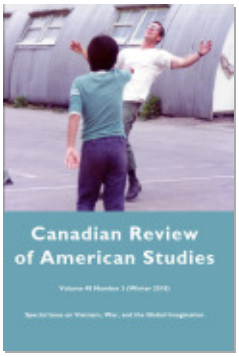
Commemorating Freedom: The Fortieth Anniversary of the "Fall of Saigon" in Canada



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Commemorating Freedom: The Fortieth Anniversary of the "Fall of Saigon" in Canada

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Abstract: On 30 April 2015, hundreds of Vietnamese Canadians congregated on Parliament Hill in Ottawa, the nation's capital, to commemorate the fortieth anniversary of the end of the Vietnam War and to celebrate the proposed state-sponsored construction of the Memorial to the Victims of Communism. Amidst a sea of Canadian and South Vietnamese flags, former refugees denounced the Vietnamese government for its human rights abuses, focalizing the "problem" of forced migration and refuge(es) on the issue of *rights* over those of war and geopolitical conflict. This telling scene demonstrates how Vietnamese diasporics remember their histories and negotiate their place within the Canadian national imaginary through the discourse of human rights. It reveals how such rememberings are legitimated and appropriated by the state and how they work to construct a particular understanding of the "good" of refuge. Employing the commemoration event in Ottawa as a site of analysis, this article explores the entanglements of refugee discourse and human rights. The mobilization of human rights by former refugees, as a form of national visibility, necessitates an examination of the ways in which refugees have relied upon the language of rights to make various claims: for asylum, for recognition, for diasporic agency, and for community formation. Human rights, then, do not just form the basis for claiming legal status as "refugees" but also critically function as a force that sustains various collective identities (personal, diasporic, and national) produced in the aftermath of migration and refuge.

Keywords: commemoration, human rights, Vietnamese Canadian diaspora, refugees, memory

Résumé : Le 30 avril 2015, des centaines de Vietnamo-Canadiens se sont rassemblés sur la colline parlementaire, à Ottawa, afin de célébrer le quarantième anniversaire de la fin de la guerre du Vietnam et le projet de construction d'un monument, commandité par l'État, à la mémoire des

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victimes du communisme. Devant une mer de drapeaux canadiens et sud-vietnamiens, d'anciens réfugiés ont dénoncé les violations des droits de l'homme par le gouvernement vietnamien en liant le « problème » de la migration forcée et des réfugiés à la question des droits plutôt qu'à celle de la guerre et du conflit géopolitique. Cette scène révélatrice montre que c'est par l'intermédiaire du discours sur les droits de l'homme que la diaspora vietnamienne se souvient de son histoire et dessine sa place dans l'imaginaire national canadien. La scène illustre également la manière dont l'État légitime cette forme de souvenir et se l'approprie, et l'usage qui en est fait dans la construction d'une certaine compréhension du « bien » associée à la notion de refuge. En se servant de l'évènement commémoratif d'Ottawa comme lieu d'analyse, cet article explore l'entrelacement du discours des réfugiés et des droits de la personne. La mobilisation des droits de l'homme par les anciens réfugiés, en tant que forme de visibilité nationale, exige l'examen de la façon dont les réfugiés emploient le langage des droits pour fonder différentes réclamations : droit à l'asile, droit à la reconnaissance, droit d'agir de la diaspora et droit à l'identité communautaire. Les droits de l'homme ne sont donc pas seulement le fondement permettant de réclamer le statut de réfugié ; de manière capitale, ils servent de force alimentant les diverses identités collectives (personnelle, diasporique et nationale) nées des suites de la migration et du fait de devoir chercher refuge.

Mots clés : commémoration, droits de l'homme, diaspora vietnamienne au Canada, réfugiés, mémoire

On 30 April 2015, hundreds of Vietnamese Canadians from across the country congregated on Parliament Hill in Ottawa, the nation's capital, to commemorate the fortieth anniversary of the end of the Vietnam War and to celebrate the proposed state-sponsored construction of the Memorial to the Victims of Communism.[1] Amidst a sea of Canadian and South Vietnamese flags, former refugees denounced the current Vietnamese government for its human rights abuses, focalizing the "problem" of forced migration and asylum seeking on the issue of *rights*, rather than war, political ideology, and foreign intervention. Holding banners that read "Human Rights for Vietnam," "Vietnamese Boat People Refugees: Victims of the Communist Party of Vietnam," and "Vietnamese People around the World Determined to Fight for Freedom and Human Rights in Vietnam," they condemned Vietnam as a totalitarian state, antithetical to the liberal ideals of freedom and democracy.[2] In their condemnation, these diasporic subjects joined local human rights activists in Vietnam, many of whom have been censored and imprisoned, in a transnational project of rights promotion. In

particular, their criticism of the country's human rights record calls for the liberation of Vietnamese people living in Vietnam while it provides a rationale for the post-war refugee exodus of the 1970s and 1980s—an *explanation* for the diaspora. That is to say, Vietnamese people are scattered across the globe because there were, and there continue to be, no human rights in their homeland.

