canadian decision-makers to perspectives they might not have found at home. For instance, one official who attended IGC meetings suggested that discussions reflected an emphasis on security and control. This occurred because the majority of other participants came from departments – such as Home Affairs or Ministries of the Interior – that placed greater organizational emphasis on policing, security and public order. In contrast, immigration and refugee matters in Canada were contained in a separate department largely focused on the facilitation of migration (Interviews). It is also significant to note that the adoption of this norm in other jurisdictions preceded Canada's paradigm change. Thus the timing of the development of this norm and the suggestion that it was prevalent in the framing of the GGN's thinking implies that it was an important potential source of new ideas consistent with the direction of change in Canadian policy.²¹

It is also evident that participation in this GGN resulted in bureaucratic socialization owing to a sense of community amongst participants. On a personal level, regular meetings allowed Canadian officials to build strong relationships with their international colleagues. Officials suggested that they looked forward to meeting with their counterparts, enjoyed their time together and often spent time with each other in social settings outside formal meetings (Interviews). Furthermore, Canadian participants came to hold their international partners in high esteem, describing them as "good," "clever," "intelligent" and "honest" (Interviews). Most significantly, they expressed the fact that they felt they could trust these officials (Interviews).

The development of trust was also an important indicator of the sense of community. Officials felt that, behind closed doors and without their political masters, they could talk honestly and that what was said would not become part of the domestic policy debate. Canadian officials suggested the meetings provided a “frank talk-shop” where they could shut the doors and “clear their heads” (Interviews). This also indicated a sense of ‘we’ versus ‘them’ mentality and a division between those who could participate and those who should not. Inside were experts who could be trusted to maintain confidence and who would responsibly weigh all policy options in a balanced manner. These were individuals who understood the complexities of managing migration and could be trusted to produce pragmatic and reasonable solutions to the problems that industrialized states faced.²² On the outside were those who could not be trusted and would impede progress by politicizing and shutting down unpopular avenues of debate. To varying degrees outsiders included elected officials, journalists, advocacy groups and members of the broader public.²³

This sense of community created the conditions under which socialization could take place. Officials came to respect the opinions of their colleagues and were prepared to be persuaded by them. This is illustrated by one official’s answer to the question, “Did you learn anything in the[se] meetings?” The official responded: “Well it’s hard to say ...whether you imported something directly from something that came up at the meeting but you can’t help but be influenced by the proceedings because, you know, other people who come are very highly qualified, well experienced and thoughtful ...” (Interview). Another official said: “You get the advantage of trading on the experiences of people who know a lot more than we do” (Interview). The fact that the thinking of the critical mass of the participants reflected the security-control norms could have moved Canadian officials toward a parallel domestic norm.

The influence of social incentives as a result of the development of this community was also evident in this case. There was an understanding amongst international colleagues, despite public rebuttals by Canadian officials, that the Canadian system was weak and open to abuse (Interviews).²⁴ In these closed door settings and amongst those whom they respected, this poor reputation mattered to Canadian decision-makers. At times, Canadian decision-makers, especially those responsible for enforcement, felt “inferior” when they met with American counter-parts (Interview). Another official felt in these meetings that Canadians needed to show “good face” in order to alter international colleagues’ perceptions (Interview). The acceptance of the community’s criticism translated into efforts to counter a poor reputation and contributed to the adoption of a more security-control oriented framing of Canada’s refugee policy. For instance, officials emphasised Canada’s international leadership in policies that demonstrated their commitment to the values held by the community. Decision-makers pointed to Canada as the first to introduce the idea of overseas interdiction officers in 1992; as leading in the use of 1(F) provisions of the 1951 *Convention* on inadmissibility; and in dealing with war criminals (Interviews).

