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# 'Boat people' brought by plane

## By Karen Akoka

France's interest in the Indochinese dossier began immediately after the fall of Saigon on 30 April 1975. The question of refugees from south-east Asia reared its head just a few days after North Vietnam's victory, when at a cabinet meeting it was decided that the organization of the reception of Vietnamese refugees would be entrusted to Rémi Lenoir, then Secretary of State for Social Action. Two days later, the newspaper *Le Monde* reported that President Valéry Giscard d'Estaing, the President of the Republic had declared at this meeting that the refugees would be generously welcomed in France and that the policy toward them should be one of hospitality.<sup>1</sup>

The national reception policy set up by France thus started in 1975, three years before the international response channelled by UNHCR's resettlement programme. Unlike this international response which was mainly directed towards resettling Vietnamese, France's national reception policy also encompassed Cambodians and Laotians. The scheme which was structured around the principle of their transport to France on the basis of monthly quotas, although the exact figures of the quotas fixed were never be published. As we shall see, this was because was any principle of quota setting was inimical to the principles underlying French asylum and immigration policies.<sup>2</sup> Two decades later several studies showed that consistently between 1975 and 1984, even after the change of government in 1981, about 1,000 people per month were carried to France every year.<sup>3</sup> Altogether nearly 130,000 people from Vietnam, Cambodia and Laos were brought to France from the fall of Saigon to 1990. These proportions had never been exceeded by any other group and have never been equalled since, and meant that France became the leading reception country for the 'boat people' in Europe, as well as the second in the world, behind the USA.<sup>4</sup>

Commonly called 'boat people', although mostly brought to France by plane, the Cambodians Laotians and Vietnamese resettled in France between 1975 and 1985 both at the time and since embodied the idea of the refugee par excellence, something which still infuses the public image of 'real' refugees today. They were brought to France from the Indochinese peninsula and recognized almost automatically as refugees in unprecedented proportions, entitled to derogatory rights and exceptional assistance, and supported by the most prestigious intellectuals and fashionable artists of the day and French public opinion. In this chapter my analysis of the context and the political issues underlying their reception and their recognition as refugees illuminates these representations from bygone days and shows the multiple interests and intense work involved in building up the 'boat people' as archetypal refugee figures.

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<sup>1</sup> Masse, *L'exception Indochinoise*, 276 and 301-305.

<sup>2</sup> For this reason, the initially was called originally called the 'quota policy' was soon renamed the 'organised procedure'

<sup>3</sup> Among others, Jean Pierre Masse, *L'exception Indochinoise. Le dispositif d'accueil des réfugiés politiques en France 1973-1991* (Phd. thesis, Paris, EHESS, 1996), 85.

<sup>4</sup> This research is based on interviews with agents working at Ofpra during the late 1970s and 1980s and on Ofpra's archives.

## A tailor-made welcome

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From the outset, France's resettlement efforts were characterised by active government intervention. As early as May 1975 the idea of the *Comité National d'Entraide*, (CNE, National Assistance Committee), a Franco-Vietnamese, Franco-Cambodian and Franco-Laotian National Committee 'to welcome and assist Vietnamese, Cambodians and Laotians seeking asylum on French soil' was adopted. Although formally created under the statute of NGO, the CNE, which would coordinate the widest reception system ever set up for a single group in France, was in many ways directed and founded by the state. Its various presidents were almost always state-appointed and its board of directors was composed of representatives of the Ministries of the Interior, Health and Labour, Foreign Affairs; French Office for the Protection of Refugees and Stateless (OPFRA) and UNHCR, as well as parliamentarians and former ministers, who sat alongside representatives from non-state organisations.<sup>5</sup> Each of the different ministries had their own role. The Ministry of Foreign Affairs brought the people to France and enabled them to benefit from the protection of the French State by granting them, through OPFRA, refugee status; the Minister of Health took charge of their initial reception; the Ministry of Labour of their occupational integration and the Ministry of Social Action of their social integration through a vast program that contributed to the institutionalization of an intense collaboration between the state, local authorities and NGOs.

From a concrete point of view the candidates were selected in refugee camps located in south-east Asia, mostly in Thailand, by the military mission of the French embassy. Here, rather than using the Geneva Convention to select individuals, criteria based around their connection to France sat at the heart of process. Key determining factors included services rendered to the French administration, the French army and the French government, knowledge of the French language and the presence of a family in France. Also taken into account were an individual's vocational qualifications and their length of stay in camps. Successful candidates were then granted a visa and brought to France on flights of the company Air France with which special fares were negotiated. Upon their arrival at the airport, they were housed for a few days in one of the four transit centres of the Paris region created for this purpose. This time was dedicated for officials to settle any administrative issues, carry out health checks and to refer the arrival to accommodation, which might be located anywhere across France.

Among the administrative tasks which needed to be initiated was the filing, by every family, of an asylum request to OPFRA. OPFRA, under the supervision of the Ministry of Foreign Affairs, was in charge of examining all asylum applications as well as being charged with the legal and administrative protection of anyone recognized as a refugee. Once these first administrative issues carried, those who wished to - ultimately around a quarter of the people - could join family or friends. Others were directed to reception centres managed by voluntary organisations or local authorities, with most being sent to one of the fifty accommodation centres located across thirty-five departments, mostly for this occasion. Once here, they might stay for up to six months, they were entitled to daily allowances as well as support in finding their feet in their new country. At the municipal level, host committees composed of state agents, voluntary organisations and individuals, assisted in arrivals' social integration and took charge of supporting them in all administrative procedures and in finding individual housing and employment. At the national level, many measures were adopted to facilitate

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<sup>5</sup> Ibid., 301-305.

these various administrative procedures, in particular through easing access to housing, work and social assistance. The memories of state support in the first months of arrival were strong for many, including Mom Tiev, who arrived from Cambodia in 1979: ‘We first joined a temporary shelter in the Vendée ... I went to the communal school and my parents took French classes. A year later, several families were dispatched throughout the Vendée and mine arrived in Saint-Hermine, in low-cost housing with all material comforts, but where we were the only Asian family’.<sup>6</sup> Khoun Naka, who also arrived from Cambodia in 1981, at the age of twenty-four, shared similar memories: ‘I was welcomed in the shelter in the Vercors, I was given fifty francs a week to look for work or to continue my studies. After tests ... I was encouraged to pass my high school diploma. Then I quickly found a job at a plastic company in Annonay where I got to know many French families’.<sup>7</sup>

Several hundred municipalities, thousands of volunteers, dozens of voluntary organisations and administrations, from OFPRA and the national employment agency to public housing offices, and hundreds of individual prefectures thus supported the political will of the French government and participated in the construction of a reception system of unprecedented proportions. But to benefit from this aid and these measures, Vietnamese, Cambodians and Laotians were nevertheless subjected to one condition: they had to apply for refugee status.

## **The fiction of an individual refugee application**

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Unlike in Britain, where the arriving Vietnamese were automatically granted full work and welfare rights and indefinite leave to remain, or in Germany or the Netherlands, where they were issued a refugee card upon arrival (**check**), the Vietnamese, Cambodians and Laotians brought to France had to submit an individual application to OFPRA, as the body in charge of screening all asylum seekers. This necessitated each arrival having to complete an individual application form, answer the twenty or so questions it contained and explain in writing the reasons why they left their country, their reasons for refusing to return and whether or not they had been in contact with their consulate. The request was then processed by OFPRA staff who would formally review the forms, write their decision in the dedicated box of each form and send an official letter informing the person of the answer. In ninety-nine per cent of cases, the application was accepted. In fact, recognition rates in OFPRA’s south-east Asia division even reached one hundred per cent in some years and consistently remained between ninety-five and ninety-nine per cent in every year from 1976 and 1983.

It is worth pausing here to think about the implications of this. Why, if individuals were screened and pre-selected in south-east Asia, and if virtually every application was approved, was there this instance of adhering to a process which appeared empty of meaning? ‘There was a quota program and a government decision to take in refugees from south-east Asia’, explained Delphine Bordet, deputy of the head of OFPRA’s south-east Asia division at the time<sup>8</sup>. Her colleague added:

They were automatically granted refugee status because there was a prior agreement. It would have been very difficult to reject the people at that time who had been

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<sup>6</sup> Joseph Confavreux, “Accueil des réfugiés: le précédent des boat people,” *Mediapart*, November 1, 2015.

