 ISSUE PAPER

REFUGEES FROM LAOS
IN HARM'S WAY

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In the tumultuous Southeast Asian refugee story, Laotians* have often been the least noticed of the three nationality groups which have fled war and destruction in their home countries. The fall of Laos and the flight of thousands of its people occurred in shadows cast by the turmoil in Vietnam and Cambodia. After 1975, many, primarily Hmong and lowland Lao, crossed the Mekong River from Laos to Thailand, where they lived in comparative obscurity for years. But as political problems in Southeast Asia went unresolved and arrivals in Thailand increased, the welcome they had once received wore thin. Dangerous river crossings sometimes ended with violent pushbacks by authorities on the Thai side of the Mekong. If Laotians managed to avoid such fates, they were often forced into “humane deterrence camps” in Thailand, austere places, primarily intended to discourage others who might follow.

But in 1986, the Laotians are the focus of new attention: they are the largest group of asylum seekers in Thailand in a year when the Thai government has decided to open its humane deterrence camps and permit third countries to process the refugees in them for resettlement. In January 1985, Thailand implemented a policy of widespread pushbacks of Laotians seeking to enter the country. Six months later, Thai officials began a controversial process of screening new arrivals who crossed the Mekong from Laos to determine if they were “refugees.” Whether the new process can help prevent continued pushbacks or create a fair system for judging the refugee status of Laotians attempting to enter Thailand remains to be seen. Reports of pushbacks of Laotians in the spring of 1986, nearly a year after the screening process began, created concern about its purpose.

* The population of Laos is composed of many different ethnic groups. Ethnic Lao, also called lowland Lao, comprised a narrow majority of the pre-war population and predominate in the densely populated, rice-growing Mekong valley. The remainder of the population is made up of many diverse ethnic groups, generally characterized as highland or midland Lao—Hmong (Meo), Mien (Yao), Tai Dam, and other tribal groups common to southwestern China and Indochina. Small groups of Vietnamese, Cambodians, and Chinese are found in the larger urban centers, as well. In this paper, the term “Lao” will be reserved for those members of the Lao ethnic group, while the term “Laotian” will signify any person from Laos.
In the United States, some policymakers have tended to label recent Laotian asylum seekers, particularly lowlanders, as "economic migrants," people who leave their country purely for economic reasons. This tendency, in addition to eroding the spirit and letter of the U.S. Refugee Act of 1980, has allowed many Laotian refugees to remain stranded in uncertain and dangerous conditions.

It is the purpose of this paper to examine the history and the current situation of Laotian asylum seekers in Thailand. The report is partly based upon U.S. Committee for Refugees (USCR) staff visits to sites of Laotian river crossings.

**Early Laos—The Land of a Million Elephants**

Ethnic Lao, often referred to as lowlanders, make up approximately half of Laos' 3.6 million population. The group responsible for creating modern-day Laos, they established the first Lao kingdom in China in the eighth century. War and Chinese expansion eventually pushed them south, along the Mekong River, into the region which is now Laos.

After their southward migration ended, the Lao created the Kingdom of Lan Xang—the Land of a Million Elephants—in 1353. However, after centuries of war with neighbors, of anarchy, Burmese control, and power struggles, Lan Xang broke apart. Thai domination followed until, at the beginning of the twentieth century, France colonized Laos. French rule also extended to Vietnam and Cambodia, and lasted in Laos until 1953, when it granted the country independence. The French called the three-country area "Indochina."

A protracted civil war began almost as soon as the French left. The war in Laos was marked by the deep and prolonged involvement of the world's superpowers, enveloping that country in the larger regional conflict between communist and Western powers. The United States and other Western countries strongly aided those loyal to the monarchy, while the Soviet Union and North Vietnam supported the communist Pathet Lao insurgents. This conflict finally ended when the Pathet Lao took control of the country, abolished the monarchy, and formed the Lao People's Democratic Republic (LPDR) on December 2, 1975.

**The Hmong—Amidst a War with Superpower Stakes**

The Hmong, one of Laos' many highland minorities, entered the history of Laos relatively recently. Nomads and mountain people, they fled to Laos 150 years ago from southern China to escape the harsh rule of the Manchu Dynasty. The Hmong settled on the mountaintops of their new country, and have been relatively autonomous ever since.

In the West, the Hmong have been more widely known than other Lao ethnic groups because thousands of them fought the communists during the civil war.
Refugee camps for Laotians in Thailand.
Note: In 1985, USCR documented that Thai officials pushed back asylum seekers from Laos.
Arrows indicate points along the border where these incidents occurred.
(Even the Hmong were divided, however; approximately one-third were anti-communist, while others were neutral or fought with the Pathet Lao.) Without question, the support of the Hmong was vital to the U.S. war effort in Southeast Asia. Extraordinary fighters, thousands were funded directly and secretly by the CIA, and were considered U.S. mercenaries rather than Vientiane’s soldiers. They served several purposes: acting as a line of defense between the communist-controlled Plain of Jars in northern Laos and Vientiane, the capital; directing air strikes for U.S. bombers stationed in Thailand; and rescuing downed American pilots. These special Hmong guerrilla units fought large numbers of North Vietnamese regular army troops who might otherwise have battled U.S. soldiers in South Vietnam.