A definitive demonstration of decision-makers’ socialization in a GGN for migration is difficult to achieve. However, there is a considerable amount of evidence to suggest that this socialization took place. The timing of Canadian officials’ increased participation in global forums closely precedes the period of paradigm change. Furthermore the evidence that officials developed a sense of camaraderie in this GGN suggests an important condition for socialization. Finally, there is also evidence that if Canadian decision-makers were going to adopt new ideas from these foreign colleagues, those ideas were likely to reflect the security-control norm.

Environmental pressures, international ideas and domestic paradigm change

If it is likely that Canadian officials active in the migration GGN were socialized into a security-control oriented norm, it is nonetheless not clear that such socialization helps explain domestic paradigm change. Traditional explanations of policy change look to changes in the domestic policy environment as factors that provoked new thinking. Indeed, officials consistently pointed to the fact that it was the new realities of attempting to manage international migration in all liberal-democratic states that provoked the need for a new approach to policy (Interviews). This point was made by the Minister of Immigration, Lucienne Robillard, who argued in 1999 that Canada required a new policy because "[s]ince the introduction of the *Immigration Act* in 1978, the world has changed immensely" (Citizenship and Immigration Canada, January 6, 1999). However, it is not clear that the changes in the Canadian policy environment were significant enough to alter the refugee paradigm. The following section outlines some of the most significant environmental changes that were identified by policy-makers as the catalyst for new thinking. It then argues that these were not significant enough to provoke paradigm change. Finally, it suggests that new interpretations of the policy environment – originating with Canadian officials active in GGNs – contributed to paradigm change.

Alternative explanations of paradigm change in the Canadian case include changes in the policy environment, the rise of policy anomalies, and policy failures. Policy-makers suggested that one of the most significant changes in the policy environment was the sharp spike in the number of migrants making refugee claims in Canada, beginning in the late 1980s. Refugee flows were understood to be increasingly mixed, consisting of both legitimate refugees and illegal migrants. The perception of a rise in the abuse of the system made decision-makers increasingly sceptical of the legitimate status of large numbers of migrants. Furthermore, the rise of 'mixed flows' corresponded to increased concerns about the ability to identify who these migrants were, including whether they were criminals or threats to public safety and national security.²⁵

Changes in policy-makers' understanding of their environment were also furthered by specific migration events that reinforced fears about these flows. Publicised instances of war criminals and members of criminal gangs entering Canada through the refugee stream were identified as contributing to the pressure on decision-makers to see these mixed flows as representing a threat to public safety. There were also high profile cases where the leniency of the Canadian system was drawn into question. For instance, in the spring and summer of 1994 two high profile murders in Toronto – one of a patron of the *Just Desserts Café* and the other Todd Baylis, a Toronto police officer - were allegedly perpetrated by immigrants. In both cases the alleged murderers had faced deportation due to lengthy criminal records but had avoided this because of what was broadly interpreted as a failure of the system: either through the leniency of the IRB or the failure of the Department to track and remove known criminals. In 1999, two other significant events raised the issues of security and control. The first was the July-August arrival of four boatloads of Chinese migrants off the coast of British Columbia. The second was the December 1999 arrest of Ahmed Ressay as he crossed the British Columbia-Washington border with the intention of bombing the Los Angeles International airport.²⁶ These events were used to further substantiate a sense of growing abuse of the system which the Canadian state could not manage.

These trends and events were also used to point to the failure of existing policy and the paradigm that framed it. Decision-makers suggested that the policies which had been enacted in an earlier period were no longer efficient or appropriate for addressing current circumstances

(Auditor General, 1997: 25.27; Interviews). Indeed there was a strong belief amongst decision-makers that these policies had in fact contributed to the problems. For instance, the existence of an overly fair refugee determination system, too many opportunities to appeal decisions and the long delays in processing claims were all identified as making the Canadian system more susceptible to abuse (Interviews). Not the least of these concerns was the feeling amongst decision-makers that the application of the *Charter of Rights and Freedoms* to refugee claimants impeded decision-makers' ability to effectively deal with the problems faced by the system (Auditor-General, 1997: 25.15, 25.16; Standing Committee, November 17, 1999)