<sup>7</sup> *Ibid.*

<sup>8</sup> Interview of the 1st December 2009, collection of oral archives OFPRA/Archives départementales du Val de Marne/BDIC.

chosen. It was not disputed ... I don't know if you remember, at the time, the positions of Sartre and Aron. In a way, they had already been recognized as refugees.<sup>9</sup>

Their testimony echoes the institution's activity reports which showed just how exceptional requiring individuals to attend interviews was in this period: 'Ofpra almost automatically grants asylum to these refugees. The processing of asylum applications should thus be made easier; only in exceptional cases does it require a personal interview with the applicants'.<sup>10</sup>

This fiction of an individual asylum claim and of a screening procedure, pursued despite the fact that the Vietnamese, Cambodians and Laotians were accepted by France on criteria which far divorced from the requirements of the Geneva Convention, and the fact that they were automatically accepted, place OFPRA in a delicate position. We see this in how it publicly articulated its role in the process via its annual reports. Its 1975 report referred to the 'scrutiny' of asylum applications from people of the Indochinese peninsula; that of 1976 deplored how public authorities encouraged them to apply for refugee status in order to obtain benefits, and residence and work permits; that of 1977 mentioned, not a thorough examination of the asylum claims, but the use of 'flexible criteria', while complaining once again that the Indochinese were encouraged to claim asylum. From 1978 onwards, these type of remarks disappeared, as did the descriptions of asylum claim investigations and complaints about incentives. The only type of comment that remained were mentions or discussions of the profusion of false documents and false identities among applicants. It is as if the management of OFPRA had initially resisted the 'exceptional' treatment of the former Indochinese, which had undermined its professional scrutiny, and then abandoned its claim for jurisdiction to the field of politics and so ceased both to deplore this outside interference and to give an opinion about how asylum claims should be processed. Reinforcing this Pierre Basdevent, OFPRA's General Director at the time, even stopped going to meetings with CNE representatives:

Pierre Basdevent participated for a time in the work of the CNE – the National Assistance Committee. He went to the meetings to learn that the government had set the monthly quota at 150, then 200, then 300. But he was not consulted... The Office was side-lined. The important things were dealt with elsewhere: in the corridors of the CNE and especially behind the scenes of the Elysée [the French President's residence], and in the offices of our supervising ministry that was requested to give instructions to our consular posts in order to hasten the granting of visas. Pierre Basdevent stopped going to the meetings and practised the politics of the empty chair, sometimes sending the head of the south-east Asia division who, in less solemn working groups, began in turn to formulate grievances.<sup>11</sup>

The loss by OFPRA of its decision-making power in the Indochinese case and the political decision to give the arrivals from the sub-continent exceptional treatment and automatic recognition were not only unwelcome to its top-level officials. There was also misunderstanding and resistance from officials in its other geographical divisions such as the South American one:

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<sup>9</sup> Jeanne Ahier. Head of the Southeast Asia division between 1975 and 1987. Interview of the 7th April 2008, Collection of oral archives OFPRA/Archives départementales du Val de Marne/BDIC.

<sup>10</sup> Archives Ofpra, Activity Report of the year 1981, DIR 1/2.

<sup>11</sup> Gilles Rosset's un-published memoirs, written in 1993, and handed to the researcher in 2011. Gilles Rosset is a former Protection officer (1955-1982), Secretary General (1982-1987), and General Director of Ofpra (1987-1989).

Certainly, in the mind of some people, the fact that their refugees came from an authoritarian system on the right and our refugees from an authoritarian system on the left... They didn't think that some people had as much right to refugee status as others (laughs). But it was almost inevitable. And maybe that's why we were outcasts compared to other divisions. While being numerically the most important. I never really had a relationship with people from other divisions.<sup>12</sup>

However, by losing its actual ability to make decisions on individual asylum applications, and hence a key part of its autonomy, OFPRA paradoxically gained visibility, legitimacy and weight. In fact, thanks to the former Indochinese, its activity, budget and human resources increased as new staff were recruited. More than this, it also enjoyed increased public approval and prestige, standing as it did as France's official body to receive and settle the 'boatpeople' who enjoyed remarkable widespread popularity among the public as well as near-unanimous support in intellectual and political circles. New staff were recruited; OFPRA's scope was extended to encompass a new group; it gained media visibility and legitimacy. Its loss of autonomy was thus compensated for by a gain in legitimacy and injection of energy - at a time when OFPRA's 'clientele' had been declining, leading to a certain amount of institutional 'lethargy', to use Ofpra's General Secretary of the time, Gilles Rosset's expression. The arrivals from Indochina, and from Chile remedied this:

Chileans fleeing Pinochet's coup d'état in 1973 and two years later, the flood of 'boat people' gave the Bellagio effect<sup>13</sup> its fullest impact. These new waves of refugees from the Third World would draw OFPRA from its biennial lethargy - 1970 and 1971 - with a thousand cases opened each year.<sup>14</sup>

Is this though, enough, to explain OFPRA's involvement in mass resettlement from south-east Asia to France? In part we also need to look closer at OFPRA's own institutional culture. Just because OFPRA was often going through the motions when it approved Indochinese asylum applications, it did not mean that there was no engagement by officials with the political and personal issues their arrival raised. The South-Est-Asia division of Ofpra consisted mostly of agents who were from the Indochinese peninsula and brought their own knowledge and experience to their work.<sup>15</sup> Jeanne Ahier, the south-east Asia division chief, was herself was a former Resistance fighter who belonged to the political tradition of the centre-right. Having had to flee the Alsace region during the war, she presented herself as a refugee:

I was a refugee myself on several occasions. I was born in Alsace and with the Munich Agreements in 1938 we had to leave Strasbourg for the Vosges. Then in 1939, we were evacuated to Périgueux. After returning to Alsace in 1940 at the end of the war, we were expelled by the Germans to the department of the Gers. I had to work there because I could no longer study. In fact, the refugee problem always followed me.<sup>16</sup>

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<sup>12</sup> Jeanne Ahier. Interview conducted on the 7<sup>th</sup> April 2008, Collection of oral archives OFPRA/Archives départementales du Val de Marne/BDIC.

<sup>13</sup> The Bellagio 1967 Protocol removed both the temporal and geographic restrictions of the Geneva Convention that limited refugee status to events that occurred before 1951 in Europe.

<sup>14</sup> Gilles Rosset's un-published memoirs, written in 1993, and handed to the researcher in 2011.

<sup>15</sup> Archives Ofpra, organizational chart, DIR 1/8.

<sup>16</sup> Interview of the 7<sup>th</sup> April 2008, collection of oral archives, OFPRA/Archives départementales du Val de Marne/BDIC.

Jeanne Ahier was recruited as the head of OFPRA's south-east Asia division in 1976, when she was already fifty years old and had almost never worked before in her life. She had spent three years, at the end of the 1940s, with the Ministry for Returnees and War Victims and had not worked since then. Why was she chosen as the head of the division? Was it because her husband had just died and, as he had been a civil servant in the MFA, the institution cared for his widow? Was it her ideological closeness to refugees fleeing communism due to her political positioning on the centre-right? Was it her sensitivity to social questions? Was it her experience and identification with refugees? Was it her former experience, albeit twenty five years earlier, with the Ministry for Returnees? Was it her commitment to the Resistance? In any case, it was not her knowledge of the Indochinese question. She herself stated that she knew nothing on the subject and constantly relied on her assistant, a refugee from Laos. Even so, her identification with the social dimension of her OFPRA work as well as her lack of identification with bureaucracy was very strongly evident throughout her interview.

I had this tendency to humanize, not to be too administrative; but he [i.e. a civil status officer of the South Asia section-Is] had this rigour that I didn't have ... a very administrative side that I didn't have.