The Hmong paid a high price for their U.S. involvement. By the end of the civil war in 1975, they had suffered casualty rates proportionally ten times higher than those of Americans who fought in Vietnam, according to an April 1985 study for the U.S. Department of Health and Human Services (HHS). The study notes that an important promise by U.S. officials preceded such losses. “There can be no doubt that assurances were made to support the Hmong during the war, and to provide [them with] assistance in the event Laos was lost to the communists,” it says.

Trapped amidst the war’s offensives and counter-offensives, by 1971, about one-third of the Hmong in Laos were uprooted by combat. Two years later, Hmong represented nearly one-third of the 370,000 displaced persons who were receiving government support in Laos, and they eventually became “the Laotian group most affected by the war,” according to the HHS report.

U.S. air attacks added to the devastation in Laos, inflicting heavy damage on several provinces. American bombers dropped about 300,000 tons of bombs—or two tons per provincial inhabitant—on Xieng Khouang Province alone, a northern area which was believed to contain large numbers of Vietnamese and Lao communist forces.

The effects of the bombardment proved lasting. The devastated Plain of Jars, located in Xieng Khouang Province, has difficulty producing crops to this day. “Bombies”—land mines, in effect—were dropped as part of U.S. air raids over one-third of Laos. Since the war, many have been detonated by unwitting Laotian farmers who have been killed or maimed. These unexploded weapons remain a dangerous problem.

**Ethnic Lao—A Different Kind of Hardship**

The fortunes of the ethnic Lao differed from the Hmong in peace as well as in war. The best educated and most skilled of their country, they led society in Laos. Historically settled in lowland areas along the Mekong, they also had the
most access to neighboring Thailand, where those who became refugees would flee once the Pathet Lao seized power.

Although several hundred thousand ethnic Lao were displaced during more than a decade prior to 1975, they generally did not suffer the severe consequences of combat that befell the Hmong. During the civil conflict, the lowlands of Laos were comparatively free of heavy fighting and saturation bombing. Some Lao, however, did support U.S. military interests by working for a massive American aid program that operated from Vientiane during the 1960s and 1970s. That effort, which attempted to blunt the devastation of war and to prop up commerce in Vientiane, gave the Laotians there a false sense of stability.

In the end, neither armies nor aid prevailed over the insurgents. River crossings from Laos to Thailand became escape routes for the vanquished even before Vientiane fell to the Pathet Lao. The leaders of the U.S.-backed Hmong guerrillas were flown to Thailand, but members of their ranks were not nearly so fortunate. Many died from hunger, disease, and drownings trying to reach asylum in Thailand. Others made it, however, and 1975 remains the peak year of escapes: in that year, 45,000 Hmong crossed from Laos into Thailand and safety. Ethnic Lao who had held civil and military positions with the ousted government escaped, too, fearing punishment from the Pathet Lao for their pre-1975 activities and associations.

The Aftermath of War: Punishment and Deprivation

Severe punishment awaited thousands of Laotians who remained behind. "Reeducation," a harsh system of detention, was instituted for officials, soldiers, and sympathizers of the former government. At one time, the government of Laos said that between 10,000 and 15,000 Laotians were sent to reeducation camps, but other estimates have put the number many times higher. Those who were taken into custody were banished to camps in remote areas of Laos and subjected to hard labor, meager rations, and separation from their families. More were sent to the camps, per capita, in Laos than in Vietnam, and conditions were much more harsh, with less food available and medical care almost nonexistent, according to some authorities.

For a few years, some Hmong mounted an organized resistance to the Pathet Lao government. Between 1976 and 1978, Chao Fa guerrillas—most, former soldiers of Hmong resistance leader Vang Pao—regularly used stashed weapons to attack government targets from within the country, as well as from sites in Thailand. However, when government and Vietnamese forces attacked a major underground base in the Phu Bia region of Laos in the late 1970s, they seriously weakened the resistance, driving half of its soldiers to Thailand. Some of those arrivals reported that the government was using chemical weapons against them—"yellow rain," the Hmong called it—but serious questions have been raised about whether such weapons were used.
Meanwhile, Hmong noncombatants encountered another kind of upheaval. Vientiane announced a cooperative farming plan that required Hmong and other highlanders to move from their mountain villages to lowland areas where cooperatives were being established. Observers have suggested possible motives behind the scheme: that the government was trying to assert more control over its remote populations, or that this was part of a broader Lao People’s Democratic Republic plan to develop better education, transportation, and agriculture. Various views exist on its effects, as well—from the unforeseen immediate consequence of bringing highlanders into contact with serious lowland diseases, to extinguishing the traditions of nomadic Hmong and other Laotian minority groups.