Migration trends and events combine to provide a possible explanation of paradigm change. The accumulation of new pressures and the inability of existing policy to respond effectively appear to have contributed to decision-makers' beliefs that a new approach was required. However, it is not evident that decision-makers had to draw this conclusion. First, there are indicators that suggested that - while problems still existed - the system was becoming increasingly effective in managing migration flows.²⁷ Secondly, it is not clear that many of the problems that decision-makers pointed to over the course of the 1990s were significantly different than those found under the protection paradigm.²⁸ Therefore, if the protection paradigm existed under similar pressures why was change required? Similarly, the pressures on the Canadian system, given its relative geographic isolation, were not as great as experienced by countries in Europe or the United States where illegal migration flows were significantly greater. As a result Canadian policy-makers did not face the same motivations for paradigm change as their counter-parts in other countries. Indeed, some decision-makers observed that they could not be certain that their negative interpretations of the policy environment could be substantiated.²⁹ Therefore it is not clear why decision-makers chose to interpret the policy environment of the 1990s in a way that culminated in paradigm change.

In seeking an explanation for why decision-makers ultimately interpreted the context as requiring a new paradigm, it is important to focus on the role of new ideas advanced by bureaucrats active in a migration GGN. First and foremost, the organization and culture of Canada's Department of Citizenship and Immigration, as well as its importance in the policy-making process, provided the necessary conditions under which new ideas from the international realm could be spread and adopted. The senior leadership of the Department was small and, as a result, policy development involved many of these individuals (Interview). New ideas, introduced by a few transnationally active officials, were likely to circulate amongst the organization fairly effectively and to be engaged by much of the senior leadership.³⁰ This possibility was furthered by officials' tendency to rely on internal expertise to address new problems (Interview).

Department officials also played an important role in the broader policy-making process, suggesting that at times they were 'in authority.' While authority ultimately resided with political leaders, bureaucrats in the field of Canadian refugee policy have been identified as central actors and often isolated from broader societal and political pressures (Hardcastle et al, 1994; Simmons and Keohane, 1992). This isolation was furthered by the complex and technical nature of the policy field, which limited exposure to pressures from outside the Department. Department officials also exercised significant influence over the Minister of Immigration (Interviews).³¹ Thus, once ideas gained ground in the Department its members were well placed to spread them to other actors in the decision-making process.

Central to their ability to disseminate new ideas was the authority bureaucrats enjoyed in the area of migration policy. Bureaucrats briefed MPs extensively at the beginning of

Parliamentary sessions and in technical briefings (See for instance, Parliamentary Standing Committee, March 13, 2001). They were also regularly called on by MPs for clarification and were consulted extensively about subjects being prepared for Standing Committee reports or on specific legislation. In these meetings bureaucrats focused on explaining policies, practices and their effects. Although department officials avoided engaging in political debates that explicitly judged policy, they did influence debates in less obvious ways. Officials made choices about what issues to address in their presentations and what information to present to the Committee. They also made decisions about how to frame their contributions. These choices reflected officials' understandings of the problems as well as their understanding of possible and desirable policy responses. Although Members of the Standing Committee were often critical of department officials' testimony, their ability to engage with the level of officials' expertise and their reliance on them to produce information in the first place suggests that they had an important role in injecting ideas into the policy debate.

The central role of department officials as authorities in migration policies meant that the influences upon them – in particular their socialization in a GGN for migration – directly affected the broader domestic policy paradigm. Evidence suggests that it was not changes in the policy environment alone that provoked paradigm change. Instead it was the use of information and interpretation of information developed through GGNs that challenged the existing paradigm and motivated its change.

Describing the IGC, one official stated: “[i]t was a meeting of likeminded people, basically you just wanted the experience of relating your problems and airing them and finding out what other people thought of them and were there any other approaches out there that were working” (Interview). Furthermore, in the eyes of another GGN participant “what it did more than anything else [was to] prepare them better to deal with the issues domestically when those issues became current” (Interview).