In her interview she also talked about the 'liberty' she had to grant refugee status for purely '*human*' reasons to people who were not strictly refugees: a woman she felt sorry for because she was blind; another who lived in Japan but left because of a 'wicked' daughter-in-law. 'We had the opportunity to do so... and so we did', she concluded without any embarrassment, though she was very cautious throughout her interview, for example asking that a more anecdotal memory be erased from the tape. She evoked not only with some pride the purely humanitarian cases in which she was able to grant refugee status, but also with some regret the moment when she had to remove her 'social hat' to put on her 'legal hat' when the government's quota policy came to an end in the mid-1980s.

And yet, despite this emphasis on humanitarianism in Ahier's memories, the reality of France's quota system meant that neither the issue of victimhood or perpetrator status actually played any significant role in asylum applications.. This despite the fact that not only were the crimes of the Khmer Rouge already well known, but the Geneva Convention clearly states that those who are believed to have committed a crime against peace, a war crime or a crime against humanity are excluded from refugee status.

- Do you remember dealing with exclusions under the Geneva Convention? Files that you were forced to exclude, people, for example Khmer Rouge, who had committed crimes?.
- No, I don't remember. In the south-east Asia division, this is where it was a bit unusual, the individual case was less important.<sup>17</sup>

Why did the resettled Cambodian, Vietnamese, Laotians had to go through the fiction of an individual asylum request? Why did they have to provide an individual story of persecution and escape? This was more than simply adhering to France's well-known insistence on centralised and highly bureaucratized procedures. For the asylum request to Ofpra and the individual asylum procedure made it possible to construct an image of the mass arrival of new migrants as a humanitarian act performed for the benefit of needy refugees. As we have seen, individuals in the campos in south-east Asia were selected on the basis on a number of aspects

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<sup>17</sup> Jeanne Ahier. Interview conducted on the 7<sup>th</sup> April 2008, collection of oral archives OFPRA/Archives départementales du Val de Marne/BDIC.

of 'Frenchness' and not according to the Geneva Convention. But receiving them as refugees, and having them going through an individual asylum application, sent important political signals and had important political implications. Welcoming them as economic migrants would have risked contradicting the decision to suspend labor immigration taken in 1974. Welcoming them as refugees made it possible to transform a decision based on political, economic and diplomatic considerations into a moral and humanitarian act.

As stated by Michel Dupoizat, then UNHCR Deputy Delegate for France: 'There was an *ipso facto* recognition, a kind of equation: an Indochinese who had fled equalled a refugee. Maybe partly because of questions of sensitivity, numbers, and lack of organization. But we also thought they were all refugees'.<sup>18</sup> This performative dimension of asylum policy towards the former Indochinese made the stakes and political considerations that presided over its construction all the less visible.

## **Cold War and Domestic Policy**

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There were many reasons for the widespread acceptance and almost unconditional granting of refugee status to former Indochinese: political interests; diplomatic considerations; colonial heritage; the need for labour; electoral strategies; ethnic and professional preferences based on racial or social prejudices; and ideological divisions internal to the French political and intellectual field.

### **Colonial Issues**

In the neighbouring countries, refugees were crowded in their thousands into camps, and France, considering that it had responsibilities in the region, decided to receive a substantial number.<sup>19</sup>

The reception of the population fleeing Laos, Cambodia and Vietnam was often officially justified by France's sense of responsibility towards its former colonial empire. On this subject, France and the United States shared similar concerns which probably explains why they were the first countries in terms of numbers of people resettled from the Indochinese peninsula - France being the main recipient in Europe and the United States in the world.

This reception first and foremost allowed the two countries to attest to the moral and political bankruptcy of their common victor, almost two decades apart. France's war was denounced as an act of colonial oppression, and the United States was accused of imperialist domination. Both came out of these conflicts morally weakened, with France set against its colonial territories which were increasingly demanding their independence, and the USA castigated by international public opinion which denounced its imperialism. The reception of the boat people thus offered an opportunity for both countries to turn the spotlight onto the behaviour of those they had once oppressed and to try and reclaim the moral high ground.

While several elements in the management of the 'crisis' of the boat people were connected with the French colonial past, we should be wary of seeing this as providing the whole explanation for France's behaviour. After all, feeling of colonial 'responsibility' were not

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<sup>18</sup> Quoted in Masse, *The Indochinese exception*, 60-61.

<sup>19</sup> Jean Baptiste Brouste, Director general of Ofpra, quoted in Masse, *The Indochinese exception*, 35.



extended to the displaced living in or outside France's former African possessions. Even so, we can see how France's imperial past was woven into its response to the crises of the region. First, there were the resettlement criteria applied by French missions in the south-east Asian refugee camps. Vietnamese, Laotians and Cambodians who had rendered 'services' to the French administration or the French army during the Protectorate were among those eligible for resettlement. In addition, France, like the US, resettled a very large number of Hmong, a Muslim ethnic group from Laos which had first supported the French colonial administration and later the American administration, and as a result had found themselves particularly targeted by the incoming communist regime. Secondly, in France some of the resettled ex-Indochinese were welcomed in places emblematic of France's colonial past. As early as 1975, the Fondation Marshal Delattre de Tassigny placed its chateau at the disposal of the Vietnamese, Cambodians and Laotians and offered them medical care, psychological support, literacy courses and help with occupational integration. Marshal Delattre de Tassigny was a former French High Commissioner and Commander-in-Chief of the expeditionary corps in colonial Indochina, and had won several important victories against the Vietminh. He had a few years earlier welcomed into his chateau French veterans of the decolonization war in Indochina<sup>20</sup>. Finally, the connection with the colonial period was also reflected in the figures of the Presidents of the National Assistance Committee, the CNE, and some of the members of its Board of Directors. The first president, Jean Sainteny, was a former French Commissioner for the Tonkin and North Annam regions in Vietnam and the powerbroker in the Ho-Sainteny agreement with Ho Chi Minh, which had provided for Indochina to remain in the French Union. Its second president, Jean Jacques Beuclet, had been a lieutenant in Indochina before being taken prisoner. Before joining the CNE, he was briefly Secretary of State for Veterans' Affairs. This set the tone for other members of the board of directors of the CNE, several of whom were so-called 'qualified' personalities because of their Indochinese past.<sup>21</sup>

### **The Cold War and anti-communism**

But in the context of the hardening of the Cold War at the end of 1979, and as in the other countries of the Western bloc, it was also and above all because the boat people were fleeing communist regimes that France was committed to welcoming them. This analysis is far from being merely retrospective, and was made explicit at the time:

Every effort is made to accredit this welcome as a welcome for refugees. Even more, we are trying to make it appear as the sole host of genuine refugees. We thus come across the old notion that had been outdated for years: refugee equals anti-communist. This unique reception of real refugees is naturally governed by the good will of the Prince.<sup>22</sup>

The political dimension of the reception of the people of the Indochinese peninsula by Western countries was particularly stark when compared to the treatment of the Rohingya of Burma who, at the same time and in the same region, just a few hundred kilometres away, were fleeing the persecution of the Burmese government and army. In the spring of 1978, two hundred thousand Rohingya Muslims, victims of the violence of the Burmese army due to their ethnic and religious affiliation, fled to Bangladesh. They did not attract the attention of western citizens who were then actively mobilizing for the boat people from the Indochinese

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<sup>20</sup> [Fondationmarechaldelattre.fr/history.htm](http://Fondationmarechaldelattre.fr/history.htm)

<sup>21</sup> Masse, *The Indochinese exception*, 302.

<sup>22</sup> France Terre d'Asile quoted in Masse, *The Indochinese exception*, 144.

peninsula, although fewer (120,000) actually fled in that same year. But with no communist regime involved, their flight made little impact on international attention. None of the Rohingya would ever be resettled in France or in any other western country.