This telling articulation demonstrates how Vietnamese diasporics remember their histories and negotiate their place within the Canadian national imaginary through the discourse of human rights. Constituting a prominent segment of the Vietnamese Canadian community, those gathered in Ottawa used the language of rights to construct a migration narrative that charts the movement from Communist oppression to capitalist freedom.[3] Such a narrative of "refuge" allows them to make sense of their refugee past and the ways it has shaped present forms of (trans)national belonging and affiliation. In particular, the commemoration was an occasion for former Vietnamese refugees to express how their act of refuge seeking was motivated and purposeful—to leave one's homeland is to call into question the political legitimacy of the governing body, to reject a sovereign power that cannot accommodate and protect its people. For them, asylum seeking is a political statement against the Socialist Republic of Vietnam, one that endures beyond the historical event and continues to press at the limits of Vietnamese nationhood. Such a statement reveals how Vietnamese refugees are not passive, helpless, or empty of history and politics, even when they are victims. The adoption of human rights discourse during the fortieth anniversary commemoration is one way for former refugees to vocalize anti-Communist politics and, in the process, give meaning to their experiences of asylum seeking.[4] In this way, the human rights framework is an important one for understanding the conditions of refuge(es), past and present.

The reliance on human rights, an internationally recognized instrument of justice, also renders former Vietnamese refugees legible to the Canadian nation-state. As they criticize Vietnam for its rights infractions, what emerges is a free and grateful Vietnamese refugee who exemplifies the rightlessness of Vietnam and the rights-possessing and rights-granting capacities of Western liberal states like Canada.[5] As such, thankful refugees promoting human rights in their homelands are intelligible to, and politically valuable for, the asylum state because they expediently rehearse its exceptional qualities of benevolence and humanitarianism. It is also through

expressions of gratitude, however, that refugees find a public platform to forward projects of remembrance and presencing. A week before the fortieth anniversary, the Canadian government showed its enthusiastic support for the commemoration event by passing Bill S-219, officially marking 30 April as the "Journey to Freedom Day." The bill, sponsored by Conservative Vietnamese Canadian Senator Ngo Thanh Hai, commemorates the refugee exodus from Vietnam, as well as Canada's role in resettling these refugees.[6] Yet, such forms of state legitimation show how minority projects of memorialization and activism can align with state interests, how they can be deployed to construct a particular understanding of the "good" of political asylum, and how the nation-state can be cast as the premier advocate of human rights. The legal incorporation of refugee memories into national memory makes possible a narration of history that de-emphasizes Canada's participation in the Vietnam War to highlight its role as a refugee "saviour" when the fighting ended.

Employing the fortieth anniversary commemoration event in Ottawa as a point of departure, I explore in this article the entanglements of refugee discourse and human rights.[7] Since the legal inscription of "refugee" into the United Nations Convention Relating to the Status of Refugees in 1951, human rights have consistently been invoked to explain the idea of "persecution" central to the concept—that is, our conventional understanding of political refugees requires human rights to give it meaning and legitimation. This is not surprising given that the definition of "refugee" arose, in part, from article 14 of the *Universal Declaration of Human Rights*, which states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution" (United Nations). Today, refugee law is one of the most important apparatuses of the international human rights regime. As James C. Hathaway and Michelle Foster state, "Refugee law may be the world's most powerful international human rights mechanism. Not only do millions of people invoke its protections every year in countries spanning the globe, but they do so on the basis of a self-actuating mechanism of international law that, quite literally, allows at-risk persons to vote with their feet" (1). While asylum seekers, policy makers, and practitioners call on human rights for purposes of legality, the mobilization of human rights by former refugees, as a form of activism and national visibility, necessitates an examination of the ways in which refugees have historically relied upon the framework of rights to make various claims: for asylum, for recognition, for diasporic agency,

and for community formation. Human rights, then, do not just form the basis for claiming legal status as refugees but also critically function as a force that sustains various collective identities and political projects in the long aftermath of forced migration.

"Strong, Proud, and Free": The Commemoration Event

In Canada, the fortieth anniversary of what many Vietnamese in diaspora call the "Fall of Saigon" or "Black April" was an especially momentous occasion. Not only was it a significant historical milestone, but it also coincided with the inaugural "Journey to Freedom Day" and what was supposed to be the "breaking ground" of the Memorial to the Victims of Communism.[8] The anniversary event began with a rally at the stretch of land between the Supreme Court of Canada and the Library and Archives Canada, the building site the then-government promised to Tribute to Liberty, a non-profit organization behind the fundraising for and construction of the memorial.[9] The site had enormous symbolic significance, situated as it was in between the national institutions of justice and memory. In attendance, alongside Vietnamese Canadians, were Polish and Hungarian former refugees, Korean War veterans, and various government ministers. This coming together of those who fought and fled Communism was a strategic display of Cold War solidarities—a shared history of loss and political commitment to anti-Communism—that underscored the urgency for contemporary acts of memorializations.