Canadian decision-makers used broader information produced by the GGN on migration in their policy making. Data produced for this network - which were not publicly available - were regarded as some of the most trustworthy and useful information (Interview). It is also likely that this information and specific discussions of the Canadian experience influenced bureaucrats' understanding of the problems Canada faced. For instance, the migratory pressures faced by Canada were interpreted in light of the broader experience of western liberal democracies. This altered the understandings of Canada's domestic problems – often suggesting they were much more severe than actual experiences might indicate. For instance, the levels of illegal migration found in Europe – which were much higher than those experienced by Canada - were connected directly to the problems that Canada faced.

Bureaucrats used such information to influence the thinking of the broader policy community. An example can be seen in the comments of a departmental official made before the Standing Committee in 1997: “we share a common problem, and a problem that moves through Europe will often move to North America. So we're dealing with the same problem, and often the same person. So it's in all our interests to intercept this smuggling at any point along the route (Parliamentary Standing Committee, November 27, 1997: 1555; See also Parliamentary Standing Committee, April 5, 2001). Significantly, this framing of the issue was picked up by members of the broader policy community.³² Similarly, in 1999 officials compared the four boats of Chinese migrants in 1999 to the 28 boats that had arrived in Australia in a four month period and 20 boats that had been intercepted by the US over the preceding 18 months (Comments by CIC official, Parliamentary Standing Committee, November 3, 1999; Parliamentary Standing Committee,

2000: introduction). While it was acknowledged that Canada's problems were not as severe as those in other jurisdictions, the context in which these examples were raised presented them as a potential future reality for Canada. In this manner the understandings produced by officials' interaction in GGNs, and their use in domestic policy debates, suggests that transnationalism played a role in destabilising the domestic paradigm. In short, it was not the development of trends and events on their own but how they were interpreted in light of the influence of transnational socialization.

Changes in the policy environment over the course of the 1990s did have the potential to raise concerns about issues of security and control. However, it is not clear that these changes were significant enough to explain paradigm change. Instead, it was the transnationalization of the policy environment - through the activities of Canadian officials in GGNs - which shaped the interpretation of this environment. In particular, this interaction allowed officials and the broader policy community to see problems and solutions that had not existed before. Thus, it was these new interpretations, originating through transnational socialization, which accounted for paradigm change.

Drawing Conclusions

This chapter has argued that the paradigm governing Canadian refugee policy changed during the 1990s and that the socialization of Canadian bureaucrats in a migration GGN helps account for the change. Explanations of paradigm change are incomplete without considering the role of bureaucratic socialization via transnational networks, a process that requires greater attention in further research. The Canadian case points to two interesting insights about the linkages between transnational actors and policy paradigm change that invite further study.

First, GGN are a fruitful avenue for further study. The increased activities of domestic officials in these networks reflect an important reality of transnationalism that merits greater consideration. Furthermore, this chapter suggests that these networks have important implications for the domestic policy process. At their root they allow for the building of a sense of community amongst transnationally active bureaucrats, which facilitates the spread of ideas through the process of socialisation. In addition to this, transnationally active bureaucrats' central position in the policy-making process and as policy experts gives them a unique opportunity to be conduits through which new thinking might be transferred into the domestic realm.

Second, this chapter suggests that the process through which new ideas are transferred into the domestic realm includes a consideration of changes in the domestic environment. However, that environment is not exclusively interpreted through domestic experiences. Instead, this chapter demonstrates that key domestic officials interpret the domestic environment in light of ideational commitments obtained in the international realm. In part this suggests that transnationalism can provoke paradigm change where it otherwise might not have occurred. Further, there is a need to refine arguments in the literature that suggest that the domestic environment dictates which ideas from the international realm will be accepted. Instead it is important to consider that transnational actors, by offering alternative understandings of the domestic environment which re-enforce and increase the demand for those very international ideas and solutions, can accelerate the process of paradigm change.