The USA and France were the two countries that resettled the largest number of people from the Indochinese peninsula on their territory. The very political nature of the French and American commitment to such large-scale resettlements was particularly apparent in the light of the UNHCR's criticism of their actions. Despite Western unanimity over the 'boat people's' status as 'real' refugees, mass resettlements such as those undertaken by the US and France were criticized by some UNHCR representatives who considered them too attractive and politically motivated. In 1981, the official representative of the organization in Thailand stated in a report that Cambodians, Vietnamese and Laotians were now simply attracted to the resettlement programme as a means to materially improve their lives rather than being driven out of their countries by any real fears of persecution.<sup>23</sup> He assured that the high quotas were used as a tool by the West to fuel the exodus, destabilize the communist regimes of the region, show the world that these people were 'voting with their feet' and provide information to security agencies about what was happening in the countries of origin. The regional representative of the UNHCR in south-east Asia was of the same opinion: the people could not be considered refugees within the meaning of the Geneva Convention and the resettlement program was functioning as a magnet. From his perspective the UNHCR had fallen into a trap and should return to its tradition of assisting *genuine* refugees rather than sponsoring what he considered to be the migration procedures of Western countries<sup>24</sup>. But the United States remained inflexible and the French government kept its high quotas unchanged. People fleeing the Cambodian, Laotian and Vietnamese communists regimes were strategic pawns in the Cold War context. Kept in refugee camps, they put pressure on the regimes they had fled by carrying out subversive actions at the border; relocated to the West, they were a symbol as well as a source of information. Therefore, even the Khmer Rouge were welcomed in the camps. And even when, in the mid-1980s, the United States reduced its resettlement quotas, it remained opposed to repatriation to Vietnam and despite concerted UNHCR lobbying, consistently rejected the idea of discussing the matter with its authorities.

### **An allegedly docile and right-wing replacement workforce**

The reception of the boat people was nevertheless far from being limited to diplomatic considerations and to questions of foreign policy. In France, the quota policy had significant domestic advantages. It brought to France a population characterized by its youth, its low level of qualifications and its reputation as a docile workforce distant from the unions at a time when it was particularly needed. With *les trente glorieuses* brought to a unequivocal end by the 1973 oil crisis, and when attempts to get rid of workers from North Africa involved in major strikes in the industrial sector saw business trying to reduce the power of the unions, government was caught between its political decision to suspend, labour migration while maintaining a pool of low skilled non-unionised workers.

During the sessions of the CNE, arguments around the supposed assimilability of the people from the Indochinese peninsula, together with demographic considerations, were often explicitly deployed to justify the scope of the reception. As Léo Hamon, one of the Presidents

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<sup>23</sup> Martin Barber, "Resettlement of Indochinese in 1981-1982," UNHCR international memorandum, Bangkok, 22 April 22, 1981, quoted in Gill Loescher, *UNHCR and the World Politics* (Oxford, Oxford University Press, 2001), 208.

<sup>24</sup> *Ibid.*

of the CNE pointed out: 'At a time when the demography of our country is declining in a worrying way, immigration becomes a necessity. It is important to foster the acceptance of people who are most easily assimilated'.<sup>25</sup>

And so France's Indochinese quota policy began in May 1975, less than a year after the official cessation of labour migration in July 1974. This was a moment when, despite the overall shrinking of the economy, a number of industries, particularly in the car sector, were not yet affected by the economic crisis.<sup>26</sup> The 'Indochinese' were doubly more welcome as their low skills not only fitted the needs of these industries but because of their - highly racialised - reputation for being 'docile', 'serious', 'discreet' workers outside the sphere of influence of the unions<sup>27</sup>. The conditions they needed to fulfil in order to obtain temporary and renewable work cards were consequently explicitly different to the procedures that applied to other groups of asylum seekers and refugees. As early as June 1975, instructions were given to the Prefecture to 'ensure *as soon as possible* both placements for them ... and the issuing of the necessary work permits'<sup>28</sup>. The preferential treatment they received included a wide range of benefits: the right to a non-temporary work card on the presentation of a three-month, rather than a year-long, contract even when an individual was working on a part-time basis; the right to apply for any job without regard to the general employment situation; the creation of specific sections reserved for them at the national employment agency; and financial incentives offered to employers to encourage their hiring.<sup>29</sup>

By the early 1980s a reputation of being docile workers was even more valuable as it was a time of major strikes in car factories. These strikes involved a significant number of workers from North Africa, and the 'Indochinese' were thus constituted in opposition to them, as an ideal labour force to replace workers deemed too unionized and politicized. And more generally their arrivals from south-east Asia were seen as an ideal group to replace Algerian migrants who had been arriving in growing numbers and were increasingly being constructed as a 'problem': a problem which might be solved through formal state repatriation measures, as part of what Patrick Weil has called the French government's 'Algerian obsession'.<sup>30</sup> The success of the repatriation programme had been partly ensured after the main firms in the car industry, Citroën, Peugeot and Talbot, had agreed to implement the voluntary return policy for North Africans in general and Algerians in particular. To off-set their loss they both received state funding, and had access to the pool of recently arrived new workers from the camps of south-east Asia.<sup>31</sup> Overall, then, granting refugee status to the former Indochinese made it possible for the French state and key industries to remain in apparent compliance with the anti-immigration decree of July 1974 while providing industries with a needed and un-unionised workforce.

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<sup>25</sup> Report of the Comité National d'Entraide (CNE) of September 29, 1979 and November 26, 1976. Quoted in Masse, *The Indochinese exception*, 135.

<sup>26</sup> Claude Guillon, "Le SSAE : soixante ans d'accueil des réfugiés," *Revue européenne de migrations internationales*, vol. 4, no 1-2 (1988): 115-127.

<sup>27</sup> Michèle Guillon, "Les asiatiques en France", *Migrants-formation*, no. 101 (1995): 6-17.

<sup>28</sup> Circular 14-75 of the Ministry of Labour on Khmer and Vietnamese nationals of June 3, 1975, quoted in Masse, *The Indochinese exception*, 159. Emphasis added. The Laotians were not included because the circular pre-dated the communist takeover in August 1975. However, the measures applied to the Vietnamese and Cambodians were extended to them.

<sup>29</sup> Karine Meslin, "Accueil des boat people : une mobilisation politique atypique," *Plein droit*, n° 70 (2006): 35-39.

<sup>30</sup> After an unsuccessful attempt at forced removal, in 1977-78, a voluntary return incentive policy was finally introduced in 1983-1984. See Patrick Weil, *La France et ses étrangers: L'aventure d'une politique de l'immigration de 1938 à nos jours* (Paris, Gallimard, 1991), 144-192.

<sup>31</sup> Weil, *La France et ses étrangers*, 256-259.

We need to pay attention to how the persistent stereotypes about people from the Indochinese peninsula, far from being a reflection of their natural essence, were the product of a deeply racialised co-construction of minorities. As sociologist Karine Meslin has usefully pointed out, descriptors such as ‘docile’ or ‘hard working’, while apparently positive and contributing to a ‘good reputation’, only makes sense in relation to the reputations of other, negatively positioned, groups.<sup>32</sup> If most of the Vietnamese, Cambodians and Laotians refused to join the strikers or union members, this was first of all because of their great distrust of organizations identified as being close to **the (far) Left**. It was also because of the historical moment in which they were entering the labour market, with its scarcity of employment, the declining momentum of protest movements and the disintegration of the workers’ collectives. This context tapped into and reinforced some of the formative values of 1950s Cambodian society and of traditional Buddhist attitudes over respect for social superiors. Further challenging racialised ideas of their ‘docility’ as an innate trait, it conspicuously weakened over time and a whole range of attitudes at work developed among these workers. The social origins and the type of factory where they worked were important factors in the degrees of closeness and compliance they entertained with their employers. The stereotype of a docile, malleable and ‘participatory’ worker was often reinforced among those whose origins were bourgeois and urban and who worked in factories where the workers’ collective was weak. In contrast, in places with ‘working-class’ workers with educational resources that gave them a certain confidence and who worked in factories strongly marked by workers’ history, ‘docility’ was much less present.<sup>33</sup> Overall, the docility of the former Indochinese, whether real or projected, constituted a social surplus-value on the labour market that reinforced the political added value that they had brought to the asylum market.