It is not by coincidence that these anti-Communist Cold War subjects centralized human rights during their public gathering. Rather, human rights have played a crucial role in the historical contest between Communist and capitalist ideologies. Rosemary Foot argues that "there was a dialogic as well as dialectical relationship between the Cold War and human rights which operated in ways that kept the human rights idea alive" (464). Human rights created a major battleground on which Cold War rivalries were "fought," as accusations of rights violations served to delegitimize the opposing political system. While both sides of the divide committed appalling rights violations, Foot notes that "rights, even as they were trampled upon, could remain sources of inspiration and reflective of a set of values with which governments wished to be associated. The pillorying of those who egregiously violated rights, even if those criticisms were often prompted by political motives, could serve to keep the focus on those values" (464). In this way,

the "values" of human rights were fostered and promoted through the Cold War's struggle for power. Human rights rose to prominence in and partly because of the Cold War, and also contributed to its end by extoling the importance of civil and political rights over social and economic rights.[10] Samuel Moyn explains that the ascendency of human rights in the post-war period came at the expense of anti-colonial projects of collective liberation and the right to self-determination—projects that were closely aligned with the Communist revolution.[11] The emerging dominance of individual civil and political rights that came to define contemporary human rights is predicated on the waning of decolonial ideals and the "failures" of Communism. The contemporary context in which Vietnamese refugee subjects utilize human rights to denunciate Communism must be seen as an extension of human rights' role in shaping the development and outcome of the Cold War.

Beyond the Cold War era, many of those displaced by Communism have seized upon human rights as a strategic avenue for memorializing their experiences of violence and for idealizing their country of resettlement. The 30 April commemoration event and the Memorial to the Victims of Communism project are examples of how human rights can function as a means of social visibility and political legibility for Cold War refugee subjects within the Canadian nation-state. The official website of Tribute to Liberty states,

> Memorials are essential parts of our national landscape: they serve as important markers for events and people that make up the diverse fabric of our nation. In Canada, over 8 million people trace their roots to countries that suffered under Communism. Since the beginning of the first Communist regime in 1917, immigrants from Communist countries have flocked to Canada in search of freedom and safety. ("Why a Memorial?")

The symbolic power of the memorial is meant to exalt Canada as a "land of refuge," in which asylum facilitated refugee solidarity, creating the opportunity for victims from around the world to live together freely in one nation and unite against Communism.[12] On 30 April, these human legacies of the Cold War gathered to, first, remember Communist atrocities and, second, celebrate Canada's role as a welcoming country that provided shelter for those who suffered through such atrocities. In doing so, this group of actors resurrected Cold War tensions in the present, (re-)creating a Manichean world of refugee producers versus refugee havens.

In a speech, the chair of Tribute to Liberty, Ludwik Klimkowsk, told the crowd that their "journey was almost complete," because they were about to gain recognition and belonging in Canada through the memorial.[13] For him, the memorial represents a national "home" for refugees, a place where they can educate the Canadian public about the oppressions and losses they experienced at the hand of Communist regimes. Senator Ngo Thanh Hai pressed upon the audience that "freedom is not free," that it comes with a very heavy price, and the next generation needs to remember this crucial history lesson. The government officials who spoke, including former Immigration Minister Jason Kenny, made it clear that it was the Conservative Party who ushered Bill S-219 through Parliament, and it was going to be the Conservatives who would see the building of the memorial through to completion. Describing the crowd as "strong, proud, and free," Kenny made sure that these former refugees understood that Canada, and the Conservative government in particular, created the conditions for this gathering of free citizens.[14] The rally had a strong memory imperative, with each major speaker inciting the crowd to keep various memories—of Communist cruelty, of generational refugee suffering, of Canadian kindness, of the Conservative Party's commitment—alive and toward different, but overlapping, political ends.

The refugees did not fail to pick up on Kenny's point about Canada's humanitarian efforts. In the early afternoon, the Vietnamese Canadian contingent marched from the rally site to Parliament Hill with a leading banner that read, "Thank You Canada from Vietnamese Canadian Community." Individual participants held similar placards, with "40 Years Thank You Canada Merci" and "Thank You Canada: We Support the Canadian Government's Journey to Freedom Act" written on them.[15] These expressions of gratitude emphasize Canada as a refugee saviour, rescuing Vietnamese refugees from the ravages of war and the dangers of Communism. In the American context, both Yến Lê Espiritu and Mimi Thi Nguyen have discussed how grateful Vietnamese narratives abet revisionist and nationalist accounts of the Vietnam War while providing alibis for contemporary war-making in the name of liberation and rescue. For Espiritu, stories of gratitude espoused by "good" refugees are used to turn the war into a morally "good" war, and to offer evidence of the need for future American military intervention in foreign conflicts ("'We-Win-Even-if-We-Lose'" 339–47). Nguyen calls the "rescue" of refugees that are produced from such interventions the "gift of

freedom," whereby refugees become indebted to the US through both war and refuge.