The Pathet Lao had seized power without experience in running a government. The challenge they faced was compounded by the ruin of battle and the sudden absence of U.S. aid from the war-devastated national economy. As a result, even while many former officials were being interned in political prison camps, a significant number were able to retain their jobs in the new bureaucracy, though their political influence was modest. Vietnam, the chief backer of the new regime, made certain that those in top administrative positions were pro-Hanoi, and that their influence filtered down to all bureaucratic levels.

Even for those Lao who were employed, times were difficult. Most of the Lao leaders who had not fled were in reeducation camps, and remaining relatives and friends feared the same fate for themselves. The rule of law, which had been modeled after the French legal system, was abolished. As imports from Thailand halted, food became scarce. Moreover, natural disasters soon complicated man-made catastrophe. Drought and floods, combined with mismanagement of the new system of collective agriculture, destroyed Laos’ crops in the first years of the LPDR.

**Humane Deterrence—A Drastic Thai Response**

By 1979, 140,000 Laotians had sought asylum across the Mekong. Many Hmong crossed into the vicinity of Ban Vinai, the largest Hmong refugee camp in northeastern Thailand, while other Hmong and most ethnic Lao entered camps downstream. Their plight seemed to go unnoticed by the international community: the matter was barely discussed during a 1979 Geneva conference on Southeast Asian refugees. But their presence was noticed by Thailand. Already strained by serving as the prime sanctuary for refugees in Southeast Asia, Thailand soon had reason to be even more wary.

A United Nations-sponsored voluntary repatriation program failed to attract significant numbers of Laotians, partly because of poor Lao-Thai relations and weak international support for the program. Meanwhile, many additional Laotians sought asylum. During 1980, for example, more than 1,200 Hmong and 2,400 ethnic Lao arrived monthly in Thailand.
A drastic response awaited the continuing arrivals. In the summer of 1981, Thailand instituted a "humane deterrence" policy, under which asylum seekers were generally placed in austere camps and denied the chance to seek resettlement in third countries. This measure, which Bangkok hoped would deter other Laotians from entering Thailand without adequate reasons for flight, marked a turning point in Thailand's and the world's response to Southeast Asian refugees.

Humane deterrence bore profound personal implications, including the separation of families, for Laotian refugees. Typical was the 1982 escape of a former Lao military officer and reeducation prisoner, which resulted in his ultimate separation from his wife and three children. The father had fled before the imposition of humane deterrence, but the rest of his family arrived later and were put in a deterrence camp, denied any chance for resettlement, and cut off from their husband and father. "My first concern is not getting to a third country," the former soldier wrote in a letter to USCR, "but simply the reunification of my family." There were many families in similar circumstances.

The U.S. response to humane deterrence offered no solace to the Laotians; although it sometimes meant suffering for former military allies, Washington supported Bangkok's decision in order to preserve Thai interest in providing continued refugee asylum.

After 1982, Laotian arrivals in Thailand plummeted, as did arrivals of new refugees throughout Southeast Asia. The Thai saw the drop as proof both that humane deterrence worked and that the promise of resettlement indeed sparks refugee exoduses. But other observers suggest that the policy was just one of many factors—including general improvement in economic conditions and availability of food in Laos—that prompted the decline.

With fewer arrivals, Thailand subsequently opened its deterrence camps to limited resettlement processing. Arrivals, especially of lowlanders, increased. In 1984, 19,000 Lao entered Thai camps.

Laos Today—Stark Conditions Remain

While in some respects, life in Laos may have improved since 1975, stark conditions remain. The Lao government has for some time claimed that reeducation has been abolished. But while a significant number of political prisoners have left camp confinement for strict internal exile as construction laborers, Amnesty International estimates that 6,000 persons still undergo reeducation. Former inmates have told Amnesty that ten percent of those detained since 1976 have died in detention. A few were allegedly killed trying to escape, but more died because of poor diet or medical care. The human rights organization, which says Laotians remain in internal exile "in violation of their internationally recognized right not to be held without charge or trial," asked Laos to end reeducation when it marked a decade of communist rule last December. The request was the latest in a series, and, like earlier ones, has been ignored by Vientiane.
The wife, mother, and relatives of an 18-year-old Hmong farmer mourn his death. While clearing a field in Xieng Khouang Province of Laos in January 1986, he accidently detonated one of the many remaining bombs the United States dropped over Laos a decade before.

The system is only the most extreme example of restrictions in a society where "serious abuses such as arbitrary arrests and detention without trial still exist," according to the State Department's Bureau for Human Rights and Humanitarian Affairs. It indicates that Laotians are denied basic civil liberties and political rights, including freedom of the press, of assembly and association, of movement and travel, and of voting. Though the government has promised improvements and is reportedly at work developing a constitution, Laos still has no civil legal code, a matter of concern to international human rights groups. Amnesty notes that Laos is a nation where "the only known guidelines for trial and sentencing" are limited interim rules and regulations. Some sources maintain that Laos is not a police state in the strict sense, if only because it suffers from administrative ineptitude, but arbitrary arrests do occur frequently. The arrests of some civil servants in 1983 and 1984 on what the government called "corruption charges" were actually based on "disagreements over socio-economic issues within the government leadership," according to Amnesty.
While it hasn’t returned to using force as it did when collectivization was first announced in the late 1970s, the government of Laos has renewed its drive to relocate people for work on collective farms in lowland areas. In the long run, the plan may have a profound impact on the traditional ways of the Hmong, and of others affected by the scheme. The government had planned to collectivize 60 to 70 percent of the country’s farmers by the end of 1985, although that goal reportedly was not met.

