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On Repatriation of Vietnamese Boat People

A paper presented November 1, 1989 at the University of OXFORD, Queen Elizabeth House Refugee Study Programme's series in "The Crisis of Mass Exodus" by Frank C. Kiehne, Secretary for Refugees and Rehabilitation, World Alliance of YMCAs.

Background

Back in 1979, when I attended the First International Conference on Indochinese Refugees in Geneva, the consensus was that all boat people were refugees. All would have the right of first asylum and all would be resettled to Western countries.

Little by little the resettlement program was eroded. As early as 1981, the build-up of Indochinese refugees began in Southeast Asian countries due to the slow pace of resettlement programs promised by Western countries. Continuous piracy attacks at sea, push-backs by the Thais and more recently Malaysia were among those indicators that called for a Second International Conference ten years later, held this June in Geneva.

The purpose of this conference was to find a comprehensive solution. The delegates at the conference agreed that first asylum would be respected thereby giving arrivals an opportunity to establish their refugee status. Those who were determined refugees would be resettled.

Those who were not determined refugees posed a problem. One solution was voluntary repatriation. However, the solution for those who will not go back voluntarily pose the real problem. If those having non-refugee status are not returned then the push-backs will start again by Southeast Asian countries and



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the right of first asylum may never be respected again.

The Special Coordinating Committee set up by the United Nations to implement this program, called the Comprehensive Plan of Action, had their second meeting in Geneva during mid October. They could not come to an agreement on what to do with those who are not classified as refugees.

Present Situation

Of the 56,388 Vietnamese refugees reported in Hong Kong at the end of September 1989, 51,787 are new arrivals since January of 1988. (UNHCR Sept 30, 1989 Report.) Of this number let's estimate that 45,000 arrived after the 16 June 1988 cut-off for refugee status declared by the Hong Kong Government. UNHCR reports about 600-700 people from the 45,000 have now gone back or accepted voluntary repatriation in the first six months of this year. Eight hundred more have signed a statement indicating their intention for voluntary repatriation. While Britain and the Hong Kong colony make many statements that sound as though they will force people to return, I do not believe this is their policy or intention. No one wants to give refugees tranquilizers and put them on a plane, etc. France and the United States feel that any involuntary return is premature at this time. The United States especially feels that the voluntary return program has not yet been given a chance. There must be much more counselling.

The Vietnamese Government is also against involuntary repatriation, but has indicated some middle position in that they would not object to involuntary return if it was not forcefully implemented. What does that mean then? It is my understanding that many people would return if the position of the receiving countries of first asylum and the position of the resettlement countries not to take persons who do not have refugee status was explained to them. In other words they would be told they must return because they are not internationally recognized refugees. Some feel that many would accept returning without severe protest on this basis. (Like the Sri Lankan Tamil refugees who returned from

India to Sri Lanka.) So far, UNHCR has had a number of representatives of different resettlement countries appear to explain the problem to the refugees in Hong Kong Camps. There have been video programs shown and there have been over 3,000 individual counselling sessions. However, refugee experts report a negative emotional response by asylum seekers to the thought of returning, especially in group meetings.

Furthermore, UNHCR reports that before any arrival is screened out, the Hong Kong Government reviews their cases with the UNHCR. While the Hong Kong Government would probably not admit this, the UNHCR representative who briefed a special meeting of NGOs on October 30 stated that the Hong Kong Government always accepts the UNHCR evaluation.

Another part of the Comprehensive Plan of Action is the willingness of UNHCR and the Government of Vietnam to create favorable conditions in the context of voluntary repatriation. Departure grants, food rations, and monitoring human rights are among those mentioned. My personal opinion is that this part of the plan is doomed to failure. No government can control the attitude of a population that sees others rewarded for so-called illegal departures. However modest the departure money and food rations, it will set these people off from the rest of the population. This will not work unless accompanied by a massive country-wide program of rehabilitation and development.

Vietnam has agreed to collaborate with the UNHCR in conducting an education program in Vietnam over nationwide television by the end of January, 1990. They estimate there are 400,000 T.V. sets in Vietnam with about 20 viewers for each set. The program will indicate the dangers of illegal departure, piracy at sea, statements by officials of resettlement countries that it is not possible to receive more people, etc. Also, the orderly departure program will be highlighted. (By the way this program is on the upswing with some 31,000 already departed this year to date. About 10,000 over last years total, 20,000 over the previous year. It is estimated that the program will reach 45,000 by the end of this year.)