While these arguments cannot be mapped neatly onto the Canadian context because of different historical relationships to the Vietnam War, the ideological function of refugee gratitude that Espiritu and Mimi Thi Nguyen outline is instructive to thinking about the "value" that anti-Communist Vietnamese refugees have to projects of Canadian nation-building, a point that I will return to later. It is unequivocal that expressions of refugee gratitude benefit the nation; it is also clear that gratitude allows Vietnamese refugees to have a "voice" at the literal and symbolic site of Canadian politics. It is *with* such expressions of gratitude that former Vietnamese refugees were able to articulate anti-Communism through the language of human rights. As an expected and easily digestible discourse, gratitude opens up certain possibilities even as it constrains refugees to buttressing nationalist projects—that is to say, while gratitude affectively and politically limits refugee expression, it can, as a public platform, make other concerns, such as memories of migration and criticism of homeland politics, recognizable to the national mainstream. At Parliament Hill, gratitude for Canadian humanitarianism co-mingled with grievances about Vietnam's human rights record. Gratitude and calls for human rights reverberated throughout as speakers recalled the pain of losing one's country, asserted the presence of Vietnamese people in Canada, and urged others to remember the perilous journeys to freedom. Like the rally that preceded it, the ceremony at Parliament Hill sought to establish and share memory, not only within the Vietnamese Canadian community but also, importantly, within Canada's national imagination.

Memories of Persecution

Steve J. Stern notes the intimate association between memory and human rights, arguing that memory is a cultural code word, a "language of experience and continuing struggle" (126) in the push for justice after state violence. For him, memory provides important moral lessons about the inviolability of human rights, where past violations are recalled so a more democratic future can become possible. Following Stern, I suggest that the framework of human rights can enable, for those who have been violently displaced and must seek protection outside their homelands, a structure for the process of remembering. If memory can fortify human rights, then

human rights can provide an established mechanism, a sanctioned language for the recollection of difficult memories. It allows for what we might call a *refugee memory of persecution* that makes sense of past trauma, present existence, and future formations. That is, the discourse of human rights has the potential to make a past experience of asylum seeking legible in the present as a way of affecting what is yet to come—it gives political narrative to individual and collective memory. While scholars have convincingly argued that the concept of human rights constitutes a form of "humanitarian violence," to use Neda Atanasoski's term, aligned with the interests of US imperial expansion, especially in a post-socialist era, I suggest that it can also be a strategic and expedient apparatus for certain subjects who must grapple with finding a way to articulate their struggles.[16] For those gathered in Ottawa on 30 April 2015, this narrative is situated both in and beyond Canadian borders, moving between past and present, between Vietnam, Canada, and various global passages. Remembering, in this context, means summoning a lost country from the past (South Vietnam), producing a country in the present (Canada), and attempting to shape a country for the future (Vietnam). Viet Thanh Nguyen reminds us that refugee memories refuse "the progressive notion of time that belongs to the nation" (934); they are, instead, sites where the "imagination of the past, present, and future countries can occur simultaneously" (934). These real and symbolic countries scramble the discreteness of time and geography, making possible a more transnational and temporally porous understanding of affiliation, activism, and justice.

The commemoration event illuminates how Vietnamese refugees continue to search for a "country" of refuge, how they continually *seek* asylum, which is revealed to be an *ongoing process* intimately tied to the unfinished fate of the homeland. While many Vietnamese refugees have found material refuge in Canada—and they show incredible gratitude for such a gift—their search for asylum continues, because their homeland is without freedom. As Nguyễn Văn Phát, a representative from the Veterans Association, emphatically reminded the crowd, Vietnam is still not free, and its people do not enjoy the rights that those in the diaspora possess. The chair of the Commemoration Organizing Committee went further to state that the Vietnamese diaspora has a crucial role to play in promoting human rights in Vietnam—that they must actively petition the Canadian government to pressure Vietnam to enact free speech,

release political prisoners, and move toward democracy. Such protests from the community suggest that asylum for refugees—understood as the movement toward rights—is incomplete if Vietnam is *still* without human rights. The reach and significance of asylum, then, expands to encompass those who left, as well as those who stayed behind—refugees of the past and citizens of the present. According to this logic, it is not just refugees undertaking perilous boat journeys who require refuge from the *lack* of human rights, but also Vietnam and the Vietnamese people. The commemoration event is, in many ways, a political performance that revises the meaning of refuge, enacting the process of asylum seeking in the present moment.

The invocation of human rights at the commemoration functions as a refugee claim, a call for freedom from oppression and persecution, not just for individual refugees but for a whole nation. This linking of refugee experience to contemporary concerns over human rights actually constructs the "journey to freedom" as one that has yet to reach a final point of arrival. Such an understanding of refuge keeps a past of migration pertinent to the present, where the struggle for freedom is anything but over. Forty years after the end of the Vietnam War, the past has not passed, because the problem of *rights* has not been resolved. As a result, the question of Vietnamese refugees acquires contemporary immediacy and urgency—the past, and a memory of persecution, remains relevant to the presence of Vietnamese people in diaspora and their anti-Communist political agendas. Even though many Vietnamese refugees are now free citizens of Canada, "refuge" for them and their Communist homeland must be understood as open-ended and forthcoming. Thus, while the display of gratitude might suggest that the gift of refuge has been received, that the search for home and freedom is complete, the anti-Communist pronouncements reveal how refuge is in progress—how it is a political project that requires the renewed making of claims.