Many ethnic Lao are described as still uneasy with the limited life they have come to know under the Pathet Lao. Some who did well under the U.S.-supported economy in pre-1975 Laos are thought to be worse off. By most accounts, civil servants especially are caught in a deadening Catch 22: their skills are needed for development, but poor pay, the threat of purges, and scarcity of opportunity discourage them from showing initiative. Many former civil workers have been sent to reeducation once their communist counterparts learned to perform their
jobs. Also, young people who are trained in Eastern bloc countries, France, and Australia, return home destined for work that does not put their training to use.

Such circumstances are indicative of the bad management practices which have taken root in Laos and helped to keep it poor. The country has foreign aid donors—the Soviet Union and Vietnam are chief contributors, and some Western countries send aid—but the assistance has not been used well. The problem of poor administration is so severe that Party General Secretary Kaysone Phomvihan raised it openly last year in a public address to government officials.

Per-capita income in Laos has risen in recent years, but remains at an impoverished $120 annually. During Vientiane’s celebration of a decade of communist rule in December 1985, sources told reporters that having a bowl of noodles in the market is an extravagance. For the typical Laotian peasant, a life of deprivation continues as it did for decades before the Pathet Lao took power.

Throughout the country, medical care is substandard. Bereft of doctors and equipment, Laos is also a land of poor health. Life expectancy is only 43 years, and the national infant mortality rate is very high—184 deaths per 1,000 babies. Severe malaria is rampant.

For its part, Vientiane is trying to end the isolation that has characterized Laos for centuries. For example, transportation and communication improvements are key components of a government five-year plan outlined in 1981. Highway construction, part of which is directed at war-torn roads and bridges, is a priority. These efforts notwithstanding, the needs of Hmong and Lao now living in former war zones remain basic and unmet: draft animals, which are in short supply because many were killed by air raids, and land that is free of anti-personnel bombs.

Although Hmong resistance forces have never recovered from their defeat at Phu Bia in the winter of 1978-79, sporadic attempts at subversion do occur. Resistance groups have operated from bases in China, as well as from sites in Thailand. But the Vientiane government, backed by an estimated 50,000 Vietnamese troops, is considered in control.

Refugees from Laos: Easy Answers, Difficult Questions

Laotian asylum seekers have not fit easily into the international and U.S. refugee policy framework. In recent years, their claim to refugee status has been characterized as weak by U.S. policymakers. For example, a September 1984 Senate subcommittee staff report said that a growing number of Laotian arrivals in Thailand were “classic examples of economic migrants.” It stated that “…UNHCR officers should thoroughly and strictly review all new arrivals. If they did so, most observers believe only a few refugees would be accepted.” It added that they
could then be "deported," not "repatriated," back to Laos. An April 1985 Senate subcommittee report cautioned against drawing "a new flow of economic migrants from Laos" in its recommendations for winding up refugee processing in Thailand, declaring, "We have finally finished this humanitarian effort."

Unofficially, some State Department refugee officials concur with such assessments. Some private sources have also agreed, though they tend to be more moderate. This tendency to characterize Laotians as economic migrants arises from a mixture of conviction, frustration with a decade-old problem, and an increasingly restrictive interpretation of the U.S. Refugee Act of 1980 with respect to Southeast Asians. That measure generally defines a refugee as someone who fears to return to his homeland because of persecution or its threat.

Those opposed to recognizing the Laotians as refugees largely base their position on the assumption that asylum seekers seemed drawn to refugee camps in Thailand solely by the "pull factor" of resettlement in the West—in other words, they are pulled out by prospects of a better life, rather than pushed out by political persecution. Indeed, the history of flows across the Mekong suggests that there is some truth to this interpretation. However, a too simplistic view, which labels all those fleeing Laos as economic migrants, poses several dangers: it dismisses real threats to liberties in Laos that could be "push factors" for some asylum seekers and which, in effect, make them bona fide refugees; it overlooks the situation of former U.S. allies, who might be imperiled because of their pre-1975 associations; and it ignores the widely held belief that potential refugee cases should not be prejudged, but weighed on their individual merits.

The Royal Thai government has taken this simplification a step further. Most people who have crossed the Mekong in the 1980s are not legitimate refugees, but "illegal immigrants and displaced persons," the Thai Embassy in Washington informed USCR in late 1985.