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Endnotes

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¹ The inclusion of identity represents an important modification of the public policy approach (Sorel, October, 2000: 496, 500). It incorporates the constructivist literature's focus on the importance of identity in shaping state policy (Johnston, 1995; Bukovansky, 1997; Loriaux, 1999) and as a component of complex learning (Wendt, 1999: 170) or intersubjective and collective knowledge (Adler, 1997: 327).

² For Hall, the rise of new information sparks changes in paradigms by challenging existing interpretations. However, the selection of new paradigms is determined by political competition not social interaction (Checkel, 2001; Flockhart, 2004: 366).

³ GGNs are similar to Emanuel Adler's concept of seminar diplomacy, where decision-makers meet in "a plethora of face-to-face interactions on a large variety of technical, practical and

normative subjects” (Adler, 1997: 121) in a form of “talk-shop” (Adler and Barnett, 1998: 420).

This component of international diplomacy, although occurring within a formal institutional setting, denotes informality and a limit to official government oversight at lower levels of diplomatic exchange. Furthermore, seminar diplomacy resembles GGNs even more where technical issues are discussed by expert bureaucrats from specific departments rather than career diplomats.

⁴ According to Adler, an outcome of seminar diplomacy is to teach “would-be members of the community the principles on which the community should be based” (1998: 139) and “to socially construct shared values and mutual responsiveness in a given region and the transnational identity of a region.” (1998: 138-39).

⁵ GGNs focus on complex and highly technical policy areas – including international migration – in which the decision-maker is often seen as a professional and expert. In this way, the effects of GGN activities are similar to epistemic communities with the important difference that GGNs operate from within the state apparatus (Haas, 1992; Adler and Haas, 1992). These networks can be expected to develop common normative and principled beliefs, shared causal understandings and notions of validity and a common policy enterprise as well as act as a vehicle for the spread of policy ideas across jurisdictions (Haas, 1992; Adler and Haas, 1992).

⁶ For a consideration of the types of environments in which socialization might occur see: Johnston, 2001: 507; Adler and Barnett, 1998: 44.

⁷ This research has used a variety of sources to capture these understandings of paradigms at the time of each development. These sources include analysis of primary government documents, contemporary editorial opinions, and the transcripts of Parliamentary Standing Committee meetings from 1976-1982, 1998-2001, and during other key debates throughout this period.

These sources were complemented by 19 interviews with senior decision-makers from across the period under investigation. These interviews included Standing Committee MPs as well as senior bureaucrats in the Departments responsible for refugee policy. These interviews provide important and direct access to the thinking of policy-makers. They allow for a better understanding of how policy-makers understood refugee policy and provide a unique perspective on the development of their thinking over this period. In analysing these sources a method of triangulation was used that allows stronger conclusions to be drawn about the content of a given paradigm – and therefore shifts between paradigms – by checking that these interpretations are consistent across a variety of sources.

⁸ For instance, in the 1980s regular reference to Canada’s strong history in assisting refugees was made. This included reference to cases such as the Hungarian, Czechoslovakian and Indo-Chinese movements. By the 1990s these humanitarian aspects of Canada’s policy were downplayed, replaced by milder claims such as being a “welcoming” country for those in need (See for instance Elinor Caplan’s comments as Immigration Minister: Parliamentary Standing Committee, November 24, 1999: 1540). Indeed, anecdotes in the Standing Committee at the end of the 1990s were marked by examples of abuse of the system (See for instance, Parliamentary Standing Committee November 24, 1999: 1620; 1635)

⁹ Lloyd Axworthy’s comments to the Standing Committee in 1982 are indicative of the attitudes of decision-makers in the 1980s. At that time he stated that he was determined that Canada would go beyond its international obligations to “the higher traditional standards of fairness and justice” (Parliamentary Standing Committee, April 1, 1982: 2010).

¹⁰ See, for instance, *Special Senate Committee on Security and Intelligence*, January 1999: Chapter 2; Trempe, 1997; Parliamentary Standing Committee, November 3, 1999. These views were also confirmed in interviews.