Seen in this way, the trenchant anti-Communism of the Vietnamese Canadian community is not so much an outdated politics of melancholic, first-generation immigrants; it is, rather, a contemporary embodied politics that attempts to negotiate the complexities of exile and refuge. Scholars such as Thuy Vo Dang, Lan Duong, and Isabelle Thuy Pelaud have pointed out how Vietnamese diasporic anti-Communism can function as a discourse of community building, even while it problematically polices cultural identity.[17] In her

study of the Vietnamese American community in San Diego, Vo Dang writes that "[a]nticommunism becomes the vehicle for sustaining an identity and community in the present and serves as pedagogical tool for the younger generations of Vietnamese Americans" (69). In performing this work, anti-Communist discourse relies on charges of human rights infractions against the Socialist Republic of Vietnam. It paints the Vietnamese regime as backwards and devoid of human rights, not in line with a modern, democratic international community. Such a government does not, then, have political legitimacy, and its country cannot be a viable place of habitation. This logic explains the need for flight and the importance of refuge, giving political reason for the existence of Vietnamese diasporas. Through statements about the value of human rights and what happens when they are absent, a Vietnamese diasporic community can take shape. Refugee collective identity gains definition in relation to the presence and/or absence of human rights.

This community formation has its foundations in loss—the commemoration event was one of the most important opportunities for members of the diaspora to voice and highlight their difficult migration and the painful losses they have experienced. Nguyễn-võ Thu-hương rightly points out that loss is the dominant mode of expression in Vietnamese exilic communities (168). The appearance of human rights complaints alongside articulations of loss, however, speak to the way these communities use loss to register criticism and grievance and, in the process, create a sense of communal purpose. Loss, then, acquires an edge of political critique when it is expressed alongside human rights; it is a form of mourning that calls for justice in the present, where the mode of expression is protest through loss. Although the remembrance of loss is not mutually exclusive from human rights, it is important to recognize that they are not the same. Loss, I suggest, is oriented toward victims and survivors, while human rights discourse points a finger at the perpetrator—it puts pressure on Vietnam to follow a Western, putatively universal guideline of moral conduct. Human rights discourse names a problem that requires engagement and address in the present; it complicates the view that Vietnamese diasporic communities are melancholic and backwards-looking. Instead, the compulsion to affect geopolitical change and influence homeland politics through the diaspora emphasizes the political agency of those who have been exiled from home, who, at one point in time,

fell outside the primary category of social and political organization. Not only is the past given meaning through a present appeal to human rights, but refugees also become political actors who skilfully utilize the politics of rights to make political demands.

Bill S-219: Remembering Canada in and Beyond the Vietnam War

While the material outcomes of their activism are debatable, what is clear is that Vietnamese refugees become legible and legitimate subjects within the schema of the Canadian nation-state. One prime example of this is the passing of the Journey to Freedom Day Act by the Canadian Parliament on 23 April 2015. The act officially dedicates "a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the Fall of Saigon and the end of the Vietnam War" ("Bill S-219"). Senator Ngo Thanh Hai describes it as a "way to mark this milestone year [the fortieth anniversary], to thank Canada for saving our lives and to commemorate the Vietnamese refugees' new-found freedom" ("Statement"). Originally called Black April Day, the bill was met with deep disapproval by Vietnamese authorities.[18] The prime minister of Vietnam, Nguyen Tan Dung, wrote to the then–prime minster of Canada, Stephen Harper, expressing concerns that the bill "presents a distorted version of Vietnam's history and could damage the bilateral relations both countries have worked to build" (qtd. in Mackrael). Shrugging off this concern, Harper and his immigration minister continued to support the bill, citing that it was an important move to honour and celebrate the sixty thousand Indochinese refugees who "risked their lives in search of freedom, and found it here in Canada" (qtd. in Mackrael).

Behind the support of Harper and his immigration minister were the calculations of partisan and electoral politics. The commemoration occurred a few months before a key federal election, and, consequently, every government official who spoke during the event impressed on the crowd how Harper's Conservative government made this commemorative opportunity possible by creating the occasion and space for refugee remembrance. They described how the Liberal and New Democratic parties opposed and hindered the progress of Bill S-219 into law while the Conservatives ardently stood behind it. For Vietnamese Canadians in the crowd, the passing of the bill added a layer of significance to their gathering, because it represented a major acknowledgement of their past and

their presence. The granting of space and recognition to Vietnamese refugees and their human rights grievances on the anniversary thus allowed the Conservatives, as opposed to their centre and left-leaning opponents, to be seen as *the* party that championed the quest for freedom of those fleeing Communist regimes, including Vietnamese, Hungarian, and Polish ethnic groups. In doing so, the Conservative government could lay claim to human rights as its exclusive concern, an integral part of its platform that in turn was lacking from the other parties. Capitalizing on the anti-Communism of Vietnamese Canadians and other diasporic groups, the government sought to win votes, this time not by "voting feet" but through ideological support, national exaltation, and, importantly, casted ballots.