Finally, the arrival of thousands of people who had left communist states in south-east Asia was seen to have potential electoral advantages, with the government offering them naturalisation – and therefore voting rights – in the hope that they were sufficiently anti-communist and grateful for having been welcomed to vote for it.<sup>34</sup> A circular from the Ministry of the Interior allowed them to get round the lack of the standard civil status document, normally necessary for naturalisation, by giving their word of honour, while the Hmong could even apply for naturalisation as soon as they arrived without being subject to a period of residence. These provisions were explained by Jean Sainteny, the head of the CNE, as due to the fact that the Indochinese were all ‘potentially French’.<sup>35</sup>

### **The politics of human rights: against ‘Third-Worldism’.**

In other countries in Europe, while the arrival of ‘boatpeople’ excited public and political opinion, it did not, by and large, elicit intellectual controversy. The arrival of thousands of people from south-east Asia to France, by contrast, did. The particular status of public intellectuals, and their relationship with the media and politics ensured that their positions became entangled with domestic politics and the wider diplomatic and geopolitical stakes involved in what became the strongest resettlement programme in Europe.

The mobilisation of French intellectuals, followed by the high levels of popular enthusiasm

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<sup>32</sup> Karine Meslin, “Cambodian refugees from docile workers? Genesis and ways of perpetuating a stereotype in migration,” *European Journal of International Migration*, no. 27 (2011): 83-101.

<sup>33</sup> Ibid.

<sup>34</sup> Masse, *The Indochinese exception*, 23 and 116.

<sup>35</sup> Report of the Comité National d’Entraide (CNE) of the 2<sup>nd</sup> of July 1976. Quoted in Masse, *The Indochinese exception*, 141.

for the boat people, developed especially after 1978, with the much-reported tragedy of the vessel *Hai Hong* which went adrift in the China Sea.<sup>36</sup> Following this event, Bernard Kouchner one of the co-founders of Médecins Sans Frontières and the philosopher André Glucksman, launched the well-publicised operation *Un bateau pour le Vietnam* (A Boat for Vietnam).<sup>37</sup> The idea of chartering a boat to rescue people at sea was, in late 1978, soon supported by intellectuals, politicians and media personalities from all political sides who came together on the committee. They included Sartrians, notably Sartre, de Beauvoir and Pontalis; former leftists and Maoists who had turned to liberal center-left and anti-communism, such as Brauman, Glucksman, Revel, Furet and Broyelle; the left intellectuals, Foucault, Lacouture and Todd; anti-communist liberals, Aron, Revel, Ionesco and d'Ormesson; the prominent religious personalities Rabbi Josy Eisenberg and Cardinal François Marty; artists including Montand, Signoret, Bardot, and Bedos and supporters from abroad, most prominently the German writer Heinrich Böll. *L'île de Lumière*, the organisation's ship, chartered in early 1979, gave its name to Kouchner's best-selling book, an account of his journey in the China Sea, published in 1980. The original goal of bringing back refugees was transformed, partly due to the high level of donations. What was originally intended to be a salvage freighter became a hospital ship on which survivors were given treatment. With two journalists from Antenne 2, one of the main French television channels, on board, it undertook a high-profile nine-month voyage to the China Sea, before navigating up the Mekong to Cambodia and being the first Western ship to bring in supplies to a Phnom Penh just 'liberated' by the Vietnamese.

During 1979, *Un bateau pour le Vietnam* diversified its actions and gave numerous press conferences especially in the major Parisian hotels. It was in this context that Kouchner and Glucksman organized, in June 1979, a meeting between Jean-Paul Sartre and Raymond Aron, the two most French prominent intellectuals of the time who had fallen apart several decades earlier over political differences. Sartre was a Marxist, close to the Communist party until the Hungarian revolution of 1956, and Aron was rooted in the liberal right. Given 'the urgency of saving lives' they pleaded the cause of the boat people together in front of French President Valéry Giscard d'Estaing. The President had already adopted the Indochinese immigration quota policy for a number of years, and so, despite later claims, it was obviously not this meeting that persuaded him to do so. The significance of their encounter lay more in the staging. The handshake between Sartre and Aron was immortalized by photographs whose rights were sold to over one hundred news agencies around the world.<sup>38</sup> The meeting embodied the idea that 'the boatpeople' transcended political differences and demanded that all sides needed to abandon ideological splits in the name of the moral cause of rescue.

At the same time there were increasing numbers of petitions for the boat people, signed by personalities from right across the political spectrum, with the exception of the Communist Party; the cause was so popular that personalities from the media and political fields, especially on the right, adopted Cambodian children: they included Michel Drucker, Charles Million, Philippe Douste-Blazy and Jacques Chirac, then mayor of Paris, whose adopted daughter would accuse him in a book published some decades later of having used this

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<sup>36</sup> Ultimately 230 of its 2,500 passengers would be resettled in France.

<sup>37</sup> Glucksman was a philosopher, a writer and an activist, member of the French 'new philosopher' school, known for promoting the idea that Marxism leads inevitably to totalitarianism, tracing parallels between the crimes of Nazism and Communism.

<sup>38</sup> Eleanor Davey, *Idealism beyond Borders. The French Revolutionary Left and the Rise of Humanitarianism, 1954-1988* (Cambridge, Cambridge University Press, 2015), 197.

opportunity to soften up the Asian community and public opinion for electoral purposes.<sup>39</sup> However, ‘it was not enough for a small group of individuals to launch the idea of a boat to rescue the refugees from Southeast Asia, to end up overcoming the most established splits among the French intelligentsia’, contrary to Glucksman’s statement.<sup>40</sup> These splits were in fact already diminishing. The operation that brought ‘an ideology that dared not speak its name: humanitarianism’ to the heart of the French public space took place at a time of shifts in intellectual and political life and profound transformations in ideological and intellectual paradigms.<sup>41</sup> We therefore need to push at any idea that the success of the media coverage surrounding the boat people can be reduced to the natural *result* of a humanistic commitment to a cause so just that it transcended all political splits. This despite the words of their supporters who all justified their actions by referring to the urgency, morality and the duty of humanity to respond to people in distress in a deliberately apolitical language.

Barely four years earlier (1974) the French translation of Solzhenitsyn’s *The Gulag Archipelago* had profoundly reconfigured the relationship within and between the intellectual field and the political field around the concept of anti-totalitarianism. The publication of this book was an opportunity for a number of anti-communists or disappointed Maoists, Glucksman among many others, to include communism with fascism in the concept of totalitarianism, to denounce ‘the blindness of the left’ to communist crimes and to discredit a still powerful Marxism. Enzo Traverso showed that the crimes of the Soviet regime had in fact been known for a long time in France and elsewhere, at least since the Khrushchev report (1956), the publication of Solzhenitsyn’s first book (1962), the publication of excerpts from *The Gulag Archipelago* in the *Times Literary Supplement* (1968) and the award of the Nobel Prize in Literature to its author in 1970.<sup>42</sup> France did not ‘discover’ Soviet crimes in the mid-1970s but had, along with Italy, owing to the importance of their communist parties, remained aloof from the growing movement to make totalitarianism a ‘weapon of combat’ against communism, a movement which had in fact, its roots in the early days of the Cold War and could be found almost right across the Western bloc. The ‘discovery’ of Soviet crimes was thus largely staged. The American historian and student of Paxton, Christofferson has shown that anti-totalitarian discourse as a form of anti-communism was developing in France at a time when it was elsewhere giving way to anti-imperialism, thanks largely to the Cuban revolution, the Vietnam War and anti-colonial movements. Its late development in France was mainly a response to considerations of strict internal policy: to prevent the rise to power of the Union of the Left, an electoral alliance sealed in the mid-1970s between the French communist and socialist parties around ‘*le programme commun*’ (common programme).<sup>43</sup> Anti-totalitarian discourse as anti-communism was all the more powerful as the ‘new philosophers’ who fostered it, including Glucksman, Bernard-Henry Lévy and Pascal Bruckner, were the first intellectuals to invest their time and attention in the media. This new paradigm shift in the politics of French intellectuals was so important that was carefully

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<sup>39</sup> Michel Drucker was a famous television producer and a TV animator. Charles Million and Philippe Douste-Blazy were two prominent French political figures. See Anh-Dao Traxel, *La fille de cœur : souvenirs* (Paris, J’ai lu, 2006), 380 and Anh-Dao Traxel, *Chirac une famille pas ordinaire* (Paris, Editions Hugo et Compagnie, 2014), 236.