¹¹ For an indication of the attitude in the 1980s see comments by the opposition MP Sergio Marchi Parliamentary Standing Committee, May 7, 1987: 1000.

¹² Consider, for instance, the principle of ‘benefit of the doubt.’ This principle holds that when evidence cannot be found to either confirm or discredit an asylum seeker’s claim the benefit of the doubt is to be given to the claimant and refugee status granted. (See Axworthy’s comments: Parliamentary Standing Committee, April 1, 1982: 2010 and comments by the Immigration and Refugee Board chair, Gordon Fairweather, Parliamentary Standing Committee, May 11, 1989: 0940-0955). By the end of the 1990s public expressions of this concept were rarely pushed. Indeed, one departmental official suggested that if the system was being set up today it was unlikely that a Minister would push for such a principle (Interview).

¹³ Several debates, while recognizing illegal migration as a problem, emphasized concerns about the protection of illegal migration from abuse by consultants, employers and even the state itself (See for example comments by Minister Axworthy, Parliamentary Standing Committee, May 21, 1981: 2030-2035; See also Parliamentary Standing Committee, June 2, 1977: 1645; June 6, 1977: 2100). Similar attitudes were expressed in editorial opinion (*Globe and Mail*, December 4, 1981).

¹⁴ Most interviewees cited control as the number one problem facing the Canadian refugee system at the end of the 1990s (Interviews). Alternatively, the first five meetings of the Standing Committee in the autumn of 1999 were dominated by discussions of security and control.

Similarly, concerns were central to the discussion of the first meeting of the Standing Committee in a new session of Parliament on October 21, 1997.

¹⁵ For instance, in significant debates there was an absence of significant criticism of proposed policies based on either migrants' safety or the potential that these migrants might have legitimate refugee claims (Parliamentary Standing Committee, November 3, 1999; see also comments by Liberal MP Andrew Telegdi, Parliamentary Standing Committee, November 25, 1999: 1020).

¹⁶ Funding under the category of "Managing access to Canada," which included spending on control and security aspects of the immigration program, grew substantially from \$81.1 million in 1998-1999 to \$123.5 million in 1999-2000 and \$150.8 million in 2000-2001 (Citizenship and Immigration Canada a, 2001: 51).

¹⁷ For instance, the number of Minister's Permits, the device through which allowances can be made for those normally prevented entry from Canada, dropped significantly from 1992 when 16 000 permits were granted, to 4 509 in 1997 and 3 989 in 2000 (Crépeau, 1998; Citizenship and Immigration Canada b, 2001). There was also an expansion of the number and function of Canada's Migration Integrity Officers responsible for interdiction overseas (Citizenship and Immigration Canada c, 2001; Bossin, 2001: 55-56; Dench 2001: 35). Within Canada, subsequent Ministers at the end of the 1990s highlighted significant increases in the removal of failed refugee claimants (Crépeau, 1998; Parliamentary Standing Committee, November 24, 1999: 1715)

¹⁸ This included telephone calls and e-mails (Interviews).

¹⁹ The IGC originally formed in 1985 with 45 members. In the early 1990s, it was narrowed to a much more focused group of 15 industrialized states. It can be expected that those remaining constituted a more closely knit group of likeminded states.

²⁰ Interestingly, the Australian government counters this position by claiming that the IGC was a forum to “develop innovative policy approaches” (Australian Department of Immigration and Multicultural Affairs, 2003).

²¹ Indeed this is further supported by the fact that the timing of Canada’s increased participation within the GGN - at the beginning of the 1990s - closely preceded shifts in the Canadian paradigm.

²² One official suggested that “the people on the outside assume that this business isn’t complex ...and what you discover the more you get into [it] the more you realise that it takes a long time in this business to start ... to intuit the business... it takes a long time to start getting that sense of what the issues are about...” (Interview).