One need not look far to find the reasons for the Thai conclusion. Thailand is weary of being host to the bulk of the refugees in Southeast Asia. Furthermore, Bangkok is frustrated by being exhorted to carry the burden of refugee care by an international community whose own commitment to refugee resettlement has clearly declined. Thailand has repeatedly expressed concern over falling refugee resettlement rates. Although the United States, the leading resettlement country, accepted more than 50,000 Hmong and 70,000 ethnic Lao during the first decade of refugee flows in Southeast Asia, the majority of those admissions occurred prior to 1980 (the totals for other third countries were 20,000 and 39,000, respectively). And resettlement by Western countries has always been Thailand's prerequisite for offering temporary asylum to refugees.

Time and again during the past decade, Thailand has been buffeted by refugee crises at its borders. Vietnamese refugees continue to arrive by boat and by land.
More than 240,000 Cambodians have sought refuge just inside Thailand to escape fighting between Vietnamese troops and Cambodian resistance forces. At least 17,000 members of the Karen ethnic group fled from Burma into Thailand’s western Tak Province during an eighteen-month period in early 1985 because of a long-running insurgency in Burma.

To the Thai, whose entire eastern and northern border faces refugee-producing communist regimes, wariness about Laotians and concerns about Thai insurgents are related. “It is reported that the Communist movement [in Thailand] ...is...setting up a new organization in the northeast,” Thai Embassy officials in Washington told USCR when asked Thailand’s view of Laotians. “Thailand has to be...careful about people moving across the border into her territory.” A recent strain in Thai-Lao relations has compounded its border problem. Thai police and army rangers have clashed with communist Lao troops over control of three remote border villages. In February, Thai army units carried out maneuvers in the area as a “show of force,” according to the Far Eastern Economic Review.

Domestically, Bangkok finds it increasingly difficult to provide sufficient assistance for refugees from Laos without further offending Thai public opinion. Eleven years after the first Laotians began to reach Thailand, some frustrated Thai village officials complain that, because of international aid, asylum seekers are better cared for than Thai farmers. One informed source has stated that Thai troops have regularly taken harsh, independent actions against Laotians who spontaneously and illegally settled in Thailand in sites away from refugee camps.

**Pushbacks at the Border: A Violent Reaction**

Anti-Laotian sentiment finally produced a sharp Thai government reaction in early 1985. Upset by the high number of river crossings during the previous year, Thai border authorities began pushing back many asylum seekers, both Hmong and lowlanders, at Bangkok’s direction.

Sources told USCR that in one incident, the pushbacks resulted in some deaths, as Laotian border guards shot and killed a number of returnees who had just been turned back by the Thais. In spring 1985, USCR documented conditions along the Thai-Lao border during a fact-finding visit to 15 immigration and police stations. The USCR mission found that the Thai policy of pushing back new would-be refugees from Laos had affected significant numbers, and that the greatest impact had been on the Hmong. The policy was most rigidly applied in the northeastern provinces of Nong Khai and Loei, Hmong crossing points, but USCR interviewed officials up and down the border who freely explained that new arrivals were routinely pushed back. Police, rather than immigration officials, were found most likely to carry out the practice. The decline in new arrivals was immediate and substantial.
The Border Screening Process: A Chance for Reason

In response to increasing international pressure, the Thai introduced a procedure for screening Laotian asylum seekers in July 1985. The move was a welcome change from the pushback policy; promising a degree of order and safety, it drew what was thought to be a pledge of cooperation from the government of Laos. Theoretically, the screening is designed to separate "refugees" from "economic migrants," offer admission to the former, and designate the latter for return to Laos. Local Thai officials conduct the process based upon criteria supplied by Bangkok, while UNHCR representatives observe the administration of the program.

It is obvious the screening procedure has had a deterrent effect; overall arrivals remain down from 1984 levels. As of June 1986, after one year of screening, 1,900 Laotians—primarily ethnic Lao—were accepted for asylum; 1,000 were rejected; and 1,000 awaited decisions on their cases. Meanwhile, Laotian arrivals in Thailand for the first nine months of FY 86 were only one-fourth of their total FY 85 level of 16,000. It is disturbing that very few Hmong have been counted among arrivals at the Thai border. Refugee advocates have expressed concern that the ultimate flaw in the screening process may be that it is not available to all arrivals; the process may hide surreptitious pushbacks of some, especially highlanders. Press reports in March 1986 noted pushbacks of 84 Laotian asylum seekers, and in April and May, more than 200 others were reportedly returned forcibly to Laos. The virtual absence of U.S. embassy or UNHCR reports regarding either the screening program or pushbacks amplifies the uncertainty which surrounds the current border situation.

In June 1986, a procedure for returning Laotians rejected during the process—an element critical to its success—was still not in place; makeshift detention centers in Thai towns along the Mekong were filled with Laotians who had been screened out and whose continued presence strained the forebearance of local Thai officials. At first, when it had failed to accept them by its December 1985 LPDR anniversary observance, Vientiane cited internal delays as the reason. Since then, it has announced several contradictory positions on administering the returns. Whatever the reason for the postponement, however, the delays jeopardize an unwritten transfer agreement between Thailand and Laos that was instituted under the aegis of UNHCR. It is also inconsistent with Vientiane's frequently stated position that refugee flows drain off much needed human resources and with its public statements that all exiles not connected with the resistance movement are welcome to return.