Party politics continued to play out after the election, where the Conservatives lost control of the government after almost a decade of rule. Shortly after Justin Trudeau's Liberal Party took office in November 2015, the memorial's construction was put on hold. Canadian Heritage Minister Mélanie Joly explains that "the way the project was handled under the Conservatives was 'too political, too divisive and ultimately far from its goal of remembering the horror of victims of communism'" (qtd. in Butler). The overhaul of the memorial project, which now includes a new building site, design, and construction date, was a way for the Liberals to antagonize the Conservatives—to criticize their motives and management. Just as the Conservatives used Bill S-219 and the memorial to bolster its image with Cold War refugees-turned-Canadians, the Liberals used the memorial to distinguish itself from the failings of the Conservatives. By doing this, they too politicized refugee memories for partisan interests. The change in government, hence, did not diminish official support for the memorial and the larger project of constructing Canada's reputation as a leader in human rights, but only its partisan inflections—that is, there was no policy change with the change in leadership, only modifications to the overall plan. Political orientation aside, the government of Canada uniformly invests in forms of memorializations like Bill S-219 and the Memorial to the Victims of Communism primarily as a means to reinforce an image of Canadian exceptionalism on the world stage.

As Vietnamese Canadians gathered to condemn Vietnam and its human rights record on 30 April 2015, they simultaneously expressed patriotism for and gratitude to Canada, joining in the production of

Canadian exceptionalism. Shouts and signs of "Thank You Canada" reverberated alongside slogans such as "Human Rights for Vietnam." Here, Canada is constructed as the torch-bearer of rights, freedom, and democracy; its image as a leading advocate of international human rights is re-affirmed in the condemnation of Vietnam. Canadian exceptionalism requires such narratives of exaltation, where Canada is able to rise above less democratic nations, in order to maintain a sense of national identity. International human rights have historically been an important tool of Canadian nationhood, even if Canada was slow to embrace its tenets. Andrew Lui points out that when the Universal Declaration of Human Rights was being drafted in 1947 and 1948, "Canadian policymakers approached [it] with a mix of skepticism, indifference, and outright hostility [...] the Canadian government attempted to scuttle or delay its release as much as possible" (3). It was not until the Quebec separatist movement in the 1970s, when the country experienced the threat of internal violence and fragmentation, that it

> enacted constitutional guarantees for individual human rights [...] Human rights thus became a source of legitimacy from which the federal government could assert its authority by externally projecting a particular self-image of Canada as a just society that was undivided despite its diversity. Human rights concerns therefore played a key role in laying the contemporary foundations for Canadian federalism. (Lui 7)

Much in the same way, the gratitude of Vietnamese refugees plays into the idea of Canadian national unity—a unity that is based on a concern for international human rights. Their "thank yous" are incontrovertible evidence of Canada's singularity: its position in the world order as defender and protector of rights and justice.

This exceptionalism is most evident in the wording of the Journey to Freedom Day Act, where Canada's role during the global hot war that is Vietnam is documented only as follows: "the Canadian Forces were involved in the Vietnam War with supervisory operations to support the aim of establishing peace and ending the Vietnam War by assisting in the enforcement of the Paris Peace Accords of 1973" ("Bill S-219"). This memory, which is a state-directed narrative, forgets that Canada was the chief arms dealer for the US during the war, producing traditional and chemical weapons that enabled the fighting and killing of millions of Vietnamese civilians. Yves Engler writes that "[a]s the U.S. military buildup in Vietnam

grew, Canadian weapons sales to the U.S. doubled between 1964 and 1966. Between 1965 and 1973, Canada sold $2.5 billion worth of war materials to the Pentagon" (127). In addition,

> [a]t least $10 billion worth of other war-related supplies, including arms components, resources to build arms, and, of all things, green berets, were sold to the US armed forces. Every B-52 which unloaded its munitions over civilian targets in North Vietnam—acts which resulted in tens of thousands of civilian deaths—were made out of Sudbury's finest nickel. In the mid-1960s, unemployment in Canada fell to a record low level of under four per cent; not only did select war-related industries prosper, but a wide section of Canadian society shared in windfall profits stemming from America's war in Vietnam. (Ziedenberg 25)

The modern Canadian capitalist economy, one of the pillars of Canadian civil and political society, must be understood as partially built on the deaths of war civilians and militarized violence against Third World bodies. Moreover, the cultivated memory of Canada as an innocent peacekeeper during the war suppresses its role as a

> willing ally in the U.S. counter-insurgency efforts, sharing the same assumptions about the nature of the insurgency, the strategic geo-political importance of Indochina, and the value of trade and investment in Southeast Asia to the world market system. Canada geared its peacekeeping duties to the interests of the West, and its record on the international commissions to which it was appointed was characterized by partisan voting, willful distortion of fact, and complicity in U.S. violations of both the Geneva and Paris agreements. (Levant 2)

Rather than a neutral facilitator of peace, Canada played an active role in steering the war along, toward a Western bloc victory.

While it did not officially fight in the war, Canada was crucially involved in the maintenance of the war-making machine, propping up US counter-insurgency efforts through its supplies and soft power. The Journey to Freedom Day Act rewrites history in a way that washes the blood from Canadian hands. Anh Ngo argues that the act "erases the Vietnam War and Canada's complicity in it by shining the spotlight on the success of the Vietnamese refugees and Canada's compassion" (78). Through the act, Canada's involvement in the war is transformed into that of a peacemaker rather than an enabler of violence. In this context, the appearance of Vietnamese

refugees within Canadian borders, and their expressions of gratitude during the commemoration ceremony sanctioned by the state, is further proof of Canadian benevolence, which becomes a national, and naturalized, characteristic. As Vietnamese refugees find a sense of identity through memories of persecution and demands for human rights, the Canadian nation simultaneously fortifies itself as a haven of rights and freedoms.