<sup>40</sup> André Glucksman, “La preuve par le Cambodge,” *Le Nouvel Observateur*, Novembre 25, 1979.

<sup>41</sup> François Cusset, *La décennie. Le grand cauchemar des années 1980* (Paris, La Découverte, 2006), 34.

<sup>42</sup> On these questions see: Traverso Enzo, “Le totalitarisme. Histoire et apories d’un concept,” *L’Homme et la société*, n°129 (1998): 97-111 ; Michael Scott Christofferson, *Les intellectuels contre la gauche. L’idéologie antitotalitaire en France 1968-1981* (Paris, Agone), 466 ; Cusset, *La décennie* ; François Hourmant, *Le désenchantement des clercs : Figures de l’intellectuel dans l’après-Mai 68* (Rennes, PUR, 1997), 264.

<sup>43</sup> Christofferson Michael Scott, *Les intellectuels contre la gauche. L’idéologie antitotalitaire en France, 1968-1981*, (Paris, Agone, 2014): 624.

followed by the CIA, which has long been involved in the global cultural war. Jean Paul Sartre was monitored, the texts of the new philosophers studied at length and colloquia and conferences are organized via screen organisations by the CIA agents based in Paris to promote the change of paradigm.<sup>44</sup> Culture and theory were indeed seen as crucial weapons for promoting American interests and the new anti-Marxist, anti-Soviet, and neo-liberal atmosphere in France was viewed as a new essential datum. It also was seen as offering a way to divert public attention from the wars waged by the United States and the CIA in Latin America in particular.<sup>45</sup>

These ideological transformations also contributed to those of the field of international solidarity. In a certain way, anti-totalitarianism found its counterpart in the '*sans-frontiérisme*' (lit. without-borders-ism) which reconfigured *tiers-mondisme* (Third-Worldism) in specific ways. *Tiers-mondisme* encompassed movements, political leaders and thinkers who attributed the 'underdevelopment' of the Global South to the ongoing legacy of colonialism, arguing that it continued to be expressed, but through different institutions and forms. It also asserted that the revolution would come from the Third World, and here the Cuban Revolution, the African anti-colonial struggles and the revolutionary struggles of South America were seen as leading the way. Against this, *sans-frontiérisme* emerged as part of a shift in political ideology towards an apparently apolitical advocacy of human rights.<sup>46</sup> But, like anti-totalitarianism, from which it derived, it was fundamentally anti-communist and anti-revolutionary. In this sense, *Un bateau pour le Vietnam*, marking the turn towards the '*sans-frontiériste* spectacle' can be analysed as a sort of a revision or a 're-examination of forms of political activism of *tiers-mondisme*'.<sup>47</sup> The choice of the name - A boat for Vietnam - exactly the same name as that of the great campaign for Hanoi organised by the French communist party in 1968 to support the Vietnamese against the United States, was highly meaningful. It fuelled the idea that the situation of oppression was the same, simply that the oppressor had changed, with the Americans having been replaced by the communist Vietnamese. Rony Brauman, director of the Médecins Sans Frontières, himself acknowledged this, years later, accepting there was 'the idea of making Médecins Sans Frontières a machine... for something like an anti-communist war, a soft war'.<sup>48</sup> Several of the people who initiated and campaigned with *Un bateau pour le Vietnam* at the end of the seventies were indeed former communists, Maoists or Trotskyists. In fact they were often the very same ones who had campaigned, ten years earlier, in 1968, for Vietnam and against the Americans in the 'Comités Vietnamiens de base' (Vietnamese base committees), like Kouchner or Jean Chesneaux. The latter, a former member of the French communist party and former head of an Indochina Solidarity Front against American imperialism in the 1960s, was for the

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<sup>44</sup> "France : Defection of the Leftist Intellectuals," CIA. Directorate of Intelligence, 1985, declassified in 2011, <https://www.cia.gov/library/readingroom/docs/CIA-RDP86S00588R000300380001-5.PDF>. Quoted in Gabriel Rockhill, "Quand la CIA s'attela à démanteler la gauche intellectuelle française," *Médiapart*, April 20, 2017.

<sup>45</sup> Ibid.

<sup>46</sup> On this see Samuel Moyn, *The Last Utopia*. Cambridge (Mass.: Harvard University Press, 2012). But for a critique see Seyla Benhabib, "Moving beyond False Binarisms: On Samuel Moyn's *The Last Utopia*," *Qui Parle*, Vol. 22, No. 1, Special Issue: Human Rights between Past and Future (Fall/Winter 2013): 81-93.

<sup>47</sup> Eleanor Davey, *Idealism beyond Borders. The French Revolutionary Left and the Rise of Humanitarianism, 1954-1988* (Cambridge, Cambridge University Press, 2015), 346 p.

<sup>48</sup> Elsa Rambaud, *Médecins Sans Frontières, Sociologie d'une institution critique* (Paris, Dalloz, 2015), 203.

example in the 1970s the author of an article published in *Le Monde* with the symbolic title: ‘Third World Year Zero’.<sup>49</sup>

Another factor fed into the raising of the stakes around Vietnam on the non-political level, and that was internal competition within the expanding world of humanitarian activity. A few months after the operation ‘*Un bateau pour le Vietnam*’, Kouchner found himself increasingly sidelined and left Médecins sans Frontières. Its new leaders were now actively trying to carry out their own ‘coup’, all the more so as Kouchner was about to launch a new organisation which would compete with theirs: *Médecins du Monde* (Doctors of the World). As such, Médecins sans Frontières organised the ‘March for the survival of Cambodia’, which took the form of a procession of ‘opinion leaders’ across the Cambodian border. Launched on February 6, 1980, it assembled personalities from both right and left of the political spectrum who walked along the border, in front of the cameras, in a ‘Kouchner without Kouchner type of show’.<sup>50</sup> The march brought together resistance fighters and high-profile survivors of genocide or persecution, including Elie Wiesel, Charles Aznavour, Ilios Yannakakis; media intellectuals such as Bernard Henry Levy and American celebrities Liv Ullman and Joan Baez. It also mobilised politicians across the spectrum including: liberals like Alain Madelin, Gérard Longuet, Bruno Mégret and the socialist-reformists Michel Sapin and Claude Evin. Once again, the event presented itself as apolitical and grounded on the principle of saving lives but was in fact highly ideological, since its leaders, Brauman and Malhuret, had accepted funding from the International Rescue Committee (IRC), then close to the CIA, which provoked considerable dissent within Médecins sans Frontières<sup>51</sup>.

Four years later, Médecins sans Frontières founded Liberté sans frontières (Freedom without Borders) and held a high-profile conference ‘*Le tiers-mondisme en question*’ (‘Questioning Third-Worldism’) which aimed to ‘*get beyond ready-made thinking about the Third World*’, and to which no thinker from Africa, Asia or Latin America was invited. It provided a particularly eloquent example of the highly political dimension of apparently neutral humanitarian initiatives based on the myth of a disembodied commitment. The creation of LSF, which brought together a large number of dissidents from the East, followed an agreement between its main initiator, Malhuret, and American neoconservatives, and which enabled MSF to receive subsidies from the National Endowment for Democracy (NED), an organization aiming to export US soft power through civil society.<sup>52</sup>

The reception of the boat people in France was thus part of a gathering consensus, explicitly humanitarian and implicitly anti-communist and anti-revolutionary, which built upon the promotion of human rights as a way of moving away from ideological clashes increasingly considered obsolete. This consensual logic was based on a discourse of morality that transcended political division, and its existence in French public life partly explains why the reception of the boat people was maintained even when the government changed, and continued under socialist President François Mitterrand once he came to power in 1981. Even more so given that the new President claimed from the start as an ally of the United States, and in a series of acts over the following years – from multiple summit meetings to the

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<sup>49</sup> Hugues Tertrais, “La Cimade, l’Indochine et ses réfugiés (1969-1979)”, in *La Cimade et l’accueil des réfugiés : Identités, répertoires d’actions et politique de l’asile, 1939-1994*, ed. Dzovinar Kevonian (Nanterre, PUR, 2013).