Some observers note that one factor which Thai officials take into consideration in screening Laotian refugees is whether or not they have relatives resettled in third countries. If they do, they have a better chance of being granted refugee status. This, it is said, skews the process against the Hmong because fewer of them have resettled relatives than ethnic Lao.
Thai Refugee Camps: Conditions Today

Overcrowded conditions for ethnic Lao housed in Na Pho refugee camp pose severe safety, health, and sanitation problems. Designed for 15,000 people, it held approximately 29,000 as of April 1986. A significant number of these were former military and government officials, as well as people who had been released from reeducation. News reports in February indicated that a fire in the enclosure destroyed the homes of 7,000 people. Frustrated by indefinite detention in the Nakhon Phanom Province camp with little to do, some inmates in Na Pho are experiencing psychological problems. The Far Eastern Economic Review reported in October 1985, that prolonged periods of unoccupied time were “probably one of the facets” which prompted the suicide of a 28-year-old woman. No training programs exist in Na Pho, and young people in particular are said to be suffering from the lack of education.

According to the 1985 Senate subcommittee report, “problems abound” at Ban Vinai, a camp in northeast Thailand, where 42,000 Hmong remained as of April 1986. It cites poor sanitation, the absence of education, and both physical and mental illness in its list of concerns, noting especially the high suicide rate in the camp. “A particular phenomenon of Ban Vinai is the extraordinary fertility rate of the women . . . possibly reflecting a concern for survival after the discrimination, forced relocation and chemical warfare which they faced in Laos,” it says.

Chiang Kham, a camp in northern Phayao Province which held 10,000 highlanders in early 1986, has until recently been closed to outside observers. Most of the people in that camp are Hmong, many of whom are separated from family who arrived in Thailand before them. Visitors who saw the camp in January described conditions there as highly restrictive because of the seriousness with which camp officials interpreted Bangkok’s humane deterrence policy.

The predicament of Lao in Na Pho and Hmong in Chiang Kham improved early in 1986, when Thailand relaxed its humane deterrence policy by allowing resettlement processing at both camps. This change reflected several developments: a dramatic decline in monthly Laotian arrivals from 2,000 to 200 over the course of 1985; Thai confidence that the screening is the major factor deterring arrivals; and U.S. pressure to have access to cases of special interest in the camps.

Laotians are now the largest group in Thai refugee camps who are potentially eligible for U.S. resettlement. This makes them the obvious population to draw upon if the United States maintains its resettlement efforts to relieve Bangkok’s anxiety. Through April 1986, U.S. approval rates for completed Laotian cases were high—83 percent between October 1985 and April 1986. Laotians had quickly come to dominate the current U.S. processing caseload in Thailand; for the first half of 1986, they represented 60 percent of the 17,000 people approved.
Hmong refugees bathe their children at Ban Vinai camp in Thailand.
for resettlement by the U.S. Immigration and Naturalization Service (INS). These individuals, however, were drawn from a group predetermined by the United States to be of special interest, from which a high percentage of approvals could be expected. It is probable that approval rates will drop, or even that some percentage of the camp populations will not even be considered for U.S. resettlement, after these cases have been processed.

Young men who say they are escaping conscription in Laos continue to remain ineligible for resettlement under U.S. criteria. Such cases predominate among recent asylees; previously, under a more generous interpretation of refugee guidelines, they would have qualified for resettlement. How these cases will be handled remains uncertain.

Laotians who seek asylum although they have served in the LPDR government present another problem. An example is the predicament of two Lao who escaped their homeland in early 1985 in a rather unorthodox fashion. Pilots for a Lao air service, they flew to Thailand. Both were military pilots in pre-communist Laos and had trained once in Thailand under U.S.-sponsored programs. After Vientiane fell, they were sent to reeducation, one for six years. Upon their release, they held jobs as pilots, but fled Laos after becoming disillusioned with communism. Since they had piloted for the current government, they may have weakened their chances to claim political persecution, according to U.S. State Department sources.

An Uncertain Future

The future for many Laotian asylum seekers in Thailand is unclear. A year after screening of new arrivals started, for example, Vientiane has yet to cooperate with Bangkok by taking back Laotians rejected under the program. The official numbers of arrivals, especially Hmong, have not been significant. This, combined with reports of pushbacks in April and May 1986, has raised questions about the screening program's impact on protection of Laotians at the border.

In the end, much of what Thailand decides to do about asylum seekers from Laos will hinge on the actions of resettlement countries—and any number of factors can determine their course. For example, budget cuts could seriously hamper U.S. ability to resettle additional refugees. In April 1986, a special independent panel appointed by the U.S. Secretary of State offered a plan for the future of U.S. refugee resettlement. Headed by former Iowa Governor Robert D. Ray, the panel was formed to examine refugee issues in Southeast Asia. Its report expressed support for the border screening and improved conditions for those Laotians who have been rejected and remain in Thai holding areas awaiting return to Laos. It urged that Thailand and UNHCR "complete arrangements" with Laos for those returns.