²³ The importance of this ‘inside’ group has been expressed in a number of ways. For instance the IGC was established partially out of frustration of the public and often symbolic forum of the UNHCR. In this justification there was recognition for the need for pragmatic discussions amongst policy makers in a non-public forum. Similarly, one bureaucrat suggested that in bi-lateral cooperation between Canada and the United States, there was an understanding of the domestic political constraints that might impede the progress that had been made at the level of bureaucratic cooperation. Reference was also made to the desire to avoid “another fight” with NGOs (Interviews)

²⁴ For instance, Canadian officials were privately criticised by European partners for adding gender-based persecution to the definition of refugees (Shenstone, 1997: 48). Alternatively,

Canadian officials acknowledged being applauded by their colleagues from other states for their leadership on overseas immigration control officers, (Interview) re-enforcing Canada's participation in an international norm of security and control.

²⁵ For a sense of the problems faced by decision-makers see comments by Paul Thibault, Executive Director of the IRB at the Standing Committee on Citizenship and Immigration (Parliamentary Standing Committee, October 23, 1997: 1551).

²⁶ The Ressay case pointed to a number of failures of the Canadian refugee system. Ressay had entered Canada on a false passport and made a refugee claim in 1994. Upon failing to attend his refugee hearing he was ordered to be deported. He remained in Canada for several years and then left, travelling to Afghanistan. He then returned to Canada, entering again on a false identity and passport (Canadian Broadcast Corporation, July 27, 2005).

²⁷ For instance, the number of actual refugee claimants levelled off at an average of 23 422 between 1993-1998 significantly lower than the 1992 level of 35 145 (Citizenship and Immigration Canada, 2005:62-63). Similarly, on several markers, the effectiveness of the IRB to process claims improved over the latter part of the 1990s. (IRB, 1999:15; IRB, 2000: 8; IRB, 2001: 5; Auditor-General, 2001: Chapter 12).

²⁸ For instance, decision-makers in the 1970s believed that there were up to 200 000 illegal migrants living in Canada (Robinson, 1983: 23-24). Events comparable to those that occurred at the end of the 1990s also occurred during the protection paradigm. These include the arrival of two boats of migrants in the summers of 1986 and 1987 that prompted an 'emergency' recall of Parliament. There were also concerns that some of these migrants presented security concerns (Donovan, July 24, 1987; Jones, August 7, 1987).

²⁹ For instance, in attempting to understand the level of abuse in the system, one official stated “I don’t want to understate the importance of this. There is no objective measure. We had no idea of whether the right number was five percent, twenty percent or sixty percent. There was just no way of knowing” (Interview). Another official suggested that “welfare abuse [by migrants] is more of a myth than a reality. People who want to live off the dole usually don’t migrate, they usually stay where they [are] and eek out an existence on what is available to them. Migrants, generally speaking, are a premium group of people and refugees, the real refugees among the migrants, are really a premium on the premium” (Interview).

³⁰ Canadian participants in GGNs included bureaucrats at the levels of Deputy Minister, Assistant Deputy Minister and Director General. These bureaucrats participated in GGNs when discussions reflected their areas of domestic responsibilities.

³¹ Citizenship and Immigration Ministers Sergio Marchi (1994-96) and Elinor Caplan (1999-2002) in particular were noted as having shifted their thinking in the direction of greater concern for security and control, partly as a result of the influence of the Department (Interviews). Other third party observers have also noted the influence of the Department. For instance, a leading academic discussing the Safe Third Country Agreement argued the bureaucrats played a central role, leading the government in what amounted to a “bureaucratic project” (James Hathaway, Parliamentary Standing Committee, March 19, 1996: 1055).

³² For example, in 1999 a Conservative MP suggested that Canada faced the same large number of migrants that Europe did. Commenting on the 500 000 migrants that had entered Europe in 1998, he suggested that “a lot of those claimants will probably skip over Europe and head directly to us,” making Canada a final destination (Parliamentary Standing Committee, November 3, 1999: 1630).