Human Rights and the Question of Refugees

In his essay titled "Illegible Humanity," Bishupal Limbu inquires, "if social death is reserved for someone who is less than or other than human, where do we situate the refugee? Is the refugee included in the human? Can the refugee claim 'human' rights?" (278). He goes on to explain that "one cannot take for granted the transparency and self-evidence of the human when figures of apparent humanity such as the refugee remain illegible in the conceptual and representational scheme" (278). Similarly, Giorgio Agamben writes that

> the figure that should have embodied human rights more than any other—namely, the refugee—marked instead the radical crisis of the concept [...] In the system of the nation-state, so-called sacred and inalienable human rights are revealed to be without any protection precisely when it is no longer possible to conceive of them as rights of the citizen of a state. (92)

While the refugee is our most stark figure of humanity, because he or she is stripped of the political-juridical rights of nationality and reduced to what Agamben calls "naked life," the refugee also calls into question human rights as a framework for social and political organization. Human rights, then, cannot guarantee humanity without the nation-state system and thus fails the refugee and the fundamental concepts of man and rights. The refugee's oscillation between "human" and "non-human" within this framework brings into sharp relief the limits of a world system based on rights, revealing how the "humanity" of human rights is not inalienable or universal but constrained by the prior existence of other political and legal categories of personhood.

I suggest, however, and the 30 April 2015 commemoration event in Ottawa demonstrates, that if in becoming a refugee a human loses rights, and thus becomes less than human within the representational scheme of citizenship, rights, and nationality, then the

regime of human rights is one legitimate recourse through which to (re)gain rights and, thus, humanity. Of course, this humanity defined through rights is a re-enfoldment into what Liisa Malkki calls the "national order of things," or a liberal-capitalist status quo where nationalism reigns. The refugee accepts and proves the biopolitical power of state sovereignty to grant life and political subjectivity (or take them away). In becoming subjects (again), refugees are subjected to the terms of a structure that has been at the root of producing modern-day refugee crises. Following Chandan Reddy, we might call this humanity "with violence," whereby humanity is contingent on subscription to and acceptance of conditions of violence, displacement, and exclusion as part and parcel of social life. Yet, history has shown that refugees can and do lay claims to human rights as a means of re-entering the political-juridical order of the nation-state. Nationality's protection, however problematic, is often a coveted "gift" for those who find themselves in materially precarious and dire situations—who must fight to stay alive. Although this desire for reincorporation into the nation-state framework may be seen as a flattening of the critical potential of the refugee condition to challenge and reimagine political life, it is in many instances *crucial* for material survival and the possibility of living on.

It is often easy for critics to dismiss refugees' subscription to and deployment of liberal ideologies and mechanisms such as freedom, human rights, and gratitude as politically naïve and/or potentially complicit with normative structures of power. But to seriously engage how and why they call upon something like human rights reveals the complex forces, tensions, and negotiations at play in actually lived lives. While the concept of human rights is flawed, and even violent, in its constitution, it is at the same time a useful discourse for former refugees to make sense of their refuge seeking and to structure a narrative of their diasporic existence. The various agendas that these narratives support are, of course, not above critique; indeed, the conservatism and nationalism at play when Vietnamese refugees in Canada gather to commemorate the "Fall of Saigon" places limits around community and identity, serving particular ethnic and national ends. I have attempted in this article to re-present and analyze viewpoints and actions that do not necessarily reflect my own political commitments or beliefs; yet, I insist that these commitments and beliefs deserve consideration for what they can tell us about the contexts in which Vietnamese refugees endeavour to find a place in history and politics.

If refugees are rendered socially dead, the Vietnamese Canadian case that I have discussed shows it is possible to recover life and legibility through human rights grievances, insofar as political possibilities in the present are still constrained by the "national order of things." Through human rights discourse, expressions of condemnation, grievance, and gratitude serve and support various ideological constructions of refuge, rights, and nation; they reveal the deep and intertwined link between refuge(es) and human rights. Vietnamese refugees, understood here more capaciously than in the UN legal definition, employ human rights to shed light on a past of forced migration and a future with rights and, in the process, a humanity that exists in the embodied present.

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Notes

1 The author was present to observe this commemoration event. The subsequent descriptions of the scenes, activities, and speeches are taken from his field notes, photographs, and recordings.

2 The third banner was written in Vietnamese: "*Người Việt Khắp Thế Giới Quyết Tâm Tranh Đấu Cho Tự Do & Nhân Quyền Tại Việt Nam*."

3 I call them "prominent" in the sense that they subscribe to the dominant anti-Communist politics of Vietnamese diasporic communities and, as a result, are most publicly visible within the community, as well as to the white Canadian mainstream. Moreover, many of these members hold various leadership roles in Vietnamese Canadian community organizations and associations.