July Visit to Hong Kong Refugee Camps

Much has been said about the bad conditions in refugee camps in Hong Kong. In July I visited two closed camps. A closed camp is a name given for those locations where refugees live who arrived before 16 June 1988. These people who enjoy refugee status are cared for very well by the Hong Kong Government's correctional service department. I also visited the Whitehead Detention Center. These centers are for the new arrivals who do not have refugee status. The correctional service department also operates these camps. Our delegation found the camp superintendent most sympathetic and concerned about the plight of these refugees. Unlike in one of the closed camps, this official allowed me to take photographs and even pointed out one of the signs put by the refugees that said, "We would rather die than go back to Vietnam." Facilities were new but crowded due to the unexpected overflow of asylum seekers. I know that there are other locations where conditions are bad, and I agree with the observations colleagues have made about those camps, even though I did not have the opportunity to visit them. However, I felt it necessary to point out that all is not bad in Hong Kong. (See my Hong Kong Visit Report, dated July 1-5, 1989)

What do we know about the asylum seekers?

Estimates are that the vast majority, say 90-98 percent, are now coming from North Vietnam and mainly from the developed areas of Hanoi and Hai Fong. While these refugees do not have as much formal education as those from the South; they are nevertheless bright people, have ambition and entrepreneur skills.

Most observers and visitors to Vietnam in recent years would attest to the fact that these people are mainly escaping from economic deprivation. The present unemployment rate in Vietnam is somewhere between 30 and 40 percent. There are food shortages. Consumer goods are hard to come by, especially in the North. Visits by delegations from the British Refugee Council and the International

Council of Voluntary Agencies have both suggested that development or economic assistance be given to those communities to which asylum seekers are being returned.

Root Cause Solution

It is only reasonable that if it is considered worthy to give economic assistance to communities where refugees will return, then giving this assistance to all communities could substantially reduce the flow of asylum seekers from Vietnam. In my judgement this simple solution has been discouraged over a decade by a number of conditions. Some of them are:

1. A post Vietnam war mentality of a number of ASEAN and Western countries, but mainly the United States, that Vietnam is a Marxist - communist society without political freedom and human rights.
2. International isolation caused by trade restrictions such as the Trade With The Enemy Act implemented by the United States Government.
3. The flimsy excuse that Vietnam must withdraw from Kampuchia before normal relations can be established. There are many who feel that if Vietnam had not entered Kampuchia in 1979 the Pol Pot massacre would have gone on, and now that Vietnamese troops have withdrawn, the world is worried once again that a Pol Pot controlled Khmer Rouge will bring terror to this land.
4. Development assistance provided by Eastern Bloc countries has not been effective. True, but much of this was inappropriate technology imposed upon the country. Furthermore, very little assistance was given the Vietnam Government in developing a supportive structure to assist appropriate development.

5. The lack of understanding by Western countries that Marxist societies are very proud of their sovereignty. They do not want someone else coming in to "run their show". They value such goals as self-sufficiency and self-determination very highly. Expatriates are just not appropriate. (Experience by NGOs who have assisted projects in Vietnam indicate that Vietnamese people and their government do quite well when entrusted with appropriate resources that they can implement on their own.)

What is needed to Stop the Flow of Asylum Seekers?

1. Express concern about the serious economic difficulty and widespread poverty in Vietnam.
2. Urge the United States of America to grant early diplomatic recognition of Vietnam as a key step in opening up international relations with other countries, and,
3. Encourage appropriate governmental and inter-governmental bodies to increase assistance as well as trade, cultural and other links with Vietnam.

Conclusion

I have not always agreed with UNHCR practices, such as their questionable role in the repatriation of Tamil refugees from India back to Sri Lanka. (In this situation, the refugees were able to "vote with their feet" and the vast majority were able to flee from the camps and seek refuge in the cities and villages.) In Hong Kong the asylum seekers do not have this opportunity. However, I still feel in this situation that UNHCR is on the right track. We must do all we can to support UNHCR efforts to protect the right of asylum, and their insistence upon proper screening procedures. If we do not, the right of asylum may be lost for many needy refugees in the future. Furthermore, we

must take into account the feelings of the Hong Kong people who have seen their own kin folks from China systematically involuntarily repatriated back to China for many years, while at the same time providing a safe refuge to Vietnamese people for many years prior to the recent influx.

Even though my own organisation, the World Alliance of YMCAs, and also the World Council of Churches would classify those escaping economic deprivation as refugees, the present situation of the Vietnamese Boat People calls for new thinking on refugee definitions and solutions.