The panel recommended that the United States maintain current resettlement priorities by processing as refugees only lowland Lao who have close associations
or relatives in this country, and encouraged use of immigration channels for relatives or people who do not qualify as refugees. "Resettlement is not necessarily the appropriate...solution for a significant part of the highland Lao [Hmong] population," the report noted. It called for a "renewed effort" toward devising solutions such as voluntary repatriation, resettlement in place, and "sharing out" by resettlement countries of remaining populations in Thai refugee camps. For Laotians who cannot return home or who are not interested in resettlement, it recommended internationally funded self-sufficiency projects. For those Laotians who wish to return, the report suggested an expanded voluntary repatriation program.

At a press conference in April 1986, Ray explained that some specific details needed to implement the panel's recommendations were lacking. Some of these missing details were critical ones. For example, he said that other countries had not been contacted yet about taking residual populations. One source has estimated that these "residuals"—people that resettlement countries have not been able to accept for one reason or another—make up two-thirds of Na Pho's population alone. Ray also suggested that possibilities existed for local resettlement in Thailand for some residuals, particularly Hmong, but did not specify those possibilities; he described the issue as sensitive.

Certainly, permanent local resettlement of refugees is a sensitive issue within Thailand. Some officials there are known to oppose allowing the Laotians to become permanent residents, believing such a program to be a "pull factor" and a discouragement to third countries which otherwise might accept Laotians. Some also believe pursuing such an option is not feasible while Thailand's other borders remain difficult to control. Private sources, noting that Hmong have been living makeshift lives at Ban Vinai for more than a decade, say that local resettlement would improve their situation and would provide a realistic response to the world community's declining interest in accepting refugees.

Mindful that Laos is the only communist country in Southeast Asia with which the United States has diplomatic relations, the Ray panel encouraged Laotians in the United States to file immigration petitions for relatives. That recommendation reflected the panel's general conclusion that the U.S. refugee program in the region shift to a two-track approach by 1988: one track would still retain the characteristics of the current refugee program; the other would establish an immigration channel for relatives of Southeast Asians already in the United States. The suggestion reflected a long-held belief among Reagan administration officials and other observers that the characteristics of Southeast Asian asylum seekers have changed, becoming more those of immigrants than of refugees.

How soon implementation of a normal emigration program from Laos could occur is uncertain. Last October, U.S. officials again proposed to Vientiane the establishment of increased legal emigration channels. But Laos has not responded. Several reasons are given for Vientiane's failure to reply: encouraging people to...
It is easy to forget the individual when examining a refugee "situation," especially when numbers are high and time grows long.

leave is uncharacteristic of communist regimes; Vientiane does not have the administrative capacity to undertake an emigration program; and already underpopulated Laos does not want to lose additional people needed for national development. Its media regularly blame right-wing Thai factions for prompting refugee flows in order to undermine Vientiane's government and economy.

"Although the government has said that those wishing to emigrate will be allowed to do so," the State Department says in its 1986 human rights report, "as a practical matter legal emigration is rarely authorized for ethnic Lao and, when it is, reportedly requires substantial bribes."

In 1984 and 1985, Vientiane issued just 26 exit visas, and less than 50 visa application cases were pending at the beginning of 1986. Conflicting explanations exist about the fate of Laotians who seek to leave legally. According to some sources, they lose their employment, but that report is disputed.

Despite these factors, there is some hope that an emigration program could materialize. The two countries have maintained diplomatic relations, which have
gradually improved. A Reagan administration initiative to have Congress lift a ban against U.S. aid to Laos succeeded recently. Also, progress has been made on an important issue—American interest in Vietnam-era U.S. servicemen missing in action in Laos.

**Conclusions/Recommendations**

The situation of Laotian refugees in Thailand remains, at best, uncertain and, at worst, dangerous. Some Laotian asylum seekers in Thailand have reportedly been forcibly pushed back into Laos in 1986 without any screening to determine their status. Still others, denied asylum, continue to be held in the limbo of border detention centers pending agreement about their return to Laos. The threat of involuntary repatriations, particularly of young men, appears to be increasing. Squadron Leader Prasong Sunsiri, secretary general of the Thai National Security Council, stated in June that Laotians denied refugee status will be "sent back to Laos overtly," according to press reports. And, for those Laotians still awaiting resettlement in overcrowded refugee camps, prospects continue to dwindle.
Despite this, the flight of refugees from Laos differs in some positive ways from that of others in Southeast Asia who have been uprooted by war and civil unrest. The border they cross is the most controllable and the least violence ridden of all Thailand's boundaries. Unlike other refugees, many have a close ethnic relationship with their host country, Thailand. Limited repatriation programs for refugees from Laos have existed for years. The existence of diplomatic relations between Laos and the United States and the presence of UNHCR in Laos also distinguish this from other Southeast Asian refugee situations.

These factors offer the chance for achieving an orderly movement of people across the Laotian border with built-in protections for refugees. Resolving this refugee situation might free Thailand and resettlement countries to resolve the dilemma of other refugees in Thailand. While seeking these solutions, it is critical that refugees and asylum seekers be protected. Within this framework, USCR offers the following recommendations.