4 Focusing on the US context, C.N. Le describes the changing nature of Vietnamese anti-Communism in the diaspora. The centrality of homeland restoration projects to overthrow the Communist government and

liberate the country in the late 1970s and 1980s gave way to an anti-Communism focused on applying pressure on Vietnam to adopt more democratic and human rights principles during the 1990s. The contemporary prominence of human rights discourse at commemoration ceremonies such as the one I outline in this article is part of this shift toward an anti-Communism through human rights.

5 For a discussion of the grateful refugee, see my article, "Refugee Gratitude: Narrating 'Success' and Intersubjectivity in Kim Thúy's *Ru*."

6 Ngo's biography states that "Senator Ngo immigrated to Canada in 1975 following the fall of Saigon and the rise of communism in Vietnam. He is the first Canadian of Vietnamese origin to sit in the Senate. In Parliament, Senator Ngo continues to advocate for freedom, democracy, human rights and the rule of law, and continues to be a champion against oppression in Vietnam and around the world" (T.H. Ngo).

7 Throughout this article, I intentionally conflate "refugee" and "former refugee" and use them interchangeably. I do this because former refugees are often regarded as refugees in mainstream discussions through a discourse of "perpetual refugees"; more importantly, I do this to gesture to the situation whereby the condition or experience of being a refugee might not end when the legal designation is lifted. This points to the significance of "refugee" identifications in "post"-refugee life.

8 The construction of the memorial has been postponed until 2018. As of the writing of this article, authorization for construction has not been granted, although the memorial is projected for completion in 2019. Shortly after the Liberal Party took power in the 2015 federal election, the building site of the memorial was moved to the Gardens of the Provinces and Territories, close to Parliament but away from the previously agreed upon location between the Supreme Court and the Library and Archives Canada. In February 2016, the government conducted an online public survey to "offer feedback on the size, 'desired emotional reaction,' and 'visitor experience' of the monument" ("Government Seeks Feedback") in a redesign effort. A design was chosen in 2017. See "Government Seeks Feedback on Memorial to Victims of Communism"; Don Butler's "Victims of Communism Memorial to be Moved, Joly Announces"; and "Here's the Winning Design for the Victims of Communism Memorial in Ottawa."

9 The mission statement from the Tribute to Liberty official website reads as follows:

> Tribute to Liberty (TTL), established in 2008, is a Canadian charity whose mission is to establish a Canadian memorial to commemorate the victims of Communism. TTL is governed by a nine member volunteer board of directors who represent key ethno-cultural communities in Canada affected by Communism. In September

2009, the National Capital Commission (NCC) granted approval to TTL to build a memorial called The Memorial to the Victims of Communism—Canada, a Land of Refuge in the National Capital Region. ("About Us")

10 On the Cold War's end, Foot writes that

> the effects of several years of non-violent protests in support of human rights and fundamental freedoms, together with Gorbachev's acceptance that the values articulated at Helsinki [. . .] were universal and that membership in the common European home required endorsement of those ideas, were decisive in shaping the terms of its [the Cold War] ending. (464)

11 See chapter three, "Why Anticolonialism Wasn't a Human Rights Movement," in Moyn's *The Last Utopia* (84–119).

12 Yến Lê Espiritu has written about how, in the absence of public commemoration of South Vietnam and its war casualties in the contemporary United States and Vietnam, Vietnamese in the diaspora have found ways to remember through venues such as online memorials and commemorative street names (see chapter 5 of *Body Counts*, 105–38). This highlights Nguyễn-võ Thu-hương's claim that Vietnamese have had to become "self-mourners because no one else mourns us" (170). The proposal of a memorial in Canada indicates the possibility of a public commemoration of South Vietnam and its people, albeit as one among many anti-Communist victims, within a Canadian national, multicultural framework.

13 Klimkowsk is an Ottawa-based financial planner and president of Moneyweb Financial. He

> currently serves as a Chair of Tribute to Liberty, is the Vice-President of Canadian Polish Congress for Canadian Affairs, Advisory Council Member of the International Holocaust Remembrance Alliance and proudly assists many other charitable organizations. He was awarded the Queens Diamond Jubilee Medal in 2012 in recognition of his substantial contributions and accomplishments in service to Canada. ("Ludwik Klimkowski")

14 Kenny served as minister of citizenship and immigration under the Harper Conservative government from 2008 to 2013.

15 The second placard was written in Vietnamese and read, "*Cám Ơn Canada: Chúng tôi ủng hộ Đạo Luật Hành Trình Tìm Tự Do của Chính Phủ Canada*."

16 See Neda Atanasoski's *Humanitarian Violence* and Randall Williams's *The Divided World*.

17 See Vo Dang's "The Cultural Work of Anticommunism in the San Diego Vietnamese American Community" and Duong and Pelaud's "Vietnamese American Art and Community Politics."

18 The Vietnamese Canadian community at large was not unanimous in its wholesale support of the bill. Anh Ngo writes, "Vietnamese-Canadians took to websites, media, and a community listserv to also express their reluctance in supporting this bill in its entirety, proposing instead the date Canada officially committed to admitting 50,000 Indochinese refugees: July 27, 1979" (65).

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