<sup>50</sup> Elsa Rambaud, *Médecins Sans Frontières, Sociologie d’une institution critique*, (Paris, Dalloz, 2015).

<sup>51</sup> Elsa Rambaud, *Médecins Sans Frontières*.

<sup>52</sup> Davey, *Idealism beyond Borders*, 346. The same Malhuret would shortly afterwards be appointed Secretary of State of a newly created Human Rights Secretariat before joining right wing political parties, the RPR and the UMP where he was in charge of Nicolas Sarkozy’s relations with intellectuals.



expulsion of USSR diplomats and taking the US's side in the Euromissile crisis – proved that this was not empty rhetoric<sup>53</sup>

Partisan, demographic, economic, diplomatic and political concerns as well as social and ethnic stereotypes and the reconfigurations of the intellectual and political fields all came together to shape the exceptional reception of the people of the Indochinese peninsula in France. As we have seen, this context and the fiction of France's resettlement programme as the reception of individually identified refugees, reinforced by the performance of administrative procedures as much as by media coverage of the stories and testimonies of 'boatpeople', placed OFPRA in a difficult situation. It was pushed by the public authorities to doubly close its eyes. To turn a blind eye to the frauds, and to the mismatch between the requirements of the Geneva Convention and the complexities of stories of individual asylum seekers in which political and economic motives, individual and collective fears, the rejection of war and distrust of communism were often all intertwined.

## **Turning a blind eye...**

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These refugees were the most popular and welcomed ... in France. But they were privileged fugitives, automatically accepted as refugees, and no one had noticed!<sup>54</sup> And why were they accepted? Because Vietnam – a symbolic country – was also a bit of a special country, because of our love for it, because of the stakes accumulated by two successive wars.<sup>55</sup>

Contrary to these statements by Bernard Kouchner, the reasons for departure and the profiles of the applicants for asylum were in fact known to the public authorities. This can be seen in particular from Jean Pierre Masse's study of 520 asylum applications to OFPRA, from the institution's activity reports and archives, and from the major study commissioned by the President of the Republic in the early 1980s.<sup>56</sup> Both Jean Pierre Masse and the two researchers, Condominas and Pottier, carried out their studies to understand why the Indochinese people had gone into exile. Masse based his work on the statements of people in the Ofpra files, while Condominas and Pottier drew on interviews conducted in the refugee camps of Southeast Asia. For us the significance of their work lies in showing, in the context of a high rate of successful asylum applications, how public institutions negotiated the gaps between what was expected from asylum seekers on the basis on the Geneva Convention on the one hand, and their statements on the other.

The study conducted by Georges Condominas and Robert Pottier covered the period 1975-1980, and took the form of semi-structured interviews conducted by a team of researchers, in refugee camps and in the countries of origin. The study constructed a typology of the causes of departure, categorized by national group. Vietnamese flight after 1975 was explained by a variety of reasons both political and economic: fear of unemployment and being sent to the new economic zones, fear of political re-education, and difficulties in daily life. The motivations of the Chinese of Vietnam were labelled as political even if the role played by

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<sup>53</sup> Ludivine Bantigny, *La France à l'heure du monde. De 1981 à nos jours* (Paris, Seuil, 2013), 222-227.

<sup>54</sup> My emphasis.

<sup>55</sup> Bernard Kouchner, *Refugees*, April 1990, p. 41.

<sup>56</sup> Masse, *L'exception Indochinoise*, 46-52 ; Georges Condominas and Richard Pottier, *Les réfugiés originaires de l'Asie du Sud-Est*, Report to the Président of the République, (Paris, La Documentation française, 1983).

economic considerations was considered significant since the majority would leave in March 1978, after the Vietnamese government abolished private trade and launched a policy of expulsion of the Chinese minority. In contrast, among Chinese traders in Laos, economic motives were considered to be predominant. Researchers considered the motives of Cambodians who fled before 1979 under the Khmer Rouge regime to be clearly political, although from that date on, it was famine that would explain most of the departures. The Laotians' motives were labelled as both political and economic, in the same vein as for the Vietnamese. Overall the research demonstrated the range of motives underlying flight, disaggregated by national group, professional affiliation and moment of departure. The motivations of some groups – for example Cambodians who left before 1980 - were seen as clearly political, while others - Chinese traders from Laos - as clearly economic. Between these extremes other, groups – the general Vietnamese population and Laotians – were seen as having been motivated by a mixture of factors.. Despite this more granular understanding, and despite the research's wide dissemination, the practice of near-automatic granting of refugee status lasted for several years after the writing of the study, while the image of this population as political refugees par excellence, and as being above all suspicion, still continues to imbue collective memories.

### **Asylum applications lodged with OFPRA**

‘I am seeking political asylum in France because I know that my sister lives in Chambéry’.

The asylum claims analysed in Jean-Pierre Masse, were lodged between 1980 and 1990. When using them as a source we need to be mindful of the fact that they mainly reflect what the applicants believed OFPRA expected of them. Nevertheless they stand as a useful source, giving us a good idea of the types of applications that officials at the time considered and to which they granted a favourable outcome. Masse's study – which reinforced the findings of Georges Condominas and Robert Pottier - found that the most common argument put forward in the accounts was the rejection of communism. Statements such as ‘I don't like the communist regime’, ‘I can't stand the new regime’, were found most frequently, such as this example: ‘I am asking for political asylum in France for the following reasons: my country has been invaded by communists. I don't think I'll stay there because life there was very unhappy. I must seek a country for my political asylum in order to escape the Communists. France is the country I know best.

While some applicants detailed the persecution they had experienced, or feared they might experience, most simply stated that they did not wish to live in a communist regime. The second major type of argument related to the economic difficulties and the deterioration of lifestyles which since the communist takeover. Finally, the third theme which emerged from the lodged documents were personal, often expressing a desire to be reunited with a member of the family living in France. Many accounts offer a mix of two or three of these arguments, such as ‘I do not agree with the Pathet Lao. I had a garage, but I wasn't free to work the way I wanted. Moreover, getting paid was very difficult, sometimes I received threats: ‘you money or your life’. The tax had become very expensive. We really couldn't manage anymore. The food was rationed. It was no longer possible to visit. In addition, I had a responsibility to my young brothers-in-law and sisters-in-law. So we decided to run away if we could’.

Overall much of the actual content in these arguments was far removed from what today is considered legitimate grounds for granting an asylum application:

It was not only that OFPRA was required to make decisions which wouldn't stand up scrutiny when placed alongside the Refugee Convention, it was also constantly forced to manage a steady stream of obviously fraudulent applications.

OFPRA has been inundated with false documents, false statements, suspicious certificates, interventions, pressure. And by necessity it has been forced to step out of its role and apply more flexible criteria to those who have escaped from the former Indochina than to foreigners from other parts of the world.<sup>57</sup>

From 1975 until the mid-1980s, Ofpra's activity reports, still confidential until the end of the 1990s, were full of comments and complaints about fraud, and the use of false documents and false identities by Indochinese applicants.

On 17 March 1977, a long unsigned letter, obviously from the director of Ofpra, was sent to the Ministry of Foreign Affairs, under which he worked. It starts with a note of warning: 'France's generous welcome to those who fled Vietnam, Cambodia and Laos has prompted a very large number of people to enter our country without complying with the regular procedures we have planned'. It continued with an apocalyptic description of the various methods by which 'these people who have already too often lost the most elementary notions of honesty' were entering France. First, they were entering through channels 'that have sprung up all over Bangkok, Hong Kong and elsewhere' to provide them with false documents, passes and false passports. Second, they were using short-stay visas distributed 'too generously' by other consulates: 'They land in Copenhagen, Madrid, Lisbon, Brussels or elsewhere and enter France clandestinely. They come from India, Pakistan, they hitchhike from Karachi or Tehran or in the holds of some ships'. The final stage of the problem lay with the laxness of French hospitality policies, which were 'too readily accepting people's word of honour or tolerating the establishment of places for faking papers in France itself'. The conclusion of the letter was clear:

It is not desirable for the Agency to depart any further from the principles that have constantly dictated the recognition of refugee status ... than circumstances have already compelled it to do so. Nor is it desirable for it to grant guarantees of refugee status to persons who have used false pretexts or dishonest or illegitimate methods to enter our territory and who seek by all means to stay.