1) The United States and other resettlement countries should maintain generous resettlement policies for Laotian refugees in Thailand and should make every effort to ensure the preservation of asylum for new arrivals.

Ultimately, the availability and quality of asylum in Thailand depend on the continued opportunity for resettlement in third countries. Yet that opportunity is rapidly fading. The intense U.S. government interest in reducing resettlement has contributed to an environment which gives Thailand an excuse for resorting to the forced return of Laotians. U.S. officials appear to be tolerating unacceptable risks for Laotian asylum seekers.

While the U.S. policy of seeking cases of special interest for resettlement is justified, excluding bona fide refugees solely because they lack prior U.S. connections is not. The United States should begin to process many Laotian refugees not eligible under a current administrative policy which only allows processing of those in the first four of six priority categories. Refugees in the "P-5" and some in the "P-6" category, which includes persons who are refugees but do not have close ties to the United States, should be processed. This step would encourage more generous policies from other Western nations. By assuring that significant resettlement is continuing, it would also encourage Thailand to remain open to asylum seekers.

2) The United States and other resettlement countries should work with Laos to develop a normal immigration program. They should also work to establish a temporary, direct legal departure program from Laos to meet the pressing humanitarian needs of those for whom further delay would be an intolerable hardship.

Only Laos itself and Thailand have a greater vested interest than the United States in achieving this solution. To conclude a decade of Laotian refugee resettlement with integrity requires the normalization of immigration between the United States and Laos. Laotians who have become U.S. citizens and residents
deserve the reunification of their divided families. Further, normal immigration channels are needed to minimize dangerous escapes from Laos. Certainly, such a program would not be the answer for all Laotians who seek asylum. It would, however, help reduce the need for some desperate people with close families in the West to resort to flight as refugees. Also, the government of Laos should realize that the improvement in Lao-Thai relations resulting from stabilizing the movement of people across this border would be beneficial.

3) The Thai government's screening program for new arrivals from Laos can be useful, but only if it meets important criteria and is carefully monitored by international and U.S. officials. Only then, should international organizations, interested governments, and refugee advocates support the program.

The screening process must be available to all Laotian asylum seekers. Recent reports of pushbacks into Laos indicate this is not now the case. If such pushbacks continue, the screening program will be proven to be a "smokescreen" for an unacceptable policy. Individual claims for asylum should be judged in good faith, and those who are found eligible ought to be provided asylum. For the foreseeable future, UNHCR must be an integral part of the process with, among other capacities, the right to appeal negative decisions. It is critical that both UNHCR and the United States embassy make available regular and frequent reports on the process.

If, through a valid, UNHCR-observed screening, some Laotians are rejected by Thailand, and if UNHCR determines that conditions in Laos are safe for the return of those rejected, the government of Laos should accept their return. The United States and UNHCR should encourage Laos to reach an agreement with Thailand on an orderly and appropriate process. And, finally, if returns do take place, UNHCR must be able to monitor the treatment of those sent back; refugee advocates and Western governments, particularly the United States, should assign personnel to monitor the program.

Finally, the possibility that Thailand will forcibly return those Laotians denied refugee status in the screening process is a growing concern. The Thai government should make a public commitment that this will not happen.

4) Conditions in Thailand's refugee camps and detention centers for Laotians must be improved.

The Thai government, UNHCR, and the United States should take immediate steps to alleviate the crowded, unsanitary, and dangerous conditions that exist in refugee camps for Laotians. Programs should be implemented for Laotian children there who are growing into adulthood without access to education and adults who have no access to training programs. Without such programs, they are simply marking time. The Thai government should also begin to eliminate the serious hardships endured by those awaiting repatriation in makeshift detention centers at the border.
5) Finally, the tragedy of Laotians in "reeducation"—some now in their eleventh year—must be addressed by the United States.

Many of those detained by Laos are a special U.S. responsibility because of their identification with U.S. policy and programs in the region prior to 1975. Certainly, Laos should be faulted for subjecting its citizens to reeducation for political reasons, especially when it stretches into years. But the United States is also at fault for failing to make the release and resettlement of these prisoners a prerequisite for improved relations with Laos. The United States has forgotten too quickly its commitment to these Laotians. It is imperative that the United States continue to raise this issue with Laos until these people are freed. If necessary, the United States should offer to resettle them, just as it has offered to resettle prisoners in Vietnamese reeducation camps.

For eleven years, refugees have fled Laos. Those who have left—some a decade ago, and some only yesterday—have brought with them distinct losses, fears, and dreams. It is easy to forget the individual when examining a refugee "situation," especially when numbers are high and time grows long. Perhaps not all those who flee Laos are true refugees. But many are. And it is our responsibility not to ignore them in our haste to end a dark time. For the refugees who fled yesterday from Laos are in harm's way, just as surely as those who fled eleven years ago. And just as surely, we owe them our protection.
Selected Bibliography


"Isolated no more, but still a bit insecure." Far Eastern Economic Review. April 17, 1986.