Despite this very explicit signalling of extensive abuses within the system and the letter's urgent use of language - channels, fraud, invasion, overflow, chaos and public disorder - government continued with its quota policy. The priority was not the fight against fraud, but rather the opposite, to enable the reception of people and the granting of refugee cards to them:

The identities and relatives mentioned on the safe-conducts were sometimes fanciful: the woman was not the man's wife, the minors had other parents. At the CNE, it was not a question of quibbling over trifles, but of helping the thousands of Asians who needed urgent help. ... *The mission was to save who we could.* The volunteers were empowered to draw up documents of official value on the basis of simple declarations: certificates of birth, marriage, and death. In view of these documents, the prefecture

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<sup>57</sup> Archives Ofpra, Activity Report of the year 1978, on South-East Asian nationals, DIR 1/2.

issued residence permits valid for three years and the Office issued its refugee certificates.<sup>58</sup>

Like Gilles Rosset, Jacqueline Massat, who headed the legal division of OFPRA at the time, also recalled the prevalence of fraud in the south-east Asia division. She remembered how OFPRA tried to hide it from the media. And gave as an example the discovery of large-scale fraud network involving 1,200 refugees in the 13th arrondissement of Paris. Rather than breaking the network OFPRA management's first concern was to avoid media coverage of the affair.

Then there was south-east Asia. It really was a scam. There was a lot of skulduggery. Did I tell you about the false deaths? We acted like a registry office. When a refugee died, we were informed. At one point we got thousands of death notices. Especially from the 13th arrondissement (laughs). Well, they made death certificates based on refugee certificates. They were altering the refugee card of a guy who wasn't dead. They were sending this card to their country. And they were bringing people in afterwards with this altered card. We calculated that on the 13th we'd got to number 1,200! We covered it up. We said to ourselves: if the press gets to talk about it, we're FINISHED!<sup>59</sup>

Within the south-east Asian division it was also the very notion of falsification that seems to have been modified. Jeanne Ahier recounted several cases that she describes more positively as community solidarity rather than fraud:

I think that culturally for this population..... solidarity was of great importance for them. I wouldn't call it social security fraud. I think the children of the neighbours were taken in, registered ... in many, many cases out of generosity. In any case, the problem was that we ended up with a 55-year-old woman who had given birth to a child; or with siblings for whom the timing was wrong because they were born three months apart. So I contacted the chancery and they helped me a lot ... Madame Bordet and I remembered this case of a man who said in my office 'I'm not your father'; and the children and the mother said 'oh yes you are.'<sup>60</sup>

Here it is worth reflecting on, not only the difference in officials attitudes and behaviour towards asylum applications during this period and today, but also, at the time, between the treatment of people from south-east Asia and asylum claimants from other regions. The arguments used to justify the fraud committed by people of the Indochinese peninsula, in particular those put forward by Pierre Basdevant, then Director General of OFPRA, would never be applied to Africans in the same situation:

Refugees find it very difficult to get used to the rigours of French civil status that are imposed on them for the many administrative procedures which they are obliged to

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<sup>58</sup> Gilles Rosset's un-published memoirs, written in 1993, and handed to the researcher in 2011. Emphasis added. Gilles Rosset was the General Secretary of OFPRA at the time.

<sup>59</sup> Jacqueline Massat, head of the litigation section from 1952 to 1986. Interview of the 30th October 2008, collection of Oral Archives OFPRA/Archives départementales du Val de Marne/BDIC.

<sup>60</sup> Jeanne Ahier, head of the Southeast Asia division between 1975 and 1987. Interview conducted on the 7<sup>th</sup> April 2008, collection of oral archives OFPRA/Archives départementales du Val de Marne/BDIC.

undergo, because the notions of offspring, dates of birth, marriage, and adoption are much more vague or flexible in their country of origin than they are in France.<sup>61</sup>

The relaxed cultural relativism expressed here stands in stark contrast to the media coverage of the so-called ‘Zairian frauds’ at the same period. Indeed, the fraud among the Cambodians, Laotians and Vietnamese would never be publicized or constructed as a ‘public problem’, neither at the time, nor later. Indeed, in 2008, OFPRA’s official history completely omits any mention of these frauds. It however devoted a whole paragraph to what it called the ‘first’ large-scale frauds among African claimants, which were, however, later than those from the south-east Asia.

In the same year [1981], there was a marked increase in applications from Africa and, within this continent, the first large-scale frauds were discovered in the form of multiple applications from the same person, under different identities and nationalities.<sup>62</sup>

Just as for frauds, that have different meanings according to the population that commits them, so do judgments on polygamy vary with the group that practises it. As a cultural practice it was treated with great tolerance when found in the south-east Asian population. Jeanne Ahier recounted the efforts of the Ministry of Foreign Affairs to find solutions for polygamous families from the Hmong ethnic group. ‘There’s been a lot of discussion with family allowances about how to deal with this. And if I remember correctly, the first wife and children were considered the family group and the second woman as a single mother’. Polygamous Hmong families were even housed in shelters, as evidenced by the testimony of a former head of a housing centre in Rennes for whom the ‘problem’ of polygamy was then only a problem of logistics.

In 1977 a family was announced. In addition to getting off the Paris bus wearing unusual clothes (...), there was this peculiarity: the father was officially bigamous. How were we going to find adequate housing for this Hmong family? In fact, the Hmong would be integrated without any particular problems, proof that a rural population is able to adapt to urban life.<sup>63</sup>

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The case of the reception the ‘boatpeople’ from south-east Asia in France makes it possible to nuance analyses that explain too systematically the suspicion and rigour facing a group of applicants solely in terms of being produced by the sheer number of people involved. It also qualifies the commonly accepted view that the high rate of refugee statuses awarded from the 1950s to the 1970s can be explained by the low number of applications, and the high rejection rate in the period that followed by its increase. The almost automatic granting of refugee status shows that numbers in themselves do not explain the institutional responses to asylum claims. They remain one explanatory factor among others that need to be taken into account in a broader context. This case study thus shows that in a context of political will, a high proportion of asylum requests does not automatically lead to a policy aiming to reduce flows.

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<sup>61</sup> Jean Pierre Masse, *L'exception Indochinoise*, 123.

<sup>62</sup> *De la Grande guerre aux guerres sans nom, une histoire de l'Ofpra*, Ofpra, 2007.

<sup>63</sup> Luc Mainguy, ‘L’accueil des boat people entre 1975 et 1985,’ *Hommes et Migrations*, n°1234, (2011).

The quota policy came to an end in 1984. The automatic granting of refugee status to former Indochinese was then replaced by an individual processing of all asylum claims. The cessation of this quota policy led to a significant reduction in the number of asylum claims in the context of an increase in the number of applicants from other parts of the world. As a result, and at the request of the NGO, the national reception system, previously reserved for Indochinese, was extended in 1985 to all refugees and asylum seekers, without distinction of origin. Refugees from the Indochinese peninsula were thus 'reintegrated into the common law of refugees whom they have helped to redefine'.<sup>64</sup>

This reintegration into common forms of treatment was marked by a decline in the number of people recognized as refugees. Even though a favourable bias persisted until the beginning of the 1990s, the differences in treatment between groups of nationalities started to lessen throughout the mid-1980s, and recognition rates were homogenised in the early 1990s. The logic of differential treatment based on membership of a national group, despite the absence of individual fears, then came to an end. Within fifteen years, 'Indochinese refugees' had become asylum seekers like any others.

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<sup>64</sup> Jean Pierre Masse, *L'exception Indochinoise*, 24.